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Need for a tenure arrangement for refugees on customary land A case of Uganda

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ABSTRACT

Context and background:

Increasing refugee crisis has focused most host states to integrate refugees with the local communities through land access to customary land whose land rights are not clearly defined and documented. So, the emerging research question is which tenure arrangement can guarantee secure land accessibility to refugees but also security of tenure to customary landowners to minimize potential land conflicts and civil wars in refugee host communities.

Goal and Objectives:

This article is a synthesis of ongoing work to securely integrate refugees on customary land while ensuring tenure security of the customary holders. Associated questions are: what are the refugee requirements for sustainable integration in land accessibility; what are the key features of customary tenure that impact refugees' access to land; and what challenges are likely to be encountered while integrating refugees on customary land.

Methodology:

The methodology based on Barry et al.'s six-stage approach of the state of the art (SotA). Literature search for the relevant articles was from scientific database of Scopus and MyLOFT platform online databases such as SAGE, Research4Life, JSTOL WILEY, Taylor and Francis, Springer from 1987 to 2023. The key words used included customary land, 'refugee integration requirements', 'refugees' land accessibility', 'tenure arrangements for non-citizens' and 'refugee-host community conflicts'. Lastly snowball search was also applied to identify more articles from high impact journals.

The results:

Results clearly indicate that despite the growing trend of granting refugees access to land, most available tenure arrangements in Sub Saharan African countries do not allow refugees to hold land which leads to insecure accessibility. Land accessibility only leads to sustainable integration if there is refugees' self-reliance, peaceful co-existence between refugees and host community, and sustainable livelihood which all depend on secure accessibility to land. Customary tenure is characterized by land rights governed by unwritten traditional rules and laws, inheritance and membership of a known social group which are associated with tenure insecurity that adversely affects both host communities and refugees. The paper recommends a need for a tenure arrangement that can facilitate secure access to land for refugees but also guarantee tenure security of land rights for hosts on customary land.

Key words:

Tenure arrangement, Refugees, Land accessibility, Customary land, Tenure security, Uganda

1. INTRODUCTION

Countries faced with increasing refugee crisis globally are focusing more on integrating refugees with the local nationals rather than keeping them in camps or forcing them to repatriate. Refugee integration is deep-rooted in human rights and freedom through its provisions such as gainful employment, freedom of movement, access to education, housing, labour, social security and movable and immovable properties (Burkin et al., 2013). Whereas access to land is considered the most vital in implementing integration because it supports refugees' livelihood and grants them shelter, it is limited by tenure streamlining (Berke & Larsen, 2022). Uganda is one of the states that have embraced refugee integration with a generous policy that provides for allocation of free land to refugees (Adong et al., 2021; United Nations Development Programme, 2018). Although this policy has earned the government credit of human rights organizations internationally, the options through which refugee or non-citizens can hold land are limited. Land in Uganda belongs to the citizens under the four tenure systems of Mailo, freehold, leasehold and customary according to the Constitution and Land Act. About 80% of land in Uganda is held customarily leaving less than 20% to be registered under the three formal land tenure systems including state-owned land (Musinguzi et al., 2021). In such a situation, the government has no option of providing land to refugees apart from considering settling them on customary land which is characterized by land conflicts, land grabbing and overlapping land rights (Musinguzi et al., 2020). Additionally, refugees cannot be recognized by the customs in different customary communities as land holders which is the case by the Constitution and the Land act. This is exacerbated by the unwritten nature of land rights on customary tenure and its informal tenure security options. The available option for refugees to hold land is leasehold, which is subject to unfavorable conditions for a person struggling to survive in a foreign country.

Currently, land holding by refugees is not facilitated by the available tenure arrangements despite the increasingly growing trend of refugees' accessibility to land as a way of enabling them to become self-dependent and less on humanitarian aid. The emerging question therefore is, which tenure arrangement can guarantee secure accessibility to land for refugees but also provide tenure security for the land rights of customary land owners? The relevance of this question lies in the embedded fear of loss of property and land rights for refugees and host communities respectively that can potentially trigger land conflicts and civil wars in SSA. The article therefore provides a state of the art synthesis of secure land accessibility for refugees on customary land while protecting the land rights of land holders.

The contribution of this review is to provide an understanding of refugees' requirements for sustainable integration in land accessibility, secondly to examine the key features of customary tenure that impact refugees access to land, and lastly to critique the challenges likely to be encountered while integrating refugees on customary land. The rest of the paper is organized as follows: The methodology used to identify the literature is presented immediately after the introduction, then the next three sections are presented in question format to synthesis and critique the available literature in relation to the objectives of the review. The last section is the overall conclusion and recommendation showing the new research areas for further studies.

2. METHODS AND MATERIALS

The methodology adopted for this paper was based on the state of the art review (SotA) approach. SotA review is a time-based narrative knowledge synthesis that addresses the current perspective on the issue and may identify an area for further research (Barry et al., 2022a; Grant & Booth, 2009). The purpose of SotA review is to create a three-part argument of ‘where we are currently’, ‘how we got here’ and finally ‘where we should go next’ (Barry et al., 2022a). SotA is hinged on the following propositions: diversity of literature about the phenomenon, ability to perceive a limited part of the subject matter, subjectivity of the phenomenon, and the review being informed by the context in which it was conducted (Barry et al., 2022b). These concepts clearly suggest that SotA review is oriented by experience, expectations, purpose, researcher’s affiliation and the topic being addressed. A study by Barry et al. (2022b) developed a six-stage approach for SotA review which determine the rigor of the review and these include: Determining the initial research questions, stating the timeframe for the reviewed literature, framing the final research question(s) to reflect timeframe, developing a search strategy to find relevant articles, analyzing the literature to reflect the subjective insights of the researcher, and reflexivity that articulates how the researchers’ ability of thinking, judgement and belief influence their interpretation of data to come up with a way forward (areas for further research).

Basing on Barry et al.’s six-stage approach, the research questions raised in this paper were addressed basing on literature search for articles from scientific database of Scopus and those published on MyLOFT platform which is a single point remote access to various subscribed online databases such as SAGE, Research4Life, JSTOL WILEY, Taylor and Francis, Springer among others. The literature targeted in this review is from 1987 to 2023 because this covers the period when Uganda ratified the 1957 UN refugee convention and also the time when the customary tenure was recognized by the 1995 Uganda Constitution. The key words used for the search are ‘customary land’, ‘refugee integration requirements’, ‘refugees’ land accessibility’, ‘tenure arrangements for non-citizens’ and ‘refugee-host community conflicts’. Searching by these key words gave an overview of the domain in which the review was conducted.

Another search strategy that was applied was snowball search method which identified more relevant literature of articles from high impact journals of the domain of interest. This method was further applied to obtain evaluation reports from UNHCR, UNDP, refugee councils and other depositories to synthesis and critique issues about land holding for refugees in various parts of SSA. Literature about statutory tenure arrangements was majorly left out because most countries restrict refugees or non-citizens from holding land under such options. The review based on critical interpretive synthesis to analyze the literature which involved identifying recurring themes which were used to explain and compare concepts according to diverse arguments from different authors. The approach enabled us to appreciate the strengths of the concepts but also to develop a critique, this evidently articulated the subjectivity of the researchers’ interpretation of the literature to justify the existing areas of further research.

3. WHAT ARE THE REFUGEE REQUIREMENTS FOR SUSTAINABLE INTEGRATION IN LAND ACCESSIBILITY?

3.1 Refugee Integration and Land Ownership Status

Refugees are vulnerable and not protected by their own government and it's the mandate of the Geneva Convention of 1951 and 1967 Protocol to provide protection through the states that are party to the two instruments. Article 14 of the 1948 Universal Declaration of Human Rights also demand for protection of all humans including refugees (Bauböck, 2018). The most viable solution for providing this protection is by integrating refugees with the nationals of the host States (Kambela, 2020). Crisp (2004) defines refugee integration as any process by which the situation of refugees can be satisfactorily and permanently resolved to enable them to live normal lives in the first country of asylum almost comparable to those of the locals. Whereas refugee integration promotes self-reliance of the refugees by empowering them to be productive for their livelihood and to the country's economic growth (Easton-Calabria, 2021), many host governments have suppressed this initiative due to security problems and resource burdens, related to it (Hovil and Maple, 2022; Crisp, 2004; Jacobsen, 2001). Hargrave et al. (2020) argue that despite most governments' resistance to permit refugee integration, a few have embraced it such as Mozambique (Nimoh et al., 2021), Zambia (Kambela, 2020) and Uganda which is considered a model country with a generous policy of free land allocation to refugees (Bohnet & Schmitz-Pranghe, 2019). Regardless of the generous act of granting refugees access to land and mutually accepting them and their citizens to receive the same treatment, refugees' land ownership and usage is still restricted (Tura, 2022).

One common salient feature that governs land ownership in most Sub Saharan African countries (SSA) is that land is vested in the State and its nationals with an aim of protecting sovereignty and national resources which are all dependent on land availability and holding (Tura, 2022; Eze, 2020). This feature restricts ownership of land by non-nationals in perpetuity because they are considered inappropriate recipients of full rights. The act to restrict ownership of land is widely spread in most African countries although states like Germany, France, United Kingdom, Portugal, Netherlands, Belgium, Luxembourg, Argentina, Chile, Colombia, Paraguay, Uruguay and Venezuela, allow foreigners to own land on an equal basis to nationals (Eze, 2020; Hodgson et al., 1999). The common option available in SSA is for refugees to hold land is under leasehold tenure which is subject to development conditions, ground rent or premium depending on the State, which must be approved by land control boards on the basis of economic and social criteria (Oryema, 2014; Cotula et al., 2004). Whereas leasehold option is good for investment because it ensures effective use of land through wide range of users or investors (Pedersen et al., 2012), it does not fully cater for refugees because being a refugee is an involuntary choice and their period of stay in the asylum country is uncertain. Despite the obscurity surrounding land ownership for refugees, there are different land accessibility options granted to refugees that vary from State to State.

3.2 Land Accessibility Options for Refugees

In some counties, refugee are totally prohibited from accessing land but rather have access to government social protection programmes such as education, health service, social security, cash

transfers, and these countries include South Africa, Ghana, Kenya, Malawi, Rwanda, Republic of Congo, Djibouti and Cameroon (Sato, 2022; Seyfert & Quarterman, 2021; Msabah, 2019). The second option is where refugees' access to land is restricted to use rights only because land in those States cannot be sold, mortgaged or alienated and such countries include Mozambique and Federal Democratic Republic of Ethiopia (Locke, 2014). While this option would be applicable for the refugees because they may need temporary use right to boost their livelihood and welfare through farming, it does not favor them because of the accompanying conditions. In Ethiopia, for a non-citizens to be granted access, they should express interests as investors but also make payment according to the law which is difficult for refugees (Tura, 2022; F. D. R. E., 1995). In Mozambique, Madagascar, Zambia and Tanzania, non-citizens are required to make consultations from the local land holders or area representatives before being allocated (Bae, 2021; Unruh et al., 2005) and also present an approved development or business plan which may be revoked if not implemented within two years (Tura, 2022).

In a few countries like Uganda, there have been some advancement though in the infancy to grant refugees access to land through its shelter strategy. However, the size of plots granted differ according to the location of the settlements and the time of settling as shown in table 1.

Table 1: Variations of plot sizes allocated to refugees in different settlements in Uganda over time.

#	Settlement Location	Before 2016		After 2016
		Residential	Agriculture	Residential and Agriculture
1	Rhino	20 by 30	50 by 50	50 by 50
2	Invempi	20 by 30	50 by 50	50 by 50
3	Adjumani	30 by 50	30 by 50	30 by 30
4	Palabek	Nil	Nil	30 by 30
5	Palorinya and others	Nil	Nil	30 by 30

Source: (UNDP, 2018)

98% of households in settlements on customary land have access to land however, those with formal documents and written agreement are very few and many cannot show them (Meskers, 2019). Additionally, the size of plots allocated to refugees reduced significantly after 2016 when the surge in refugee numbers increased and such a size cannot sustainably meet refugees of shelter and livelihood without food rations (UNDP, 2018). Limited plot size presents a challenge of reduction of soil fertility because the plots are over-used and it leads to low crop productivity for the household (Berke & Larsen, 2022; Meskers, 2019).

Whereas it is clearly indicated in the 2010 Refugee Regulations and also supported by some authors that refugees have no right to own, sell, rent out, buy or pledge the allocated (Berke & Larsen, 2022; UNDP 2018), refugees contrarily abuse this provision by renting out their land to fellow refugees and also renting and purchasing land from host communities (Adong et al., 2021; Meskers, 2019). Such acts coupled with inappropriate ownership documents by host communities, and undefined timeframe for refugees to use the land allocated to them have been highlighted as the source of conflicts in refugee host communities on customary land (Meskers, 2019; Zakaryan, 2018). The aim of land accessibility and distribution to refugees should be to foster co-existence and socio-economic relationships between refugees and host communities rather than keeping them apart

(Atukwatse & Chidiebere, 2022). An important question to ask is that do the available options of land access support the refugee requirements to sustainable integration?

3.3 Refugee Requirements for Sustainable Integration

Accessibility to land is very critical in achieving integration of refugees no matter where it's taking place (Agblorti & Grant, 2019). The sustainability of intergration is measured by the following refugees' requirements: Self-reliance, this is the social and economic ability of an individual, household or community to meet essential needs such as protection, food, water, shelter, health and education in a sustainable manner. Self-reliance and integration are intertwined and can only be achieved through refugees' accessibility to land because it grants freedom to refugees to interact with the host communities which enables them to exercise their skills and abilities (Berke & Larsen, 2022; Adong et al., 2021). However, land conflicts and insufficient land negatively affect the productivity and the market for the produces which leads to poor livelihood outcomes to enable refugees to become self-reliant (Ahimbisibwe, 2013).

Peaceful co-existence is the interaction of refugees with host communities that involves sharing the same economic and social resources without significant mutual conflicts and this is key for sustainable integration (Khasalamwa-Mwandha, 2021). Interaction determines the nature of personal relationships and attitudes between refugees and their hosts which is usually evaluated within the context of cultural values and norms (Agblorti & Grant, 2019; Basemera & Lwanga, 2021). Although it is clearly documented that interaction substantially contributes to the local economy because refugees and local hosts combine their skills and effort to increase productivity (Berke & Larsen, 2022; Ahimbisibwe, 2013), it can be adversely affected where refugees feel they have limited access to land or are facing land conflicts with fear of being persecuted, leading to limited household earnings (Miura & Tabata, 2022).

Livelihood initiatives is major requirement for refugees' access to land because it is critical for self-reliance and is the peak of sustainable integration (Khasalamwa-Mwandha, 2021). Chambers & Conway (1991) conceptualizes livelihood to comprise of capabilities, assets and activities required for a means of living, and it is sustainable when it can cope and recover from stress and shocks and enhance its capabilities and assets now and in the future (UNDP, 2010). Lyatuu and Urassa (2016) link accessibility to land to capital accessibility which determines the type of activities for households. However if Institutions, processes and policies that govern markets, land ownership and social norms affect the ability to access and use resources, it may create new livelihood obstacles (UNDP, 2010).

This section clearly shows that many States that have opened doors for refugees prohibit them from accessing land while those that have granted access to land, have not fully streamlined the process of land holding by refugees and the access is limited by the plot size. Accessibility to land is common on customary tenure and this limits their possession of formal documents which partly contributes to violation of laws by refugees. Land accessibility is vital for refugees' requirements for sustainable integration but these depend on the clarity of policies and processes that govern land ownership and accessibility.

4. WHAT ARE THE KEY FEATURES OF CUSTOMARY TENURE THAT IMPACT REFUGEES' ACCESS TO LAND?

Customary land comprising about 90% of all land in Africa (Wanninayake, 2021; Nimoh et al, 2021; Mushinge et al, 2020), and worldwide it spreads to countries like Spain, Portugal, Italy, Switzerland, Europe, North America, and Oceania (Wily, 2011). Customary tenure is conceptualized as a system based on the customs and traditions of indigenous communities whose ownership, possession, access and transfer of land as well as regulation of use is governed by unwritten traditional rules and practices that differ from one society to another (Urassa, 2022; Bae, 2021; Wily, 2011; Chauveau, 2007). The undocumented nature of land rights in customary not only creates insecure communal land rights because of lack of legal protection for the people (Kasimbazi, 2017; Hull et al, 2019), but it also fails to guarantee ownership in perpetuity (Ashukem, 2019). Whereas the common practice of informal recordation in registries defines most customary systems because traditional authorities are considered effective repositories of the memory of ownership (Honig, 2022), it has greatly contributed to tenure insecurity of land rights in SSA (Ashukem, 2019). Therefore both refugees' access to land and land rights of hosts are not secure in customary settings (Simbizi, 2016). Tenure insecurity leads to land dispute which are the major threat to lasting peace and stability in the refugee-host communities (Van Leeuwen et al., 2021).

In most customary systems, an individual's or family's right to hold and use land is based on inheritance and membership in a community and this is the case in Uganda, Kenya, Ghana, Mozambique, South Africa, Burkina Faso (Owino, 2021; Wily, 2018; Cooper, 2011). Once the land is inherited, any decision to sell or rent is a matter of the family council (Chauveau, 2007). While this feature safeguards the rights of members of a particular social identity (Payne & Durand-Lasserve, 2012), it highly exposes refugees to exploitation in case land is acquired without understanding its ownership dynamics. In Ghana, some Customary chiefs, family heads, members affiliated to groups such as ethnic or family, violate traditional norms and sell common land for personal benefit, without consultation or compensation of other affected member that have interests on the land (Chauveau, 2007).

Freudenberger (2013) opines that customary systems gain their acceptability from the expectation a community places in the people because it emulates the needs of the local community by ensuring their rights are secure and this is the case in South Africa. On the contrary, chiefs and Indunas in Zambia have the power to re-allocate or sell one's land to another person without consultation or consent (Hull et al, 2019). Such powers puts individual land rights at stake including those of refugees.

Transfer of ownership through inheritance is infrequent, and only family members who are themselves familiar to the community and local authorities are permitted to inherit land (Asiimwe & Crankshaw, 2011). This practice not only marginalizes women from land ownership but also does not recognize refugees as land holders even if they acquired land genuinely through purchase, which leads to adverse losses.

Lastly, customary tenure is treated inferior compared to other tenures in countries such as Uganda, Kenya, Malawi, South Africa because it can be converted to other tenure systems like freehold, public and private for development purposes (Bae, 2021; Becker, 2019; Chauveau, 2007;

McAuslan, 2006; Busingye, 2002). Whereas this conversion is intended to improve tenure security of land rights which contributes to the economic growth of the country when titles are used as collateral to secure credit from financial institutions (Bae, 2023), it does not favor refugees because they are not permitted to hold land under freehold or any statutory tenure in most SSA countries. The non-recognition of customary land rights in statutory law and its conversion represents a severe threat to tenure security which negatively affects the livelihood opportunities for marginalized groups such as refugees (Holden & Otsuka, 2014). Additionally, conversion from customary to other tenures fuels land grabbing where people are forced to leave their land for new holders (Bae, 2021), which may not only affect nationals but also refugees who are occupying customary land without any documentation.

In summary customary tenure systems vary from one state to another other although they have common features that cut across countries. Most customary systems in SSA are governed by unwritten rules, inheritance which aim at protecting the rights of customary communities but do not protect other land users such as refugees who have greatly attained access to customary land. Customary tenure is characterized by lack of formal documentation and conversion to other superior (statutory) tenure systems in many SSA countries which affects both nationals and non-nationals on living and using customary land.

5. WHAT CHALLENGES ARE LIKELY TO BE ENCOUNTERED WHILE INTEGRATING REFUGEES ON CUSTOMARY LAND?

All individuals and groups have a right to secure access to land and property as a precondition for sustainable livelihood. However, the lack of formal ownership rights on customary land tenure leads to insecure tenure of land rights and accessibility for host communities and refugees respectively. Tenure security is the certainty that a person's rights to land will be recognized by others and protected in cases of specific challenges and competing claims (FAO, 2002). Tenure security enhancement measures should be considered when designing solutions to land accessibility problems (Byamugisha, 2016; FAO, 2002), because it is a pre-requisite for introducing successful agricultural programs which are key in promoting sustainable and peaceful co-existence of refugees and host communities (Musinguzi et al., 2021). During refugees' accessibility to land, there are different initiatives towards improving tenure security for landowners and secure accessibility for refugees on customary land to enable sustainable integration.

5.1 Land Use Agreements

Approximately 4 % of refugees in Uganda access land through land use agreements (UNDP, 2018). Whereas land use agreements are meant to specify the level of rights refugees have in the land and to provide protection against any other claims (Payne & Durand-Lasserve, 2012), they are informal, verbal and rarely availed to refugees (Adong et al., 2021; Meskers, 2019). In support of issuance of verbal agreements, landowners argue that written agreements could reinforce refugees' right to settle permanently on their land. However, verbal and informal agreements can easily get revoked after the land is cleared, planted or nearing harvest, leading to major disputes (Yami & Asten, 2018). Land use agreements are not hinged on any local or international statutory instruments but rather

weakened by provisions such as section 65 of the 2010 Refugee Regulations that refugees have no right to buy, sell or lease land in Uganda. Such provisions coupled with unwritten agreements result into unclear terms of the agreement which potentially lead to disputes, increased fears of asset confiscation and evictions from land (Meskers, 2019; Yami & Asten, 2018).

5.2 Memorandum of Understanding

A memorandum of understanding (MoU) is the sealing document to the process of land acquisition from customary communities for refugee settlement in Uganda (UNDP, 2018). Memorandum of understanding is a non-legally binding instrument which is concluded between States or between States and international organizations (Zimmermann, 2021). In Uganda the MoU is signed between Office of the Prime (OPM) officials on behalf of the government and the representative of customary land owners whose land is acquired (UNDP, 2018). While MoUs are aimed at allowing refugees to be settled on host community land and to grant host communities access to benefits that come along with refugee settlement such as humanitarian food, improved infrastructures like roads, schools, water (Berke & Larsen, 2022), they have limitations in guaranteeing security of land rights to customary landowners.

Zakaryan (2018) highlights that MoUs are open in nature and do not specify the period refugees would stay on the land, they are also inaccessible to landowners as expressed by those whose land has been taken and the technical legal language used to draft them is difficult to interpret because of their illiteracy levels. In one interview conducted by Zakaryan (2018), it was reported that “Leaders who did not give up land are representing those who gave up land”, which indicates inappropriate representation of land owners during the signing of MoUs. This misrepresentation has resulted into land owners mistrusting both cultural and government leaders and this is evidenced in some court cases for example “a pending court case over a health center that was constructed in Bangatuti village, Zone 4 Odhavu Sub County, Bidibidi,” in Uganda (UNDP, 2018). It is reported that one person signed the general offer document for the land but another claimant is disputing the transaction over the same land.

5.3 Certificates of Customary Ownership (CCOs)

Registration and certification of land rights on customary land have been supported through donor projects in countries like Tanzania, Rwanda, Benin, Botswana, Ethiopia, Uganda and Kenya (Arko-Adjei & Akrofi, 2019). Most of these projects are aimed at providing security of land rights to rural areas on customary land through developed tools. The most common tool in Uganda is the Spatial Tenure Domain Model (STDM) that resulted into the formalization of customary land rights through the production of certificates of customary ownership (Antonio et al., 2021). The Uganda Constitution recognizes CCOs in its provision that Ugandan citizens owning land under customary tenure may acquire CCOs, and Section 8 of the Land Act considers CCOs as the conclusive evidence of customary rights and entitles the holder to lease, mortgage, sell and pledge the land where the customs of the community allow (Mugambwa, 2007; Coldham, 2000; MLHUD, 1995; MLHUD, 1998).

Despite the full rights provided by the law to the holders of CCOs, it is likely that they will not be able to enjoy those rights in real terms because of the rejections subject to CCOs by financial

institutions, professional bodies and courts (Musinguzi et al., 2021). Adoko (2017) argues that continuous issuance of CCOs exacerbates the inferiority perception of customary tenure rather than addressing the problems associated. While CCOs are perceived as measures of land dispute resolution and protection against potential land grabbing (Nakanwagi, 2021), it is not clear how the rights of different land users will be protected and what procedures will be adopted for updating the certificates in case of land sales, death and inheritance (Burke, 2020). These arguments clearly indicate that CCOs are unreliable mechanisms for providing security for customary communities and refugees.

5.4 Status of National Land Policy on Protection of Land Rights of Host Communities

The National land policy recognizes the problems in the design of the Land Act that affect the CCOs, and it provides for ways that they can be revised to enhance security of tenure for customary communities through different strategies (Atkinson & Bergen, 2017). Among the strategies include designing and implementing a land registry system that will be based on to issue CCOs, promotion of systematic demarcation, and provision of registration of customary land held under trusteeship by customary institutions (MLHUD, 2013). Regardless of the existence of these strategies within the land policy about the future of protecting customary land rights, the implementation procedures remain unclear but also the goal that is intended to be achieved is not stated in the policy (Ashukem, 2020).

Whereas refugees are protected by the Refugees Regulations that clearly state that they shall have free access to land, customary land rights holders are not protected by any statutory instrument. The land policy that is meant to protect the rights of customary communities lacks a strategy on retrieving land from refugees that was freely allocated to them after sometime which is also not stated. The hope of host communities on customary land of getting back their land becomes suppressed and it's exacerbated in protracted situations spanning over 20 years without any repatriation plans. Host communities may be forced to become violent towards refugees because of the insecurity of their land which leads to poor co-existing relationships that directly affects integration.

6. CONCLUSION AND RECOMMENDATIONS

Refugees' accessibility to land is prohibited in some countries regardless of access to other social benefits while the few states that support it have restricted it to use rights only and limited plot size. Among the key requirements for sustainable integration are peaceful co-existence, self-reliance and sustainable livelihood which cannot be fully supported by the nature of customary tenure.

Customary tenure systems in most parts of SSA are characterized by un-written rules, acquisition and transfer of rights through inheritance and conversion of customary to other tenures which makes it inferior than others. Such features associate customary land with tenure insecurity for host communities and insecure access to land for refugees. This uncertainty is a potential cause of poor co-existence relationships that lead to land disputes and conflicts.

The review has revealed that there are some efforts towards tenure security enhancement such as land use agreements and MoUs which are informal, verbal, and legally not recognized by statutory

law. CCOs which are legal and recognized do not clearly show how the rights of people will be protected. The Land Policy also has no strategy for retrieving the land allocated to refugees after sometime or the period the refugees can stay on the land.

Finally, this synthesis clearly shows that none of the available land tenures can guarantee refugees secure accessibility to land nor support their requirements for sustainable integration. More so customary land holding on which majority of refugees are settled, cannot provide tenure security for the land rights of its people who feel more insecure while hosting refugees. Therefore there is a need for a land tenure arrangement for refugees on customary land which can provide secure land accessibility for refugees but also tenure security of land rights for customary land owners. Such a study will review the existing rules and procedures of land acquisition for refugees' settlement and livelihood support mechanisms and how they impact the tenure security for both refugees and host communities. Then new rules and procedures for allocating land rights to refugees as well as administration institutions could be crafted through in-depth consultations with different stakeholder, purposely to create a peaceful co-existing environment that supports integration.

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9. AUTHORS' CONTRIBUTIONS AND ROLES

Sophia Nagujja: Conceptualization, Methodology, Writing - original draft, Writing - review & editing. Mose Musinguzi: review & Supervision. Lilian Oryema: review & Supervision

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11. KEY TERMS AND DEFINITIONS

Land Tenure Arrangement: These are institutions, rules invented by societies to define how property rights to land are to be allocated. They further define how access is granted to rights to use, control, and transfer land, as well as associated responsibilities and restraints. (Fao, 2002)

Refugee: A person who, 'owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country. International Organization for Migration, 2019)

Customary Land Tenure: A system that African communities base ownership, possession, access to land, regulation of use and transfer of land that is governed by unwritten traditional rules, leaders and communities rather than the state law (Wily, 2011; Bae, 2021).

Tenure Security: Tenure security is the certainty that a person's rights to land will be recognized by others and protected in cases of specific challenges. People with insecure tenure face the risk that their rights to land will be threatened by competing claims, and even lost as a result of eviction, (Fao, 2002).

Land Access: Opportunities for temporary or permanent use and occupation of land for purposes of shelter, productive activity, or the enjoyment of recreation and rest (UN-Habitat, 2008).