



Security of Tenure as an Element of Local Integration in Protracted Urban Internal Displacement

The Case of Acholi IDPs in Kampala¹

PhD Thesis

Patricia García Amado

Supervisor

Dr Cristina Churruca Muguruza

University of Deusto
School of Social Science and Humanities
PhD Programme in Human Rights: Ethical, Social and Political Challenges

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No es lo mismo marcharse que huir.
El que se va, va a otro sitio.
El que huye, no sabe adónde va.
Gloria Fuertes, 1980
Historia de Gloria. Amor, Humor y Desamor

Dedication

Arraigo, echar raíces. Esta tesis está dedicada a todas las personas que son, fueron y serán mi hogar, a las que cerca o lejos de mi casa me hicieron sentir que pertenecía, a las que me refugiaron en mitad de la tormenta o me acompañaron bailando bajo la lluvia, y a las que compartieron conmigo alegrías, pan y penas. A mi abuela María que me enseñó a luchar por mis sueños, que la curiosidad y las ganas de aprender no se apagan con los años y que el mundo es muy grande y hay que conocerlo. A mis padres, Pilar y Pedro, por no decirme nunca que no, por confiar en mí y dejar que buscara mi camino, aunque eso supusiera vivir lejos. A mi hermana Nuria, por acompañarme y apoyarme siempre, por tantas horas de juego y risas juntas, por crecer conmigo y hacerme crecer, y por hacerme tía Patri. A mis sobrinas, Nayra y Zoe, por hacerme sentir el amor más puro, por los cuentos a tres manos, las tardes de bicicleta, los saltos a la comba y su pócima mágica que me convierte en niña cada vez que estoy con ellas. A mis amigas, por ser mi familia elegida, por haberme enseñado tantas cosas, por haber compartido tantos momentos bellos, por ser mujeres increíbles a las que admiro, porque la vida las puso en mi camino y por tener la suerte de que, siendo tantas, listarlas aquí supondría escribir otra tesis sólo con nombres que no sabría por dónde empezar. A mis compañeras de doctorado, por haber pasado a engrosar el listado anterior, por su inconformismo, su escucha y su ayuda, por ser mujeres de ciencia que creen que lo mejor del conocimiento es poder compartirlo. Pero, sobre todo, esta tesis está dedicada a Jorge, el amor de mi vida, por su infinita paciencia, por enseñarme lo que significa amar, cuidar, compartir, respetar y admirar todos los días, por hacerme reír hasta las lágrimas, por estar a mi lado y animarme a continuar cuando sentía que ya no podía más, por hacer que mis raíces crezcan y se hagan fuertes. Gracias.

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Acronyms

AoR – Area of Responsibility

CESCR – United Nations Committee on Economic, Social and Cultural Rights

CIA – United States Central Intelligence Agency

DP – Democratic Party

ECOSOC – United Nations Economic and Social Council

ESC rights – Economic, social and cultural rights

FDS – Framework on Durable Solutions for Internally Displaced Persons

FRONASA – Front for National Salvation

GOU – Government of Uganda

HLP – Housing, land, and properties

IASC – Inter-Agency Standing Committee

ICRC – International Committee of the Red Cross

IDMC – Internal Displacement Monitoring Centre

IDP – Internally displaced person

IHL – International Humanitarian Law

IOM – International Organisation for Migration

KCCA – Kampala Capital City Authority

LC I – Local Council I

LRA – Lord's Resistance Army

MLHUD – Ministry of Lands, Housing and Urban Development

MP – Member of Parliament

MSF – Médecins Sans Frontières

NGO – Non-governmental organization

NHCC – National Housing and Construction Company

NHP – National Housing Policy

NPIDP – National Policy for Internally Displaced Persons

NRA – National Resistance Army

NRC – Norwegian Refugee Council

NRM – National Resistance Movement

NSUS – National Slums Upgrading Strategy

NTNU – Norwegian University of Science and Technology

OCHA – United Nations Office for the Coordination of Humanitarian Affairs

OHCHR – Office of the High Commissioner for Human Rights

OPM – Office of the Prime Minister

OSCE – Organization for Security and Cooperation in Europe

RLP – Refugee Law Project

SRAH – Special rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

UN – United Nations

UNCHR – United Nations Commission on Human Rights

UNGA – United Nations General Assembly

UNHABITAT – United Nations Human Settlements Programme is the United Nations programme

UNHCR – United Nations High Commissioner for the Refugees

UNHRC – United Nations Human Rights Council

UNLA – Uganda National Liberation Army

UNLF – Uganda National Liberation Front

UNSC – United Nations Security Council

UNSDF – Uganda National Slum Dwellers Federation

UNSG – United Nations Secretary-General

UPDA – Uganda People’s Defence Army

UPDF – Uganda Popular Defence Forces

INTRODUCTION

In only five years, the time it takes to write a PhD thesis like this one, the fate of internally displaced persons (IDPs) has transitioned from the centre of scholarly and political discussions on the responsibility to protect (Cohen 1991, 2012) and humanitarian reform (Ferris 2014) to near erasure from the international agenda. The international community focus has switched, following the imperative of western democracies, to the so-called migration crisis in Europe, with thousands of people arriving on the Mediterranean coast. While the response to the refugee crisis at the end of the Cold War was a progressive objection to the principle of non-intervention in domestic affairs and a growing international commitment to protect forcibly displaced people who have not crossed an international border, the current scenario has exacerbated calls for the containment of migration flows, resorting to a worrying externalisation and closure of borders and a restriction of refugee assistance, and to an attempted redefinition of the scope of state obligations under the Refugee Convention.

Against this backdrop of flagrant non-compliance with internationally established protection standards and human rights violations, it is necessary to recall that forty million people are currently internally displaced by conflict and armed violence, and many more have been forced to flee as a result of disasters, organised criminal violence, and development projects within their countries of origin or habitual residence (IDMC 2018). Moreover, the numbers of refugees and IDPs who failed to reintegrate in their areas of origin after return remains unknown, as is the number of those who became migrants or refugees in the absence of durable solutions to internal displacement (IDMC 2017b). Therefore, putting internal displacement back on the research and policy agenda is essential to address forced migration, both internal and external exile. In doing so, a review of the limits and the flaws but also the opportunities arising from the principles, policies, and frameworks enacted to protect IDPs is imperative, tracing the evolution and transformation of internal displacement as a phenomenon and critically analysing the intersection of these protection instruments with other international, national, and local policies, trends, and dynamics.

1. Internal displacement today: a road to the city

“Displacement shall last no longer than required by the circumstances” (ECOSOC 1998, prin. 6.3), and yet those circumstances tend to be protracted in time. At least 50 per cent of IDPs have been displaced for more than three years in two-thirds of the countries monitored for conflict-induced internal displacement (Crawford, et al. 2015, 1). Several studies show how protracted internal displacement is inherently urban and that IDPs turn to cities in their search for self-reliance (Haysom 2013b, 5, Brookings-LSE Project on Internal Displacement 2013, 3, Crisp, Morris and Refstie 2012, 36). It is estimated that at least 50 per cent of IDPs live in urban areas, although the exact number is unknown and figures range from four to twenty million (Fielden 2008a, 1, Lyytinen 2009, 1, Haysom 2013b, 5). Once in the city, getting and keeping a safe place to stay becomes a primary challenge for IDPs, together with employment.

All too often, responses to urban IDPs’ needs are inadequate to support them in resuming everyday lives and overcoming adversity. The target of providing a durable solution, achieved through return, local integration, or resettlement and defined by the absence of specific assistance and protection needs and discrimination against IDPs, is intricate and problematic (ECOSOC 1998, UNHRC 2009, 2). Notwithstanding the directions set by the Guiding Principles on Internal Displacement (1998) and the Framework on Durable Solutions for Internally Displaced Persons (2009),² political calculations often determine who is an IDP entitled to assistance and when displacement ends (Geoffroy 2009, 510). In practice, the transition from an emergency to a development context signals the official end of displacement; and too often return policies attract the bulk of resources destined to durable solutions and the support of states and donors, with limited funding allocated to the other two options.

However, return is a less feasible solution as time drags on and internal displacement becomes protracted, making necessary the exploration of local integration and the assessment of factors contributing to the achievement of durable solutions (Ferris 2011, de Waal 2009). In this regard, the Special Rapporteur on the human rights

² The Guiding Principles on Internal Displacement (1998) is a compilation of international human rights and humanitarian law relevant to the protection of IDPs. The Framework on Durable Solutions for Internally Displaced Persons (2009) is a tool created to assist government, agencies, and other entities involved in the protection of IDPs to determine when displacement is over and a durable solution has been achieved. Both documents are discussed in-depth in chapter I.

of IDPs underlines that “the appropriate durable solutions also need to be considered, as urbanization affects choices and opportunities. For example, after IDPs have adapted to urban livelihoods, return to rural homes is often no longer an option” (UNGA 2009, para. 14).

The three solutions to displacement—return, local integration, and resettlement—are based on the capacity of IDPs to secure a place to settle, a space “to live in security, peace and dignity” (UNHRC 2012, para. 22-23), and, therefore, on tenure security. Central to the sustainability of housing and livelihoods, tenure security is one of the main problems faced by protracted urban IDPs in their process of local integration.

Often living in informal settlements and exposed to secondary displacement, most urban IDPs live in countries where housing, land, and properties are held under customary and informal arrangements (McCallin 2012, 4) and are mostly unregistered. In this context, the prolonged presence of IDPs in slums usually evolves into tenure rights eligible, in principle, for legal protection. Therefore, it becomes necessary to analyse if current international frameworks and policies dealing with housing, land and property (HLP) issues in post-conflict contexts are really adapting to the protection of urban IDPs’ tenure security and if they are prepared to deal with informality in housing provision. Moreover, it is essential to understand how IDPs gain tenure security in the long-term and what factors, relations, dynamics, and actors are involved in its sustainability as an element of their integration process.

The plight of urban IDPs raises further questions about the comprehensiveness of the Framework on Durable Solutions for Internally Displaced Persons (FDS) and its ability to assess local integration processes in informal urban contexts, and the possible problems emerging from the intersection of internal displacement protection policies and urban development agendas in countries recovering from conflict.

2. Purpose and scope of this dissertation

The aim of this study is to understand and situate housing tenure security within the process of local integration of protracted urban IDPs. Consequently, it analyses the limits of international frameworks, principles, and policies in their understanding of

both the process of integration and tenure security, and the limits of predominant legal and technical responses to addressing complex social and political matters—responses that often obviate the relational character of these phenomena. Particularly, its purpose is to show how tenure security is constructed through IDPs’ agency and their capacity to establish relations and negotiate their presence within their new economic, social, political, and legal context. The research further explores the shaping of protection instruments by local power dynamics and how their conception and implementation intersects with global peacebuilding and urban development debates, trends, and policies.

The main hypothesis of this research is that tenure security is an expression of IDPs’ integration. Several research questions guide the analysis and provide structure to this dissertation:

1. How is the local integration of IDPs defined and understood?
 - a. Is the FDS comprehensive in its depiction of the multiple elements contributing to the integration of IDPs?
 - b. What considerations should be made in the adaptation of the FDS to informal urban contexts?
2. What is the relationship between tenure security and durable solutions to internal displacement in urban areas?
 - a. How is tenure security understood in policy instruments protecting IDPs?
 - b. How do urban development policies understand IDPs’ specific needs regarding tenure security?
3. How does the local integration of IDPs take place in an urban environment?
 - a. What should be taken into consideration when analysing urban contexts to assist IDPs in their integration process?
4. How do protracted urban IDPs achieve tenure security in practice?
 - a. What factors define this security?
 - b. How do informal connections enhance security?

Only recently studies have started to deal with internal displacement in the urban realm as a distinct phenomenon with its own characteristics. Although urban displacement was first addressed in academic literature in the 1970s, Pantuliano argues that these insights were not incorporated into humanitarian and development policy

debates and practice (Pantuliano, Metcalfe, et al. 2012, 6). Progressive world urbanisation and the growing incidence of emergencies in urban areas have confronted aid agencies with the absence of tools and appropriate strategies to deal with cities in crisis, leading to a renewed academic and policy effort to conduct research on this issue.

Existing literature focuses on the detection and analysis of the vulnerabilities and specific needs of urban IDPs (Fielden 2008a, Geoffroy 2009, Jacobsen and Nichols 2011, Haysom 2013b) and new practices, tools, and limits in humanitarian responses to forced displacement in urban areas (Crisp, Morris and Refstie 2012, Pantuliano, Metcalfe, et al. 2012, Haysom 2013a, Cotroneo 2017). Moreover, the local integration of IDPs has been brought to the forefront with the studies of Brun (2000, 2003), Hovil (2014, 2016), and the collaboration between the Brookings Institution and the Internal Displacement Monitoring Centre (IDMC) to explore the elements conditioning this process (Ferris 2011). However, literature documenting urban IDPs' process of integration, the distinct features of city life, and the actors, factors, policies, and dynamics implied in this process remains limited.

On the other hand, the impacts of conflict and forced displacement in the urban environment have been further explored by authors like Kirbyshire et al. (2017), Beall et al. (2011), Barlett et al. (2012), and Muggah (2012, 2014) among others. Alternatively, authors like Unruh and Williams (2013), van Leeuwen and van der Haar (2015), Lombard (2012), Smit (2013), and Ballard (2010) have analysed the connections between HLP disputes, armed conflict, and peacebuilding, with McMichael (2014) and Badiey (2014) paying particular attention to the role of land disputes in post-conflict urban development.

Additionally, several studies coordinated by the Norwegian Refugee Council (NRC) and the IDMC have explored the links between legal tenure security and local integration in protracted displacement (Williams 2011, Brighton, Farmer and Nordlie 2017) and analyse the result of programmes that support housing solutions for urban IDPs (Gupta 2015). Moreover, Brun (2015a, 2016) together with Fábos (2015) and R. Lund (2009) have unpacked the concept of home in protracted displacement and exposed the politicisation of housing responses in the context of forced displacement. Nevertheless, it remains necessary to disentangle the concept of tenure security, going

beyond its legal dimension, to reveal how it is related to IDPs' process of local integration in an urban context of informality and legal pluralism.

Through the analysis of the role of tenure security in the integration of urban IDPs, I reveal the relational character of both processes going beyond the legal and normative approaches that establish the categories and elements defining an ideal of an integrated person and secure tenure rights, paying particular attention to de facto and perceived dimensions of both phenomena embedded in their context. This analysis shows how tenure security is intimately related to the evolution of the integration processes and becomes an image of the protection gained by, and awarded to, urban IDPs in their new location. At this point, it is important to recall that this research is not aimed at finding a blueprint solution to the tenure security problems of protracted urban IDPs in legally plural contexts, but to unveil the complexity of integration processes in these settings and the key role of tenure security in the recognition of IDPs' right to settle in peace, dignity, and security.

3. Theoretical framework and main concepts

Framed through critical theory, I propose a situated analysis of integration processes and their insertion in a historical, political, and socioeconomic context that determines the dynamics of inclusion and exclusion and establishes what is considered secure and integrated. In addition, and supported by post-colonial critique, I question the universality of internationally applied frameworks and benchmarks as representatives of everyday practices of integration and security of tenure.

In this regard, the categories applied to assist people affected by forced displacement, in this case IDPs, are critically assessed to show that the application of this category remains highly politicised and dependent on local, national, and international concerns and calculus that are disconnected from these populations' protection needs and demands. In the same vein, and following Paffenholz's (2015) critical review of the "local turn" discourse in peacebuilding, I analyse who these "competent authorities" providing protection to urban IDPs are, how they do it, and why, with a special focus on local elites, informal associations, and negotiation practices. Furthermore, in line with Lund's reflections on land politics, I explore the relationship between urban IDPs' tenure security, recognition, and political legitimacy

as part of a process of everyday state-building (Lund 2011). In doing so, I join Fan's call to visualise the power relations embedded in urban tenure rights and their protection, adopting Roy's perspective on informal housing, not as a separate and different sector but as the product of a complex political struggle to establish what is considered legitimate and illegitimate when inhabiting the urban realm (Roy 2005, 149-150, Fan 2012).

This dissertation focuses on the integration of urban IDPs defined as "person[s] displaced from their place of habitual residence (be it rural or urban, at home or abroad) into an urban environment in their own country" (Fielden 2008a, 2). It is estimated that at least 50 per cent of IDPs reside in urban areas (World Bank 2017, 27). Cities are safe havens attracting significant numbers of IDPs searching for self-reliance, where their lack of financial resources forces them into informal settlements. The presence of self-settling IDPs in urban centres defies the image of helpless victims, but also raises questions about the temporariness of their presence (Darling 2016, 3-4). Internal displacement in cities is mostly protracted, and this long duration is fed by multiple factors, but mainly by political obstacles including unresolved conflicts, lack of political will, or frail institutional and normative frameworks (Kälin and Entwisle Chapuisat 2017, 44). I argue that responses to urban internal displacement fail in dealing with its political causes and instead offer technical solutions to what is understood as a human rights-development-humanitarian concern, rather than an expression of power and legitimacy disputes over control of the city.

Urban environments are, in most cases, characterised by legal pluralism. Authority, legitimacy, and the responsibility to protect are found in diverse forms of power—formal, neo-customary, and informal—and cities are places where only a small fraction of housing, land, and properties is registered. In Africa and the Arab region, where most conflict-induced IDPs are found, more than half of the urban population lives in informal settlements created through the irregular subdivision of plots or land occupation in urban areas sprawling over what used to be agricultural and pasture fields held under customary tenure systems.³ This reality adds complexity to the resolution of

³ According to the UN Habitat *State of Cities* series, 95 percent of people live in informal settlements in urban areas in the Central African Republic, 76 percent in the Democratic Republic of Congo, 73 percent in Somalia, 67 percent in Yemen, and 52 percent in Iraq, while the numbers of those living in substandard housing in Syrian cities remains unknown (UNHABITAT 2012, 2014).

HLP issues associated with forced displacement and requires a thorough understanding of the existing relationship between tenure security and the creation and legitimation of authority (Lund 2011).

For purposes of this research, the meanings and foundations of several concepts will be explored in the first section of the dissertation, composed by chapters I, II, and III. First, the concept of a durable solution, understood as the final stage that signals the end of forced displacement or, paraphrasing Mooney (2002), when an IDP is an IDP no more. This term has been defined internationally in the FDS as the enjoyment of human rights in the absence of specific needs and/or in a context of marginalisation associated with forced displacement (ECOSOC 1998). Although this document is a non-binding guide designed to orient states and the international community in their efforts to end displacement, its benchmarks have guided specific interventions and established minimum requirements for a return to normal. However, it is necessary to question the comprehensiveness and universality of those indicators and the way they are defined to ensure that they can be effectively adapted to any context of internal displacement. This context would not only be locally determined, but globally shaped by trends in international humanitarian, development, and peacebuilding policies aimed at establishing a norm for urban development, integration, and peace processes.

The term ‘integration’ centres the discussion in chapter II. However, this dissertation does not enter into a conceptual digression over its multiple interpretations and ideological underpinnings and instead applies a working definition of the term, understanding integration as a perennial, mutual, multidimensional, and dynamic process of adaptation, inclusion, and acceptance. The aim of the chapter is to delve into the characterisation of this process in situations of internal displacement, where those called to be integrated share, in principle, citizenship rights and duties with their host communities. At the same time, it compares the benchmarks found in the FDS with normative approaches defining the components of integration processes and offers venues for their adaptation to the urban realm.

Finally, the concept of tenure security is analysed in chapter III. Here, security of tenure is described as a multidimensional, dynamic, relational, and context-specific component of integration processes; it is an expression of the protection enjoyed by individuals in a society that facilitates their sustainable settlement. Following Zetter’s

observation on the aims of durable solutions (2010, 17), I argue that the way housing is addressed in international policies and frameworks designed to protect internally displaced persons is mainly dedicated to providing support to the capacity of the state to restore or establish legal tenure security, strengthening the “protective link” between the individual and the state and thus legitimising government institutions. In this regard, I suggest that these interventions should be complemented by a better understanding of IDPs’ agency to negotiate their presence, the relational and political foundations of tenure security, and the existence of inclusion needs beyond IDPs’ host community in order to ensure durable settlement. Confronted with the ideal of legal tenure security, I analyse how the protection of the right of people to inhabit a place is a process of mutual recognition and legitimacy, involving multiple protective actors and elements.

4. Relevance of the research

The solution to internal displacement has been at the centre of intense debates and research since the Guiding Principles on Internal Displacement were launched twenty years ago. In spite of great advances in the protection on IDPs and the definition of durable solutions, the increasing number of protracted IDPs clearly reflects that we still have a long way to go.

Joint efforts and international proposals to address internal displacement thus far have been directed towards defining the components of a durable solution and the actors required to complete this task, but fall short of understanding the relationships among these multiple elements. Learning how achievements in one benchmark influence the development of others is central to designing a comprehensive response to internal displacement that integrates the complexity of the context and prioritises interventions based on an understanding of interconnectedness (Ricigliano 2003). This research makes a modest contribution to visualising these links through its reflections on how social interaction can influence the level of tenure security of protracted urban IDPs and on how tenure security is built upon relations generated by IDPs during their process of integration.

Even when integration is considered the most plausible solution to protracted internal displacement, the meaning of integration for an IDP in an urban context is barely defined in academic literature. For this reason, the analysis of how this process

evolves without the intervention of humanitarian agencies or governmental assistance turns out to be essential to revealing and learning from IDPs' agency and self-help practices, strategically built on exchange, solidarity, trust, and reciprocity, but also on the acceptance of certain norms and conditions. Their agency and practices should inform humanitarian programmes and strategies for durable solutions, since they are rooted in social relations that are often informal in nature but have proven to be highly adaptive and resilient (Mackie, et al. 2017).

From the multiple components of the integration process, this research focuses on one considered essential to the achievement of durable solutions, particularly in the case of urban IDPs (UNGA 2014, para. 35). Security of tenure is connected to the possibility to remain without being arbitrarily deprived of shelter, and also to the opportunity to build a new home. Tenure security is often associated with the existence of legal titles or registered contracts documenting ownership or any other type of tenure right over housing, land, or property. However, in many post-conflict contexts, the absence of these documents combines with the absence of governmental enforcement capacity (Brighton, Farmer and Nordlie 2017). Against this backdrop, it is necessary to review the current practices and policies regarding the protection of IDPs' HLP rights and to explore how these strategies understand security of tenure as a building block for broader integration processes.

Finally, this research is an attempt to underline the contribution of informal practices and systems to the attainment of durable solutions to internal displacement. Contrary to the trilogy, formal-secure-durable, embedded in the Guiding Principles on Internal Displacement, the Principles on Housing and Property Restitution (also known as the Pinheiro Principles), and the FDS, I suggest that informal practices could further contribute to the formation of security and the prospects of durability in settlement options since they are intimately related to the ability of IDPs to legitimate their presence, establish social connections, and access resources central to their sustainability. As a result, this dissertation calls for a broadening of the protection landscape to include informality as a resource in itself, not as something flawed that needs to be regularised in order to be effective.

5. Methodology and research plan

Tenure security is the essential component of adequate housing and, at the same time, a key element in IDPs' integration processes. The study of tenure security as a complex social process and the understanding of its relationship to the local integration of protracted urban IDPs require an empirical inquiry able to explain this phenomenon in its context (Yin 2014, 16). Consequently, a case study is chosen as the best research method to explore these dynamics and respond to the research questions. Using qualitative data collection through interviews and observation, I documented and analysed IDPs' integration processes to unveil the negotiations and relationships among the multiple actors and factors conditioning both, integration and tenure security.

In order to analyse the realisation of tenure security of protracted urban IDPs as part of their process of local integration, I organised the research in two parts. I dedicated the first part of the process to the theoretical review and critical analysis of the concepts mentioned above. To complete the literature review and conceptual debates, I was awarded an Erasmus+ fellowship for a three-month research stay at the University of Manchester that allowed me to enjoy the supervision of Professor Roger MacGinty from the Humanitarian and Conflict Response Institute and Dr. Melanie Lombard, at that time working at the Global Urban Research Centre.

I dedicated the second part of this research to documenting and critically assessing the case of Acholi IDPs located in two informal settlements on the outskirts of Kampala, Uganda. I selected this case using the following criteria:

- A population in protracted conflict-induced displacement located in an urban environment and living in informal settlements in an African country⁴
- A country with national policies and programmes supporting IDPs
- A context of legal pluralism
- A city with urban development plans and informal settlement reduction strategies

⁴ In 2017, 46.4 percent of the internal displacement registered took place in sub-Saharan Africa, amounting to close to 5.5 million people. A total of 13.7 million IDPs are located in the region, which accounts for only 14 percent of the world's population or nearly 35 percent of the global figure of IDPs.

Apart from these criteria, it was necessary to ensure safe access to the population in order to facilitate direct observation and the conduct of interviews and meetings in IDPs' areas of residence—a precondition that significantly reduced the number of available cases. Language was an additional condition, limiting the number of cases to those found in Anglophone Africa. South Sudan, Liberia, and Sierra Leone were discarded due to conflict, instability, and the Ebola crisis affecting the western African countries at the time. Moreover, due to the difficulties in identifying IDPs in urban areas and out of camps, and the limited time to conduct fieldwork (only three months), it was also convenient to choose a population that has been previously researched.

Uganda has been lauded for being at the forefront of IDP and refugee protection policies on the African continent. It was the first African country—and one of the first in the world—to draft a comprehensive policy to respond to internal displacement.⁵ Its capital, Kampala, hosted the discussions and signature of the African Union Convention for the Protection and Assistance of Internally Displaced Persons, the first legally-binding instrument for the protection of IDPs, with Uganda as its first signatory and ratifier. Despite Uganda's noteworthy contributions to IDP responses, the country has so far failed to recognise urban IDPs in its assistance and durable solutions programmes.

By 2004, the armed conflict between the Government of Uganda and Lord's Resistance Army (LRA) rebels generated the country's greatest displacement crisis, with over 1.8 million people displaced in the northern region known as Acholiland. After a ceasefire was reached in 2006 and the LRA left the area, only IDPs registered in government camps, so-called protected villages, and willing to return to their areas of origin were entitled to assistance. However, the government never acknowledged the protection needs of between three and six hundred thousand other IDPs who sought shelter in cities like Gulu, Jinja, or Kampala (Grace 2005, 8).

In 2007, Makerere University's Refugee Law Project (RLP) and the Norwegian University for Science and Technology (NTNU) started a research programme to better

⁵ There are several types of documents elaborated to protect IDPs, according to Wyndham: 1) declarations adopting the Guiding Principles on Internal Displacement; 2) instruments created to address a specific causes or stages of displacement; 3) laws or policies created to protect a specific right; and 4) the adoption of a comprehensive instrument aimed at addressing all protection needs at all stages, like Colombia's Law 387 (1997) and the Ugandan National Policy for Internally Displaced Persons (2004) (Wyndham 2006, 8, Government of Uganda 2004).

understand the situation of urban IDPs in Uganda. The project turned into an advocacy tool to hold the Government of Uganda and humanitarian agencies accountable for the lack of protection and assistance to people forcibly displaced into Ugandan cities by the conflict in the north and to include urban IDPs in their assistance programmes. The RLP and the NTNU initiated a collaborative research programme to document and analyse the situation of protracted IDPs and to determine how this type of research could contribute to IDPs' individual and group empowerment (Refstie and Brun 2011). Following the wealth of knowledge the results of this project generated in academic and policy literature, I joined the RLP as a research associate between September and December of 2015. The institution, through the Urban IDPs Association, provided me with access to one of the informal settlements that had been previously part of the research and that I was particularly interested in: the Acholi Quarters.

Acholi Quarters dwellers have been under threat of eviction since 2012. That year, the National Housing and Construction Company (NHCC), a privatised government housing agency, announced its intention to redevelop the area and claimed ownership of the land that the informal settlement occupied. This was a hard setback for all of its inhabitants, particularly for many urban IDPs residing in the area who had no other place to go. When conflict broke out in the north in 1986, IDPs started to arrive in the Quarters, seeking shelter with members of their own Acholi community. Acholi Quarters was already known as such due to the large Acholi population that had established an enclave in the area after arriving in the city in the 1930s to work on the construction of the railway line joining Kampala and Mombasa, Kenya.

Neighbouring Acholi Quarters is the second settlement under research, Kasokoso, which is also affected by the NHCC urban development project. Kasokoso is a fast-growing melting pot, mostly populated by Baganda people and economic migrants originating from the central region. IDPs in Kasokoso are scattered and scarce. I decided to conduct research in this settlement with two objectives: i) to detect any possible variation in the integration process and tenure security options of Acholi IDPs in areas where they are part of the main community in comparison to places where they represent a minority group; and ii) to analyse the specific vulnerabilities of IDPs in relation to those of economic migrants and the differences in their settlement patterns and perspectives.

After framing and discussing the concepts of local integration and security of tenure, the conclusions of the initial conceptual debate guided the selection, collection, and analysis of data presented in chapters IV and V. The Acholi urban IDPs case study is built on desk research and a literature review of multiple academic and policy sources that document and analyse, on one hand, the arrival and settlement of Acholi IDPs in Kampala and, on the other hand, the complex legal pluralism found in the city and its political and social implications for IDPs' settlement and urban development. This first assessment was followed by field research conducted in Kampala from September to December 2015.

5.1 Fieldwork

Over three months I conducted forty-six semi-structured interviews and hosted five group meetings, with a total participation of fifty-two individuals. I verbally informed all participants of the aim and scope of the research, obtaining their informed consent to proceed with interviews under condition of anonymity.⁶ The persons interviewed in the settlements were both Acholi IDPs (twenty-four) and non-IDP residents (thirteen), together with the chairmen of their respective local councils (two).⁷

Table 1 Residents interviewed per settlement, displacement condition, and gender⁸

Settlement	Acholi IDP		Non-IDP		Settlement subtotal
	Women	Men	Women ⁹	Men ¹⁰	
Acholi Q.	9	11	3	4	27
Kasokoso	4	0	4	2	10
Gender sub-total	13	11	7	6	
Settlement total	24		13		37

The interview guide for the semi-structured interviews conducted in the informal settlements, found in Annex II, is the final version of the first draft I developed prior to my arrival in Kampala. The first version was successively refined, with questions

⁶ See informed consent in Annex I.

⁷ From all IDPs interviewed only one was a non-Acholi male who left Acholiland during the conflict; non-IDPs were both Acholi and non-Acholi people.

⁸ A full anonymised list of participants is included in Annex III.

⁹ Of which two Acholi women self-defined as migrants

¹⁰ Of which two Acholi men self-defined as migrants or sons of migrants

¹¹ Of which two Acholi women in Kasokoso self-defined as migrants

adapted to the specific context. The first set of questions is directed towards assessing the size of the household and livelihood options of dwellers, including educational background. The second set deals with individuals' arrival to Kampala, their reasons for leaving their previous areas of residence or origin, and their reasons for settling in Acholi Quarters or Kasokoso. Questions in this section are formulated in a way that allows interviewees to define themselves, avoiding the use of the term IDP and paying particular attention to the different causes and intentionality of displacement and settlement choices. A third set of questions establishes the way land or housing was accessed in the settlement process and, in the case of self-construction, how the person proceeded to build the structure/s they owned. The fourth round of questions deals with the relational aspects of integration, the connection with local authorities, government representatives, and political participation, relationships with neighbours, and life outside the settlement. Finally, the fifth set of questions analyses individuals' responses to the threat of eviction and their prospects in terms of durable solutions.

I accessed settlement dwellers through a well-known and respected Acholi woman, the secretary of the Urban IDPs Association; an IDP herself living in Acholi Quarters who volunteered to be my translator during the interviews. Random sampling was discarded since people were reluctant to talk to strangers. Once in the field, I tried snowball sampling but it often led me to a dead-end due to participants' time constraints. Relying mainly on a single gatekeeper may have conditioned the selection of those interviewed, although it made the identification of people displaced by the conflict and access to the settlement population possible. In Acholi Quarters, interviews were carried out until responses got to a level of saturation that could allow for the elaboration of significant analyses regarding IDPs' process of integration and the relational character of tenure security, taking into consideration possible gender variations. Conversely, suspicion over possible spies was high in Kasokoso, to the point that the Local Council I (LCI) chairman accompanied me to interview non-Acholi residents in the area. This fear seriously hindered the realisation of more interviews in the settlement.

In all, responses collected through the semi-structured interviews are representative of the experience of IDPs and non-IDPs in both settlements, but the results cannot be equated to those that may have been obtained through a representative sample. The absence of complete and reliable statistics on population composition in the area, the lack of appropriate financial and human resources, and the limitations in

gaining direct access to informants conditioned the scope of the field research. Additionally, word-for-word translation was not possible; for this reason, some nuances and self-expression of those interviewed may be lost.

Within the settlements, I also arranged two group meetings with representatives of self-organised groups: the Urban IDPs Association, which advocates for the rights of urban IDPs, and the Committee of Housing Owners of Acholi Quarters, which advocates for the tenure rights of informal settlement dwellers.¹² I hosted three other meetings with community leaders in Kasokoso to obtain their permission and collaboration to conduct interviews in the area, but these were not recorded upon request of the participants. The absence of a direct contact or gatekeeper in this second settlement delayed the fieldwork schedule, leading to a substantial reduction in the number of interviews completed. The lack of trust in outsiders to the settlement was a stumbling block, since the threat of eviction had increased people's fear and suspicion in both settlements.

Apart from urban IDPs and their neighbours, there are other actors whose perspectives on the situation of IDPs and tenure security challenges in the urban realm were necessary to complete the research and triangulate the data collected: NGOs offering assistance in informal settlements and government representatives and officials dealing with IDP issues and urban development policies. Four members of NGOs were interviewed, two dedicated to advocating for the rights of slum dwellers and the implementation of upgrading projects (AcTogether and Slum Dwellers Federation of Uganda) and two offering educational, vocational, medical, and psychological assistance in Acholi Quarters (AVSI International and Meeting Point International). Their responses to a custom semi-structured interview are relevant to triangulating and contextualising the information received from settlement dwellers.

On the other hand, and to my dismay, access to government representatives was seriously hindered by their refusal to collaborate on any research regarding urban IDPs, whom they consider to be economic migrants perfectly integrated within society. Direct contact with NHCC representatives was also not possible. In spite of this lack of collaboration, an urban planning officer working for the Ministry of Lands, Housing,

¹² Four members of these collectives were also individually interviewed as IDPs or non-IDP residents of Acholi Quarters.

and Urban Development (MLHUD) responded to my questions regarding Kampala's informal settlements and the challenges of urban growth. Finally, an interview with a doctor in law with expertise in HLP issues in Uganda was crucial to advancing my understanding of the complexities of the legal frameworks and regulations in the country and the main weaknesses in compliance with eviction protocols.

6. Thesis structure

The thesis is divided in two complementary sections. The first part is devoted to setting the analytical framework and introducing through a critical review the main theoretical debates regarding durable solutions, local integration, and security of tenure in relation to protracted internal displacement in urban settings. The three chapters comprise in this first section follow a sequence, from the broader topic of durable solutions to the analysis of a particular and relevant element of the integration process, security of tenure, engaging in a thorough discussion of the terms and their implications. The aim is to understand how these debates and the interpretations of these three concepts shape the response to the phenomenon of internal displacement, and to identify the advances and gaps in current policies, strategies, and frameworks. The elaboration of an analytical framework is further aimed at guiding the collection, selection and interpretation of fieldwork data obtained from the research conducted in Kampala, the case study discussed in the second part of the thesis. In doing so, it proposes a critical approach for understanding the complex urban setting and visualising the multiple factors and dynamics that limit or promote urban IDPs' local integration processes.

The second part, composed of chapters IV and V, illustrates the role of tenure security in the integration process of protracted urban IDPs through the case study of Acholi urban IDPs in Kampala. This section approaches their process of integration using a tri-dimensional analysis—*de jure*, *de facto*, and perception, revealing its complexity. The research focuses particularly on *de facto* and perceived elements of integration and tenure security to illustrate the limitations of an exclusively legal approach to IDPs' integration and housing needs. In combination with an in-depth review of the history, legal framework, urban development, and local political dynamics of Kampala, the analysis of the case study shows the multiple factors and dynamics that enable and consolidate the settlement of IDPs and explains tenure security as an

expression of IDPs' integration, socially and politically constructed, and contingent to every context. It further reveals the role of informal community actors engaged in resistance against forced eviction and the realisation of IDPs' rights.

Every chapter responds to one or several research questions:

- Chapter I briefly analyses the emergence of IDPs as a category of international concern and critically analyses the limits of the FDS in its aim to guide states and other actors in achieving the end of displacement. Considering that protracted urban displacement is the outcome of the lack of political will and the failure of present policies and assistance programmes to protect IDPs, I also point to the limits of current instruments to measure progress towards sustainability and question their ability to capture the complexity of displacement and (re)integration processes and to fully understand the needs of IDPs.
- Chapter II explains local integration as a meaningful solution to internal displacement, underlining the resistance of states to accept IDPs' choices outside of return. It deals with the definition of local integration as a durable solution to IDPs, explaining legal, factual, and perceived dimensions of this process. Consequently, it assesses the capacity of the FDS to comprehensively integrate all elements conducive to integration and analyses the adaptability of the FDS to the urban realm.
- Chapter III presents tenure security as a central element of urban IDPs' integration processes. It analyses the impacts of conflict and displacement on tenure security in urban areas and continues with a definition of the concept and a discussion on how tenure security is understood in principles, frameworks, policies, and strategies designed to support the housing rights of IDPs. In addition, it explores how the urban development agenda has understood both tenure security and the specific needs of IDPs in urban areas, to elucidate whether its strategies, action points, and goals contribute or undermine urban IDPs' integration process.
- Chapter IV analyses the phenomenon of protracted urban displacement of Acholi IDPs living in informal settlements at the outskirts of Kampala. After introducing the conflict and reviewing regional and national IDP policies and

their application, it examines their process of integration according to the tri-dimensional approach elaborated in Chapter.

- Chapter V empirically shows that urban IDPs' tenure security is a reflection of their integration and the protection awarded to them in their current context, paying particular attention to the relevance of de facto and perception dimensions of tenure security. After setting the scene in Kampala, the chapter shows how security of tenure is negotiated and constructed by IDPs in virtue of their connections and their agency to broaden their network to resist eviction threats. Applying Van Gelder's typology—de jure, de facto, and perception—it shows the partiality of legal approaches and how these can be strengthened with the assessment of the other two dimensions. Finally, it reveals the way IDPs' options are shaped and mediated by local, national, and international policies and political processes.

A conclusion section completes the thesis, highlighting the main theoretical and empirical contributions of this research and offering proposals for future academic exploration.

Part I

CHAPTER I Durable Solutions and the Urbanisation of Protracted IDPs

“Displacement shall last no longer than required by the circumstances” (ECOSOC 1998, prin. 6.3), and yet protracted internal displacement is found in 90 per cent of countries affected by armed conflict (IDMC 2013, 10). In spite of the urgency of the problem, international interest in the fate of IDPs is diminishing. In over fifteen years, the number of conflict-induced IDPs has nearly doubled, from 21.2 million in 2000 to 40.3 in 2016 (IDMC 2017a). For every refugee, there are two people who are currently forcibly displaced within the borders of a country. At least 50 per cent of IDPs in many of these countries have been uprooted for more than three years (Crawford, et al. 2015, 1). This phenomenon is particularly acute in sub-Saharan Africa, where the number of IDPs has remained at around twelve million for a decade, underlining the chronicity of this situation (IDMC 2016, 29).

Since 1990, interest in internal displacement has grown in an inversely proportional fashion to an ever-shrinking asylum space in the face of increasing migration. In a relatively short period, people forcefully displaced within the borders of their own country have transitioned from being a domestic affair to an international protection concern. The growing number of IDPs is the result of several factors: i) the recognition of IDPs as a group of humanitarian and security concern, which increased the number of profiling exercises; ii) the limited compliance with the Refugee Convention by the state parties, which has hindered the access of asylum seekers to international protection, above all in Western countries (Contat Hickel 2001, 709-710); and finally the limited success of the measures adopted to achieve durable solutions, which has led to protracted internal displacement (Long 2011, 8).

This chapter explains the origin and evolution of internal displacement as a concern of the international community and the limits of current frameworks, and responses, and it presents protracted internal displacement in an urban context as the consequence of their flaws. To this end, it first reviews the construction of IDPs as a category of international concern and critically analyses the instruments created to ensure IDPs’ protection, discussing their conceptual and implementation flaws and

limits. As a result of this analysis, I conclude that protracted internal displacement is a consequence of the inadequate responses to this phenomenon and describe the main features of long-term dislocation, pointing to its urban character and the challenges to the provision of protection in urban settings. The chapter concludes with a call to review current understandings of the paths towards durable solutions—return, integration, and resettlement—and assess IDPs’ specific needs in historic and spatial context in order to explain the origin of present vulnerabilities and support their process of integration.

1. Internal displacement: from a domestic affair to an international concern

Forced displacement has always been a feature of violent conflict. People have been forced to flee and abandon their homes as a consequence of the experience or threat of violence. In the contemporary era, the end of World War II brought to light the situation of refugees in Europe, with thousands of people crossing borders in search of protection. At the time, the international community was willing and able to respond to their plight with the adoption of the United Nations Convention on the Status of Refugees (1951). The right of asylum became a safeguard to thousands of people across the European continent, which was later extended to the entire world.¹³ However, the voice of those unable to cross an international boundary remained unheard.

The principle of non-intervention in domestic affairs, present in the article 2.7 of the United Nations Charter,¹⁴ prevented foreign states from meddling in internal conflicts (Cohen 2012, 7). During the Cold War period (1947-1991) sovereignty, understood as state control and rule inside national borders, was wielded at UN fora to

¹³ The 1967, an additional Protocol extended protection beyond Europe and the effects of World War II, awarding the right to asylum to every person who, “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it” (United Nations 1967).

¹⁴ «*Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII*» (United Nations 1945). Chapter VII of this Charter deals with the actions with respect to threats to peace and acts of aggression, the core of UN peace mission mandates.

prevent the international intervention in member states' affairs. Moreover, the geostrategic confrontation between the US and the USSR rendered the Security Council incapable of jointly endorsing a resolution to stop some of the bloodiest civil wars (Ethiopia, Guatemala, Indonesia, Mozambique, Nigeria, and Sudan) and massive violations of human rights at that time (China's Cultural Revolution, Cambodia's Khmer Rouge). These events of violence forcibly displaced millions of people inside country borders, where aid provision was limited to a few humanitarian organisations that national authorities did not always allow to enter.

In spite of the advocacy campaigns carried out by human rights movements and NGOs demanding UN action to protect people against violence and outrageous human rights violations, many times instigated and perpetrated by their own governments, it was not until violence returned to the doors of Europe that internal displacement became a concern of the international community. The armed conflict in ex-Yugoslavian states generated a great crisis of displacement in the region, with many European countries unwilling to face their responsibility to provide shelter to a growing number of refugees fleeing the Balkans.¹⁵ Across the world, the implosion of the Soviet Union was followed by the emergence of multiple internal conflicts, which had remained invisible under the Cold War dialectic confrontation, leading to a dramatic displacement crisis.

Assistance to IDPs was then not only a question of protecting civilians against blatant human rights violations, but an intentional policy to contain refugee flows (Phuong 2005, 3-6, Contat Hickel 2001, 709-710). This strategy has been deepened by the progressive deterioration of the quality of asylum and the hardening of border control policies to the extent that asylum rights have "been diminished to meet domestic political concerns" (Long 2011, 8). Moreover, the expansion of the Croatian war across the Balkans and the Rwandan conflict into the Great Lakes region following refugee flows led some academics to establish links between forced population movement and the spread of conflict (Salehyan and Gleditsch 2006, Zolberg, Suhrke and Aguayo 1989). Although this theory has been contested in recent studies (Shaver and Zhou 2015), the portrayal of displacement as a security threat remains.

¹⁵ In 1992 alone, 1.3 million refugees fled from Bosnia and Herzegovina, while at least 1 million remained displaced within the country (NRC/Global IDP Project 2003, 11).

Forced displacement and refugee crises progressively became a reason to support international intervention in intra-state conflicts,¹⁶ and led to the characterisation of forced displacement as a threat to international peace and security under Chapter VII of the UN Charter (Phuong 2005, 219-225). Particularly, UN Security Council Resolution 1296 on the Protection of Civilians underlines that widespread human rights law and international humanitarian law violations, the threat and harassment of IDPs and refugees, and the existence of camps susceptible to infiltration by armed elements “may constitute a threat to international peace and security” (UNSC 2000, para. 5 and 14).

Since 1991, favoured by the new entente between the United States and Russia, the UN Security Council adopted a growing number of resolutions demanding unimpeded access to populations in need of humanitarian assistance, sometimes authorising the use of force to secure aid provision (Churruca 2015, 36, Collinson 2009, 40).¹⁷ The growing deployment of peacekeeping forces to counter internal conflict and protect civilians within their own countries made it necessary to redefine the concept of state sovereignty and its exercise in terms of state fulfilment of rights and duties. Discussing its meaning Cohen (1991, 17) argues “[S]overeignty [...] does not have to mean that a state can behave in any way it wants toward its own citizens without consequence. Sovereignty carries with it a responsibility on the part of governments to protect their citizens.”¹⁸

1.1 IDPs as a category of concern and their specific protection needs

Aware of the challenges represented by the increasing number of displacement crises emerging from post-Cold War conflicts, UN Secretary-General Boutros-Ghali, under a request of the UN Commission on Human Rights, appointed Francis Deng from Sudan as the first Representative of the Secretary-General on Internally Displaced

¹⁶ UN Security Council Resolution 688 in 1991 was the first time that forced displacement was described as a threat to international peace and security, when two million Iraqi (1.5 million of them Kurds) fled their areas of origin during the Iraq war and sought asylum in Iran and Turkey (Phuong 2005, 220).

¹⁷ From its inception until 1990, the UN Security Council had deployed eighteen peacekeeping missions worldwide. In stark contrast, in just the last decade of the twentieth century, thirty-five peacekeeping missions were approved by the same UN body. In 2014, there were sixteen ongoing peacekeeping missions, nine of them in Africa (UNDPKO).

¹⁸ Cohen was Francis Deng’s senior advisor during his mandate as the first Representative of the Secretary General on Internally Displaced Persons.

Persons in 1992 (UNCHR 1992). Deng was required to “study the causes and consequences of internal displacement, the status of the internally displaced in international law, the extent of the coverage accorded them within existing international institutional arrangements and ways in which their protection and assistance could be improved, including through dialogue with Governments and other pertinent actors” (ECOSOC 1998, para. 2).

However, the mere definition of IDPs as a category of concern generated debates over the scope and appropriateness of the concept. From the beginning, there was reticence on the part of several states and certain international institutions to create a distinct category of protection for IDPs (Mooney 2005). The International Committee of the Red Cross (ICRC), a key institution in the analysis and development of the Principles, initially disagreed with the idea of people receiving protection purely on the grounds of being forcibly displaced, arguing that this could be discriminatory towards other populations of concern (ICRC 2006, 4). The scope of the definition was also under discussion. Positions were divided between those arguing that only people forcibly displaced by armed violence should be subjects of international protection and those supporting the inclusion of people forced to flee due to natural/human-made disasters or uprooted by development projects (Mooney 2005, 11-12).

Following the academic and institutional debate, it has been widely accepted that internal displacement and the loss of economic and social assets associated with it, irrespective of the causes of dislocation, increases people’s vulnerability and their protection needs. Some of these protection needs are specific to the experience of being internally displaced, like the loss of shelter, land, and livelihoods; marginalisation on grounds of being displaced; the lack of durable solutions; and greater exposure to violence and human rights violations (Collinson 2009, 39). Nevertheless, stressing IDPs’ specific needs does not preclude the provision of assistance to other vulnerable groups, and IDPs would not become a category of concern to international community unless the state’s capacity to respond were surpassed (Mooney 2005, 14 and 20).

There was a sense of urgency to articulate a protection framework for a growing number of IDPs in order to remind states about their obligations and provide an instrument that could clarify the role the international community and its multiple actors and institutions must play. At the same time, several states had shown their reticence to

signing a new legally binding instrument that could put them under the close scrutiny of the international community. Taking this into consideration, the idea of creating a new international convention, with a time-consuming process of signing and ratification, was dismissed by the legal and academic team in charge of the study (Korn 1999, 87-88).¹⁹ Instead, they reviewed and compiled the relevant provisions of the international human rights law, humanitarian law and refugee law, and analysed how they could be applied to protect IDPs. They identified gaps in applicability, normativity, consensus, and ratification together with areas of insufficient protection (Korn 1999, 87-88).

The legal compendium was presented to the UN Human Rights Commission in 1996, and was later articulated and transformed into the Guiding Principles on Internal Displacement, sanctioned by the human rights body in 1998. The document was finally endorsed at the UN General Assembly's World Summit celebrated in New York in September 2005. The Guiding Principles serve as a reminder of the international obligations already contracted by member states, starting with the responsibility to protect their populations against human rights violations.

2. The Guiding Principles as a human rights protection framework

The Guiding Principles on Internal Displacement define IDPs as “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border”.

IDPs are subjects of rights and are entitled to them as citizens, or habitual residents, within the borders of their country, not as a result of an internationally recognised legal status but of a “factual state” (Brookings-Bern Project on Internal Displacement 2004, 13). The Guiding Principles are based on the premise that the

¹⁹ The expert team was composed of members of the American Society of International Law, the International Human Rights Law Group, the American College of Law of the American University, the Ludwig Boltzmann Institute of Human Rights, and the Center for Human Rights and Humanitarian Law from the Washington School of Law together with legal experts of the ICRC, UNHCR, and the UN Centre for Human Rights.

sovereignty of the state resides on its responsibility to protect its citizens and guarantee their full enjoyment of rights. Accordingly, “national authorities have the primary duty and responsibility” (prin.3) to prevent displacement, protect IDPs, and respond to their needs. Moreover, national authorities are responsible for IDPs’ redress through property restitution, compensation, or alternative reparation mechanisms (prin.29). In the case that a sovereign state is incapable of or unwilling to prevent displacement and protect its citizens, the international community has the subsidiary responsibility to intervene (prin.25).

Having said that, the document repeatedly appeals to the “competent authorities,” including insurgent groups and other authorities, groups or persons, to regulate their relation with IDPs and determine their responsibility in IDPs’ protection (Mooney 2000, 86). Considering forced displacement as a “symptom of state dysfunction” (Collinson 2009, 44), the capacity of the state to effectively protect its citizens remains in question, and the protective capacity of alternative institutions in the interim could be explored. However, it is necessary to establish the extent to which these other actors could be held accountable for a lack of compliance with the Principles and to assess their capacity to respond.

The Guiding Principles underline three core tasks: prevention of displacement, assistance to IDPs in the course of displacement, and support in their process of reintegration, either through return to areas of origin or through settlement in another part of the country. Assistance should be provided to IDPs at every stage, from the onset of displacement until a durable solution is attained. Nevertheless, the evaluation and analysis of international protection strategies point out that international responses to internal displacement are primarily centred on emergency situations, while prevention and durable solutions remain largely unattended (Cohen and Deng 1998, Brookings-LSE Project on Internal Displacement 2014a, 9-12).

IDPs’ protection and the response to their specific needs depend on their recognition as IDPs by the competent authorities. While profiling exercises and registration are useful in identifying and assisting IDPs, they can turn into a double-edged sword if only those registered are entitled to assistance, and even more so when the fulfilment of certain protections is contingent upon recognition as an IDP (Brookings-Bern Project on Internal Displacement 2004, 14). This is the case for many

protracted urban IDPs living outside of camps who are often discarded as economic migrants by the competent authorities, or remain hidden in plain view of international agencies and NGOs (Haysom 2013b, 7-12). In contrast, Brun's (2003) research in Sri Lanka shows that IDPs' labelling associated with the provision of humanitarian aid in time mutates into a social category or identity that may also negatively affect their process of local integration, particularly when this category is coupled with a restriction on the enjoyment of citizenship rights rooted in an institutionalised distinction between natives and foreigners.

Despite of the fact that the Guiding Principles do not award an internationally recognised legal status to IDPs, they have contributed to increasing the protection of these populations, their visibility, and awareness about their needs and rights, and have provided a powerful instrument to demand state compliance with the human rights of their citizens in times of peace and war (Brookings-LSE Project on Internal Displacement 2014b, 7). Despite their non-binding nature, the Guiding Principles have achieved a global level of recognition, which has led to the elaboration of national policies to protect IDPs and to the first legally-binding regional instruments, like the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, known as the Kampala Convention.

In practice, these legal instruments have not gone hand-in-hand with the necessary implementation resources—both human and financial, the political will to address the problem of internal displacement, and much-needed monitoring and evaluation (Giorgi 2016, 25-26). The existence of a considerable caseload of people in situations of protracted internal displacement points to weaknesses and failures of protection strategies and to the absence of mechanisms to evaluate the setbacks and progress in IDPs' search for durable solutions.

3. The end of displacement and the search for durable solutions

Ever since the Guiding Principles on Internal Displacement were elaborated, humanitarian aid practitioners and academics have struggled to identify the signs that indicate the end of displacement. There was a request for criteria to inform programmes and policies, evaluate their results, and clearly establish when assistance is no longer required. As mentioned, the term IDP is not an internationally recognised legal status,

and therefore there is no cessation clause applicable to an IDP's situation as there is for refugees under the 1951 Convention (Mooney 2005, 22).

Mirroring Refugee Law, principle 28 of the Guiding Principles enshrines the three paths to end displacement: return to the place of origin, local integration within the host community, and resettlement elsewhere in the country. IDPs have the right to make a free and informed choice regarding these three options, and the state must support their process of (re)integration, including through restitution of property, compensation, and reparation (ECOSOC 1998, prin.29).

In a discussion paper, Mooney argues that the determination of the end of displacement has often been *ad hoc* in the absence of common criteria (2002, 2). In her analysis of determination procedures to call off assistance to IDPs, decisions have been often adopted following the end of the causes originating displacement, in line with the refugee cessation clause—as a result of the conclusion of IDPs' specific needs or following the adoption of a solution through return, local integration, or resettlement. However, those often arbitrary procedures gave raise to multiple questions over who has the capacity to determine when internal displacement is over, what indicators should be taken into account to assess the situation, the role of every actor involved in assistance, including IDPs themselves, in the achievement of a sustainable solution, and what constitutes a durable solution (Mooney 2002).

3.1 The Framework on Durable Solutions for IDPs

Intending to solve these questions and acknowledging the challenges of the provision of a sustainable response to internal displacement, the Representative of the Secretary-General on the Human Rights of IDPs, Walter Kälin, presented the Framework on Durable Solutions for IDPs in 2007.²⁰ The document was elaborated to provide clarification and evaluation guidance, offering criteria to assess progress in the attainment of durable solutions (UNHRC 2009, 9).

²⁰ The document, elaborated by the Brookings Project on Internal Displacement and Georgetown University in collaboration with multiple academics and stakeholders, was tested, evaluated, and refined by the Inter-Agency Standing Committee. In 2009, the final FDS was presented to the UN Human Rights Council (UNHRC).

A durable solution is here defined as a stage at which “internally displaced persons no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination resulting from their displacement” (UNHRC 2009, sec.II para.8). The achievement of durable solutions is described as a gradual and complex process requiring the engagement and coordination of multiple stakeholders (human rights, humanitarian, development, and peacebuilding actors), often on a long-term basis, and the participation of IDPs in the planning and definition of policies that affect them, including peacebuilding processes. The goal of durable solution policies is the restitution of the “*protective link*” between the state and those forcibly displaced through the realisation and effective exercise of citizenship rights (Zetter 2010, 17).

The FDS adopts a rights-based approach. It defines IDPs as right-holders entitled to assistance from certain duty-bearers following principles of participation, access to information/transparency, non-discrimination, accountability, and sustainability. This approach is summarised in the key principles overseeing the provision of durable solutions, which underline that the state is primarily responsible for IDPs’ protection and assistance, and must ensure rapid and unimpeded access to humanitarian and development actors if needed. The principles remark that IDPs have the right to make a free and informed choice about durable solutions and participate in the definition, planning, and monitoring of policies affecting them. Finally, the policies implemented to achieve this goal must be based on the rights, needs, and interests of IDPs and adopt a community-based approach that considers the needs and vulnerabilities of recipient communities in order to avoid discrimination and support the (re)integration process (UNHRC 2009, sect.III para.21).

The document provides stakeholders with guidance to determine what needs are displacement-specific, defined as needs that are a direct consequence of displacement (i.e., housing, livelihoods), of not being in the area of origin (i.e., participation, occupation of property), emerge from the conditions in areas of return, integration, or resettlement (i.e., basic services provision), or other problems disproportionately affecting IDPs (e.g., discrimination).

To evaluate to what extent a durable solution has been attained, the FDS includes eight criteria: safety and security; adequate standard of living; access to

livelihoods; restoration of housing, land, and property; access to documentation; family reunification; participation in public affairs; and access to effective remedy and justice. Each criterion has several suggested indicators that should be adapted to every context in order to establish a correct diagnosis of an IDP's progress.

The assessment of progress involves measuring the achievement of durable solutions through a comparison between IDPs' level of enjoyment of all these rights to the national average, or other residents with comparable needs. In this sense, assistance based on displacement must cease when the protection awarded to IDPs is comparable to that obtained by the average local, and not when all these rights are completely fulfilled. Non-discrimination is thus the backbone of the eight criteria. Nevertheless, the problem of determining what has to be achieved and how these goals are to be accomplished remains.

3.2 Conceptual, programmatic, and implementation limits of the FDS

Bearing in mind the great contribution of the FDS to the characterisation of the multiple factors and actors contributing to the achievement of durable solutions and to the definition of protection policies, there are several aspects that limit its performance and scope.

a. Definition of the problem and the comparative value of criteria

The definition of a durable solution as something that would bring displacement to an end has made of dislocation, rather than the effective protection and exercise of citizenship rights, the target of policies; in effect, states are failing to address the underlying problem of displacement (Long 2014). Displacement in the eyes of contemporary state-centric global institutions defies state control and is often described and treated as something inherently negative, even when its nature is not coercive. In the same vein, Landau argues against the "*untested faith*" that IDPs' vulnerabilities are rooted in displacement (Landau 2014, 143-145), a belief that hides the history of discrimination and lack of effective protection that predates dislocation.

Several scholars have argued against what they perceive as the primacy of permanent settlement options over mobile livelihoods and see the FDS as an instrument for mobility control in the hands of states. For instance, Long (2011) and Stepputat and

Sørensen (2001), among others, have described how some IDPs are able to attain socioeconomic sustainability through the maintenance of permanent transit between their acquired urban livelihood and their past rural environment. Additionally, Zetter (2016, 2011, 9) has criticised “the relatively narrow conceptualization of durable solutions as sequential, mutually exclusive and permanent” reducing IDPs’ ability to adapt to the dynamics of displacement.

The suggested indicators assessing IDPs’ progress according to FDS criteria mostly based on reaching the local average, are also of limited help. The FDS asserts that the benchmarks should be adapted to “the specific situation and context” (UNHRC 2009, para.54) and, consequently, it is often assumed that internal displacement ends when the needs of IDPs are indistinguishable from those of the surrounding community. It is necessary to call durable solutions into question “if these only return IDPs to a level of suffering [...] endured equally by all citizens” (Long 2014, 477), considering this vulnerability might have been a primary cause of displacement. Moreover, the criteria may not reflect the whole spectrum of factors contributing to enhancing IDPs’ protection and the sustainability of settlement options, as explored later in this dissertation.²¹

b. Limited data and monitoring of durable solutions

The absence of complete and disaggregated data on IDP numbers, composition, and characteristics, the insufficient follow-up of their progress towards the achievement of a durable solution, and the difficulties of determine when displacement ends are challenges to the operationalisation of the FDS and the production of appropriate responses and programmes (Ferris 2011, 10). Moreover, internal displacement monitoring institutions, like the IDMC, cannot provide figures on local integration or resettlement due to the absence of adequate monitoring mechanisms measuring progress towards the achievement of durable solutions (IDMC 2018, 48). Only recently the Joint Profiling IDP Services (JIPS) launched a Durable Solutions Indicator Library in line with the benchmarks set in the FDS, being the first attempt to define a commonly agreed methodology to monitor progress based on the criteria (JIPS 2018).

²¹ See chapter II.

The lack of comprehensive baseline data, or even a functional statistical bureau in many regions and countries, makes the comparison on conditions before and after displacement, or IDPs' vulnerability compared to the national/local average, a complex task and seriously compromises the ability of duty-bearers to make decisions based on evidence. This absence of data hinders the provision of assistance, the elaboration and evaluation of programmes effectively supporting (re)integration processes, and the meaningful participation of displacement-affected people in the design of these policies.

c. Local governance and competent authorities

The need for collaboration across institutional levels (international, regional, state, province, municipality, district, village, etc.) also hinders the implementation of durable solution policies. States are encouraged to take over the protective role from international actors and include the resolution of displacement in their national development policies. Routinely, donor countries and international agencies negotiate with the state about priorities and ways forward without taking into consideration the often limited capacity of local authorities to manage IDPs' (re)integration (Fagen 2009, 39-40, 56). This bidirectional dialogue assumes the central government's representativeness and control in countries with deep cleavages emerging from conflict and the existence of functional institutions, appropriate redistributive mechanisms and a clear devolution system allowing for provincial and municipal implementation with adequate human and economic resources—a picture that is far from reality in post-conflict situations.

Moreover, the FDS refers to the national and local authorities, competent authorities, and local governance structures, although there is no clear definition of these terms to say whether they include informal or customary structures operating in a particular context. National authorities are designed as primarily responsible for establishing the conditions and providing the means to achieve durable solutions, but de facto authorities with effective control over territory are said to have similar responsibilities (Inter-Agency Standing Committee 2010, 12). This reservation was introduced to include armed groups, but it could open the door to other governance structures, like customary institutions, communal committees, or informal institutions. The extent to which these other authorities are able to establish the conditions and

provide the means to ensure durable solutions, or are taken into consideration by international interventions, is something that needs to be gauged.

d. Humanitarian-development-peacebuilding gap

IDPs are a heterogeneous group whose progress is unpredictable and rarely follows the emergency-stabilisation-return continuum (Crawford, et al. 2015, 3). Their needs may change over time from physical security, access to food and water, or basic shelter at the onset of the emergency, to livelihoods, housing, and other development-related issues if the crisis endures. Humanitarian assistance may not be enough in the long run, and “there is a risk for IDPs to become more vulnerable as displacement drags on” (Ferris 2011, 9). This would require a shift from humanitarian to development activities, and from “care and maintenance,” suitable for short-term responses, to support self-reliance, and transitional or definitive integration in host societies (Milner 2014, 157, Crawford, et al. 2015, 17-24).

The FDS underlines that durable solutions require the interaction of a complex set of protection actors—human rights, humanitarian, development, and peacebuilding institutions—and promotes the coordination of their strategies and those of the central and local authorities, in the pursuit of a common goal: the end of internal displacement. Regardless of the efforts to conciliate the multiple actors and sectors involved in durable solutions,²² coordination and collaboration among them have been largely “ad hoc and uneven” (UNHCR 2013, 6) and IDPs’ protection is “still minding the gap” (Deschamp and Lohse 2013).

Human rights principles of human dignity, non-discrimination, participation and interdependence, and indivisibility are said to be a common ground for humanitarian, development, and peacebuilding actors to join forces in support of IDPs (UNGA 2013, para. 34). Nevertheless, the different institutional cultures, values, and goals of these institutions have been singled out as the greatest challenge to their coordination (Mosel and Levine 2014, 6-7). Humanitarian actors with expertise in emergency situations are

²² To date, three coordination strategies have been promoted by international bodies to address this gap: the Transitional Solutions Initiative, elaborated by the UNDP, UNHCR, and the World Bank (2010); the Preliminary Framework for Supporting a more Coherent, Predictable and Effective Response to the Durable Solutions of Refugees, Returnees and IDPs of the UN Secretary-General (2011), tested in Afghanistan, Côte d’Ivoire and Kyrgyzstan; and a strategy developed by the UN Special Rapporteur on the human rights of IDPs, Chaloka Beyani, in a 2013 report (UNGA 2013).

urged to think about the sustainability of their responses and to engage state representatives, a move that could put under considerable strain one of the core humanitarian principles: independence (Metcalf, Giffen and Elhawary 2011, Accion Contre le Faim 2015). Meanwhile, development institutions are called to operate in often unstable environments, where they are mostly absent, and to include IDPs' particular protection needs in their strategies. Peacebuilding actors devoted to strengthening state capacity and legitimacy and guaranteeing civilian protection are expected to promote the inclusion of durable solutions to displacement in peace agreements (Koser 2007, 44), although the right to return, integrate, or relocate can be a substantive and sensitive issue which can derail peace negotiations.

Solutions put forward thus far have been directed at the improvement of coordination and financial predictability, which ensures an exit strategy, rather than to understanding the way post-conflict situations evolve, including the needs to be addressed and how they compromise people's lives (Mosel and Levine 2014, 7). In this regard, the idea that internal displacement evolves following a linear transition from emergency to early-recovery to development seems to be built on the interest of showing progress and satisfying donor evaluations rather than achieving real advancement on the ground. Long (2011, 9) warns against what she considers an excessive focus on solutions that disregard the need to provide adequate protection during displacement.

4. Protracted internal displacement and the failure of durable solutions

Almost 20 years have passed since the Guiding Principles on Internal Displacement were sanctioned by the UN Human Rights Commission, becoming a beacon for the development of legal frameworks protecting IDPs worldwide (UNGA 2009, para. 5). However, taking into consideration the growing recognition of IDPs' plight and the resources allocated to their assistance and protection, the problem is far from being solved. Over 40 million people were internally displaced by the end of 2017 as a result of conflict, 11.8 million people newly displaced by violence in that year alone, and many of them are found in countries that have registered high levels of internal displacement for decades (IDMC 2018, 48). These figures are a consequence of

the failure of present strategies and policies to protect IDPs, and calls into question their content, implementation, and scope. The numbers also point to the limits of current instruments to measure progress towards sustainability and their ability to capture the complexity of displacement and (re)integration processes.

The growth of internal displacement numbers is the result of several factors. On a positive note, the recognition of IDPs as a group warranting humanitarian and security concern has increased the number of profiling exercises and IDP records (Brookings-LSE Project on Internal Displacement 2014b, 1). Additionally, the absence of adequate monitoring contributes to uncertainty in the cumulative number, due to outdated data or no data at all documenting IDPs' progress. However, most importantly, Long recalls that the deficient quality of protection provided to IDPs while displaced has deliberately limited IDPs' self-sufficiency and hindered their permanent settlement, leading to the stagnation of their situation and protractedness (2011, 8-11). The critical gap between a growing normative body and its failing practice has led to the meagre success of the protection measures adopted to achieve durable solutions (UNGA 2009, para. 11).

Protractedness emerges from the combination of unresolved causes of displacement in areas of origin—conflict, insecurity, and deprivation—and insufficient or inadequate protection measures to address IDPs' needs and expectations while displaced (Long 2011, UNHCR 2004, 2). In this regard, early protection is said to contribute to increasing IDPs' chances to achieve a sustainable solution to displacement (Ferris 2011, 17, Brookings-Bern Project on Internal Displacement 2007, 8). Considering the progressive enlargement of this problem in scale, distribution, and scope, Zetter sees protracted displacement as a “symptom of state fragility” that “lies at the heart of chronic regional instability” and propels the fears of Western countries to new refugee flows (Zetter 2011, 3).

Nevertheless, establishing when internal displacement starts to be protracted is not straightforward. In refugee-like situations, the office of the UN High Commissioner for Refugees (UNHCR) states that displacement is protracted when it lasts more than five years “without immediate prospects for implementation on durable solutions” (UNHCR 2009, 3). IDPs' protractedness has been described as “a situation where the process of finding a durable solution is stalled and/or IDPs are marginalized as a consequence of violations or a lack of protection of their human rights, including

economic, social and cultural rights” (Brookings-Bern Project on Internal Displacement 2007). Conversely, authors like Brun (2015b) and Zetter (2011, 9) are opposed to this characterisation of protracted displacement as a kind of limbo or static state and talk about its dynamicity, ingenuity, and fluidity. Particularly, Brun argues that in protracted situations “people’s orientation towards the future changes during displacement” (Brun 2015b, 20), and that their perceptions are conditioned by the capacity to deal with uncertainty and the restriction of opportunities imposed by their categorisation as IDPs.

5. The urban drift of protracted displacement

De Waal (2009, 17-22) uses the metaphor of “war as a locomotive of history” to highlight the significant impact of conflicts and the accelerated social transformation they engender: a “specific syndrome of rupture and displacement” from where there is no turning back. Urbanisation is the first symptom of this syndrome, with IDPs seeking protection and livelihood opportunities in cities, if not immediately after their flight then in the medium- or long-term. In this sense, Heimerl (2005, 387) concludes that internal displacement is often a process of forced urbanisation.

Protracted internal displacement is inherently urban. In the long-term, cities are perceived as the only place where many IDPs can turn to and try to be self-reliant, with a promise of better economic opportunities, access to public services, and physical security (Haysom 2013b, 5, Brookings-LSE Project on Internal Displacement 2013, 3, Crisp, Morris and Refstie 2012, 36). Camps, where they exist, provide a survival structure suitable for short-term dislocation, but are unable to address long-term needs and to contain IDPs’ expectations for a better life. Protracted conflicts combined with the introduction of liberal economic policies have undermined rural economies in many developing countries, reducing the viability of return (Fagen 2014, 16).

It is estimated that at least 50 per cent of IDPs live in urban areas (Haysom 2013b, 5). The exact number is unknown, but figures range from four to twenty million residing in cities (Fielden 2008a, 1, Lyytinen 2009, 1). The majority are mingled with the host population and are seldom recorded in profiling exercises. Their scattered settlement and the absence of data (number and composition) limit their location and

access to assistance.²³ Having said that, and in spite of their vulnerability, IDPs' agency and resourcefulness are often the best assets to realising protection (Haysom 2013a, 1).

Urban IDPs have been defined as “person[s] displaced from their place of habitual residence (be it rural or urban, at home or abroad) into an urban environment in their own country” (Fielden 2008a, 2). This refers to refugees returning to cities in their own countries when they cannot satisfactorily reintegrate into their areas of origin; IDPs displaced from rural into urban areas; and people displaced within their own city or from one city to another in their country of origin or residence.

Urban IDPs are a heterogeneous group, who often arrive in a city after several episodes of displacement (Fielden 2008a, 4). At first, IDPs are usually hosted by relatives and exercise great pressure on meagre resources, eventually throwing the host family into destitution (Davies 2012, 11, Davies and Jacobsen 2010, 13). After a brief stay, IDPs are encouraged to find their own place to settle and many of them resort to living in informal settlements as the only housing options they can afford. Often, the lack of a sustainable income forces IDPs to share and subdivide their residence. These emergency shelter solutions produce overcrowded living spaces and subsequent security, sanitary, and health problems. The absence of legal rental contracts or title deeds frequently creates situations of abuse and put IDPs under permanent risk of eviction and secondary displacement. In fact, several case studies suggest that urban IDPs are more susceptible to eviction than other urban poor populations (Lyytinen 2009, 25).

Slum areas, underserviced and greatly exposed to disaster events and forced eviction, are filled with economic migrants and impoverished local populations with similar needs. Many IDPs are part of the urban poor, a group that have a greater probability of early death, of being affected by chronic hunger and disease, and of having less access to education and employment opportunities than their rural counterparts (UNHABITAT 2006, 102-144). The high cost of housing, transportation, safe drinking water, or health and education fees are examples of the greater expenses IDPs and other urban poor have to assume. Nevertheless, urban IDPs “can be further

²³ Particularly, IDPs living in concentrated settings are twice as likely to receive humanitarian assistance than those who are dispersed (IDMC 2011, 13).

disadvantaged by virtue of the trauma of displacement, loss of social capital, non-possession of sufficient documentation, limited support networks, restrictions on rights to work and enter markets, and, in many contexts, antagonism by settled residents” (Crisp, Morris and Refstie 2012, 24-25), although some studies estimate the differences are sometimes fewer than expected (Brookings-Bern Project on Internal Displacement 2008).

Crawford et al. (2015, 31) emphasise that self-reliance and livelihood options for protracted IDPs in urban settings are determined, to a great extent, by their social capital and social networks (connections, ties, and links). IDPs’ livelihoods in cities also depend on the adaptability of their education and skills to the new urban environment, with those arriving from rural areas and previously working in agricultural production facing serious challenges accessing the market (Haysom 2013a, 2). Gender also plays a role in employability, with cities often providing more opportunities to IDP women with limited or no education to work in the domestic sector or as street vendors, but also leaving them exposed to exploitation and gender-based violence (Crisp, Morris and Refstie 2012, 30).

A circular flow between the city, in search of security and better employment and basic services options, and the village, to participate in regular agricultural activities, has also become a means to achieve a sustainable income for many protracted urban IDPs (Long 2011). This mobile option challenges established solutions—return, local integration, or resettlement, the clear-cut division between economic and forced migrants, and the belief that returning to the city after an attempted reintegration in areas of origin is a setback to sustainability (Stepputat and Sørensen 2001, Fielden 2008a, 7, Stepputat 2004, 3).

5.1 Challenges in providing protection to protracted urban IDPs

The scope of this “syndrome of rupture and displacement” is something that actors involved in the achievement of durable solutions—international, national, and even IDPs themselves—do not seem to grasp. The long-term character of urban displacement has a great impact on people’s lives, determining their options for return, integration, or resettlement, hindering sustainability, and creating relevant protection challenges.

a. Aid provision in an urban context

Urban settings are said to be challenging for traditional humanitarian assistance protocols tailored to assist populations in rural areas and camps (Haysom 2013b, 23-24, Earle 2016).²⁴ Assistance to urban IDPs has been described as “a drop in the ocean,” “ad hoc in nature and almost invariably inadequate” (Crisp, Morris and Refstie 2012, 33). In this sense, the Special Rapporteur on the human rights of IDPs, Chaloka Beyani, warns that the inability or unwillingness of local, national, and international institutions to plan and assist IDPs in metropolitan areas from the onset of the emergency, and the focus on short-term aid responses, are responsible for protractedness (UNGA 2014, para. 38-39).

The erratic perception that those who make it to the city are better off, and less vulnerable, than those seeking shelter in camps has hindered their recognition as recipients of aid (Fielden 2008a, 2, Brookings-LSE Project on Internal Displacement 2013, 10). International protection strategies seem to penalise IDPs who, in their wish to be self-sufficient, look for a better future outside of camps. In fact, it was not until 2009 that the UNHCR recognised urban refugees as a matter of concern (Darling 2016, 3).

In spite of the growing relevance and study of urban displacement, aid organisations are still facing problems in strategy, planning, implementation, and follow-up in this setting (Landau 2014, 141, Haysom 2013b, 23). Responses to protracted urban displacement go beyond traditional emergency activities (food and water provision, emergency shelter, vaccination campaigns), with livelihood and protection programmes becoming crucial (Crisp, Morris and Refstie 2012, 25-33). The protection of urban IDPs requires a shift from an aid-centric focus, where IDPs depend on external assistance, to a self-reliance focus that acknowledges and supports IDPs’ agency and strategies to adapt, survive, and succeed in the city (Crawford, et al. 2015, 2). Moreover, humanitarian institutions must understand and integrate existing urban systems in their response to affected populations, restoring, strengthening, and repairing basic services, engaging local institutions, and ensuring the complementarity of humanitarian mandates and long-term urban development strategies, including urban

²⁴ A notable exception to this is found in UNRWA’s extensive experience in the provision of services to refugees in the Middle East (Pantuliano, Metcalfe, et al. 2012).

planning (Earle 2016, 83). At the same time, urban IDPs' specific needs should be assessed and incorporated in integral development policies (UNGA 2014, 33-37).

Tools and methods of data collection have improved recently through the Guidance for Profiling in Urban Displacement Situations (Joint IDP Profiling Service 2014), although obtaining reliable data is only part of the problem. Targeting urban IDPs further raises ethical questions about how to provide assistance in densely populated areas where the overall population is equally poor and has similar needs and rights protection deficits (Haysom 2013b, 6). Following the humanitarian principle of impartiality, aid must be based on vulnerability and not status. In this sense, state institutions and aid agencies are still prone to segregated solutions. Encampment facilitates identification, assistance, distribution, and compliance with effectiveness requirements set by donors (Bakewell 2014, 134-136), while avoiding permanent settlement by disrupting IDPs' process of integration within their new environment.

The former Representative of the Secretary-General on the human rights of IDPs, Walter Kälin, coined the term "displacement-affected communities" to gather under one label IDPs and their receiving communities, bringing to the fore the need to combine a community focus with an adequate response to IDPs' specific needs (UNGA 2010, 13). Area-based approaches have been recently introduced in humanitarian responses in an attempt to overcome this problem, with a geographically-targeted, multisectoral, and participatory approach implemented in the most vulnerable areas of a city (Haysom 2013a, 3, Parker and Maynard 2015). However, these solutions increase the cost of assistance considerably at a moment when humanitarian agencies and donors already consider aid provision funding in urban areas too high and the attribution of results limited (Crisp, Morris and Refstie 2012, 26, Haysom 2013b, 24, Lyytinen 2009, 24).

b. State protection in the midst of urbanisation processes

Several studies have recently analysed the impact of IDPs' arrival on service provision, habitability, and employability in urban areas, and on the capacity of municipal authorities to implement their urban planning or poverty reduction strategies (Crisp and Refstie 2011). Municipalities may lack the human and financial resources to deal with a large IDP population, or believe the response to internal displacement is beyond their mandate (Brookings-LSE Project on Internal Displacement 2013, 16). In

practice, urban development projects may seem incompatible with urban IDPs' settlement needs and their attainment of durable solutions. Kirbyshire et al. (2017, 18 and 20) point to the lack of an "effective governance system to encourage the integration and participation of displaced groups" and underline that current urban resilience plans do not contemplate migration fluxes as an eventuality for which the city should be prepared.

Often, political representatives have considered IDPs an added problem to overstretched services and limited housing availability in post-conflict cities, and fear that any kind of assistance would favour their definitive settlement in slum areas (Haysom 2013b, 7-12, Haysom 2013a, 2). The refusal of the local administration to invest in infrastructure in these areas, even when they have been inhabited for decades, could be interpreted as opposition to their settlement, above all when this inaction is coupled with open hostility and prejudice towards the IDP population. The denial of assistance becomes a strategy to discourage permanent settlement in the city.

The mixed character of IDPs' migration influx into cities and their scattered settlement among other urban poor populations facilitates their intentional classification as economic migrants. Local authorities have often failed to acknowledge the existence of urban IDPs in their constituencies, showing their inability or unwillingness to assume the "burden" of their protection. They have opposed the implementation of profiling exercises and rejected the inclusion of IDPs in the census, even in the case of IDPs' descendants born in the city (Crisp, Morris and Refstie 2012, 26-28). In all, the return of urban IDPs is perceived as the less disruptive option; paradoxically, the denial and the lack of assistance from the onset of crises could make return less feasible and unaffordable, contributing to their permanence in cities (Ferris 2011, 17).

In the absence of a formal response, alternative institutions may emerge in the city to cover this protection gap. Community or identity-based organisations following kinship, ethnicity, religion, or other types of affiliation perform as protection providers, although their scope may be limited, restricted to certain services, and can also become abusive due to the lack of control mechanisms and accountability (Haysom 2013b, 11-12). These other institutions, with their alternative normative frameworks, may hinder

or promote IDPs' durable solutions and should be brought into the picture, as will be discussed in depth in this dissertation.²⁵

c. Securing economic, social, and cultural rights

The main vulnerabilities associated with protracted internal displacement in cities are housing and livelihoods, with security of tenure as a key element in both areas of concern (UNGA 2010, 13-14). In rural areas, the link between security of tenure and livelihoods is more apparent, since the recognition of land tenure rights ensures access to agricultural labour and its usufruct. Meanwhile, cities with sufficiently well paid and stable employment options offer increased opportunities for IDPs to access housing with higher tenure security; at the same time, tenure security often guarantees the provision of basic services necessary for healthy living and working capacity. Housing and livelihoods programmes in urban areas have traditionally been assumed by development institutions and national strategies for poverty reduction and slum upgrading. Still, development interventions rarely consider IDPs' singular needs, and their programmes are seldom implemented during conflict, while humanitarian intervention in cities not directly affected by violence remains limited (Earle 2016).

The right to an adequate standard of living, which includes both the right to a livelihood and the right to housing, is part of the International Covenant of Economic, Social, and Cultural Rights (United Nations 1966). ESC rights are considered positive rights, meaning that their realisation depends on the progressive capability of the state to fulfil them. This means that there is no right to legal remedy when these rights are contravened, contrary to what is provided to victims of violations of political and civil rights (Williams 2011, 13). While violations of property rights—a political and civil right—are addressed through restitution and reparation processes, there is no normative response to the violation of the right to adequate housing as a result of conflict.²⁶

Criterion B of the FDS refers to the enjoyment of an adequate standard of living without discrimination, which includes adequate access on a sustainable basis to basic shelter and housing under conditions of availability, accessibility, acceptability, and adaptability (UNHRC 2009, para. 65-70). In order to establish when IDPs have

²⁵ See chapter III

²⁶ This absence of protection of the right to adequate housing is further explored in chapter III.

achieved this benchmark, the FDS suggests the comparison of indicators of housing access, homelessness, or residence in informal settlements before and after displacement, between IDPs and residents, or between IDPs and the national average. Nevertheless, these comparisons may render invisible previous inequalities in the enjoyment of adequate housing, may consider that criteria are being met when not even the average resident enjoys this right, or risk making this objective unattainable. Additionally, the FDS does not position itself on whether informal housing—a common alternative among urban IDPs—constitutes a foundation for durable solutions. This is problematic, because these informal practices often expose IDPs to serious threats of exploitation, harassment, and forced eviction.

In addition, criteria C deals with livelihoods and employment from a perspective of guaranteed access and non-discrimination, arguing that, although it is not feasible to provide all IDPs with livelihoods, their opportunities to obtain employment/a livelihood must be the same as those that are accessible to residents with comparable education, professional trajectories, and skills (UNHRC 2009, para. 71-75). Available occupational options “must allow them to cover their core socioeconomic needs” (food, water, sanitation, primary education, healthcare, and housing), but that does not mean that the State is obliged to guarantee IDPs a source of income. Even when reservations regarding accessibility are understandable in a post-conflict scenario where the labour market is under serious constraints, the satisfaction of livelihood needs is a requisite for the long-term sustainability of the right to adequate housing.

Even if the realisation of ESC rights is central to the achievement of durable solutions, in post-conflict cites the numbers of those whose ESC rights are violated exceed internal displacement figures. As mentioned, the urban poor regularly suffer from the same deficits in terms of housing, employment, and access to basic services. It is therefore imperative to understand whether there is something that specifically affects the ability of IDPs to realise these rights and to situate and understand the enjoyment of adequate housing and sustainable livelihoods within the complex process of integration.

6. Conclusions

The growing visibility and advocacy on behalf of IDPs in the international policy and academic debate during the last decade of the twentieth century led to the elaboration of normative instruments and frameworks to prevent internal displacement, protect IDPs, and end dislocation. Nevertheless, the limited success in the achievement of durable solutions to situations of protracted displacement suggests that these tools may be inadequate, insufficient, or both.

The analysis of the FDS reveals problems of accuracy in the definition of the problem, limited monitoring of internal displacement during and after conflict, and complex relationships among the multiple actors engaged in prevention and protection activities. Presenting displacement as inherently problematic, responses wrongfully fail to tackle root causes—inequality, violence, poverty, and environmental degradation—in their attempt to address their consequences: dislocation. Calling for the coordination of multiple international and local actors, the FDS requires coherent action that is difficult to operationalise due to the diverse mandates, priorities, interests, and legitimacies of different stakeholders. In their effort to achieve a comprehensive response, humanitarian institutions often leave other relevant actors, like informal service providers, outside of the concerted response. Ultimately, the FDS is oriented towards securing an exit strategy to humanitarian and peacebuilding actors rather than supporting IDPs in their search for self-reliance.

The existence of protracted internal displacement is as an expression of the flaws of international initiatives promoted up until now to achieve durable solutions. It emerges from a combination of the absence of solutions to the causes of displacement and the insufficient and inefficient response to IDPs' needs (Long 2011, UNHCR 2004, 2). Many of these IDPs, moved by their desire to regain self-sufficiency and autonomy and looking for safety and opportunities, arrive in cities to become part of the urban poor. Often located often in informal settlements with limited access to assistance and with a precarious situation due to the absence of security of tenure, their options for return diminish as time drags on. Protracted displacement becomes a contributing factor to urban growth in countries affected by conflict (Kirbyshire, et al. 2017, 7).

In spite of the usual lack of protection, recognition, and assistance, urban IDPs have been able to achieve a kind of de facto integration, although their situation mostly remains unstable in the long term. IDPs arriving in urban areas are less likely to return to their areas of origin once the violence is over (Crisp, Morris and Refstie 2012, 25), and it has been progressively accepted that prospects for return fade away when displacement becomes protracted (Ferris 2011, 10, Crawford, et al. 2015, 18). In this context, there is a need to explore the possibilities for local integration, to understand what integration means for an urban IDP as a feasible alternative to return, assess urban IDPs' specific needs, and identify the actors, practices, and policies involved in this complex and dynamic process, going beyond traditional formal institutions.

CHAPTER II Local Integration a Durable Solution for Urban IDPs

In the face of growing protracted internal displacement and the challenges of return, local integration appears as an alternative worth exploring, particularly in the case of IDPs who became urbanised during conflict (Fagen 2011, 3, Brookings-LSE and IDMC 2011, 4). Most IDPs and refugees are said to be self-settled and integrated (Polzer 2008b, 2). For protracted IDPs, their long-term presence in urban environments eventually involves a process of de facto integration, where IDPs negotiate their presence locally with the host population, obtaining their consent and the resources to remain (Hovil 2014, 489). Indeed, they are not segregated from their host community (Fielden 2008a), have attained some degree of self-sufficiency, and have established social networks (Jacobsen 2001, 9, Fielden 2008a). Nevertheless, what integration means to IDPs is only starting to be addressed by academia.

In order to tailor appropriate responses to support IDPs, it is necessary to understand how the process of integration takes place (Polzer 2008b, 4). Consequently, the aim of this chapter is to define local integration as a durable solution for IDPs. It begins with a critical analysis of the concept of meaningful choice and its applicability as a principle of durable solutions, underlining the personal and external factors conditioning IDPs' decision-making. Following this review, I briefly address the term integration and its multiple interpretations in migration studies, offering a tentative definition of IDPs' integration. Commonly analysed de jure and de facto dimensions of integration are reinterpreted and adapted to the experience of internal displacement, adding a third dimension, perceived integration, in an attempt to complete the explanation of this process.

The second part of the chapter is devoted to a critical analysis of the definition of local integration embedded in the FDS and the ability of this tool to assess progress towards the achievement of the desired and expected integration of IDPs. To conclude, I return to the urban setting as a space for integration and propose a review of several key concepts in the FDS and their possible adaptation to the city. Conventions associated with terms like community, participation, local ownership, diversity, or authority are to

be redefined before they can be applied in a strategy addressing urban IDPs' needs and concerns.

1. Local integration and the fallacy of meaningful choice

Meaningful choice is one of the main pillars of the FDS. According to the Guiding Principles (1998, sect.V and prin.14), IDPs have the right to a free and informed choice of three options: return, local integration, and resettlement. They also enjoy the right to freely move and to set their residence. Nevertheless, the enumeration of these three options as neutral and free choices obscures the practical, moral, and political implications of every solution. For instance, it ignores the impact of IDPs' return, resettlement, or local integration on peacebuilding processes and peace sustainability and, most importantly, disregards the impact of displacement on people's everyday lives. These and other factors constrain the realisation of meaningful choice, and chances are that only the option that matches political priorities will be supported.

An IDP's decision on whether to return or remain is made by pondering the benefits and disadvantages of settling in a certain area in terms of security, livelihood, access to basic services, tenure security, social networks, and protection of citizenship rights (Fagen 2011, 1, Ferris 2011, 20, Smit 2013, 99). For instance, the realisation of certain rights may be intrinsically connected to their presence in their area of origin, which is the case in customary access to land in late post-colonial countries, mainly in Africa and Asia (Mamdani 1998, 4), or indigeneity clauses present in countries like Nigeria or Sri Lanka. Conversely, IDPs displaced to urban areas for long periods and now used to an urban life may prefer to remain in the city where they have, in principle, access to better services and employment opportunities (Ferris 2011, 21).

Nevertheless, the decision over a meaningful choice does not always correspond to a rational calculus of pros and cons. IDPs often romanticise return, although it is difficult to determine whether a longing for home amounts to an effective readiness to return (de Waal 2009, 21, Smit 2013, 101, Mooney 2002, 8). Notwithstanding the prevalent will to return, too often nearly exclusive institutional support to return dissuades IDPs from investing in their present living situations, making return the only

solution available to many (Brookings-Bern Project on Internal Displacement 2007, 6, Tete 2009, 52, Ferris 2011, 13-16).

Authors like Kagan (2007), Hathaway (1990, 133), and Long (2011, 8), among others, compel researchers to question motivations for the support of certain durable solutions, considering that these interests may be far from humanitarian and human rights concerns. In their view, normative frameworks designed to assist and protect forced migrants, like Refugee Law or the Guiding Principles, are often implemented in line with the priorities set in domestic agendas and are performed as mobility control policies to regulate internal and international migration. On many occasions, normative frameworks provide states with the opportunity to divert their responsibility to protect towards others, either international institutions, NGOs, or third countries (Kagan 2007, 15).

In his critical review of the history of durable solutions for refugees, Chimni (2004) describes how at the end of World War II western states were eager to support resettlement as the best option for refugees, consistent with their significant national demand for skilled and trained workforces after the conflict. The numbers of refugees exiled in western countries fleeing from communist countries were further exhibited as propaganda supporting the superiority of western values over Soviet views on world order. In 1989, the end of the Cold War and the growing number of people forcibly displaced in and from developing countries brought about a different mindset within a new context of global economic recession. The right to return was enshrined then as the best solution as expressed by refugees themselves, even if not a single study had been carried out to probe the truth of that hypothesis (Chimni 2004, 59).

At the same time, Western countries progressively restricted their asylum policies and reduced their financial support for protracted refugee situations in a containment strategy that aimed to fix displaced populations in the global south, with the “collateral” result of decreasing the quality of protection in receiving states, mostly developing countries (Crisp 2000, Milner 2014, 154). This situation has been recently exacerbated with policies promoting the externalisation of borders, like those applied by the EU, providing funds to countries like Morocco, Sudan, Libya, or Turkey to act as guards of European frontiers and to contain migration (Frelick, Kysel and Podkul 2016).

It could be argued that something similar happens with the recurrent discourse on IDPs' right to return. The right to return is included in article 13.2 of the Universal Declaration of Human Rights (UNHRC 2009, sect. III, para. 21e). Currently, return is regarded as the preferred option to end internal displacement (Ferris 2011, 17-18, Kälin 2007, 2). International and regional institutions and national and local governments have frequently exhibited returnee numbers as an indicator of peace taking hold. Some authors have also contributed to emphasising the links between return, reintegration, and the solution to the root causes of conflict. For instance, Kälin (2007, 2), asserts that: "[...] the return of displaced populations can be an important signifier of peace and the end of conflict; return can play an important part in validating the post-conflict political order, for example by legitimizing elections; and returnees can help to rebuild and revitalize local economies." In contrast, in 2013 Kälin's successor as Special Rapporteur for the human rights of IDPs, Chaloka Beyani, warned against seeing return as a "litmus test of stability" and called for the realisation of meaningful choice where integration and resettlement are also available options (UNGA 2013, para. 47).

IDPs' return is often seen as a guard against the perpetuation of the gains of war, and is intimately related to the rights to justice and reparation, most importantly restitution.²⁷ Through the promotion of return, states and international institutions have tried to undo the wrongs of war, go back to a pre-conflict stage, and, consequently, increase state legitimacy (Bradley 2005, 2, Heimerl 2005). For instance, in Bosnia and Herzegovina, international support for minorities to return to their areas of origin after the Dayton agreements was a desperate attempt to undo the ethnic clearing and division of the country after the war (Fischer 2004). Moreover, the right to return has become instrumental in connection with territorial claims of one side of the conflict that expects that the presence of returnees can advance its demands, like in the Turkish-Greek conflict over Cyprus, or the Azerbaijan and Armenia conflict over Nagorno-Karabaj (Smit 2013, 103).

After all, national governments are eager to show progress, particularly when international financial institutions and donor countries debate about the possible reactivation of their economic support for development programmes. State representatives are then quick to declare the emergency phase as over, to close camps

²⁷ For a further elaboration of this connection see chapter III, section 4 in this dissertation.

and collective centres, and to switch to the provision of aid through return packages. Some of the measures that national governments and aid agencies adopt to promote return, like the closure of IDP camps or the withdrawal of basic services and food distributions from these premises, directly call into question the degree of meaningful choice in relation to a durable solution.²⁸ Somehow, international and national actors are reticent to acknowledge the deep transformations war and protracted displacement have carved into IDPs' lives (UNGA 2013, para. 48).

On the other hand, advocates of return highlight how the presence of IDPs in host communities has a destabilising effect on the economy and society and obscure the positive aspects of their integration (Landau 2014, 142, Polzer 2008a, Geoffroy 2009, 517-519). The real or perceived negative impact of the presence of IDPs in host societies is another catalyst for return policies (Smit 2013, 102). Employment scarcity, limited basic service provision, or reduced housing/land availability are easily blamed on IDPs presence. Too often, economic recessions are followed by a mounting rhetoric against hosting refugees and IDPs. In extreme cases, this gives rise to xenophobic movements grounded in the fear of losing national identity or becoming a minority group in the face of massive displacement flows. This discourse resonates in the domestic agenda and often changes state integration policies. That was the case in Juba after the independence referendum brought thousands of people back to South Sudan. The Bari ethnic group fiercely opposed the integration of IDPs in the capital, which they considered their native land. In 2012, the International Organisation for Migration (IOM) was forced to look for alternative locations outside of Juba to shelter the returnees, and it was almost impossible to find available land due to Bari opposition.²⁹

As a result of the emphasis on return, resources destined to support the two other durable solutions have been scarce. Indeed, the recurrent arguments and policies supporting return transformed local integration and resettlement into exceptional measures —only when return was not possible (Koser 2007, 18)— and judged integration as something less desirable or realisable to IDPs.³⁰

²⁸ Sri Lanka and Uganda IDP camps are examples of this type of closure procedures.

²⁹ This information was made available to me as an MSF Humanitarian Affairs Officer during an interview with IOM personnel in Juba in July-September 2012. MSF-Spain granted me permission to include this example in this dissertation.

³⁰ See figures on IDPs willing to locally integrate in “Table 1: Countries with IDPs who wish to locally integrate” in Ferris (2011, 13-15).

In light of the worrying protractedness of internal displacement and the difficulties many returnees were facing to reintegrate in their areas of origin, integration started to be discussed and analysed as a convenient alternative to return in academic literature and global humanitarian fora by the turn of the twenty-first century. However, many governments are still reluctant to accept IDPs' local integration and doubt its potential positive impact. There is no clearly established guidance to support local integration, a formula securing success in this process. At the same time, in spite of the fact that IDPs unable to find a durable solution could turn into asylum seekers, donors are still hesitant about supporting programmes facilitating local integration. To overcome this reticence, authors like Ferris and Walicki argue that integration could be a transitional solution during displacement that allows IDPs to become self-reliant, increasing their prospects successful return once the conflict or other threatening situations in areas of origin are over (Ferris 2011, 17). However, there remains a reluctance to accept that return may not be the preferred option to some displaced persons, particularly protracted urban IDPs.

2. Defining integration

Integration derives from the Latin term *integer*, which means whole, complete, untouched, or unmodified. It is defined as the combination of several pieces together to form a whole or, talking about its sociological dimension, the process of coming to equal participation in, or obtaining membership of, a social group or institution (Oxford Dictionary). The term integration has been debated since the creation of modern societies when more complex, diverse, and densely populated spaces emerged, with the urban environment as its epitome.

The conceptualisation of social integration has been framed in relational terms of the inclusion or exclusion of “outsiders” or newcomers in a given societal system, the creation and maintenance of links between these individuals and other integrated members and institutions of the society, and the attitudes of the individual towards the social system as a whole (European Forum for Migration Studies 2006, 8-9). Bouchard and Taylor (2008) emphasise the dynamic and bidirectional character of this process, which takes places in several dimensions—social, political, economic, civic, and legal—through constant negotiation and adaptation and is based on three core elements:

participation, interaction, and rights protection. According to the authors, successful integration should promote equality, reciprocity, and social mobility, and it is a task of the society as a whole and not only the state.

An integrated and cohesive society is said to be a condition to peace and stability, so state institutions have developed a wide range of policies promoting social integration. Its conceptualisation and implementation have fuelled debates about effectiveness, and discussions of tolerance and sensitivity towards diversity give rise to terms like multiculturalism, interculturalism, assimilation, socialisation, and acculturation.³¹ Integration appeals to unity, equality, and commonality and has raised fears of possible alienation and acculturation of social minorities and disadvantaged groups. Some feminist theories have criticised the equation of integration with being “equal before the law” as a means of perpetuating discrimination through the application of the same normative framework to people with different capacities, limitations, agencies, and socioeconomic and political power (Ferguson 2008, 8).

There are numerous and multifaceted (social, economic, cultural, and civic) approaches to integration coming from different disciplines and related to ideas of legal equality, inclusion, belonging, and cohesion. Definitions, policies, and practices are multiple and conflicting. Social science disciplines, including sociology and minorities, migration, and refugee studies, have provided a thorough analysis of integration. Although they have fallen short of a common definition, they agreed that integration is a continuous, dynamic, and interactive process occurring among all members of society. Bouchard and Taylor (2008, 113-114) describe it as constant negotiation and adaptation, while the OSCE High Commissioner on National Minorities (2012, 3) states the aim of integration is to foster inclusivity through participation in the “*economic, social, political and cultural life*” and to develop a sense of belonging. The UN (1995, 12), for its part, puts the protection of human rights and non-discrimination at the core of its definition to create “*a stable, safe and just*” society through three cross-cutting processes: recognition, socioeconomic redistribution, and political representation (Ferguson 2008, 24-31).

³¹ For a summary of these debates see Leebrauck and Loobuyck (2013), European Forum for Migration Studies (2006), and Bouchard and Taylor (2008).

One of the main flaws of these approaches, and the term integration itself, is its Western conception based on an articulated and functional liberal state bestowed with the responsibility to promote this process within society, granting equality to its members and securing the survival and reproduction of its core values, systems, and institutions. Western integration is derived from the idea that there are universal civic values and behaviours that should be shared in order to ensure peace. These integration theories may not be suitable for explaining how processes of integration take place in non-western societies. In this sense, liberal-democratic values of free and equal participation might be questioned by cultural, religious, socioeconomic, and political structures and practices, while other entities and institutions, different from the state, may carry the weight of socialisation and peaceful coexistence but, in any case, integration still takes place. In this regard, refugee studies, through the analysis of the refugee integration process in first countries of asylum, offers some insights on how this process evolves in developing countries, the main recipients of asylum-seekers (Fielden 2008b). Their focus on de facto integration, which takes place in the absence, or in spite of, the legal framework and institutional assistance, has widened the view on the number of actors and dynamics participating in integration processes (Polzer 2008b, 3).

The elaboration of a complete and uncontested definition of integration lies beyond the scope of this thesis. For practical purposes, I conceive of integration as a dynamic process related to the capacities of coexistence and interaction among multiple and diverse communitarian and individual subjects within a given normative framework, with socioeconomic and political structures in a particular place and time. Integration is an expression of interdependence and mutual recognition. Accordingly, the positive evolution of this process would nurture peaceful societies.

3. Understanding local integration for IDPs

Even if local integration has been progressively accepted as a feasible durable solution, what integration means for an IDP has not been sufficiently explored in academic and grey literature. Studies have generally analysed processes of reintegration after return to areas of origin, and researchers have only recently started to focus on local integration in situations of protracted displacement, although mainly through refugee case studies (Hovil 2014, 490).

According to refugee studies, local integration is the result of three interrelated processes: i) a legal process by which the person forcibly displaced exercises their citizenship rights; ii) an economic process to attain an adequate standard of living and self-reliance; and iii) a sociocultural bidirectional process of adaptation to, and acceptance by, the host community (Crisp 2004, 1-2, Fielden 2008b, 1). The conceptual elaboration of the term in forced migration studies explains how these processes take place in two complementary dimensions: *de jure* and *de facto* integration (Hovil 2014). I argue that a third dimension could be added or substantiated from the conceptual contributions of certain authors. By analogy with the typology on security of tenure presented by Van Gelder (2010) and analysed in the following chapter, I will call this third dimension perceived integration.

3.1 De jure integration: IDPs' citizenship rights

Under the Refugee Convention, states are expected to promote the progressive legal assimilation of refugees in order to ensure their protection under the national laws of countries of asylum. The culmination of this process is the naturalisation of refugees, awarding them citizenship rights (UNGA 1951, art. 34). Contrary to refugees, *de jure* integration is granted to IDPs by virtue of their citizenship or residence in the country where they are displaced;³² however, this does not translate automatically to the effective exercise and enjoyment of citizenship rights (Long 2011, 22). As Hovil (2014, 489) explains, *de jure* integration is a political and formal process of acquisition and exercise of rights as a country national. Consequently, in situations of internal displacement, a *de jure* integration process would be directed towards the restoration of the “protective link” between the IDP and the state through the implementation of the necessary legal reforms and specific policies to enable the realisation of their citizenship rights. This process includes the removal of formal obstacles to the enjoyment of rights and discriminatory legislation, recalling that the policies that are more likely to support IDPs' integration are seldom those enacted to address forced displacement (Landau 2014, 145).

³² The Guiding Principles do not distinguish between nationals and non-nationals and establish that every person forcibly displaced who has not crossed an international border is entitled to the protection of the state where they are located. This would include refugees, international migrants, stateless people, and others who may not enjoy the same legal entitlements as country nationals.

For many IDPs, returning to their places of origin is the only option to access the full enjoyment of their rights, as these are suppressed or curtailed in the areas to which they fled in search of protection. Often, municipal requirements for service provision or political participation, like duration of residence, possession of documents, or localness/indigeneity, among other factors, may call into question IDPs' exercise of their citizenship rights. These eligibility criteria could discriminate against IDPs as non-local, or even ignite tensions between indigenous people and newcomers, as shown by Brun in her studies on the integration process of Sri Lankan IDPs (Brun 2000, 2003, Brun and Lund 2009). For instance, certificates of indigeneity in Nigeria (HRW 2006) provide access to political participation, scholarships, and services to those able to prove their nativeness to the area, a measure that is presumably problematic for IDPs and other migrants outside of their federal state (IDMC 2014a, 14). In Côte d'Ivoire, the setting of *audiences foraines* (mobile courts), aimed at providing undocumented or unregistered nationals with birth certificates after the war, is another example of discrimination against IDPs. Although this intervention provided full citizenship and national identity documents to many Ivoirians, addressing one of the main sources of violence (Bah 2010, 11), the requirement to proceed with the hearings in the area of origin seriously hindered IDPs' access to these tribunals at a moment when safe movement around the country for undocumented persons was inconceivable (García, Caramés and Barbeito 2008, 15).

During conflict and its immediate aftermath, IDPs frequently see their rights to free movement and residence restricted to camps. In these situations, international and national assistance is limited to the provision of aid and protection to the people inside these premises due to the limited operational capacities of the army, peacekeeping missions, and agencies. The "intervention-driven definitions" of IDPs, warns Polzer (2008b, 5), run the risk of making assistance exclusive to those whose description fits institutional capacity and political will. In this regard, the refusal to acknowledge the existence of IDPs outside camps, as is the case in Uganda, is a clear example of these deficiencies.³³

Nevertheless, *de jure* integration through citizenship rights does not necessarily translate into the local inclusion and acceptance necessary for a durable settlement

³³ This exception is further developed in the case study elaborated in chapters IV and V.

(Hovil 2014, 489). The provision of protection and venues for integration, local legitimacy, and entitlement largely depend on other institutions emerging from kinship, ethnic identity, historical association, or political allegiance with the host community (Polzer 2008b, 3, 13). Indeed, in many post-colonial countries, the state is not the only authority operating and offering protection to IDPs, and there are other normative frameworks, like customary law, that could effectively disrupt equality guaranteed in human rights principles, but that could provide the easiest and fastest paths to integration.³⁴

3.2 De facto integration: IDPs negotiating presence

The de facto character of integration is shaped by informal practices whereby IDPs negotiate their presence at the local level with the host population and institutions, obtaining their consent/legitimacy to remain and become a peer (Hovil 2014, 489). It is defined as a stage “where the lived, everyday experience of refugees is that of being part of the local community” (Jacobsen 2001, 9), as seen when IDPs are not physically segregated (Fielden 2008a), have attained some degree of self-sufficiency, and have developed social networks (Jacobsen 2001, 9). Access to employment, housing, land, savings, and even education and healthcare can be obtained through these informal practices. Essentially, IDPs use their agency and resources to realise protection, disregarding state policies that may oppose, or at least not facilitate, their integration (Hovil 2014, 490, Polzer 2008b, 9).

People affected by protracted displacement are often portrayed as “living in limbo, passive in their longing for the past and consequently devoid of agency” (Brun 2015b, 22); trapped in space and time, between what they used to be and what they will become, unable to make choices about their future, unhistorical and depoliticised (Malkki 1996). The image of a state of limbo renders the everyday dynamics of integration and people’s agency invisible, including the construction of a new home, quotidian routines, meanings, and linkages.

In this sense, and following Polzer (2008b, 8), I suggest that there is nothing specific about the way IDPs negotiate their presence locally. They “negotiate access to

³⁴ This idea is further explored in chapter III.

rights in relation to local power holders like any other political actor,” making use of their multiple identities to establish connections. Consequently, power relations and the plurality of identities present in every society, weaving through social strata, ethnic, religious, or political affiliation, gender, age, or history, must be visualised and analysed in order to understand how IDPs navigate them to attain *de facto* integration. The strategic use of these multiple identities to claim a right to remain is exemplified in Badiéy’s (2014, 168-171) analysis of the narratives created in the process of state-building in Juba, where returning IDPs and refugees embraced their citizenship rights as South Sudanese nationals to counter the host community’s reversion to autochthony as the defining ground of land ownership.

Despite the relevance of informal exchanges and agreements between IDPs and host societies, Hovil (2014, 489) warns against overestimating the scope of *de facto* local acceptance and inclusion, since the relationship with the host community can also vary in time, subject to changing circumstances, and may not lead to a consolidation of integration as a durable solution. In this sense, she emphasises the need to complement *de facto* local integration with formal mechanisms of protection. Her position is nuanced by Polzer (2008b, 9) who asserts that protection is, in many respects, a by-product of a successful process of local negotiation, and not the opposite. Notwithstanding their differences, both authors agree on the risk posed by external intervention which, if not carefully guided by a deeper understanding of relational and power variables in a given context, can undermine *de facto* integration progress (Hovil 2014, 497, Polzer 2008b, 8).

3.3 Perceived integration: IDPs’ feelings of belonging

The third dimension suggested to complement the understanding of integration is IDPs’ perception of their own process and their capacity to develop a feeling of belonging or attachment to their new location. Integration is a bidirectional process, and it takes both the newcomer and the host society to create a feeling of acceptance and belonging to the society (ECRE Task Force on Integration 1999, 29). For host societies, this dimension involves notions of hospitality and the duty to welcome strangers, particularly when they are in need (Brun 2003, 394). Nevertheless, this solidarity fluctuates in relation to the perceived scarcity of resources (land, employment, etc.), the

consideration of IDPs as a peer or an asset to their societies, or the perceived effectiveness of assistance and integration policies when they exist (Ferris 2011, 12).

Alternatively, on the side of IDPs, this dimension of the process involves their willingness to stay, the extent to which they feel welcomed, and their capacity to develop feelings of belonging in their new location. For instance, Losi and Strang (2008, 48-49) assert that not all individuals integrate equally under the same conditions and circumstances, so there must be some personal characteristics enabling integration. They summarise these inner characteristics in personal aspirations and coping styles. Aspirations are related to prospects for the future in the host society, the willingness to remain, feelings of security, and perceived opportunities for life betterment. On the other hand, the authors argue that coping styles depend on personal “life histories (causes of departure, pre-departure, and period of travel), the link to their families, traditional values and cultural points of reference, self-image and self-esteem”.

Similarly, Brun (2015b) describes the tensions arising between the expectation that one will resume a life that was left behind and the assumption that there is no turning back. In this sense, IDPs deal with long-term uncertainty as they cope with everyday life and keep waiting and hoping the future will bring what they are expecting, often a return to an idealised past. Sometimes this tension translates into decisions based on their perception of temporariness, which may have differed significantly if planned for the long-term or permanence (Brun 2015b, 28).

4. Integration within the Framework on Durable Solutions

Integration is a multidimensional process encompassing formal, informal, and inner factors. Consequently, guidance for intervention in situations of internal displacement should account for these three dimensions to effectively contribute to IDPs’ sustainable protection. But, do the criteria included in the FDS assess this tri-dimensional reality?

The FDS understands the search of durable solutions as a long-term, complex process that requires the collective effort and multilevel coordination of peacebuilding, humanitarian, development, and human rights actors together with the government and IDPs themselves. Taking a look at the definition of what constitutes local integration as

a durable solution, there is an inherent contradiction between what has been described by integration theories as a permanent and dynamic process of negotiation and accommodation and what is considered by the FDS as a final stage, one in which protection needs and discrimination rooted in dislocation are no longer present (Zetter 2011, 9). The emphasis in the FDS seems to be on the selection of a place, although stated otherwise (UNHRC 2009, para. 10). To some extent, it facilitates local settlement, permanence in the area of displacement, rather than local integration, the process of achieving self-reliance and successfully being accepted by the host community, developing a sense of belonging (Crisp 2004, 3).

The FDS currently limits intervention and protection policies to present displacement-related needs in displacement-affected communities and avoids addressing wider issues, like social inequality, which may cause conflict and forced migration, even when the sustainability of settlement options depend on the resolution of these underlying problems (Brinkman, Attree and Saša 2013, 1). Only where large disparities between the standard of living in displacement-affected areas and other parts of the country threaten to reignite conflict are authorities called upon to address root causes in order to achieve sustainability (UNHRC 2009, para. 69).

4.1 The components of integration

The FDS criteria determining the extent to which a durable solution to displacement has been achieved can be interpreted as the main components of an integration process. These eight criteria are underpinned by the cross-cutting principle of non-discrimination, and can be divided into those ensuring the compliance of political and civil rights and those concerned with economic, cultural, and social rights. In the first group we find long-term safety and security; effective and accessible mechanisms to restore housing, land, and property; access to personal and other documentation; family reunification; participation in public affairs; and access to effective remedies and justice. The second group of criteria comprise the enjoyment of an adequate standard of living, including housing, healthcare, education, sanitation, and food security, and the access to livelihoods and employment.

Additionally, the FDS includes a set of principles guiding the response to IDPs' needs that establish the rights of this population and the responsibilities of intervening

institutions. There are nine principles, starting with the primary responsibility of the state to protect and assist IDPs (1) and the obligation of the competent local authorities to ensure the rapid and unimpeded access of humanitarian and development institutions to assist the affected population (2). Furthermore, assistance must be based on IDPs' needs, rights, and interests (3) and should be provided without discrimination, (4) and adopting a community-based approach that integrates the comparable needs of the host community (5). Finally, all actors must respect the right of IDPs to a free and informed decision on the pursuance of durable solutions and facilitate their participation in response planning (6), ensure the imprescriptible right to return (7) and non-refoulement (8), and promote the protection of IDPs under human rights law and international humanitarian law (IHL) during and after displacement (9).

However, these benchmarks and principles may not reflect all the elements contributing to the realisation of IDPs' protection and the sustainability of their settlement options. Ager and Strang offer a comprehensive compendium of the multiple normative components of integration in their *Conceptual Framework* (2008) that might be useful in visualising possible limitations of the FDS. Based on a literature review, conceptual analysis, and primary data obtained in two case studies of refugee integration in the UK, the authors define ten domains for successful integration grouped in four sets:

- *Markers and Means*: areas of public activity that could be simultaneously an indicator of and a venue to integration. The relevant dimensions within this set are employment, housing, education, and health.
- *Foundations*: the assumption and practice of society's shared values embedded in citizenship rights and national identity. These foundations are reflected in integration policies ranging from assimilation to multiculturalism. They are summarised in the rights and duties awarded to all society members, which establish expectations on their behaviour. Consequently, it is important to analyse the extent to which newcomers "are provided with the basis for a full and equal engagement within society" (Ager and Strang 2008, 176-177).
- *Social Connections* or, using another widely accepted term, *social capital*: the development of social bonds (between members of the same group), bridges (among different groups), and links (between the individual/group and the state)

within a society are described as key elements of integration (Putnam 2000).³⁵ The relevance of these connections to integration depend on their depth and quality, with outcomes ranging from simple tolerance to full commitment and feelings of belonging (Ager and Strang 2008, 177). Although the direct relationship between social relations and social cohesion has been called into question, as has its depiction as something inherently beneficial to society and individuals (Zetter, Griffiths, et al. 2006, 9-12, Woolcock and Narayam 2000, 229-230), an analysis of social connections and their function is still needed to explain the process of inclusion or exclusion and therefore integration (Ager and Strang 2008, 178).

- *Facilitators*: factors that function either as barriers or promoters of integration and that could be reinforced by actions and policies. Ager and Strang specifically focus on the domains of language knowledge and cultural competence, as well as perceptions of personal safety and stability. In this sense, measures increasing cultural awareness of both refugees and UK nationals are regarded as valuable means of easing integration while, at the same time, long-term presence in an area is perceived as a factor enhancing a sense of community (Ager and Strang 2008, 182, 184).

These four comprehensive sets, *Markers and Means*, *Foundations*, *Social Connections*, and *Facilitators* are highly interconnected. This means that the achievement of and access to elements within the public sphere may be conditioned or mediated by the implementation of policies destined to overcome barriers to integration, the activation of multiple social connections, and the effective exercise and acknowledgement of rights. However, the precise influence of one domain on the others is unclear, and the dynamic interaction among elements enabling integration often remains hidden (Gidley 2014, 169).

4.2 The limits of FDS in the assessment of integration processes

To assess whether the FDS is comprehensive in its understanding of integration and how it tackles the aforementioned elements of integration, a comparison exercise is required. For this purpose, I have merged both frames matching, whenever possible,

³⁵ For an in-depth review of the theoretical evolution of the term social capital, see Woolcock and Narayan (2000).

each domain with the corresponding FDS criteria and/or principle. The result is presented in the following table:

Table 2 Comparative analysis of Ager & Strang's integration domains and the FDS criteria and principles

	Integration domains	FDS Criteria & <i>Principles</i> ³⁶
Markers and Means	Housing	Adequate standard of living
	Health	Water and sanitation
	Education	Basic housing Food security Primary education Essential medical services
	Employment	Access to livelihoods Employment Training
Foundations	Rights and Identity	Participation in public affairs <i>Respect for human rights and IHL</i> <i>Assistance based on IDPs' needs, rights, and interests</i> <i>Non-discrimination</i> <i>Meaningful choice and participation</i> <i>Imprescriptible right to return</i> <i>Non-refoulement</i>
Social Connections	Bonds	Family reunification
	Bridges	<i>Community-based approach</i>
	Links	<i>Primary responsibility of the state</i> <i>Rapid and unimpeded access to assistance</i>
Facilitators	Safety and Stability	Safety and security Protection from renewed displacement Freedom of movement Disaster risk reduction Access to justice and security institutions Restoration of HLP

³⁶ Criteria appear in roman type while principles are shown in italics.

		Access to documentation Access to effective remedy and justice
	Language and Culture	<i>Non-discrimination</i>

a. Markers and means

There seems to be a perfect match between the domains highlighted in Ager and Strang's Conceptual Framework and FDS criteria concerning an adequate standard of living and access to livelihoods (UNHRC 2009, para. 65-75). The realisation of these two criteria revolves around state and international institutions' ability to guarantee the effective enjoyment of these ESC rights to IDPs on the same basis as the rest of the population. However, the focus of the FDS is on ensuring that existing laws and procedures do not discriminate against IDPs in the provision of aid and services. In this regard, it could be argued that the FDS concentrates on de jure aspects of the integration process, focusing on legal reforms and the expansion of state control and capacity and ensuring the realisation of these rights by granting access.

b. Foundations

This set is composed of the criteria of IDPs' participation in public affairs and is sustained by six of the principles guiding the search for a durable solution interpreted as shared values in this context (UNHRC 2009, para. 21). Human rights are described in the FDS as shared values guiding national and international practice and enabling IDPs' participation, protection, and decision-making. Nevertheless, this rights-based approach underestimates the tensions that may arise from the interaction of universal values enshrined in international declarations and local customs and practices. These alternative foundations are common in many post-colonial contexts where the realisation of ESC rights, central to durable solutions, depend largely on customary and informal practices and institutions without a unified and formal legal corpus.³⁷ These customary and culturally specific social norms may limit the ability of some IDPs to demand compliance with human rights of which they are mostly unaware.

³⁷ This argument is further developed in relation to housing access and tenure security in chapter III.

c. Social Connections

In spite of the relevance attributed to social connections in integration processes, the FDS is mainly focused in strengthening the link between the individual and the state and is less involved in other relational dimensions. As Zetter (2010, 17) explains, the aim of the FDS is to restore, or build, the “protective link” between the individual and state institutions, and progress in every benchmark would consequently contribute to an increase in state legitimacy after conflict. The FDS does not incorporate the restitution or construction of connections with other groups and social structures, such as informal and customary institutions, that often play a protective social role that promotes IDPs’ integration. Even if the FDS refers to the role played by local authorities, it does not clarify whether these are local state institutions or include other non-formal structures.

Family reunification is the only criteria related to the restoration of bonds, with no indicator showing the impact of other close connections (ethnic, religious, etc.) in the achievement of durable solutions. On a different note, the community-based approach supported by the FDS is a unique element that could be related to the construction/restoration of bridges between communities, with its call to assess and respond to host communities’ comparable needs. In summary, the absence of an indicator precludes any possibility of assessing the progress of the restoration/building of social connections and its impact in the achievement of durable solutions.

This apparently leaves outside the scope of the FDS the relations and networks created within the community (bonds) and with other communities (bridges), in spite of the fact that they could seriously condition the sustainability of settlement options. For instance, the creation of bridges is central to reconciliation processes in a post-conflict setting. In this regard, authors like Bowd (2011) argue that while vertical social capital (the links between the subject/communities and the state) needs to be restored and enhanced, the key to avoiding a return to violence and the reinforcement of a “them vs. us” mentality is the expansion of bridging (horizontal) capital among the groups confronted during war, irrespective of the degree of internal cohesion or bonding social capital inside those groups. The FDS states that reconciliation, confidence-building, and conflict resolution mechanisms should be implemented in order to ease integration and facilitate the restoration of relationships among groups in societies deeply divided by conflict (UNHRC 2009, para. 52), but provides no criteria to measure progress in this

realm apart from access to justice, reparations, and restitution that do not necessarily lead to an improvement in intergroup relations.

d. Facilitators

There is a clear prevalence of indicators of durability related to the adoption of policies ensuring the security and stability of IDPs. Considering that one of the critiques of the understanding of durable solutions is its sedentary bias (Long 2014), it is no surprise that five of the established eight criteria are designed to measure achievements in this area. Safety and security criteria include both the right to free movement and protection from renewed displacement, and the latter is reinforced by the adoption of measures for disaster risk reduction (DRR) and restitution of HLP.³⁸ Restoration and reparation policies, together with access to justice, are described within the FDS as a contribution to repairing the physical, social, and emotional loss and damage incurred during conflict, to reconciliation processes, peace, and stability (UNHRC 2009, para. 96-97). It further asserts that these measures contribute to redressing the relationship between the victim and the state (UNHRC 2009, para. 103). However, these traditional transitional justice measures are often problematic in their application, and their impact in terms of stability and IDPs' settlement is not always as expected.³⁹

On the other hand, language and culture are only mentioned in relation to the principle of non-discrimination, as facilitators of IDPs participation and access to information, justice, and services. Nevertheless, the FDS criteria and principles do not take into consideration the mechanisms of solidarity and exclusion that are part of cultural practices and may condition IDPs' chances to integrate. Authors like Crisp et al. (2012, 28) and Brun (2003, 385) underline that culture matters to integration, particularly when IDPs' arrivals change the ethnic composition of places, creating tensions between newcomers and hosts. Conversely, some studies have questioned the relevance of ethnic-based reciprocal solidarity in facilitating integration in the face of growing commoditisation and competition for land, employment, and local power in societies transitioning from traditional to modern social organisation (Bascom 1998, 170).

³⁸ An in-depth explanation of the relationship between HLP restitution and return is found in chapter III.

³⁹ Ibid.

In summary, the comparison between both frameworks shows that the FDS does not consider social connections—apart from the links connecting the state with the individual—or the informal institutions, practices, spaces, and means IDPs use to achieve integration as indicators of a durable solution. In other words, the focus of FDS criteria is on formal and de jure aspects of integration processes and does not sufficiently address de facto and perceived integration, the significance of community acceptance, and the negotiations at local level securing a durable solution.

The FDS recalls that its criteria should be adapted to every context to improve its performance as an evaluation tool, and that measures adopted to support IDPs must be conflict sensitive (para. 45). However, the absence of criteria measuring these other dimensions of integration—social connections and culture—provides only a partial understanding of the phenomenon and its scope, while relevant integration dynamics are rendered invisible, increasing the risk of being damaged by an intervention (Hovil 2014, 497, Polzer 2008b, 8, de Coning 2016, 167).

Translating social connections into indicators could be problematic. A greater number of social connections is not necessarily an indicator of social cohesion. The existence of negative or “perverse” social connections may undermine the ability of group members to establish connections outside their primary community, influence opportunities for individual and collective development, or produce negative externalities to the rest of the society due to parochial interests, hindering social integration (Woolcock and Narayam 2000, 6). Ghettos, gangs, and cartels are some examples of these kinds of negative connections, but economic and political patronage networks could also be included within the list, together with highly hierarchal and inequitable communities.

Notwithstanding these limitations, a greater recognition of the role played by social connections and cultural ties in the process of local integration and as indicators of progress in the achievement of durable solutions is necessary to offer a complete picture of the process and to improve FDS evaluation parameters. At present, the FDS criteria and principles only offer a partial picture of integration.

5. Applying the FDS to IDPs' integration in the urban realm

The study of social integration emerges in connection to modern societies and urbanisation processes in the nineteenth and beginning of the twentieth century, with Emile Durkheim in France, Max Weber and Karl Marx in Germany, and later with the Chicago School in the United States. Their research was built upon the idea that there is something inherent in the city that modifies social relations between individuals. Following this assumption, I understand that local integration in the urban realm implies a process of urbanisation of IDPs fleeing from rural and often traditional societies, and creates a new identity conditioned by the characteristics of urban settings.

In this context, it is important to ask whether international guidance and frameworks are suitable to address internal displacement in cities. The FDS and the proponents of the Conceptual Framework underline the need to adapt their criteria/domains to context, in both time and space, in order to use them as tools to assess other realities (Ager and Strang 2008, 185). This requirement makes it necessary to wonder if there is something inherently different in urban areas, where most protracted IDPs are found (IDMC 2016, 29).

Anderson, in her analysis of international strategies to build social cohesion in Johannesburg, South Africa, deems notions of community, participation, and localness as particularly problematic in urban contexts. Reviewing the literature, she observes that international practitioners and academics assume there is a “community with which to engage; the community is relatively monolithic [and homogeneous]; and the community will not change drastically over time” (J. L. Anderson 2012, 10). This view does not always reflect the realities of the urban realm. According to Anderson, cities and slums are characterised by insecurity, invisibility, mobility, and diversity that disrupt processes of interrelation and the identification of the inhabited area with the ideal of home. However, this does not mean that communities are absent in urban areas, but that the simple equation of a spatially defined neighbourhood to the notion of community is not always applicable. Alternatively, Campbell (2016, 16) underlines that previous research on communities in urban contexts finds that those based in a common location are only one of the many available possibilities.

Table 3 Typology of urban communities⁴⁰

1. Communities of place: common spatial connection;
2. Communities of interest: formed around a common issue/concern;
3. Communities of resistance: shared experience of crisis/displacement;
4. Communities of culture: shared language, beliefs, values;
5. Communities of practice: common livelihoods;
6. Virtual/digitalised communities: connected through new media.

These limitations are evidenced in UNHCR's community approach for the protection of IDPs. The agency points to the diversity and inequality found within what is described as the IDP community, whose members may not always perceive themselves as part of a shared entity (UNHCR 2008, 14-15). Through their community approach, UNHCR establishes that humanitarian protection programmes must be built upon IDPs' coping strategies and protection capacities to be effective and sustainable (Global Protection Cluster 2010, 11). Nevertheless, community-based interventions risk reproducing unequal power relations found in society and, most worryingly, they put the responsibility on vulnerable groups at the expense of their resilience and forget to connect projects with wider local and national economic structures and infrastructures (Golooba-Mutebi and Hickey 2009, 26). Priorities are often set by organised social movements or leaders that may not always reflect in their proposal the diversity of choices and opinions of all people affected by internal displacement.

Moreover, Anderson argues that participation is understood by international guidance as a mechanism to realise local ownership. This bold assertion ignores the probable "cacophony of local owners" whose conflicting opinions might hamper prioritisation and representation, or the eventuality that key people may not feel compelled to participate at all (J. L. Anderson 2012, 12). The mixture of natives, settlers, migrants, refugees, and IDPs further complicates interaction, understanding, and representation in a post-conflict scenario. Even the clarification of who is a local could be a controversial issue in many urban settings.

In this regard, the participation of IDPs, enshrined by the FDS, could result in the same flaws in understandings of participatory processes and the depiction of IDPs as

⁴⁰ Adapted from Campbell (2016, 16)

a homogeneous and articulated entity. Therefore, the FDS may require an urgent review and adaptation to urban features. Despite stressing the relevance of IDPs' participation in assistance planning, decision-making, and peace processes, initiatives adopted to boost durable solutions do not articulate any proposal to enhance this collaboration.⁴¹ Aside from recommending that national institutions “undertake and early, participatory and joint planning” and insisting on the right to meaningful choice, only a few lines are dedicated to recognising the important role of IDPs and their mobilisation capacities in their quest for durable solutions (UNGA 2013, para. 59d and 56, respectively). Likewise, the FDS enhances IDPs' participation in decision-making on durable solutions, although it is not envisaged how this would be undertaken. It is up to the state and competent institutions to create and define the space for participation and to determine the areas and issues where IDPs are invited to contribute, leaving few options for IDPs to establish their own agenda outside of established criteria and principles.

Urban societies are greatly diverse, and urban IDPs are not a homogeneous entity. Their multiple identities offer them different positions and opportunities within an established social order, although their ability to organise, advocate for their rights, and challenge discriminatory practices could also change their social position as a group (Landau 2014, 147). Nevertheless, in the FDS the diversity of IDP groups is reduced to humanitarian categories of vulnerability—women, children, youth, minority groups, persons with disabilities, or elderly people—for whom participation must be guaranteed, ignoring other cleavages that may hamper or constrain participation, like class or social status, and how power relations and socioeconomic strata further condition social connections and access to discussion forums.

Moreover, the FDS calls for the decentralisation of protection activities and the engagement of local authorities, but obviates the protective role played locally by informal actors that may be better positioned to facilitate this multidimensional process. This observation is not made to discharge the state from its responsibility to protect, but to offer a full picture of all the stakeholders involved. In order to adapt the FDS to the

⁴¹ Particularly, the Transitional Solutions Initiative, elaborated by the UNDP, UNHCR, and the World Bank (2010); the Preliminary Framework for Supporting a More Coherent, Predictable, and Effective Response to the Durable Solutions of Refugees, Returnees and IDPs of the UN Secretary-General (2011), tested in Afghanistan, Côte d'Ivoire, and Kyrgyzstan; and the framework developed by the UN Special Rapporteur on the human rights of IDPs, Chaloka Beyani, in a 2013 report (UNGA 2013).

analysis of local integration of protracted urban IDPs in developing countries, the normative framework could be widened to include neo-customary, informal, and hybrid practices, institutions, and representatives, as well as an understanding of informality in the provision of housing, employment, security, and protection.

Finally, to ensure an appropriate response to urban displacement it is necessary to understand the political context and the history of the city. In this regard, Haysom underlines the links between local government management and attitudes towards urban growth and the municipal response provided to urban IDPs (2013b, 9). In practice, governments that are unable to adapt to a growing urban population and provide adequate services to incoming city dwellers would resist the settlement and integration of urban IDPs. To assess this capacity, it would be necessary to review the implementation of urban development plans and land regulations to identify specific provisions that may affect IDPs' integration process, but also to understand how urban growth and the arrival of IDPs are part of the political debate and dynamics.⁴²

6. Conclusions

In the long term, the progressive adaptation of IDPs to the urban realm, against all odds, turns the urbanisation experience into something barely irreversible. Local integration should be understood and enabled as a relevant and feasible solution to situations of protracted urban internal displacement. To this end, there are many dilemmas that ought to be solved, beginning with the resistance of international peacebuilding and stabilisation strategies to acknowledge and support the permanence of refugees and IDPs in the places where they have been displaced. This implies changing the perception of non-return as a failure of peace processes and of the depiction of forcibly displaced people outside of their areas of origin as a threat to stability.

The review of migration studies approaches concerning the process of integration of refugees in first countries of asylum, mainly in the global south, reflects different and somewhat complementary *de jure* and *de facto* dimensions and opens the door to visualising the multiple actors involved in the integration process. Sometimes,

⁴² This relationship is further explored in the case study included in Section II of this dissertation.

these actors operate in the absence of a clear integration policy promoted by the state, or challenge these policies with their behaviour by offering alternative avenues to integration. To complement this view, I suggest the introduction of a third dimension, perceived integration, which emerges from IDPs and host communities' perception of progress towards integration and IDPs' feelings of attachment to their new residence.

The analysis of the FDS shows that it does not reflect comprehensively the multiple elements of the integration process. It unveils the almost complete absence of criteria accounting for the influence of social connections and cultural traits in the sustainability of integration processes, with the principle of non-discrimination as the only reference in both domains. The FDS criteria focus primarily on the restitution of the link between the individual and the state and diminish the importance of social connections within the community (bonds) and with their hosts (bridges).

As it stands, the FDS facilitates local settlement, remaining in the area of displacement, rather than local integration, the development of a sense of belonging. Consequently, whether sustainability is the ultimate goal of this tool or if it only meets the needs of aid agencies, facilitating their progressive disengagement from the post-conflict context, remains an open question.

Finally, the understanding of the city as a location for integration with its own features underlines the need to adapt durable solutions criteria to the urban realm. This requires a review of commonly used terms like participation, community, authority, local ownership, and diversity, also found in the FDS. Responding to the recommendation to contextualise its criteria, I suggest an urbanised interpretation of those concepts and call for the inclusion of urban development plans, slum upgrading policies, and poverty reduction strategies in the analysis of facilitators and constraints to IDPs' integration.

A thorough understanding of how the process of local integration unfolds for protracted urban IDPs and how the city determines its evolution would allow for the constructive engagement of international and national institutions in their support for durable solutions. The visualisation of the myriad protection strategies of IDPs themselves, the protective role played by actors other than the state, and the construction of relationships and new meanings of home are central to this endeavour.

CHAPTER III Security of Tenure and Urban IDPs' Durable Solutions

The loss of housing, land, and property is one of the main direct consequences of forced displacement. The damage resulting from this deprivation goes beyond the objective economic value of a structure or plot and extends to the loss of livelihoods, social connections, self-perception, and even identity. Consequently, the protection of tenure security is central to the achievement of durable solutions to internal displacement, particularly relevant for protracted displacement in an urban context (UNGA 2014, para. 35). Return, local integration, and resettlement are rooted in the ability to secure a safe place to stay.

Urban IDPs are commonly found living in informal settlements with no legal ownership of the houses and land they occupy. This informality continuously exposes them to secondary displacement through forced, legal, or market-driven evictions. Urban development and renewal programmes, criminality, private investment, formalisation, and slum upgrading policies or property disputes are among the causes of IDPs' secondary displacement. Even when evictions follow procedures established by law, the impact of secondary displacement in the achievement of durable solutions is still unpredictable and under-researched.

Security of tenure is the feature that enables individuals to remain in their houses without fear of being forcefully evicted or threatened. It is defined as a set of relationships established among people in relation to housing and land that provides a place “to live in security, peace and dignity” (UNHRC 2012, para. 22-23). In practice, the protection of tenure security is a preventive measure against forced displacement, and its realisation is intrinsically associated with state's responsibility to legally protect all citizens from forced eviction (CESCR 1991, 8a), irrespective of their tenure status or place of residence. However, I suggest that the realisation of tenure security goes beyond legal considerations; the state may not be the only entity with capacity to legitimately allocate tenure rights, resolve disputes, and enforce its decisions, particularly for IDPs in post-conflict contexts.

In this chapter, I present tenure security as a dynamic component of integration processes and show how its protection and realisation is ultimately related to social recognition, socioeconomic status, political interplay, and the formation of institutional legitimacy through everyday state formation practices. Therefore, tenure security can be understood as a reflection of the protection awarded to an individual or community in a given place and time, which, as a result, can enable safe settlement. In this sense, its fulfilment would be a sign of the inclusion and integration of IDPs within a society.

The present chapter explains the role of tenure security in the achievement of durable solutions to protracted urban internal displacement. It first presents a description of the varied impacts of conflict and forced displacement in cities and the challenges IDPs confront regarding tenure in urban areas. This analysis is followed by a conceptual discussion about the dimensions and foundations of tenure security, unveiling its ideological underpinnings. Based on these debates, the exploration continues with a review of the understanding of tenure security and its practical implications as an element of urban IDPs' integration process. Considering that durable solutions are a complex process that requires the intervention of peacebuilding, humanitarian, and development actors, I elaborate a critical review of restitution policies, humanitarian protection programmes, and the human settlements development agenda to assess their interpretations of tenure security and the strengths and limitations of every approach. The chapter concludes with a reflection on the need to understand how IDPs negotiate their presence in the city and the way they relate with tenure systems and their hosts to gain their acceptance and achieve tenure security as an integral part of the process of local integration.

1. Security of tenure, conflict, and displacement in urban areas

Tenure security is a highly contentious issue in every post-conflict context and its protection is central for the economic development, social stability, and political legitimacy of the society as a whole. In conflict settings where international humanitarian law is applicable, the protection of tenure rights is enshrined by the prohibition of forced displacement and destruction of property and the right to return to

one's place of residence.⁴³ The latter has progressively become the cornerstone of the right to restitution of housing, land, and property.

The impacts of war on tenure security are multiple and diverse. The most visible are the loss of housing, land, and property associated with process of forced displacement; the coercive confiscation of land and other properties, either by armed groups or by the state; landmine contamination; or the emptying of large tracts of land for control and exploitation of natural resources, such as oil (Nigeria, Sudan), mining (Sierra Leone, DR Congo), or oil palm plantations (Colombia). Alternatively, other impacts attract less attention, like the silent and gradual weakening of tenure systems, undermined in their capacity to protect, manage, and enforce tenure rights and prevent displacement (Unruh and Williams 2013, 4).

Disputes around HLP issues are often part of post-conflict scenarios. Tensions around tenure rights—heightened or triggered by war and forced displacement—can become substantive factors during peace processes, turning their resolution or transformation into a crucial element of peacebuilding. However, academia has not sufficiently explored the connection between localised land disputes and armed conflict (Van Leeuwen and Van der Haar 2015, 95). For this reason, a better understanding on how decisions about IDPs' tenure rights may affect, shape, and determine local peace processes, and vice versa; this is key to unveiling the link between forced displacement and peace sustainability.

Armed conflicts can accelerate urbanisation trends, increasing the number and size of informal settlements and the occupation of land and empty buildings (United Nations 2012, 54-55). Local authorities, unable to keep pace with the increasing flux of people into the city, which outnumber the available living spaces, usually turn a blind eye to the uneven growth of slum areas, disregarding the likelihood of future land disputes and their possible devolution into greater violence (Lombard 2012, 5, Van Leeuwen and Van der Haar 2015, 95).

Notwithstanding the disruptive potential of armed violence in urban tenure security, insecure forms of tenure often predate conflict and are stimulated by a mixture

⁴³ *Fourth Geneva Convention on the Protection of Civilian Persons in Time of War*, 1949: arts 49, 53, and 134.

of domestic and international factors. High levels of external debt, economic inequality, unplanned urban growth, and exclusionary policies in the provision of residential land contribute to the increasing number of informal settlements (Arimah 2011). In this respect, Tacoli et al. (2014, 8) warn against overstating the negative impacts of migration in urban development, pointing to poor urban planning and urban governance as the main drivers of disruptive and dysfunctional urban growth, particularly when authorities try to inhibit migration by being less hospitable to newcomers.

The presence of the state in slum areas is scarce and often reduced to inefficient and insufficient security provision, creating an opportunity for the emergence of parallel power structures. Confronted with the failure of formal market and state institutions in housing provision, hybrid and informal tenure systems may emerge, or be reinforced, adding to the confusion of undefined tenure rights. These hybrid constructs are usually a mixture of informal and formal procedures, positions, and systems that try to bypass the usually costly and lengthy process of securing tenure and facilitate access to housing and some sort of tenure security to the poorest segments of society (Nkurunziza 2007). This hybridity is often reflected in the informal extension of competencies by state representatives, those whom Joireman (2011, 56) calls “entrepreneurial bureaucrats,” referring to “government officials operating outside the limits of their authority.”

In urban areas, armed conflict often leaves a lasting imprint on housing, land, and properties, with a redistribution, disappearance, emergence, and redefinition of spaces. Obsolete or non-existent urban planning adds to the problem of adapting the city to the conflict-driven growth of housing and infrastructure needs (Haysom 2013b, 8-9). Unplanned urbanisation and private development investments often shrink public spaces to the detriment of urban dwellers. On the other hand, conflict can further reduce the use of existing public spaces, particularly when violence takes place in the city and public spaces become a target, but also when growing antagonisms transform habitual locations for exchange, like markets, schools, or hospitals, in areas prone to open confrontation or no-go areas. The UN Secretary-General warns that “[...] failure to account for the humanitarian consequences of rapid urban growth due to displacement can limit the potential that urban contexts can offer for the achievement of durable solutions. The spread of informal settlements in urban areas can often result in an increase in chronic needs for basic services and access to livelihoods as well as disaster risks” (UNSG 2011, para. 9).

Limited assets, the absence of identification documents, and discrimination practices make IDPs resort to the informal housing market in slum areas where tenure insecurity often multiplies the risk of eviction and secondary displacement (Haysom 2013b, 6). In the city, land prices may vary based on legal attributes (titles or certificates), location, relations with occupants/owners, services, and plot size (Nkurunziza 2007). These constraints usually drive IDPs and the poorest migrants to the most insecure and underserved areas, concentrating and settling in the same locations due to family, kinship, and communitarian connections, but also mingling in that space with the local population (Fielden 2008a). Nevertheless, tenure insecurity in cities is not an issue only affecting the forcibly displaced, but a common problem for other urban poor, further complicating assistance policies and support strategies.

Cities are also the setting of the main reconstruction efforts and the space for decision-making on peacebuilding priorities (Beall, Goodfellow and Rodgers 2011, 8). The end of conflict is often followed by a steep inflation of urban land prices and the appropriation of land by private-sector speculators connected to relevant political actors and the global market. The resulting urban development often reinforces the division of space between expensive-low-density areas and overcrowded urban zones (Crisp, Morris and Refstie 2012, 32). The post-conflict city is often a divided place where perceived safe areas try to remain as such at the expenses of ousting unwanted people and placing them at the urban margins (Barlett, Alix-Garcia and Saah 2012, Martín Diaz 2014).

The headquarters of international humanitarian NGOs and agencies, present in these capital cities, usually turn the urban space into an operational hub and a recreation area for expats, resulting in rising housing prices while offering business opportunities to some (Pantuliano, Buchanan-Smith, et al. 2011, 13, Branch 2013, Barlett, Alix-Garcia and Saah 2012). This relative metropolitan security has fed massive and fast urban growth, especially in the global south, with the increasing size of capitals and the surge of new cities where there was once only a small municipality (Wily 2009, 42-43).

This redistribution of space and urban development can also lead to the secondary displacement of many urban IDPs and other informal settlement dwellers in revalorised areas and risk flaring grievances that could put peacebuilding under considerable strain (United Nations 2012, 55). Consequently, the protection of IDPs'

tenure security is critical, not only to the achievement of durable solution but to the development of conflict prevention mechanisms and the sustainment of peace. Nevertheless, the protection of urban IDPs' tenure rights, the effects of urban development in IDPs' integration process, and the impact of IDPs' presence on urban configuration and peace sustainability has not been under sufficient consideration in the international peace, humanitarian, and development agendas.

2. Disentangling tenure security

To unleash the full potential of tenure security in the realisation of durable solutions we must understand what tenure security entails. A comprehensive definition of the term can be found in the reports of the Special Rapporteur on Adequate Housing (SRAH), who describes it as “a set of relationships with respect to housing and land, established through statutory or customary law or informal or hybrid arrangements that enables one to live in one’s home in security, peace and dignity” (UNHRC 2013, section II para. 5).

This definition reveals the foundations of this security. The relationship between the individual and his/her housing, land or property is guaranteed by virtue of shared and applicable norms. According to Payne and Durand-Lasserve (2012, 2), land tenure should be understood as a social relation where “[t]he exact nature and content of these [tenure] rights, the extent to which people have confidence that they will be honoured, and their various degrees of recognition by the public authorities and communities concerned, will all have a direct impact on how land will be used.”

Secondly, this definition highlights the enabling quality of tenure security in the enjoyment of a home in safety, peace, and dignity. Its realisation is central to the ability of any individual to reside in a house free from the fear of being evicted, threatened, or harassed. This promise of permanence and protection is also a condition that allows for the transformation of a house into a home, transcending the physical structure of the dwelling to connect the individual with his/her immediate surroundings, establishing relations between the person, the space, and the community, and developing a wider sense of belonging (Smit 2013, 115), including the creation of everyday routines and social relations (Brun and Fábos 2015, 12).

The SRAH notes that assessing the nature and scope of tenure security is a complex matter due to its multidimensional character and cannot be reduced to its legal manifestation (UNHRC 2012, para. 8). Security of tenure is shaped by perceptions and experience, history and socioeconomic context, and political and cultural determinants. Van Gelder (2010) summarises the multiple expressions of tenure security in three dimensions: *de jure*, *de facto*, and self-perception.

2.1 De jure tenure security

The legal dimension of tenure security is founded in a set of rules that are clear, known, justiciable, and backed up by a legitimate tenure system (UNHABITAT 2004, 31, Unruh and Williams 2013, 6). These tenure systems may be statutory, customary, religious, hybrid, or other with a recognised legitimacy and are the institutions that “determine who can use what resources, for how long and under which conditions” (FAO 2002, 7). They determine the rights and duties related to land access, control, and transfer under multiple tenure forms, including possession, use, rental, freehold, and collective arrangements (UNHRC 2013, principle 1).

Legal tenure security is often equated to the primary responsibility of the state to protect its citizens against forced eviction, harassment, and other threats. However, it is increasingly recognised that the state may not be the only institution ruling over HLPs, particularly in developing countries where customary and religious institutions are central to land management, distribution, and dispute resolution. For instance, it is estimated that up to 80 per cent of the population in developing countries only has access to justice through customary institutions and that is the only legal framework they know and use (McCallin 2012, 8).

2.2 De facto tenure security

The *de facto* dimension of tenure security has been described as the elements that allow for actual control over property, irrespective of legal considerations. These variables include the length of time of the occupation, the size of the settlement, the level of organisation or community cohesion, and different signs of implicit public recognition like the provision of services, the inclusion of the household inhabitants on census, or the representation of neighbourhoods on official maps. Other *de facto*

elements intimately related to social connections are third-party support, media coverage, or political acknowledgement (Van Gelder 2010, 451).

Although not explicitly stated by Van Gelder, social status is part of this *de facto* dimension. National laws and their juridical application provide varying degrees of tenure security to different tenure forms, and this variation often depends on the socioeconomic status associated with every form of tenure. Finally, this means that the less socioeconomic status one has, the less protection against forced eviction one is granted, and the lower one's degree of tenure security (UNHRC 2012, para. 65). In this regard, the capacity to secure tenure, even if properties have been acquired through illegal or irregular practices, is often greater in the upper echelons of society. Indeed, in many countries being a man or a woman makes a difference in terms of securing tenure, irrespective of equality enshrined in the law (OHCHR 2012, 18-19, Sánchez Bermúdez, Cunial and Farmer 2014).

Another significant *de facto* element is community acceptance. In this regard, Durand-Lasserve (2006, 3-4) underlines the central role of community or neighbourhood recognition of the right to settle, particularly in customary tenure systems where land is allocated on the basis of social relations and authority recognition. In post-colonial cities, these practices often take the form of “neo-customary land delivery systems” where customs are reinterpreted and combined with other formal and informal practices. Neo-customary leaders and institutions are the intermediaries between the community and the administration; they are entitled to sell plots or to sanction the transaction of land or properties, and function as mediators in the case of land and property disputes (Durand-Lasserve 2003). Informal or hybrid actors can be part of neighbourhood committees, local councils, or community-based organisations, or they can be religious leaders or security providers with capacity to determine settlement options, resolve disputes, and effectively protect residents from eviction (Twigg and Mosel 2018, 15).

2.3 Perceived tenure security

Finally, this third dimension is formed by the subjective feeling of security stemming from a personal evaluation of the risk of eviction (Van Gelder 2010, 451). This perception may not correlate with the real feasibility of expulsion, but responds to

the personal experience and evaluation of threats, such as good or bad community relations, the probability of land conflict, the feeling of temporariness, and expectations concerning rights enforcement. This notion may also be related to different interpretations of standards and regulations and to the self-perceived legitimacy of tenure rights. For instance, under customary law people may conceive themselves as owners, whereas customary leaders see them as users, and the state sees them as illegal occupants. Perceived tenure insecurity may lead to a decision to leave an area even before any of these threats have materialised.

The three dimensions of tenure security—*de jure*, *de facto*, and self-perception—are not necessarily consistent (Van Gelder 2010, 452). For instance, ownership may be legally accredited, but tenure security can be called into question by the absence of community acceptance or the perception of insecurity in the neighbourhood. Nevertheless, the three dimensions are complementary and their alignment may be a requisite to sustaining tenure rights in the long-term.

3. The foundations of tenure security

The abovementioned dimensions summarise the multiple manifestations of tenure security. Bearing this in mind, policies supporting the realisation of tenure security and its implementation vary according to how policymakers understand the sources of that security, putting more emphasis on one dimension or another. A particular interpretation of the foundations of tenure security, with its ideological underpinnings, is therefore present in international policies on informal settlements and urban development, but also in peacebuilding strategies, and in the guidelines and frameworks created to prevent forced displacement, protect IDPs, and support durable solutions. In the following sections I present a typology summarising the different interpretations of the sources of tenure security.

3.1 Security of tenure as a key to market efficiency and economic development

The view that tenure security is a key to market efficiency and economic development is comprised of the arguments of the classical property rights school,

which understands housing and land as economic assets tradable in a market system.⁴⁴ Under this perspective, property ownership results from the need to manage finite and scarce resources to ensure their efficient use and development (Demsetz 1967). Accordingly, security of tenure must be fostered and guaranteed by the State through its capacity to enforce and facilitate the free exercise of property rights and their market tradability (Ellsworth 2002, 9).

Following a review of authors like Deininger and Feder (2009), Brasselle, Gaspart and Platteau (2002), and others, Hollingsworth (2014, 18-21) summarises the benefits of tenure security for the property rights system: assurance, collateralisation, realisability, social effects, and governance effects. Assurance implies that the right-holder will invest in the property when rights are secured and enforced. Collateralisation is produced by the ability to use protected and respected property rights as collateral for bank loans, reducing lending costs. Realisability means that secure property rights favour safe and efficient transactions in the markets, with buyers and sellers enjoying the reliability of titles supported by an efficient legal and administrative system. Social effects derive from the potential investment in improving living conditions of the benefits obtained from safe sales; they reduce litigation costs due to an effective protection of property rights. Finally, governance effects provide that the state is reinforced by the efficient protection of property rights, since this will provide them with further legitimacy as a rights enforcer and through revenues from property tax collection. According to these authors, all of these benefits have a global positive effect on economic development.

Proponents of the property rights approach consider formal titles and private property as the most efficient ways to ensure security of tenure and profit from all the positive effects of ownership. Consequently, they advocate for the implementation of titling programmes to regularise informal and other non-formal rights in an effort to ensure a sustained path to economic development. One of the greatest proponents of this discourse is Hernando de Soto, as articulated in the theory derived from his book *The Mystery of Capital* (de Soto 2000). His thesis argues that property ownership stimulates the production of capital and that formalisation would turn the assets of the poor (houses, land, crops, businesses, etc.) into commodities, benefitting the owners with

⁴⁴ See an overview of these arguments in Hollingsworth (2014, 14-15).

access to the capitals market, increasing their purchase and investment capacity. However, this uncontested faith in titling is nuanced by two of its main defendants, Deininger and Feder (2009), who concede that registration outcomes, such as improved tenure security, would depend on the effectiveness of the state apparatus, the socioeconomic power distribution, and the overall governance environment.

Later analyses have questioned the presumed benefits of formal property rights in the reinforcement of tenure security. In their review of titling programmes in urban areas of developing countries, Payne, Durand-Lasserve, and Rakodi (2009, 13-20) indicate that the possession of titles increases the vulnerability of the poor to market pressure and market-driven displacement due to the revalorisation of titled housing in the market, the increase of rental prices in these areas, the payment of property taxes, and the provision of public services. These critiques are nuanced by authors like Varley (2017, 387) who argue that market pressure varies according to the location of the settlement and other factors that cannot be directly attributed to regulation programmes, although the great wealth of research documenting market-driven displacement puts the benefits of regularisation under scrutiny.

Moreover, titling also increases the level of insecurity of women, since the registration of titles by the male head of household is a standard practice in many countries where men have better access to education and control over the household's economic assets (Payne, Durand-Lasserve and Rakodi 2009, 14). Critically, these authors underline that the perception of security and the risk of being evicted are more determinant to decisions to invest in housing upgrading than the possession of formal property rights.

3.2 Security of tenure as an element of the human right to adequate housing

The Universal Declaration of Human Rights includes two main references to the protection of tenure rights. The first is found in article 17, which states everyone has the right to own property and bans its arbitrary deprivation. The second is found in the right to a standard of living, article 25, which includes adequate housing as one of the minimum requisites to ensure personal health and wellbeing. The right to adequate housing is, at the same time, more specific, since it refers exclusively to the place of

residence and beyond; it is intended to protect everyone, not only property owners, and ensure a safe and secure place to live (OHCHR 2009, 7-8).

A universal right, the right to adequate housing, is attributed to all human beings, founded on the assumption that all are *born free and equal in dignity and rights*. The right to adequate housing is included in the International Covenant of Economic, Social, and Cultural Rights, where all state parties commit to take appropriate steps to its realisation, including through international cooperation (United Nations 1966, art.11.1). The content and scope of the right to adequate housing have been elaborated and discussed widely by the UN Committee on Economic, Social, and Cultural Rights (CESCR) in its General Comments in 1991 and 1997 and in the reports of the SRAH since its first appointment in 2000, among other instruments.⁴⁵

Legal security of tenure was first defined as an element of the right to adequate housing in CESCR General Comment no. 4 in 1991, together with conditions of availability, affordability, habitability, accessibility, location, and cultural adequacy.⁴⁶ Due to its enabling quality, tenure security is considered the cornerstone of the right to housing, since the absence of tenure security precludes any possible enjoyment of this right. According to the CESCR, tenure security implies that all forms of tenure should be legally and effectively protected by the state against forced eviction, harassment, and other threats, without discrimination (CESCR 1991, para. 8 (a)). For instance, the state must ensure that evictions only take place in the most exceptional circumstances and according to established procedures to ensure the protection of human rights and the consultation of those affected (CESCR 1991, para. 18).

The state must adopt measures to provide legal security of tenure to those households that lack it (CESCR 1991, para. 8 (a)). In this regard, the SRAH understands that security of tenure encompasses at least the legal recognition by public authorities of the right to live in a secure place, guaranteeing the availability of and equal access to public services, the justiciability and enforceability of rights through the provision of legal aid and access to effective remedy, and any other measure required to avoid

⁴⁵ For a complete list of the instruments and documents related to the right to adequate housing see OHCHR, *The Right to Adequate Housing* (2009, 47-49) or at the following link <http://www.ohchr.org/EN/Issues/Housing/Pages/InternationalStandards.aspx>

⁴⁶ For a further description of every component, see UN Committee on Economic, Social, and Cultural Rights (CESCR), *General comment no. 4*, 1991.

discrimination in the enjoyment of this and other components of the right to housing (UNHRC 2012, para. 69). However, according to the analysis of the SRAH, states and international actors have concentrated their efforts on protecting individuals against forced eviction, leaving the other components of security mostly unattended.

The state is regarded as the main protection agent of the right to adequate housing and the institution responsible for the provision of effective legal security of tenure in consultation with those affected (CESCR 1991, para. 8 (a)). Tenure security is therefore founded on the duty of states to realise the universal human right to adequate housing and their compliance with this obligation. The absence of tenure security is therefore the result of an absent or ill-prepared state unable or unwilling to respond to housing needs. This reasoning is consistent with the attribution of primary state responsibility found in the FDS and with liberal peacebuilding strategies focused on the build-up of state legitimacy through the (re)instauration and realisation of the rule of law.

It is argued that security of tenure, as an essential element of the right to adequate housing, allows for the realisation of other human rights. For instance, Leckie notes that due to the “permeability of rights,” the right to housing can contribute to advancing other political and civil rights, such as the rights to family life and privacy, to be free from any form of discrimination, to freedom of movement, to be free from cruel, degrading or inhuman treatment, or the right to assembly and association; but also economic, social and cultural rights, such as the right to work, health, or development (Leckie 1992, 41-52). In this respect, the SRAH has gone one step further in defence of the indivisibility of human rights by stating that homelessness and inadequate housing are violations of the fundamental human right to life, including in cases of deliberate targeting of residential areas and basic services during conflict and the concentration of migrants in informal settlements (UNHRC 2016). The SRAH indicates that the denial of tenure security is a source of impoverishment, a hindrance to development, and a threat to peace (UNHRC 2012, p.15).

Policies with an emphasis on legal security of tenure to realise the right to adequate housing have evolved from direct state provision of public housing in the 1950s and 1960s to the progressive deregulation of housing markets and the support for self-help initiatives through informal settlement regularisation, slum upgrading, and

incremental rights recognition programmes (Assies 2009, Durand-Lasserre 2006). Another approach is state initiatives supporting legal harmonisation in countries where legal pluralism is present, i.e., where statutory law coexists with customary or religious law, with the aim of recognising, integrating, and protecting all tenure forms (Lavigne Delville 2000, Fritzpatrick 2005). These policies establish areas of competence, codify customary norms, and ensure these comply with universal values of equality and non-discrimination (Kombe and Kreibich 2000).

However, in spite of tenure security being guaranteed to all forms of tenure, these policies are mostly oriented to the achievement of formal tenure rights in the belief that legal titles, particularly property rights, ensure the highest degree of security. In this regard, the SRAH suggests that there must be a “paradigm shift away from correlating security of tenure with a property rights regime and towards the grounding of security of tenure solidly in the human rights framework.” The SRAH further asserts that the right to adequate housing must prevail over rights to property when these enter into conflict with each other (UNHRC 2012, para. 68).⁴⁷

3.3 Security of tenure as a question of power, identity, and belonging

The definition of tenure security as the outcome of social interaction and power relations is connected with post-colonial authors’ reflections on state-building (Lund 2011, Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* 1996). It is also related to postmodernist place-identity theory as applied to forced displacement situations where “place still remains a major repository of rights and membership,” particularly in countries where land is central to livelihoods and social status (Kibreab 1999, 387). In these contexts, tenure security is mainly focused on de facto manifestations of security, its social embeddedness in terms of history and culture, and on the subjective, hence perceptual, connections established between the individual and his/her physical, economic, political, and social environment. Ellsworth (2002, 17) summarises this approach in the main argument of what she calls the

⁴⁷ The SRAH makes an exception in the case of secondary occupants of properties vacated due to conflict, arguing that rights to adverse possession should not obstruct IDPs’ right to return to their former property (UNHRC 2013, para. 12), in line with the provisions of the UN Principles on Housing and Property Restitution (ECOSOC 2005, prin. 17). Moreover, principle 17 in the same document asserts that the state should protect secondary occupants against forced eviction, homelessness, and other violations of housing rights, although a lack of shelter alternatives should not delay the enforcement of restitution.

“institutionalist school of thought”: “political power and the distribution of resource endowments at any one point in time is more important than property type in determining who gets security of tenure and who doesn’t.”

Mamdani (1996) argues that, across the African continent, whereas civic and political rights are granted by the state and formal legal frameworks, the provision of ESC rights, including housing rights, depends to a great extent on customary institutions and practices that are identity based and geographically restricted. This clear-cut dichotomy is nuanced by other authors who maintain that the relationships among multiple institutions are dynamic: a mixture of competition, collaboration, and accommodation over land control and management, but also over political legitimacy (Kombe and Kreibich 2000, Fritzpatrick 2005, Sikor and Lund 2009, Van Leeuwen 2014). This complexity is the result of the coexistence of multiple tenure systems where none is completely dominant (Lavigne Delville 2000, 97). At a local level, a process of constant negotiation over the normative order takes place with a progressive hybridisation of statutory, customary, and informal tenure systems that redefine tenure security (M. Van Leeuwen 2014, 293).

Citizenship and tenure security appear to be intertwined and related to the creation and legitimation of political authority. Accordingly, Lund (2011) asserts that both tenure rights and citizenship are rooted in a process of recognition of political identity as belonging, and the validation of tenure claims as effective rights. Security of tenure would be the outcome of a social contract between the individual or community and a particular institution with capacity to manage land, regulate its use, and enforce its decisions. This process of recognition has a legitimising effect over the providing institution through the acknowledgement of its capacity to define and enforce collectively binding decisions on members of society, what Lund defines as “state quality” (Lund 2011, 75). The “competing interpretations of rights to land operate as a strategy of state-building” (Badiéy 2014, 22); they are a way to define the state and its constituency.

Post-colonial theory shows that tenure security is not only a legal matter, but a social and political one (Wily 2006, 7). Applied regulations to secure housing tenure, land, and properties are “contingent upon local politics and power struggles” (Van Leeuwen 2014, 294). Authors like Boone (2009) and Onoma (2008) assert land is an

inherently political resource, the management and control of which have profound political implications. HLP disputes are not only a struggle over access to resources, but a fight to determine the scope and constitution of authority (Sikor and Lund 2009, 19). This also implies that in many post-conflict settings, the definition of legitimate tenure claims and the evidence required as proof—cadastral records, ethnic affiliation, presence or investment in the area—would become a space for power litigation (Unruh 2002, 340)

Policies and programmes dealing with the de facto dimension of tenure security are initiatives like the Social Tenure Domain Model, a participatory land information system designed to register varied and overlapping tenure rights, whether they are customary, statutory, informal, or other (Global Land Tool Network 2015). Moreover, a few humanitarian interventions supporting the tenure security of refugees and IDPs to facilitate (re)integration also rely on de facto elements of tenure security.⁴⁸

The conceptualisation of tenure security as a matter of recognition and belonging emerges from the analysis of land tenure relations in post-colonial countries. In many of these countries, statutory law coexists and interacts with diverse customary and hybrid normative systems. This legal pluralism is also present in urban areas and is often exacerbated during war, with new actors emerging and others strengthening their support base in the face of formal institutions' inability to address increasing housing demands (Unruh and Williams 2013, 10). This is also a context of institutional pluralism where the state is one among many authorities competing for recognition and legitimacy in order to assert hegemonic power (Sikor and Lund 2009).

The universal and equalitarian human rights ideal is confronted here with the view of the community as a custodian of land, rooted in the division between natives and settlers, where primarily those belonging to the community are entitled to a secure and sustainable access to, and use of, land (McCallin 2012, 9). Under these circumstances, the recognition of rights by community or customary authorities could be more relevant than state sanction or legal status (Durand-Lasserve and Royston 2002, 6). This reality highlights the existence of protection actors other than the state and

⁴⁸ See, for instance, the informal arrangements between Palestinian refugees, private landlords, and municipal authorities that allow the NRC to implement a housing rehabilitation programme in settlements near Tyre, Lebanon (Williams 2011, 33).

shows how tenure rights are “socially embedded and deeply entangled with other forms of community and family-level rights and responsibilities” (Leckie and Huggins 2013, 2).

Notwithstanding the non-discrimination stance of human rights and liberal democratic law, the relationship “that enables one to live in one’s home in security, peace and dignity” may not be equalitarian in practice. In fact, competition and negotiation over land access “reveal processes of exclusion, deepening social division and class formation” (Peters 2004, 270). For instance, under customary norms not all members of the community are on equal footing to claim their rights and secure tenure. Customary norms do not attribute rights to individuals in the same sense as human rights, but establish the procedures to negotiate access to resources (Lavigne Delville 2000, 2). These norms are interpreted according to a dynamic and changing context and depend on the role of the individual in the community. In fact, it would be more appropriate to call them “socially determined land-use rules” (Lavigne Delville 2000, 99), since the word ‘custom’ does not reflect the innovative, adaptive, and changing character of these systems.⁴⁹

All too often, outside of their areas of origin and therefore treated as non-natives, IDPs lose the support of their community institutions to access housing, land, property, and the legitimacy of permanent settlement, and their presence can be questioned by the host community if they overstay. The situation is even worse for internally displaced women whose access to land and housing under customary and religious tenure systems is often determined by their male lineage. They face considerable constraints when claiming their land rights as widows or divorcees (McCallin 2012, 9). In this context, the fear of losing community protection for themselves and their descendants can greatly influence women’s decisions to pursue the legal fulfilment of their rights through a statutory court when that option is available (Joireman 2011, 3).

⁴⁹ Even when customary arrangements have been lauded for their flexibility, their capacity to accommodate foreigners and adapt to a changing environment—through temporary settlement, rights of use, herding and harvest seasons, or intermarriage—real or perceived land scarcity, the disruption of social relations, or the build-up of divisions during war, together with the effects of land tenure reforms promoted by the government and international donors, have progressively reduced this adaptability (Peters 2004, Lavigne Delville 2000, 98).

It is important to recall that tenure security provision based on localness is not a prerogative of customary or informal practices. Formal state institutions often guarantee rights to their citizens on the basis of localness in spite of the universality of human rights and national laws establishing the equality of all country nationals (Brun 2003). Access to certain services—health, education, state housing—and political participation rights are usually granted after formal inscription in the local census. Refugees are banned from formal employment in various countries, while only nationals can buy land according to the laws of many Africa states, including Uganda and Kenya. In Nigeria, a certificate of indigeneity issued by the state is required to present candidacy to public office and to access public grants and subsidises in every province, leaving Nigerians who cannot prove their nativeness in a marginal position (HRW 2006).

4. International responses to IDPs' tenure security needs

Urban IDPs are mostly found living in informal settlements of post-colonial countries, subject to neo-customary and hybrid tenure systems, and often constrained in their capacity to settle and integrate by the application of housing and property legislation and urban development policies. In many post-conflict contexts, where there is no coherent, enforceable, and responsive legal system in place with the ability to function independently of political and economic instability (Leckie 1989, 100), the realisation of tenure security in the name of the universal and equalitarian paradigm of human rights seems a distant fantasy. It is therefore necessary to examine *de facto* power relations and sociopolitical dynamics to discern who has the legitimacy to effectively protect, recognise, and enforce tenure rights and how.

The arrival and settlement of IDPs has an impact on local power relations: it may reinforce one group to the detriment of others or change the composition of a community, generating a new imbalance (Brun 2000). Understanding the negotiation of IDPs' right to settle in their area of displacement and to achieve tenure security could reveal their agency to locally integrate and to develop new feelings of belonging and attachment through the acceptance of norms, procedures, and authority that further entitles them to rights. Conversely, IDPs can initiate processes of resistance against power structures and institutions that they consider illegitimate or threatening to their right to remain, a stand that, nevertheless, can be understood as another manifestation of

their desire to integrate and be accepted. Brun (2003, 395) defines this process as a “struggle for citizenship,” where IDPs look for a place to locate themselves, negotiate their status, and participate in society.

Policies, guidance, and programmes supporting IDPs’ tenure security to achieve durable solutions should respond to the three dimensions of tenure security—de jure, de facto, and perceived—and bridge the different positions present in the foundations of tenure security, understanding their complementarity. A mainly de jure approach aimed at the realisation of the human right to housing and directed towards the state duty to protect its citizens may be blind or even detrimental to local dynamics of social recognition and acceptance. Conversely, an approach that relies exclusively on de facto elements could be unstable in the long term and limit IDPs’ options for integration, subjecting them to changing power dynamics and interests and undermining state legitimacy.

The following sections comprise a review of the responses to IDPs’ needs in terms of HLP developed by international institutions and applied as part of international peacebuilding, humanitarian, and development strategies. I analyse how these policy instruments have dealt, in practice, with HLP issues and internal displacement on the ground, assessing their support of the achievement of durable solutions, their scope, and degree of success. Crucially, this review explains how the foundations of tenure security and the connection between security of tenure and durable solutions have been understood by international actors, based on their consideration and response to the three dimensions model advanced by Van Gelder (2010).

5. Tenure security and IDPs in transitional justice and peacebuilding

In spite of their centrality to the construction of peace, HLP issues only started to be considered as a key aspect of peacebuilding processes at the height of the post-Cold War refugee crisis in the 1990s (Leckie and Huggins 2013, 6). Confronted with the increasing unwillingness of state parties to the Refugee Convention to assume their share of protection duty, the UNHCR declared the 1990s the “Decade of Repatriation” and started advocating for return as the best and most desirable option for refugees (Bradley 2013, 5). Tenure security was then set at the centre of return policies, and

restitution of former houses and properties became the key to reintegration (Chimni 2004, McCallin 2013).

The right to return to one's country, enshrined in the Universal Declaration of Human Rights, progressively evolved into the right to return home, to the physical structure where life came to pass before the conflict (Smit 2013, 9-42). This shift was apparent in the momentum gained by HLP restitution policies during the transitional justice process of the former Yugoslavian states, where restitution was also seen as a means to redress the wrongs of war (McCallin 2013, 101). The first time the right to return was interpreted as the right to return to ones' home of origin was in the 1995 Dayton accords ending Bosnia's war (Ballard 2010, 481). Most importantly, restitution of property appeared as a means to secure the return of those forcibly displaced (McCallin, 2013: 101; Ballard, 2010: 485).

Elaborated in this period, the Guiding Principles on Internal Displacement contain multiple references to tenure security. For instance, principle 18 establishes IDPs' right to safe access to housing; principle 21.3 sets up the protection against illegal occupation of IDPs' properties; and principle 29 underlines state responsibility to recover, restore, or compensate the rightful owner.

For peacebuilding strategies, redress for the violations of property rights was part of their effort to restore the rule of law. Peace agreements have progressively included HLP provisions, such as the recognition of restitution rights or the creation of specialised bodies to deal with HLP disputes (Leckie and Huggins 2013, 224, Mc Hugh 2010). International institutions highlighted the potential of restitution to reduce tensions and threats of retaliation in post-conflict settings (Koser 2007). At the same time, legal security of tenure was deemed essential to economic development, with clear property rights that may open the door to private investment and global markets (McCallin, 2013: 101). All these efforts would ultimately be conducive to building state legitimacy, as the main goal of international peacebuilding strategies was to create an institution able to protect the human rights of all citizens, including housing rights through the restitution of properties to their legitimate owners.

5.1 The UN Principles on Housing and Property Restitution

Restitution has been lauded as a precondition for safe and sustainable return to areas of origin of both IDPs and refugees. It has been enshrined as a remedy to human rights violations and as a contribution to the restoration of the rule of law and peacebuilding after war. However, the implementation of the first restitution programmes and policies obtained mixed results, while international commitment greatly varied, showing that these processes needed a clear legal reference (Smit 2013, 98).

In an effort to provide a guideline for restitution policies and a legal base for implementation, the UN appointed a Special Rapporteur on housing and property restitution for refugees and IDPs. Thus, Paulo S. Pinheiro became the principal architect of the UN Principles on Housing and Property Restitution for Refugees and Displaced Persons (the Pinheiro Principles), adopted in 2005. This soft law instrument is based in a legal compendium of international human rights law, refugee law, and humanitarian law and a systematic review of previous restitution processes, including post-conflict and post-communist examples. Its aim is to provide a set of minimum standards to address the “legal and technical” aspects of restitution and to establish good practices that can be replicated worldwide (ECOSOC 2005, prin. 1).

The Pinheiro Principles describe the right to restitution as the right of every refugee and IDP to the restoration of their former housing, land, and properties or, when this is not possible, to be compensated for their loss (prin. 2.1). They establish that states should prioritise restitution as the preferred remedy to address displacement, and that restitution rights shall prevail regardless of the feasibility or desirability of return, and IDPs choice on durable solutions (prin. 2.2). The Pinheiro Principles consider the restoration of property rights, in any case, as contributing to ending displacement.

The state is regarded as primarily responsible for both restitution and free and voluntary return processes. International support to complete these tasks can be provided upon request when financial and institutional resources are limited (prin. 10.4, 12.5 and 22). Whenever necessary, specific institutions and procedures should be established and funded to proceed with the restitution process; otherwise, existing juridical, administrative, and other pertinent institutions must have the necessary human and financial resources to fulfil this task (prin. 12).

Customary or informal restitution mechanisms are recognised as valid in the Pinheiro Principles as long as their procedures are in line with international law standards, particularly non-discrimination (prin. 12.4 and 15.2). However, according to principle 15, legal tenure security shall be guaranteed by the reestablishment or the creation of cadastral or similar registration systems and the record or formal demarcation of all restitution pronouncements. In this regard, the Pinheiro Principles assert that legal documentation is the most efficient instrument to secure tenure.

5.2 Main critiques of the restitution processes and the Pinheiro Principles

Critics of restitution, although praising the contribution of the Pinheiro Principles to the systematisation of practices and the clear definition of a legal background and its dissemination, have been quick to point out the flaws of the process, which is circumscribed to the limitations of an exclusively legalist western approach to HLP issues and tenure security (Ballard 2010, M. J. Anderson 2011, 316-318). The following typology describes the main challenges by virtue of the scope of the process, the limitations of particular components, and the shortcomings in the results.⁵⁰

A. *Limits of the scope*

The main criticism in this area is the primacy of restitution over other solutions to displacement. It has been argued that restitution in kind offers the possibility to freely choose between return, resettlement, and local integration (Williams 2005, 553). However, the presumption that the restoration of property rights would allow the owner to decide whether to return or otherwise sell or rent his/her properties and satisfactorily integrate in another place has been insufficiently documented. The absence of appropriate monitoring mechanisms to measure the sustainability of return, resettlement, or integration after restitution hinders the verification of this hypothesis (Ferris 2011, 7, Black and Gent 2006). Studies analysing return processes suggest that restitution is not enough to achieve a sustainable settlement and that adequate livelihoods and good community relations are necessary to develop feelings of belonging (Stefansson 2006, Heimerl 2005). In the same vein, Elhawary and Pantuliano

⁵⁰ A version of this section was published in García Amado, Patricia. “Connecting Tenure Security with Durable Solutions to Internal Displacement: From Restitution of Property Rights to the Right to Housing.” *International Migration* 54, no. 4 (2016): 74-86

(2013, 118) state that is necessary to look at the bigger picture, to avoid overlooking structural factors such as inadequate land laws and corrupt land practices, and to include HLP rights and concerns of resident populations.

Another worrisome limitation is that the international emphasis on the right to restitution could divert resources to the detriment of other necessary measures to achieving durable solutions, such as reconstruction, provision of basic services, employment and security in areas of return (Ballard 2010, 493), or other reparation programmes (Williams 2007, 48). For instance, in Bosnia and Herzegovina, restitution of urban property led to the eviction of poor rural people waiting for their houses to be reconstructed. While those IDPs with greater resources could acquire a rented apartment and remain in the city, low income households were forced to return as their only chance to access reconstruction assistance (Serrano 2015).

Moreover, the obligation of the state to prioritise restitution favours IDPs and refugees with demonstrable legal housing rights over the compensation and assistance to those with no previous properties or insufficient documentation/legal back-up to prove their claims (e.g., homeless people, landless people, and squatters). In a post-conflict context where financial resources are often limited, this could mean that the most vulnerable groups before the war may remain excluded from support in its aftermath.

Wily (2009), de Waal (2009), and Van der Auweraert (2013, 350), among others, note with disappointment the predominance of the restoration of former rights and argue that restitution has eclipsed the debate over necessary HLP reforms like land distribution, and does not provide a comprehensive answer to housing needs in post-war contexts. Pinheiro's exclusive focus on the legal attribution of property ownership avoids dealing with contentious local issues, like the relation between land tenure and political power, competing visions of post-conflict economic development, and disputes emerging from emotional and symbolic attachments to land (Van der Auweraert 2013, 347-350, Badiéy 2014). Furthermore, Pinheiro's approach circumvents the discussion on unequal HLP access and distribution, the gendered titling of properties, and social norms too often negatively affecting women's rights to the benefit of their male counterparts (Sánchez Bermúdez, Cunial and Farmer 2014).

Conversely, McCallin (2013, 100) recalls that it was never within the scope of the restitution processes or the Pinheiro Principles to solve structural inequalities, and that other types of interventions and policies are required to achieve these objectives. However, structural inequalities and power asymmetries can become a great hindrance to the restoration of tenure rights of certain groups, since they can limit their access to justice (Peters 2004), particularly in the case of women and minority groups (Williams 2013, 4).

Authors like Heimerl (2005) and Ballard (2010) argue that restitution is a top-down process that is highly dependent of international legal frameworks and technical and financial support—a feature that undermines local legitimacy, participation, and ownership of the process. According to the Pinheiro Principles, states can request international support to complete restitution processes (prin. 12.5) and international bodies can promote and protect the restitution of HLP, including through the incorporation of these tasks within the mandate of peace missions (prin. 22.6). In practice, the unequal international engagement in these processes reveals the great political implications of restitution, connected with international agendas and particular geostrategic interests. For instance, Smit (2013, 46-47) and McCallin (2013, 102) note that the involvement of the international community has been irregular and greatly varies from one country to another, as evidenced by powerful external intervention in Bosnia and Herzegovina or Kosovo compared to no direct participation in the at least equally severe cases of Rwanda and Guatemala.

B. Limits of the components

Focusing on the legal and technical aspect the Pinheiro Principles are supposed to address, a consistent critique is their inadequacy to deal with customary tenure systems and informality. This soft law instrument recognises the capacity of informal mechanisms—customary or otherwise—to deal with land disputes, but conditions their application to their compliance with international rights standards, a measure that establishes the primacy of international frameworks over local practices (ECOSOC 2005, prin. 12.4). This represents a challenge in many post-conflict countries, where only 80 per cent of the population has access to justice through customary institutions (McCallin 2012, 8) and where purported legal harmonisation could ignite disputes

among diverse institutions (formal, informal, customary, hybrid) that manage access to and use of land, jeopardising peace processes.

The predominant focus on possession, ownership, and property has shown the inability of these processes to restore alternative entitlements to land like right of way, right to use, and temporary settlement or grazing rights, the effective enjoyment of which, unlike property, depends on return (McCallin 2013, 107). A related shortcoming is the difficult translation into legal documents and records of the multiple rights that may converge over the same land—a registration that might otherwise erode the adaptability of customary arrangements (Wily 2006, 6).⁵¹

Drawing attention to further deficiencies of this instrument, M. J. Anderson (2011, 313-315) points to the limits of the Pinheiro Principles in responding to repeated patterns or multiple waves of dispossession. The Principles do not provide guidance on how far in time the government should restore property or provide compensation for its loss, leading to an uneven and aleatory application, an issue particularly contentious in context like the former Yugoslavia, Palestine, or Cyprus. In practice, the restitution of properties to people forcibly displaced during the latest spike of violence could be a tacit support to the forced dispossession and displacement of previous owners.

Another limitation of the Principles is the lack of response to informal housing rights. The Pinheiro Principles include a brief reference to non-owners, stating the right of tenants, residents in social housing, and other legitimate occupants to be recognised within restitution programmes (principle 16). Under these conditions, the legitimacy of claims in places like informal settlements or occupied public and private buildings could be easily excluded from restoration or reparation (UNHCR, et al. 2007, 80). Restitution processes have mainly contributed to a restoration of properties in rural areas. In South Africa, even if 80 per cent of the claims to restitution after Apartheid were made over urban land, the majority were resolved through economic compensation without involving the transfer of urban land or the restoration of houses to black people (Sibanda 2001, 3). In Bosnia, the promotion of minorities' return through restitution

⁵¹ The International Federation of Surveyors, Global Land Tool Network, and UN-HABITAT have recently developed the Social Tenure Domain Model (Lemmen 2013). This tool includes complementing land administration systems with information from customary and informal uses of the territory observed on the ground, collected and agreed upon by communities.

implied a re-ruralisation of urban IDPs, which failed to promote sustainable return (Heimerl 2005, 387). Furthermore, Colombia's Land Restitution Law is only applied to rural territories and does not recognise the rights of those displaced by common crime in urban areas (Pareja 2012).

Finally, security of tenure is equated to the formal record and demarcation of all pronouncements over restitution (ECOSOC 2005, prin. 15.2), a fact that may be irrelevant when a state's enforcement capacity is weak or insufficient to impose its jurisdiction in areas that are far from the main urban centres or when legal resolutions are confronted with the opposition of the community in areas of return (Elhawary and Pantuliano 2013, 117, Bouckaert 2004, OSCE 2007). The Pinheiro Principles systematically address the de jure dimension of tenure security but underestimate the relevance of de facto social connections, acceptance, and self-perceptions of security in the effective repossession of property. In this sense, Van der Auweraert (2013, 349) concludes, "a strictly rights-based approach [...] will fail to durably resolve the dispute and may become a source of further or renewed violent conflict."

C. Limits of the results

The main criticism of the results of restitution processes has been the breakdown of the nexus between restitution and sustainable return,⁵² which exposes the limits of a legal and technical response to HLP rights that do not take into consideration political and socioeconomic factors. Restitution in the Pinheiro Principles has been constructed as a legal and technical process in order to avoid the political implications of return, a main obstacle to the process in places like Bosnia and Herzegovina and Kosovo (Heimerl 2005, Williams 2005).⁵³ The shift from a return-based approach to a rights-based approach has enabled the unlocking of restitution processes, perceived now as a fundamental component of transitional justice and an essential right. Nevertheless, the reduction of restitution to a juridical decision over the rightful owner has proven insufficient to promote sustainable return to areas of origin due to its inadequacy to

⁵² For an overview of return estimates in thirteen countries with restitution processes, see the Table 2.1, Return and restitution comparison, in Smit (2013): 46-47.

⁵³ The review and assessment of restitution experiences in BiH and Kosovo, with considerable international involvement, were central to the development of the Pinheiro Principles.

support wider and long-term processes of reconciliation or socioeconomic development required to enable a durable settlement.

By delinking return and restitution processes, the enabling quality of security of tenure to the realisation of the right to housing has been invalidated. A strictly rights-based and technical approach may be able to reduce tensions associated with the deeply political issue of return in the immediate term (Ballard 2010), but is unable to transform legal security of tenure into a durable solution to displacement or to turn a house into a home (Brun and Fábos 2015, Smit 2013, 98-134). As a consequence, the legitimacy of the state might be undermined by its inability to provide a sustainable return and its avoidance of key social and political issues of peacebuilding related to HLP access and distribution (Ballard 2010, 495).

6. Tenure security and IDPs in humanitarian protection policies

Shelter has been part of the contemporary humanitarian response to displacement since its inception with the creation of the UNHCR in 1950. However, it was not until 2007, in light of the UN humanitarian reform⁵⁴ and the establishment of the Cluster Approach,⁵⁵ that housing, land, and property issues were jointly defined as an Area of Responsibility (AoR) led by the Norwegian Refugee Council (NRC) within the new Protection Cluster under UNHCR command.⁵⁶

The creation of the HLP AoR was a response to UNHCR's calls to go beyond ad hoc initiatives to address HLP issues in an early, appropriate, and integral manner and to include security of tenure among the concerns of international interventions (Leckie

⁵⁴ In the early 1990s, steps were taken to improve coordination across humanitarian actors during emergencies. In 1991, the Office for the Coordination of Humanitarian Affairs (OCHA) was established and the Inter-Agency Standing Committee (IASC), created in 1992, became fully operational in 1998. The IASC is the primary forum for interagency coordination, policy development, and decision-making on humanitarian issues at the global, regional, and country levels. In 2005, the IASC presented the Humanitarian Reform Agenda and established the Cluster Approach, including a Protection Cluster led by UNHCR (Wynn-Pope 2012)

⁵⁵ Clusters are groups of humanitarian organisations (UN and non-UN) working in the main sectors of humanitarian action. They are created to coordinate action during humanitarian emergencies, and their main goals are to increase transparency and accountability, enhance predictability, engage with national and local authorities, ensure the participation of the affected population, and design joint strategic and operational humanitarian planning (UNHCR 2015).

⁵⁶ The Protection Cluster was divided into four AoR: child protection, led by UNICEF; ii) gender-based violence, UNFPA; iii) mine action, UNMAS; and iv) housing, land and property, NRC.

2005, 17, 21). The inadequacy of encampment solutions to protracted displacement stimulated the search for settlement alternatives and opened a space for dissent from the mainly return-oriented policies (Bakewell 2014, Jacobsen 2001, Black 1998, Smith 2004). The transformation of camps into permanent structures had become a thorny issue, while the provisional placement of refugees and IDPs in public buildings or collective centres, and their self-settlement in slum areas, had too often ended up with local authorities resorting to forced evictions to discourage integration, seriously compromising IDPs' durable solutions (Williams 2011, 9). A common conclusion was that the inadequacy of basic humanitarian shelter and the absence of policies addressing housing needs during displacement —on a permanent or temporary basis—undermined IDPs' self-reliance and the possibilities to achieve a durable solution (Ferris 2011).

The HLP AoR aims to coordinate an early and integral response to HLP issues during emergencies contributing to save lives, enabling humanitarian action, mitigating the impact of conflict and disaster, and achieving durable solutions to forced displacement (Global Protection Cluster). It brings together NGOs, UN agencies, and academic institutions working at global and local levels to address HLP issues in humanitarian crises. Common HLP concerns in emergencies include tenure discrimination, loss of HLP documentation, access to land for shelter and livelihoods, land and property disputes, forced evictions, secondary occupation, land grabbing, restitution, and HLP awareness across humanitarian sectors, among others (NRC and IFRC 2016, 5).

Being part of the protection cluster, the HLP AoR's action is oriented towards the realisation of the right to adequate housing and the right to property during humanitarian crises, acknowledging the diversity of existing tenure arrangements and the entitlement to legal protection against forced evictions, harassment, and other threats. Nevertheless, and according to the HLP focal point, humanitarian actors are not expected to fulfil those rights in emergency settings, but to promote and protect them to fullest through responsible settlement programming, providing a context-specific shelter support that considers and integrates local initiatives and capacities with national housing and settlement policies (NRC and IFRC 2016, 28-29).

Accordingly, the FDS, endorsed by the IASC in 2009, called on governments to make tangible commitments to the progressive realisation of ESC rights and included

HLP restitution and the adequate access on a sustainable basis to basic shelter and housing among its criteria. This latter benchmark is clearly inspired by the content and spirit of the right to adequate housing, including minimum conditions of availability, accessibility, acceptability, and adaptability (UNHRC 2009, para. 65, 66). Although security of tenure is not directly mentioned, the requirement of a “sustainable basis” can be interpreted as a reference to the concept. In addition, the benchmark of long-term safety and security implies effective legal protection against threats that may cause renewed displacement, and lists IDPs’ perceptions of their own security and safety among its indicators.

The guidance provided by the FDS to monitor progress in the protection of IDPs’ rights is complemented by reflections of the SRAH on integrating tenure security concerns in humanitarian and development responses to conflict and disasters. In her 2010 report, the SRAH argues that responses to displacement and housing destruction have to be informed by a context-specific analysis of tenure forms to guarantee that interventions recognise and protect all of them and do not increase household vulnerability to forced eviction, harassment, and other threats, or become a trigger of future conflicts (UNHRC 2010, para. 23). In the same vein, the Special Rapporteur on the Human Rights of IDPs, Chaloka Beyani, included tenure security among the main protection concerns for IDPs in urban areas and underlined that forced evictions hampered durable solutions (UNGA 2014, para.35). He called for the planning of a long-term joint intervention of humanitarian and development actors, in coordination with national and municipal authorities, and for the incorporation of informal settlements and IDPs’ specific needs in urban planning to ensure tenure security and livelihoods.

6.1 Tenure security as a marker and a means of urban IDPs’ integration

The humanitarian focus has gradually shifted from a nearly exclusive support for restitution and return policies to the strengthening of tenure security and the realisation of housing rights as a measure of achieving durable solutions (Williams 2011, 4). For instance, the first IASC policy for the protection of IDPs (1999) did not include any reference to the right to adequate housing or tenure security, although it recognised the challenges arising from property and land restitution. Later, in 2007, the IASC Handbook for Protection of IDPs incorporated HLP rights in two sections: shelter,

referred to as emergency and transitional habitable options compatible with durable solutions, and land and property, comprising formal and informal tenure rights and their protection, mainly oriented towards restitution processes. An increasing number of scholars and protection practitioners concede that tenure security is a maker and a means of integration (Williams 2011, Ferris 2011, Gupta 2015, Smit 2013, Walicki 2011). Their main argument is that the provision of legally secure housing increases self-reliance as a first step towards a durable solution (Gupta 2015, 4, Williams 2011, 6-7).

International actors argue that tenure security is an indicator of vulnerability that must be monitored and evaluated in a situated manner, and that its realisation should be taken with due diligence in urban areas (NRC 2017). They advocate for area-based interventions and other integrated approaches in urban locations where IDPs' housing needs are similar to those of other urban poor;⁵⁷ the eradication of discriminatory eligibility criteria in housing programmes affecting IDPs;⁵⁸ the incentive of affordable rental schemes; the meaningful participation and legal empowerment of IDPs; and the inclusion of tenure insecurity as an indicator of vulnerability which should be addressed with due diligence and adequately monitored and evaluated (Gupta 2015, 64-67).

Area-based approaches provide for the implementation of multisectoral programmes—livelihoods support, basic service provision, disaster risk reduction—that strengthen tenure security and enable IDPs' sustainable integration (NRC 2017, 33-36). Furthermore, these initiatives are inclusive and require the active participation of all those living in the designated area, whether IDPs or not, and have the potential to contribute to community creation, reinforcing *de facto* dimensions of tenure security (Global Shelter Cluster 2017).

Another suitable strategy is the incremental approach to tenure rights, which allows urban IDPs to obtain formal property titles for their houses, linking tenure rights

⁵⁷ Area-based approaches are defined by multi-stakeholder interventions targeting a geographically determined location and informed by a community participatory process (Parker and Maynard 2015, 6). The area is selected using a comparative vulnerability and needs assessment study. It is mainly applied in urban contexts where individual targeting may be costly and problematic, and where it can enable partnerships with local actors.

⁵⁸ For instance, requirements for the duration of settlement or the continuity of presence in a certain area, the restriction of land or housing registration to local people, or the requirement of documents only accessible in areas of origin.

acquisition to progressive settlement upgrading and growing household income. In the same vein, the SRAH warns against the fast commodification of land and housing through formalisation processes that could increase the vulnerability of IDPs to evictions (UNHRC 2010, para. 24). For instance, informal tenure forms may still be required to cover the housing needs of the poorest and most vulnerable groups within the society that may not be able to afford the costs of formalisation, including taxes and service payments, in a sustainable manner over time (Bayat 2000, 549).

Finally, it is suggested that progressive state recognition of informal and customary tenure arrangements should ideally be translated into formal titles and the codification of customary and informal practices (Gupta 2015, 65). This recommendation lies in the belief that formality ultimately equates to security of tenure. However, Williams (2011, 6) indicates that housing solutions should be supported by a context-specific analysis of the degree of tenure security awarded by every tenure form in order to adapt responses to the existing situation instead of working towards an ideal or standardised form.

6.2 Limits to humanitarian HLP strategies to assist urban IDPs

New humanitarian HLP strategies, rooted in the protection of the right to adequate housing, have been able to comprehensively integrate *de jure*, *de facto*, and perceptual elements of tenure security. Through a consistent and context-specific analysis of tenure forms and of the multiple actors involved in the realisation of housing rights, these programmes have been able to develop multisectoral responses and increase institutional support for the (re)integration of IDPs. However, some limits remain in the application and extension of HLP assistance to a growing urban IDP population and in the evaluation of its impact on IDPs' integration.

One of the main limits is in the reticence of humanitarian institutions and donors to implement housing and shelter programmes where tenure is not "secure enough," prioritising housing assistance to IDPs with documented ownership while offering emergency and transitional solutions to non-owners and those with no proof of ownership (Gupta 2015, 16). The Handbook for the Protection of IDPs, for instance, recommends that aid organisations ensure land tenure security before planning for provisional or permanent shelter construction (Global Protection Cluster 2010, 240).

Although this might make sense for new edifications, the absence of western-like tenure security hinders other types of interventions, like upgrading or service provision to urban IDPs in informal settlements, and negatively affects the housing rights of the most vulnerable groups.

Donors and aid programmes are also concerned with the cost-effectiveness of their interventions and are often reluctant to engage with IDPs if they cannot ensure permanence in their current location (NRC and IFRC 2013, 18). This is particularly problematic in urban areas where mobility is higher and usually related to livelihood opportunities. In practice, this could delay housing and settlement assistance and run counter to the achievement of durable solutions. Mobility can also be problematic in terms of evaluation (Parker and Maynard 2015, 16); above all if the assessment aim is to measure a programme's effects on beneficiaries' integration processes.

High investment requirements, limited cost recovery, and the great administrative capacity necessary for the implementation of HLP programmes could hinder the scaling-up and extension of these interventions, particularly in countries with high slum prevalence, making these projects highly dependent of external financial support (Gupta 2015). The conceptualisation of shelter as a process that goes beyond shelter construction to include livelihoods and community support programmes seems to be widely accepted in humanitarian forums, as opposed to shelter as a final product—i.e., tents, transitional shelter, reconstruction, etc. (Fan 2012, 72). However, humanitarian concerns about accountability and liability and the fragmented response to shelter needs provided by the cluster system (management, shelter and non-food items, HLP rights protection, etc.) hinder the implementation of this broader approach (Fan 2012, 75).

Area-based approaches, promoted as an effective tool in humanitarian HLP interventions in urban areas, also present challenges and shortcomings in their performance. Though positive in principle, the incorporation of multiple stakeholders at different levels and from different sectors may hamper or stall decision-making processes if political agendas are not aligned or actors are in competition (Global Shelter Cluster 2017, 3). There might be also a great imbalance of power between settlement representatives and high-level decision-makers, reducing their opportunities to effectively participate and define the outcome of the interventions that suits their

capacities and interests. In this regard, Parker and Maynard point to the worrying shift of responsibility to local actors with little capacity to address or influence wider economic, social and political processes responsible of poverty and marginality (Parker and Maynard 2015, 15). Additionally, despite the fact that these types of interventions are inclusive of all settlement dwellers—IDPs, refugees, migrants, and other urban poor—and potentially contribute to community-building goals, the selection of an area can strain relations with neighbouring settlement or other city residents who may not understand the prioritisation of that intervention or who are against the integration and progressive formalisation of informal settlements (Global Shelter Cluster 2017, 4). Furthermore, interventions in these areas are not necessarily connected to municipal or state policies on urban development, construction standards, service provision, etc., which might compromise sustainability once the project is over (Parker and Maynard 2015, 15).

A major limitation is are the essential requirement of political will and long-term state and donor engagement (Gupta 2015, 67). The duration of these projects exceeds the usual time frames of emergencies, lasting more than five years on average (Parker and Maynard 2015, 16). In a context of legal pluralism, the composition of the main stakeholder group may vary to include customary leaders, settlement gatekeepers, or even local gangs controlling housing and land access and distribution in settlements. The complexity of dealing with different levels of government, with varied political agendas, can seriously disrupt integration efforts. Stakeholders' positions may vary to maintain the support of their constituencies or to gain legitimacy, bargaining power, or votes. Understanding, managing, and balancing the different interests, commitments, and priorities of every actor is a significant challenge that can delay early programming and handover.

In some instances, Gupta (2015, 11) considers it is necessary to bypass government institutions and collaborate directly with civil society, community-based organisations, and local communities, allowing for alternative responders to intervene. This can take place in areas that are not under the control of the government, where its enforcement capacity is limited, or where there are other actors (informal, religious, or customary) that can guarantee a minimum of tenure security. However, supporting parallel power structures can jeopardise state-building objectives. A balance between de

jure, de facto, and perceptual dimensions of tenure security remains necessary in achieving durable solutions and supporting integration.

7. Tenure security and IDPs in the urban development agenda

Another development that has broadened the debate over durable solutions to displacement is progressive world urbanisation. In 2007, for the first time in history, the number of city dwellers exceeded that of rural residents, and currently more than half of the total number of IDPs and refugees are said to be living in cities. IDPs and refugees, unable or unwilling to return to their areas of origin, contribute to this phenomenon, forcing international actors to rethink and adapt their strategies to the urban context (Crisp, Morris and Refstie 2012, Williams 2011, 9, Pantuliano, Metcalfe, et al. 2012). The liminal category “IDP” hides a process of forced urbanisation, the migration to cities for survival, where those perceived as temporarily displaced become permanent city dwellers (de Waal 2009, 19).

Protracted internal displacement has increased the number and extension of informal settlements in urban areas. Informal housing in this context has been described as a malfunction of cities’ development, a distinctive sector, and a resource of the poor. However, authors like Portes and Haller (2005, 410-411) describe informality as the outcome of the capacity and intent of the state to ensure compliance with legislation in combination with the characteristics of the population (individualistic or networked), and as a by-product of the irregular application of norms and policies that serves as a cushion to the formal economy and political stability in times of crisis. Furthermore, Roy argues that informal practices are unrelated to poverty and destitution but that, too often, they are only treated as problematic when carried out by vulnerable groups—those with less power in society (Roy 2005, 149).⁵⁹

In recent years, displacement crises seem to have rotated their scenario from low density rural areas to ill-prepared cities unable to respond to a growing population. The analysis of protracted urban displacement reveals the high prevalence of tenure insecurity in areas where IDPs are located, and the urgency of prioritising housing solutions to reduce vulnerability (Williams 2011). In this respect, the Special

⁵⁹ For a systematic literature review on the concept of informality, see Alfaro d’Alençon et al. (2018)

Rapporteur on the human rights of IDPs considers that their sustainable integration in cities must be supported by planning policies that include concrete measures to increase urban IDPs' tenure security (UNGA 2014, para. 33 and 35).

Tenure insecurity is further analysed as a factor of violence and a threat to peace in urban areas. For instance, UNHABITAT (2007a, 120-121) defines tenure security as a central component of human security, emphasising that its absence creates the conditions for destructive behaviour and political instability. Authors like Lombard (2012), Obala, and Mattingly (2014), Beall (2011), McMichael (2014), and Muggah (2012), among others, highlight the potential for conflict over land access and management in urban areas, and how the concentration of pockets of inequality and marginality in cities can threaten stability and peace.

The consolidation of durable solutions in urban areas requires the early engagement of development actors in the response to IDPs' needs. The nexus between humanitarian and development activities is found in the protection and promotion of human rights, including the right to adequate housing. Current HLP humanitarian programmes promoting tenure security are inspired by development approaches to urban informality in the housing sector, ranging from title regularisation to the legal recognition of informal occupancy rights and the establishment of eviction protocols (Durand-Lasserve and Royston 2002). Likewise, the definition of housing as a productive asset of the urban poor, based on Moser's studies on urban vulnerability (1996, 1998), contributes to the acknowledgment of tenure security as a component of livelihoods.

This need for convergence makes necessary the review of established international urban development agendas to ensure that their strategies, action points, and goals are contributing to early recovery and the integration of IDPs. In this regard, international policies supporting sustainable urban development should include forced migration and durable solutions among their concerns to increase city resilience to migration fluxes and to promote inclusive societies.

Since its inception in 1975, UNHABITAT's mandate has been to achieve adequate shelter for all and the sustainable development of human settlements, and to

promote sustainable and inclusive cities.⁶⁰ Together with the World Bank, the agency has set the main guidelines and policies to manage urban development, improve the lives of slum dwellers, and increase tenure security in urban areas. The agency currently chairs the IASC Reference Group on Meeting Humanitarian Challenges in Urban Areas, aimed at urban preparedness, crisis response and maximising humanitarian response sustainability. The following subsection analyses the evolution of the UNHABITAT agenda through the inclusion and interpretation of tenure security and the incorporation and response to forced displacement in urban areas.

7.1 Vancouver Habitat Conference and Action Plan

The UN Conference on Human Settlements and Habitats, hosted in Vancouver, Canada (31 May to 11 June 1976), was the first time urbanisation processes were discussed in this international forum. Conference organisers defined human settlements as both an instrument and an object of development at a moment when growing urbanisation was perceived by many as a threat to be contained. Forced migration was described as a contributing factor to the proliferation of human settlements, together with unequal economic growth, socioeconomic and environmental crises, population growth, uncontrolled urbanisation, and rural underdevelopment.

The resulting Vancouver Declaration established the state as primary responsible for the provision of adequate shelter with the right to control, plan, and manage the use of land for the public interest. Additionally, the declaration vindicates the right of people to participate in decisions concerning their settlement and calls on states to support informal and self-help initiatives for shelter construction, considered to be more efficient than public housing programmes in their response to the shelter needs of the urban poor.

Customary and informal tenure rights and institutions are seldom mentioned in the Vancouver Declaration and the sixty-four-point Action Plan, elaborated to guide

⁶⁰ The programme was first established as the United Nations Habitat and Human Settlements Foundation under the umbrella of the United Nations Environment Programme (UNEP). In 2002 its mandate was strengthened and its status elevated to a UN programme, giving rise to the United Nations Human Settlements Programme, UN-HABITAT. Its mandate is to promote socially and environmentally sustainable towns and cities and the achievement of adequate shelter for all. It is the focal point for all urbanisation and human settlement matters within the UN system (UNHABITAT n.d.).

national implementation of the outputs of the conference. Referring to patterns of ownership (tenure systems), the Action Plan suggests that customary and traditional patterns should be adapted to modern property rights systems if necessary for their protection (United Nations 1976a). On the other hand, the informal sector and self-help initiatives are seen in a positive light, highlighting the resourcefulness of human settlement dwellers, although there is no reference to informal tenure systems operating and managing land independently from the state.

Regarding emergency and post-conflict contexts, the declaration concedes that priority must be given to property restitution after disaster or conflicts to enable return, particularly in international confrontations (United Nations 1976b, sect. II, para. 15). However, the Declaration and the Action Plan did not include any measure to support restoration processes and, significantly, the only reference to human settlements as an outcome of conflict, found in the recommendations to temporary settlements during emergencies, establishes that their design should respond to the needs of their inhabitants and to their possible permanent incorporation into city or town planning (United Nations 1976a, recommendation B13).

The main recommendation to improve shelter quality is to provide venues for regularisation (United Nations 1976a, C.10). This advice is in line with the classical property rights school, where tenure rights can only be enforced by the state through registered rights, and on the belief that improvements in housing would only be introduced once a title deed was issued. Since then, the regularisation approach has been implemented using formalisation programmes, either by direct titling provision or following an incremental approach to legal tenure security, and supporting the regularisation of physical infrastructure of informal settlements through slum upgrading programmes, reviewing construction standards to adapt them to the local context, ensuring progressive compliance with housing and planning regulations, and simplifying procedures for land acquisition, building permits, etc. (Mertins, Popp and Wehrmann 1998, 39).

7.2 Istanbul Declaration on Human Settlements and the Habitat Agenda

Twenty years later, in 1996, the HABITAT II conference held in Istanbul, Turkey, declared the creation of sustainable settlements that are accessible and socially

integrated as its main goal, and defined cities as development platforms. State responsibility for the realisation of the right to adequate housing is reinstated, although a decentralised approach is included, opening the door to the engagement of local governments in urban development.

The resulting document, called the Habitat Agenda, aligns with the 1991 CESCR General Comment no. 4 on the right to adequate housing, declaring that states must provide all tenure forms with at least a minimum degree of tenure security and protect rights holders against forced eviction (UNHABITAT 1996). It further recognises the multiple forms in which tenure is organised and managed, and it requests a thorough analysis of existing tenure systems in every context to ensure their recognition and adequate protection. Still, tenure security is exclusively described as the outcome of the legal protection provided by the state.

A reflection on internal displacement and durable solutions appears for the first time on the human settlements agenda. IDPs and refugees are included in the category of vulnerable groups and their growing number is described again as a factor of the so-called “shelter crisis” (UNHABITAT 1996, para. 12). The Habitat Agenda calls on the international community to support governments in their effort to achieve durable solutions for IDPs, but states that “sustainable human settlements should preferably be established for them in their land of origin”, seriously compromising IDPs’ right to a free and informed choice about their settlement options (UNHABITAT 1996, para. 202, g).

Fundamentally, the Habitat Agenda renewed the UNHABITAT compromise with the “enabling approach” introduced in the 1988 Global Strategy for Shelter to the Year 2000 (UNGA 1988). To achieve the goal of adequate shelter, this approach calls on states to introduce legal, fiscal, and regulation reforms in a way that allows the market economy to efficiently respond to housing needs, creating incentives for the private sector to invest in the construction of adequate housing for all. In this way, the state becomes a facilitator of private investment via legislative reform, the simplification of registration processes, and the adoption of public-private partnerships for housing development, whereas the direct provision of public housing is discarded as insufficient and inefficient (Durand-Lasserve 2003, 9, Sager 2011). The enabling approach further promotes the support of community self-help initiatives and

settlements upgrading, and the access of slum dwellers to financial products adapted to their circumstances to improve housing and settlement quality—a strategy highly encouraged by the World Bank (Mayo and Angel 1993).

The enabling approach has been criticised for its neoliberal stance, its faith in market forces to respond to housing needs with the state as a mere facilitator of private investment and financial support. In practice, what private investors perceive as a profitable opportunity is not necessarily a response to the housing deficits of the urban poor, with limited possibilities for cost recovery. Meanwhile, support to self-help initiatives has been described as an alibi for state failures of wealth redistribution, addressing the outcomes of inequity rather than its root causes, and ignoring existing power relations through a pragmatic and depoliticised solution (Berner and Phillips 2005, 25). Furthermore, these policies seriously neglect those among the poor with less capacity or ability—the most vulnerable groups that cannot respond efficiently to conditions set by these self-help programmes in terms of cost recovery, time dedication, and workforce (i.e., IDPs, minors, single-headed households, disabled people, elders, etc.).

7.3 Habitat III Quito summit and the New Urban Agenda

In 2016, UNHABITAT completed the agency's shift to the urban realm with the New Urban Agenda, adopted at the Habitat III summit in Quito, Ecuador. After the Sustainable Development Goals in 2015 included an urban target—"make cities safe, inclusive, resilient, and sustainable"—the Agenda talks for the first time to the whole urban world and not only to the emerging cities and megacities in the global south; it goes beyond its focus on human settlements to address other challenges in urban environments (Parnell 2016). Inspired by Lefebvre (1968), it defends "the right to the city" interpreted as the equal use and enjoyment of cities by all people who inhabit and, at the same time, produce those spaces.⁶¹

The New Urban Agenda includes forced migration and (post-)conflict urban settings among its concerns, and portrays IDPs as a challenge to governments, but also

⁶¹ For a discussion on the Lefebvre's concept of right to the city, see Marc Purcell (2002) and Peter Marcuse (2009).

as positive contributors to the social, economic, and cultural development of host cities (UNHABITAT 2016a, para. 28). In this regard, the preparatory documents for the summit enhance the creation of inclusive cities, resilient to migration, through the analysis of their absorption capacity and an area-based understanding of the potential for migration; the design and implementation of spatial and regulatory planning to eliminate legal and socioeconomic barriers to participation and integration of migrants; the improvement of rights protection and migrants' access to adequate services, opportunities, and space; and the generation of an "enabling environment" to maximise the positive contribution of migrants to their host society (UNHABITAT 2015). Furthermore, the declaration underlines states' compromise with a proactive and preventive approach that ensures a timely and effective response to conflicts and violence risk reduction in cities (UNHABITAT 2016a, para. 78).

Nevertheless, and in spite of the promising changes introduced in the New Urban Agenda, the main recommendations on HLP policies in post-conflict cities is once again directed at the strengthening of the role of the state as the guarantor of legal tenure security, disregarding the existence of functioning alternative systems for land allocation and management or globally labelling them as pernicious "parallel structures" that must be avoided (UNHABITAT 2015, 6). IDPs' secure tenure is consistently equated in the urban development agenda to land registration, improvement or creation of cadastres, informal settlement regularisation, and incremental approaches to tenure rights for the progressive formalisation of titles, with limited attention to the social and relational character of this security.

8. Conclusions

Understanding tenure security as a multidimensional, dynamic, and context-specific component of integration processes is central to unleashing its full potential to enable the settlement of urban IDPs in peace, dignity, and safety. Ultimately, the three-fold characterisation of tenure security—*de jure*, *de facto*, and perceived—reveals the multiple factors conditioning its realisation, from adequate legal frameworks and judicial systems to status, social interaction, identity, power relations, and feelings of belonging. This analysis helps to illustrate the limitations of current international responses to IDPs' housing needs. Mainly focused on the legal dimension of tenure

security and on the centrality of the state as a guarantor of rights, international strategies try to address the impact of conflict in housing access but avoid dealing with its underlying causes, such as the lack of political legitimacy or structural inequality.

At the core of the internationally sanctioned mechanisms and guidance to protect IDPs' tenure security, there is a particular interpretation of the sources of that insecurity. These ideological underpinnings are those of the liberal democracies where the individual is protected as a citizen by a state observing a universal set of norms. According to this understanding, urban IDPs' tenure insecurity is explained by malfunctioning housing markets that are unable to provide housing for poor and vulnerable groups, deficient urban planning, and state inability or unwillingness to promote the progressive realisation of the right to housing. As a result of this analysis, the effective protection of IDPs' housing would derive from legal compliance with the universal conception of human rights, interdependent and indivisible, rooted in the principle of equality and non-discrimination.

Nevertheless, tenure security is not only a legal matter but a political and relational one, and offering an exclusive legal response to IDPs' housing needs has not always contributed to the achievement of durable solutions. As explained in the chapter, framing restitution as a legal matter has disassociated the recovery of property from the right to return, while the prioritisation of restoration has negatively affected the resources required to support other solutions to displacement, often leaving the most vulnerable groups behind. The absence of legal tenure security has become a main obstacle to donor and humanitarian involvement in HLP programmes supporting IDPs in informal settlements, delaying necessary interventions. Finally, the decentralised strategies of urban development have increased the number of actors involved with municipalities and the direct participation of organised slum dwellers, but are limited in their engagement with informal housing providers, hybrid tenure systems, and alternative protection mechanisms.

The consideration of the *de facto* dimension of tenure security, in conjunction with post-colonial and place-identity theories on tenure rights attribution, suggests there is a plethora of alternative protection actors that could be incorporated in the equation, particularly in the context of legal pluralism, and that access to secure housing is socially-determined and contingent upon political struggles (Van Leeuwen 2014, 294).

Since most IDPs are found in the urban areas of post-colonial countries, it is necessary to recall that there are other actors with “state quality” (Lund 2011, 75) and that rules governing tenure are often different from those appearing in national law and international legislation. These other actors—community leaders, informal land brokers, money lenders, low-ranking civil servants, gangs, etc.—have their own agendas and interests. They may be better or worse than state representatives, but are currently responding to housing needs and offering venues for IDPs to settle and integrate.

To realise the potential of tenure security, *de facto* elements and IDPs’ perceptions must be incorporated. This option is not without challenges. Humanitarian housing programmes in urban contexts face the complexity of dealing with multiple actors at different levels and are sometimes challenged by the absence of substantive political will to move forward and assist IDPs in accessing adequate housing. However, it is fundamental to have a clear understanding and to visualise the dynamics that enable tenure security for IDPs’ settlement, irrespective of the degree of protection awarded by the state, to avoid undermining strategies IDPs apply in their process of integration and settlement (Twiggg and Mosel 2018, 16).

Tenure security is at the centre of the debate, and its realisation is a critical element in the achievement of durable solutions (Williams 2011, 4). Recognising the importance of the legal protection of IDPs’ rights, this security is not simply legally awarded but socially constructed. To sustain this process, it is essential to understand how the necessary political will and community acceptance is built up locally from the grassroots to the institutional level and to explore how IDPs achieve tenure security using their agency and resourcefulness to resist eviction and negotiate their presence with multiple actors, formal and informal, from the host community to the state (Sánchez Bermúdez, Cunial and Farmer 2014, 7). An assessment of IDPs’ ability to broaden and use their social connections would show the evolution of their process of integration and prove the interconnection of the different components of integration.

Part II

CHAPTER IV The Integration Process of Acholi Urban IDPs in Kampala

Before moving forward with the analysis of the case study, I find it necessary to briefly summarise what has been learned thus far regarding protractedness and local integration as experienced by IDPs. First, the length of displacement is the result of the failure to resolve the causes of displacement and of the inadequacy of responses. I argue that this inadequacy stems from the limited understanding of what constitutes a durable solution, particularly local integration, and the resulting partial response approaches. Finding the definition of local integration applied to internal displacement is mostly missing and incomplete in policy and literature, I propose a tri-dimensional interpretation of the term, reinterpreting the *de jure* and *de facto* dimensions found in refugee studies and adding a third layer of analysis with the concept of perceived integration. Additionally, the combination of the FDS' criteria, understood as elements of integration, and the dimensions proposed by Ager and Strang (2008) in their conceptual framework on integration reveals the absence of benchmarks documenting progress in the creation and consolidation of social connections. To conclude, and finding necessary to adapt the FDS to post-conflict urban context, I suggest the incorporation of informal practices and the review of concepts such as community and participation in this realm.

Having this in mind, the aim of this chapter is to analyse the process of integration of Acholi protracted urban IDPs in Kampala on its *de jure*, *de facto* and perceived dimensions. Between September and December 2015 I carried out field research in two informal settlements at the outskirts of the Ugandan capital: Acholi Quarters and Kasokoso. Both areas are populated by a mixture of migrants, poor city dwellers, IDPs and other urban poor, albeit Acholi Quarters was mainly inhabited by members of the Acholi community –either IDPs or non-IDP–, while Acholi people were a minority in the second settlement. The data collected through semi-structured interviews was later analysed in combination with relevant existing literature documenting the condition of IDPs in the same area, triangulating the responses and providing an accurate picture of their integration process.

Introducing the case, this chapter briefly explains the background to the conflict in Northern Uganda and the figures, causes, and dynamics of internal displacement to then describe the arrival of Acholi IDPs in the city's informal settlements, exploring their specific and shared vulnerabilities. It continues with an analysis of the institutional responses provided by the state and the international community. Finally, the analysis focuses on the understanding of their process of local integration in Kampala, concluding with a primary representation of how this process has been materialised in *de jure*, *de facto*, and perceived dimensions and pointing to the limits of the FDS to comprehensively capture and assess the evolution of their integration process.

1. Origin and evolution of the Acholi displacement crisis in Uganda

Uganda's history has been marred with violence since its independence in 1962. The country has not yet seen a peaceful transfer of power. Coups d'état and civil wars have been common instruments to access the presidency, coupled with political repression exercised against the population during both dictatorial and democratically elected regimes. This pattern of political violence has generated a great number of IDPs and refugees.

This is the case, and the story, of Acholi people fleeing from the Acholi sub-region, the greatest displacement crisis in Uganda.⁶² Commonly known as Acholiland, the sub-region is located in the north of Uganda and is formed by Agago, Amuru, Gulu, Kitgum, Nwoya, Lamwo, and Pader districts.⁶³ The Acholi are a Luo Nilotic tribe and the main ethnic group in this area, representing 4.4 per cent of Uganda's total population, roughly 1.7 million people (CIA 2016). They are mostly peasants dedicated to agricultural production and cattle breeding. Their patrilineal cultural tradition accepts polygamy and allows men to directly inherit land from their father, which means

⁶² This selection does not ignore the existence of many other peoples and communities affected by forced displacement in the country who are still in search of a durable solution. For a summary of the main displacement crises affecting Uganda since independence, see the Background to the National Policy for Internally Displaced Persons (Government of Uganda 2004).

⁶³ The sub-region borders South Sudan to the north, the Lango and Toro sub-regions to the south, the West Nile sub-region to the west, and the Karamoja sub-region to the east. The official northern region is formed by Acholi, Lango, West Nile, and Karamoja. Sub-regions often receive the name of the main ethnic group located in the area—the Baganda is the larger community in the central region, comprising 16.9 per cent of Uganda's total population.

women can only access land through marriage or purchase (Branch 2013, 3157). At the edge of the crisis, at least 1.8 million Acholi were internally displaced in Uganda.

1.1 The North-South divide: a background to the conflict

Uganda, located in the East African region and bordering South Sudan, the Democratic Republic of Congo, Kenya, Rwanda, and Tanzania, is home to over 39.5 million people. Ethnically diverse and without a clear majority, the country's population can be divided into two major groups: the pre-colonial Bantu-speaking centralised monarchies of the south (Buganda, Ankole, Toro, Bunyoro, Busoga, etc.) and the Nilotic and central Sudanic-speaking decentralised pre-colonial states in the north and the east (Acholi, Lango, Iteso, Lugbara, Karamojong, etc.) (Otunnu 2002, 10). Since colonial times, this linguistic difference has gradually built into a north-south cleavage.⁶⁴

The British ruled the country from 1894 to 1962 through a protectorate. Their government was one of indirect rule sustained by their main alliance with the Buganda Kingdom, a centralised monarchy located in what is now Kampala. During this period, members of the Baganda tribe were deployed throughout the country to collect taxes and act as government officers in the territories colonised by the British that formed Uganda. This earned the Baganda the enmity of conquered tribes that often rebelled against their mandate. Furthermore, the Baganda elite benefitted from the production of cotton for exports, incentivised in the south after the completion of the railway line connecting Kampala with the Mombasa port in Kenya. An agreement signed between the British and the Kabaka king in 1900 made Baganda nobility freehold owners of the territories occupied by their kingdom (*mailo* land), allowing them to charge a rent to tenants living and working in their fields and making them the main cotton producers. The economic bonanza in the south and the need for qualified Ugandans to cover posts within the colonial administration granted Baganda people access to education and better employment options.

⁶⁴ This conflict summary has been elaborated through a joint review of the following sources: International Crisis Group (2004) *Northern Uganda: Understanding and Solving the Conflict*; Otunnu (2002) "Causes and Consequences of the War in Acholiland"; and Uppsala Conflict Data Programme (2016) "Uganda: Government."

The northern region remained largely underdeveloped during the protectorate. Left as a “labour reserve” (Otunnu 2002), the British incentive the incorporation of northerners to the Ugandan army after World War II to counteract the growing anti-colonial movement led by educated and better-positioned southerners. This created a balance of power between the southern economic elites and the military elites of the north (International Crisis Group 2004, 2). Unexpectedly, this arrangement collapsed after independence with the arrival of the first Prime Minister, Milton Obote. A Langi from the Lango sub-region in the north, Obote steadily curtailed the political power and influence of the Buganda Kingdom and appointed Acholi and Langi military personnel to relevant political positions. Obote used the military to suppress the Baganda monarchy and forced the Kabaka into exile, but he was later deposed by his army’s commander-in-chief, and future dictator, Idi Amin.

The Acholi military, persecuted and violently suppressed by Amin after his coup in 1971, regrouped in exile where they joined a coalition of opposition forces against the dictatorship, the Uganda National Liberation Army (UNLA), backed by the Tanzanian government.⁶⁵ After Amin was toppled by the UNLA, new elections marred with irregularities and violence gave the presidency back to Obote. Immediately, the political opposition organised in several armed groups, with the National Resistance Army (NRA) commanded by Yoweri Museveni as the main armed group. Obote used the military to massacre the civilian population in the Luwero Triangle and quash their support for the NRA rebellion, increasing the animosities of the Baganda and Banyankole, natives of the area, against northern officers in Obote’s army. After a brief takeover of power by Acholi General Tito Okello (December 1985 to January 1986), Museveni’s NRA defeated the government forces.⁶⁶

⁶⁵ The UNLA was the armed wing of the Ugandan National Liberation Front (UNLF), an umbrella political force composed of exiled generals and politicians who overthrew the Idi Amin regime in 1979. The UNLA became the new army during the second presidential period of Milton Obote (1980-1986). Museveni was also a member of the UNLF as the head of Front for National Salvation, FRONASA, but he disputed the results of 1980 elections and formed the National Resistance Army (NRA) to fight Obote’s government.

⁶⁶ Acholi officials were supposed to be followers and supporters of the ousted Prime Minister, Milton Obote. Nevertheless, many of them became critical of Obote’s refusal to negotiate a peace agreement with Museveni’s NRA after witnessing the atrocities committed against the civilian population in the southwest of the country, the Luwero Triangle. Many decided to leave the army and return to the north, and many others supported the coup carried out by Acholi Lt. General Bazilio Olara Okello and General Tito Okello Lutwa, who deposed Obote in 1985 (International Crisis Group 2004).

Museveni, a Banyankole from the south, became the first southerner to occupy the presidency. When the war ended in 1986, the military were asked to return to barracks. Acholi soldiers, fearing retaliation, fled to the north. Despite reconciliation promises and the president's call to end the north-south divide, retaliation against his forces started in the north, with dozens of Acholi civilians killed. The crimes committed by the NRA, now the new national army Uganda People's Defence Force (UPDF), and its allied militias deepened the ever-growing ethnic divide and grievances rooted in a largely underdeveloped north, which felt totally abandoned by Museveni.

Resentment grew among Acholi people, stripped of political and economic power, and some of the former Acholi militaries started a new rebellion against Museveni creating the Uganda People's Defence Army (UPDA) to regain power and respond to the crimes perpetrated against Acholi civilians. But it was not until 1987, when the former UNLA combatant, Joseph Kony, founded the Lord's Resistance Army, that a full-fledged war broke out in the north. The LRA's political agenda was not clearly defined, apart from taking power to impose a new regime based on the ten commandments of the Bible. Its guerrilla strategy in Acholiland was directed towards the isolation of the population and its direct exploitation. The LRA's terror tactics, including killings, sexual violence, forced recruitment, slavery, and abductions, were displayed to show the inability of government forces to protect the Acholi, who were increasingly disenfranchised with the state (International Crisis Group 2004).⁶⁷

1.2 Displacement figures, causes, and dynamics

Over two decades, the armed group executed their violent plan with devastating effects in the sub-region. LRA forces withdrew from northern Uganda in 2006 after the signing of an agreement of the cessation of hostilities. However, no peace agreement was ever reached with the government, and the LRA remnants remain operative in South Sudan, Central African Republic, and the Democratic Republic of Congo.

War in northern Uganda forcibly displaced at least 1.8 million people within the country, 1.1 million of whom were from the Acholi region (OCHA 2005, 1). However, estimates of the number of people displaced by war in northern Uganda are, at best,

⁶⁷ For more information on human rights violations committed in the Acholi sub-region, see Human Rights Watch (2005) and Uganda Human Rights Commission and UNHCHR (2011).

partial and incomplete. The official figure of 1.8 million exclusively refers to those registered in camps, while the numbers of those fleeing to other areas remained unknown. Some sources estimate that between three and six hundred thousand people arrived in urban areas as a result of war, although no official profiling exercise has ever been conducted to confirm these figures (OCHA 2005, 1, Grace 2005, 8).

Forced displacement was induced by direct attacks against civilians, fear of abduction and mutilation perpetrated by LRA rebels and government forces, full-fledged military operations—mainly Operation North in 1991 and Operation Iron Fist in 2003, and the encampment strategy initiated by the government in 1996 (IDMC 2014b). According to this policy, the population was forcibly relocated into so called “protected villages” aimed at hindering any possible support to the insurgency and clearing the area to proceed with the military offensive against the LRA. Far from being protected, there were numerous accounts of attacks and killings perpetrated by the rebels, and abuses and human rights violations carried out by soldiers were common in these facilities. Humanitarian assistance in camps was meagre until the UN Under-Secretary-General for humanitarian affairs, Jan Egeland, declared the area one of the worst humanitarian crises in 2004. Nevertheless, aid provision in camps was strongly criticised for contributing to the maintenance of a governmental policy of enforced encampment, which made the population totally dependent on aid (Dolan and Hovil 2006).

In addition to the violent and direct causes of displacement, other elements contributed to pushing the people out of their land. As a result of the conflict, livelihoods progressively deteriorated in the north where the economy was nearly paralysed. Agricultural production stopped, although the later arrival of international NGOs to small cities like Gulu offered a few new employment opportunities to some (Branch 2013). By 2006, 60 per cent of the population in the north lived below the poverty line but international humanitarian assistance remained focused on the provision of aid to camps with no assistance provided to non-encamped or urban IDPs, assumed to be better off than their encamped counterparts (Dolan and Hovil 2006, 5).

2. Institutional Responses to Internal Displacement

Uganda has been lauded for being the first African country with a comprehensive national policy designed to assist IDPs (Wyndham 2006). In 2004, the government drafted the National Policy for Internally Displaced Persons (NPIDP), aimed at defining the responsibilities of the state and the humanitarian and development agencies in their provision of assistance and protection to IDPs. According to the policy, the government should protect its citizens against arbitrary displacement and facilitate voluntary return, resettlement, and integration.

After the cessation of hostilities agreement was signed in 2006, freedom of movement was reinstated and a three-year Peace, Recovery, and Development Plan (PRDP) was launched in the north. By 2008, the official closure of camps started in Acholiland, and almost 1.1 million people residing in 150 facilities had returned to their areas of origin by 2011 (Berg 2011, 131). Since then, the NPIDP and associated policies have been successful in their promotion of return to the north,⁶⁸ although the right to a free and informed choice of durable solutions was not respected. An evaluation carried out in 2010 on durable solutions showed that 43 per cent of returnees felt pressured to leave the camps, mostly by local leaders or owners of the land where the IDP sites were built (Joint IDP Profiling Service 2011). Even when Acholi IDPs feel strongly tied to their ancestral land, the absence of clear strategies and policies encouraging local integration or resettlement made integration less desirable or unfeasible (Berg 2011, 126).

Return has been supported through the successive development programmes of international donors: the Peace, Recovery and Development Plan for Northern Uganda (PRDP), the Northern Uganda Agricultural Livelihoods Recovery Programme (ALREP), and the Northern Uganda Social Action Fund (NUSAF). Nevertheless, these geographically localised strategies have not addressed the structural causes of violence and underdevelopment and ignore the adverse incorporation of the northern region in the national polity and economic market (Golooba-Mutebi and Hickey 2009, 25). In this

⁶⁸ In 2011, the UNHCR stopped monitoring internal displacement and handed this activity over to the government. The latest figures available of the caseload of IDPs remaining in camps in the north are from 2011, with 30,000 individuals identified as IDPs. They are said to be extremely vulnerable, but there is no recent assessment of their situation (IDMC 2014b, 5).

regard, Dolan (2008) claims that responses have tried to depoliticise the situation, providing technical solutions to support the development of the north, blaming northerners for their own socioeconomic backwardness and ignoring the legacies of the colonial period, war, and protracted displacement. Most worryingly, local reconciliation and economic development policies have failed to address the national dimension of a north-south divide.

However, the greatest shortcoming in the implementation of the policy is the inconsistent application of the IDP category to people affected by displacement. Uganda's policy defines IDPs in line with the Guiding Principles: "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-induced disasters, and who have not crossed and internationally recognized State border" (Uganda National Policy for Internally Displaced Persons 2004). Despite this comprehensive definition, in practice the government only recognised as IDPs those established in state-controlled camps, leaving IDPs outside of camps and in urban areas with no access to assistance.

In December 2007, the local NGO Refugee Law Project raised the issue of the lack of protection and assistance to urban IDPs and their situation of vulnerability in several cities (Refugee Law Project 2007). The response of the government to their request for recognition was a warning against opening Pandora's Box (Dolan 2008, 9). In a clear case of an intervention-driven definition (Polzer 2008b, 5), urban IDPs became "victims of institutional convenience", and only those matching institutional capacity and political interests would be assigned the IDP category (Refstie, Dolan and Okello 2010).

Notwithstanding the government's initial reticence to recognise IDPs outside of camps, in February 2008 the minister of Relief, Disaster Preparedness, and Refugees, Musa Ecweru, visited Acholi Quarters in Kampala and promised assistance to the large group of IDPs who have settled there since 1986 (Refugee Law Project 2008a). UNHCR included urban IDPs within their programmatic priorities in Uganda for 2009, and coordinated with the Office of the Prime Minister (OPM) on the implementation of a profiling exercise in urban areas (Refugee Law Project 2008b). However, the OPM

decided in September 2008 to dismiss the exercise, arguing that other informal settlement dwellers, like economic migrants, may register as IDPs to receive assistance, rendering the identification of urban IDPs unlikely.

All things considered, it is puzzling to see how the National Policy underlines the importance of freedom of movement for economic and social survival in cases of natural or human-made disasters, linking movement to IDPs' livelihoods (Government of Uganda 2004, art. 3.2), while, at the same time Ugandan institutions consistently deny the identification of urban IDPs and those residing outside of camps. Again, despite the fact that the definition of IDP contained in the NPIDP does not preclude the existence of urban IDPs, the search for self-reliance and livelihoods in cities has been penalised by the deficient implementation of the policy and this group has been left without assistance.

The entering into force of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa in 2012, the first regional and legally-binding instruments requiring African states' compliance with the prevention of displacement and the protection of IDPs to which Uganda is the first signatory and ratifier, did not change the government's position regarding urban IDPs. The NPIDP is a guide for intervention—a soft law instrument with limited enforcement capacity. Hence, organisations assisting IDPs in areas of return are calling for the domestication of the Kampala Convention in Uganda's legal framework to ensure its implementation and to broaden its scope (IDMC 2014b, 9).

At present, the government denies their existence: “we do not have urban IDPs”.⁶⁹ For the government, the end of armed violence in Acholiland meant everything went back to normal. Assuming the absence of violence, there was no reason to avoid return and, therefore, the internal displacement crisis was also over. In those terms, urban IDPs were seen as people who have already made their choice about a durable solution and satisfactorily integrated into the city. This argument is supported by the commonly shared presumption that internal displacement ends when the protection and assistance needs of IDPs are indistinguishable from those of the surrounding population. Conversely, as Dolan underlines, this idea denies the experience of forced dislocation

⁶⁹ Statement made by Martin Owor, Commissioner of the Relief, Disasters Preparedness and Management in the Office of the Prime Minister (email exchange, 24 November 2015)

and its impacts on human behaviour in terms of one's conceptualisation of life and social relations, which "cannot simply be erased or reversed" (Dolan 2008, 9).

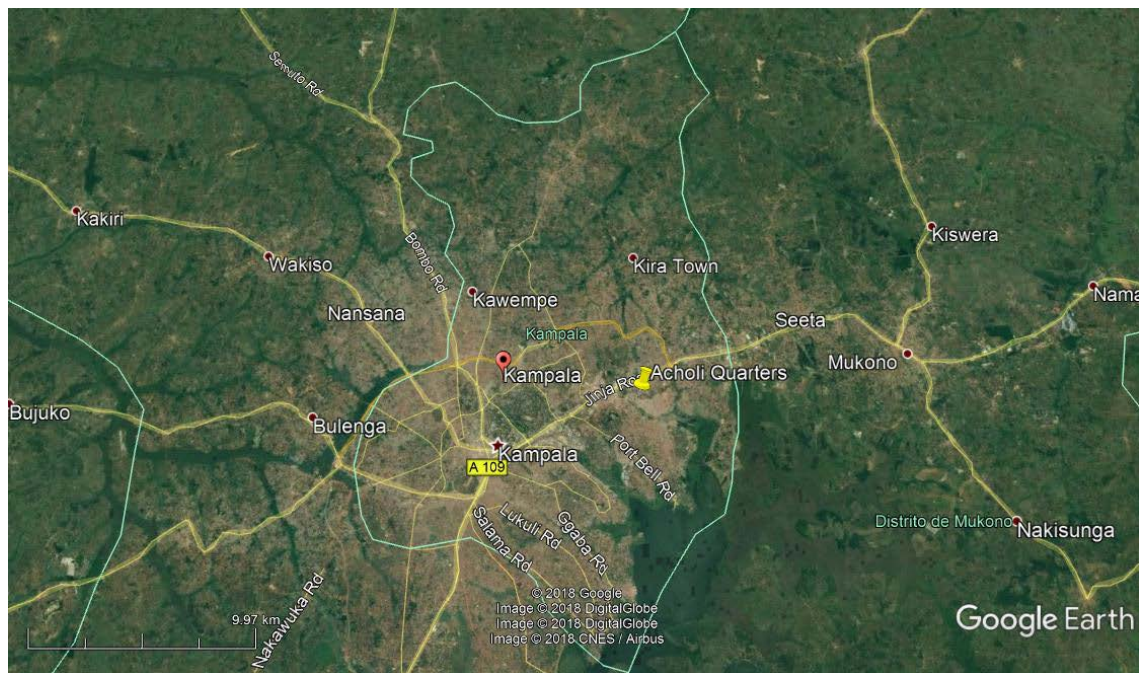
International humanitarian agencies and NGOs working in IDP camps left the northern region once the emergency concluded, opening the space for development organisations to take over. Likewise, no assistance was provided to cities during the conflict, not even in the north, as it was commonly accepted that urban dwellers were less vulnerable than their rural counterparts. This led to what Branch (2013, 3155) describes as a "circular flow" of IDPs arriving in northern cities like Gulu in search of livelihood opportunities and returning to rural-based camps if they fail to reach self-sufficiency. In Kampala, only a few local development NGOs provided assistance in settlements with a large presence of Acholi IDPs, but they did not target IDPs' specific needs or make them eligible for support based on their condition of displacement, since they considered IDPs' needs to be equal to those of other settlers and did not require a special attention.⁷⁰

3. Acholi urban IDPs' presence in Kampala

In spite of the persistent policy of denial on the side of the government, the existence of enclaves like Acholi Quarters,⁷¹ only seven kilometres from Kampala's city centre and with a sizeable number of urban IDPs in search of a durable solution, contradict this categorical rejection.

⁷⁰ Interview no. 151123-001, Rita Larok, Project Director, AVSI International

⁷¹ The official name is Banda B1 village, in Banda parish, Nakawa division of Kampala district.

Picture 1 Satellite image of Kampala and Acholi Quarters

As early as the 1930s, Acholi people started to settle in the Quarters during the construction of the railway line connecting the Kenyan Mombasa port with Uganda's capital, Kampala.⁷² Indeed, Acholi Quarters was already known as such when the first IDPs arrived in the area in the late 1980s. Those interviewed described the place at that time as bushy and largely underdeveloped with a few houses and some hut-like structures, a description that is far from the overcrowded informal settlement it is today. The exponential growth of the settlement is evidenced in the two pictures below, showing Acholi Quarters in 2002 and 2015, when the interviews were conducted.

⁷² Accounts received from the secretary of the Acholi Quarters Association of Property Owners during the meeting held on 18 October 2015, interview no. 151018-002.

Picture 2 Satellite image of Acholi Quarters, April 2002**Picture 3 Satellite image of Acholi Quarters, September 2015**

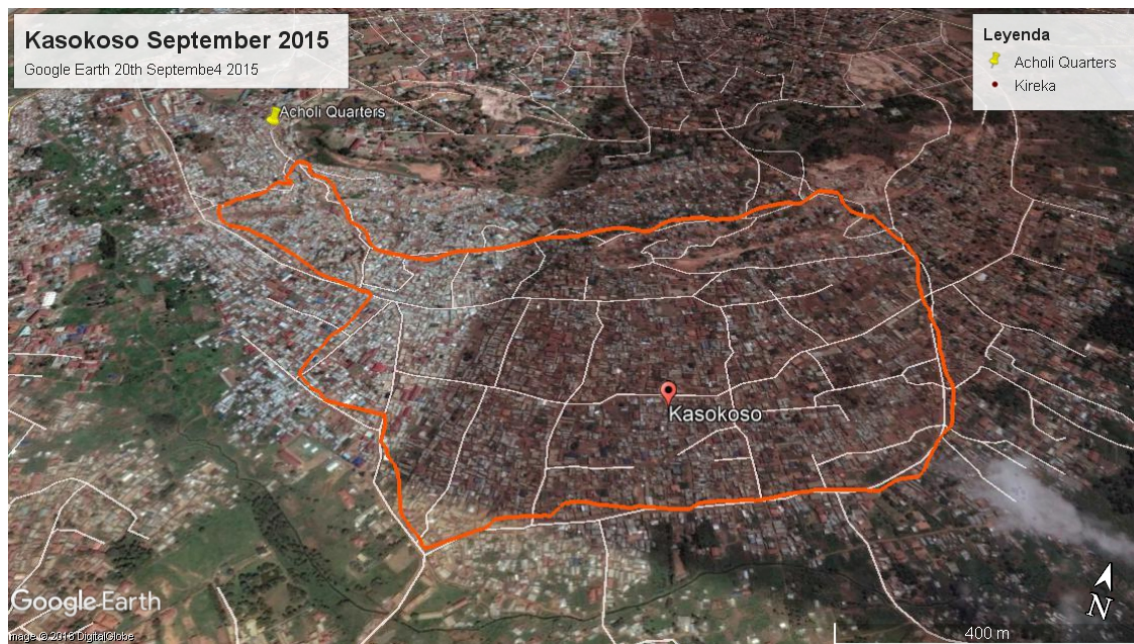
Still today, the provision of basic services and facilities is meagre and livelihood options within the slum are limited to a stone quarry, paper bead jewellery, construction, and a small street market. The area has been mainly populated by Acholi people until recently, when economic migrants and people evicted from other slums started to arrive in the settlement, yet the Acholi are still said to be the main group.

The second informal settlement is Kasokoso,⁷³ a burgeoning melting-pot set in Kampala's surrounding wetland, mainly populated by Baganda and other Bantu communities. This settlement was selected to identify possible variations in Acholi IDPs' process of integration in comparison with the Quarters, since Acholis are a minority in Kasokoso, a condition that further hinders their identification. The area was a crop field until the first families started to settle in the 1970s; indeed, many people interviewed indicated that they were farming in Kasokoso before they built their houses and moved in. The satellite images below show the rapid growth of the settlement over one decade.

Picture 4 Satellite image of Kasokoso, April 2002



⁷³ Kasokoso village is in Kireka parish, Namugongo Division, Wakiso District, and is divided into four subsections.

Picture 5 Satellite image of Kasokoso, September 2015

The settlement is mainly composed of economic migrants from the rural areas of the central region who came to Kampala in search of employment. The composition and the social strata seems to be more varied here than in nearby Acholi Quarters. During an interview, the LCI chairman described how residents were engaged in multiple businesses, had their own shops, small supermarkets, industries, or market stalls; were government officers, builders, teachers, boda-boda riders;⁷⁴ and work both inside and outside the settlement.⁷⁵ The bustling market area, the better houses, and the presence of cars in the settlement support his assertions about the existence of middle-income households in Kasokoso. The area is currently congested and floods are common during the rainy season. Both settlements have over twenty thousand inhabitants, according to their respective LCI chairmen, and are affected by the same urban development plan.⁷⁶

⁷⁴ Motorcycle services for passenger transportation common in East Africa.

⁷⁵ Interview no. 151127-001.

⁷⁶ Kasokoso is divided into several sections, and the LCI chairman was probably offering figures of the section over which he presided. However, it is difficult to obtain an accurate number since resident records are very rudimentary (registered in a notebook at the LCI office) and the LCI does not have an efficient system to identify and remove deceased residents or those leaving the settlement, or to detect and register newborns. Latest census figures from Banda and Kireka parishes, with 20,576 inhabitants and 97,895 respectively, date from 2014 (Uganda Bureau of Statistics 2014).

3.1 Causes of displacement and urban settlement patterns

IDPs interviewed started to arrive in Kampala in 1987, only one year after the conflict broke out in the north, and continued to pour in the area until the early 2000s. Many among them have been in exile for at least twenty years and their situation can be defined as protracted. Their arrival in the capital was often followed by a short stay with relatives or friends in other neighbourhoods before their final settlement in Acholi Quarters or Kasokoso.

IDPs provided examples of every type of displacement cause, from those directly targeted by the insurgency, to those fleeing from camps due to dire conditions and abuses, to those leaving the north to escape insecurity, poverty, and starvation.

“[...] by then, I was the chairperson of the LC for one of the areas called Layibi Go-Down. So in those days actually the rebels never wanted three categories of people: the teachers, government employees – which include even the LCs – and the witch doctors.” (Acholi IDP woman, recording 151030-001)

“Before even they came direct here they were in a camp for like three months. By then, when the rebels came, they had to kill people at home, burn houses all this and that. So for security they rented and settled in the camp with the soldiers. But even in the three months still even the soldier stand against them. So they requested them: instead of let us die, don’t let us die from here rather take us elsewhere.” (Acholi IDP woman, recording 151008-002, translation)

“She was one time being abducted and she escaped, so she couldn’t stay nearby. For fear, she had to flee”. (Acholi IDP woman, recording 151014-002, translation)

When IDP respondents were asked about the precise reasons they settled in Kampala and not in any other urban area in the north or elsewhere, their answers turned vague but pointed to pull factors. Often, women indicated that they were following their husbands, while many others openly stated that, contrary to dire conditions experienced in the north, Kampala could provide security and better employment opportunities and

environments for their families. Another group explained they had family or friends already settled in the city that could host them or were actively encouraging and supporting their arrival. The decision to settle in the area was frequently related to the possibility of working in the stone quarry, the low rental prices, and, in the case of Acholi Quarters, the presence of Acholi people. Nearly all livelihood and housing options available were in the informal sector, since formal housing seemed to be out of bounds for IDPs and many other rural migrant workers.

3.2 Specific vulnerabilities of Kampala Acholi urban IDPs

Specific needs are defined as those disproportionately affecting the IDP population in comparison with the host community, or those needs emerging from the particular condition of being displaced (UNHRC 2009, para. 14). As mentioned in chapter I, their identification is relevant to establishing when an IDP achieves a durable solution, since the eradication of these particular vulnerabilities is a key indicator of the end of displacement according to the FDS. Moreover, singling out specific needs is central to the design of interventions addressing particular problems, although this differentiation might be problematic and raises humanitarian debates over assistance and the categorisation of vulnerable groups (Brun 2005, 4, Contat Hickel 2001, 707-710, Pantuliano, Metcalfe, et al. 2012, 8-9, Mooney 2005).

At first sight, the needs of IDPs and non-IDPs living in these two informal settlements seem similar, although the absence of a comprehensive quantitative needs assessment hinders any possibility of establishing a clear comparison between the vulnerabilities of every group. Non-IDPs interviewed, whether they were settlement dwellers, NGO members, or local leaders, confirmed that they have not identified needs uniquely attributable to IDPs—nothing seemed specific or different from the rest of the population. Only institutions dealing with forced displacement, like the Refugee Law project, were able to acknowledge the experience of dispossession and uncertainty urban IDPs may be enduring, sometimes translated into trauma (Wyrzykowski and Kasozi 2009). Nonetheless, the content of the interviews and informal talks with settlers allows for a tentative differentiation between economic migrants and those forced to flee.

Willingness: force and choice

Force and choice are the two extremes of a continuum from reactive to proactive migration, where pull and push factors are multiple—social, economic, political, and psychological—and intertwined (Richmond 1993, Bakewell 2010). Regarding the case of the Acholi protracted IDPs who participated in this study, the forced character of their displacement was present in all interviews, although married women often recalled that they were following their husbands and were unable to describe the precise reasons for establishing their residence in the informal settlements.

IDPs' agency in choosing their final destination, though limited by war conditions, was clear about making it to the city where they perceived they could escape violence and poverty. Often, IDPs decisions to leave the village were made after a direct attack by rebels or when livelihoods were seriously compromised by the conflict, and only a few related a period spent in an IDP camp. The camps were described as insecure and poorly served, where food rations were scarce. Those who were directly targeted by the LRA, civil servants and former abductees, said Kampala was the only safe haven to which they could turn.

However, the decision-making process of those who were not directly targeted could set them in the imprecise line dividing choice and force. Economic collapse and depletion of resources due to the almost complete suspension of agricultural production during war forced many northerners into the capital. Maybe the most extreme cases encountered during the interviews are those where women openly said they opted for early marriage as a way to scape entrenched poverty, moving to the city with their husband. Many urban IDPs thought their options to get employment would be greater in the capital, following a similar reasoning to that provided by migrants interviewed who were clear about their desire to move to Kampala in search of employment and better education opportunities.

Preparedness: ready for the city?

While economic migrants interviewed had planned their journey, obtained savings, were often qualified, trained, and/or had connections to access the labour market, IDPs were mostly not ready to confront the urban environment. Few IDPs interviewed had the means required to harness the opportunities of the city, either

because of a poor educational background, the irrelevance of their agricultural skills in the urban setting, or the absence of assets and economic resources to invest in a new start. Frequently, they fled their areas of origin as a last resort after all the strategies to remain had failed.

To this state of affairs should be added the psychosocial trauma many urban IDPs still endure as a result of becoming destitute and dispossessed. Not being able to provide for their families has a paralysing effect, particularly on men unable to find employment who perceive they have lost their position as head of household. Hence, alcoholism, gambling, and suicide often take their toll within the urban IDP community (Wyrzykowski and Kasozi 2009). For instance, one male IDP interviewed felt ashamed for assuming what he considered was his wife's role in bringing up their children, because he remained unemployed while she was working as a security guard.⁷⁷

Temporariness: a sense of limbo

In spite of the length of their displacement, there is a common refusal among IDPs to accept their new environment as home. This is expressed in the perception of their life as being in suspension or a kind of limbo, where the prospects for an uncertain return stops them from making up their minds to settle permanently in the city. This was more common among the elderly people interviewed than among younger IDPs who had arrived in the city as children or were born in displacement. Elders and those more vulnerable expressed their will to return to their homeland and their lack of attachment to city life.

The idea of returning to the village is also present among migrant workers but as an expectation often related to their retirement. In the meantime, they develop their life in the city keeping close ties with their family who safeguard their possessions in the rural areas. This feasibility of return is not present in urban IDPs who are not always certain about the fate of their land rights in Acholiland. They argue that, even when they have secured their access to land, it was difficult to start producing or settling back into their properties. Some were also afraid that their land claims could ignite land wrangles within their clan.

⁷⁷ Interview no. 150930, Acholi IDP man, Acholi Quarters.

Being unable to plan for the long term is another by-product of IDPs' temporariness, fed by the instability of living in an informal settlement without a sustainable source of income. When asked about their future, few were able to describe their life project or define the steps needed to achieve their expected future scenario. Even if return was a shared desire among many urban IDPs interviewed, only three informants related the measures adopted to realise their will, e.g., buying assets (ox plough), sending part of the family to start agricultural production back in the north, or building a structures on their land.⁷⁸ Surprisingly, regardless of local integration seldom being mentioned as the preferred option to achieve a durable solution and widespread tenure insecurity, savings were often invested in house extensions, upgrading, and the construction of more structures within the settlement.⁷⁹

4. The process of local integration of Acholi urban IDPs in Kampala

Integration, as a dynamic and perennial process of negotiation between the individual and its environment (Bouchard and Taylor 2008, 113), takes place in three dimensions simultaneously: *de jure*, *de facto*, and perceived. Legal integration is linked to the enjoyment of citizenship rights, while *de facto* elements of this process are related to the informal negotiation of their presence at the local level (Hovil 2014, 489). I argue that these two dimensions recognised in refugee literature should be combined with the individual perception of this process and the capacity to develop feelings of attachment and belonging to a new environment, conceding that a combination of the three might be necessary to ensure integration. Nevertheless, it is difficult to discern which of these dimensions is more relevant in terms of durability, what could be considered as integrated enough, or what could indicate that the individual would not slip back into exclusion.

To analyse the process of integration of protracted urban IDPs in Kampala, I apply these three dimensions in combination with the normative elements identified by Ager and Strang and the FDS as constituents of successful local integration. The aim is

⁷⁸ Interview no. 151018-003, Acholi IDP man; 151206-001, Acholi IDP woman; 151021-001, Acholi IDP man.

⁷⁹ This fact will be analysed in depth in chapter V.

to identify at which dimensions these integration elements are accessed or negotiated and eventually take place.

Table 4 Analysis of Acholi IDPs’ integration process in Kampala

Dimensions	Ager and Strang’s domains	FDS Criteria & Principles ⁸⁰
De jure	Rights and national identity	<i>Participation</i> Participation in public affairs
	Safety and Stability	Safety and security <ul style="list-style-type: none"> ▪ Protection from renewed displacement ▪ Freedom of movement ▪ Disaster risk reduction ▪ Access to justice and security institutions Access to documentation
	Health	Adequate standard of living
	Education	<ul style="list-style-type: none"> ▪ Water and sanitation ▪ Essential medical services ▪ Primary education
De facto	Social connections	<i>Community-based approach</i>
	Housing	Adequate standard of living <ul style="list-style-type: none"> ▪ Basic housing
	Employment	Access to livelihoods
Perceived	Language and Culture	<i>Non-discrimination</i>

4.1 De jure integration

Legal integration of IDPs is the result of citizenship rights effectively guaranteed by the state. Urban IDPs, living within the borders of their own country, share rights and duties with their fellow citizens, but this “high-quality of citizenship” remains unattainable in practice for Acholi protracted IDPs in Kampala (Long 2011, 22). This analysis shows that there is a clear distinction between the rights guaranteed and protected by the state and those granted by other actors. In the case of IDPs, while their

⁸⁰ Criteria appear in roman type while principles are shown in italics.

political and civil rights are being upheld, their ESC rights are being hampered at least as much as those of other residents in the informal settlement.

a. Rights and identity: participation

The foundations of society are built upon shared values embedded in citizenship rights and national identity. In the case of Ugandan legislation, there is a predominance of *ius sanguini* based on ethnicity, with nationality being awarded to those born in or outside of Uganda when at least one of his/her parents or grandparents is a member of any of the indigenous communities existing in its territory in 1926, when the borders of the country were defined (Uganda National Constitution 1995, art. 10). These fifty-six communities, including the Acholi, are listed in the third schedule of the constitution. Accordingly, they share the same rights and duties as Ugandan citizens. The constitution further indicates that all customary values and practices that are consistent with the democratic legal framework set by the constitution, establishing a venue for legal harmonisation and the recognition of customary norms.

In principle, there seems to be no legal impediment for Acholi IDPs in Kampala to exercise their rights as citizens through political participation. Unlike in other contexts in Africa where the issuance of identity cards requires IDPs to return to their areas of origin and to comply with other unattainable requirements,⁸¹ IDPs registered in the Local Council I (LCI) can access voting cards and participate in local and general elections in Kampala.⁸² Informants gave no accounts of people being prevented from inscription, and some IDPs were even members of the elder, youth, or women LCI committees and were deeply involved in local government structures.⁸³

⁸¹ For instance, in Côte d'Ivoire IDPs were required to return to their area of origin for the national registration process and the issuance of identity cards.

⁸² Voting cards were used in Kampala as national IDs until the recent national registration process started to provide national identification cards to the population. A national registration exercise was initiated in 2015 after the promulgation of the National Registration Act, but it has been marred by corruption, delays, and inconsistencies, according to media sources (Daily Monitor 2018). The Act establishes that people can register for free in their areas of residence and can use their voter's card to prove their citizenship (Government of Uganda 2015, art.55). However, people are encouraged to apply in their home district to ease verification, particularly if they belong to bordering communities, like the Acholi (NIRA). This could hinder IDPs' access to national IDs, although I cannot confirm if this has been affecting IDPs since I concluded my field work.

⁸³ The Local Government Act (1997) established the decentralisation of the government through a local council structure, ranging from Local Council I (LCI) at village level to LCV at district level. Public officers at LCI are not paid for their services by the government. These are elected positions, although the lack of funds has postponed renewal since 1997. In 2016, concurrent with the presidential campaign, LCI chairpersons ought to have been elected.

My field research took place during the general election period, providing me with an opportunity to observe the behaviour of urban IDPs regarding political participation. Most of my informants, IDPs and non-IDPs, had their voter cards and showed their willingness to participate in the elections. Candidates for parliament promised to visit the area and address settlement needs, and many IDPs were actively campaigning for their candidates and assisting at political party meetings.

Urban IDPs interviewed argued that, despite knowing they have rights as Ugandan citizens, this knowledge did not prevent their marginalisation in the society. They often complained about corrupt practices and identity politics. Notwithstanding this lack of trust in formal institutions, the LCI chairman and its executive committee were still regarded as a reliable conflict-resolution mechanism and the main link between their neighbours and the state.⁸⁴

On the other hand, in Kasokoso, IDPs' relationship with local government institutions seemed weaker than those found in Acholi Quarters. IDPs' presence and participation in the LCI were limited, which became apparent in the inability of its chairman to direct me to any Acholi or IDP family in the settlement despite assuring me "they are there." Ultimately, I contacted IDPs in the area through other IDP informants from Acholi Quarters. Moreover, IDPs interviewed in the settlement were unaware of the existence of a national policy assisting IDPs, but were interested to know if there was any kind of assistance available to them.

Finally, IDPs in Acholi Quarters recognise local customary institutions and abide by customary shared norms to settle in the area. Almost every IDP interviewed claimed that land was granted to the first Acholi settlers by the Kabaka on a temporary basis, a narrative they used to protect themselves from eviction and to counteract threats from the surrounding Baganda communities who questioned their right to settle in the area.⁸⁵ Even when the reliability of this statement could not be verified, it has nevertheless worked as a deterrent to avoid further pressure on the land they occupy.⁸⁶

⁸⁴ An example of these connections is discussed in greater detail in chapter V.

⁸⁵ The Buganda kingdom was located in what is now Uganda's central region. In 1900, an agreement between the British colonial powers and the Kabaka (king of Buganda) gave the Baganda people freehold ownership over the Mengo territories (the kingdom's capital, which was incorporated into Kampala after independence). Through a system called *mailo*, the Baganda oligarchy established the payment of annual rent to people formerly living in those territories. Although the Kabaka has no official powers according

b. Safety and stability: security and public safety

Safety and stability are part of what Ager and Strang define as facilitators—factors that function as enablers or barriers to integration. In the case of the Kampala informal settlements profiled in this study, safety and stability are conditioned by security provisions and public safety awarded by state institutions.

The general feeling of insecurity described by IDPs has not hindered their settlement in the area. According to their testimonies, theft is a common concern and neighbours use padlocks in their homes to keep their belongings safe. In this regard, the presence of a police posts and the good offices provided by the LCI and its committees are often enough to deal with minor incidents and to ensure minimum access to security institutions. However, some IDPs describe problems in accessing justice, since extra costs (bribes) are added by state officers to every procedure. One IDP woman interviewed related how she paid a bribe to get her son out of jail after he was falsely accused of defilement, according to her testimony.⁸⁷

On a different note, insecurity was also a result of the location of the informal settlement and deficits in terms of basic service provision and disaster preparedness. Observations that I carried out in the area reveal that the settlement is prone to landslides and rockfalls during the rainy season and due to stone extraction practices in the quarry. Open-air dumps are common in both settlements, and the accumulation of water in quarry areas (Acholi Quarters) and floods (Kasokoso) made both settlements prone to waterborne diseases like malaria, cholera, typhoid fever, dengue, etc. Against this background of risk, no formal DRR assessment or sensitisation activity has been carried out in the settlements, according to LCI chairpersons, in contravention of the provisions found in the National Policy for Disasters Preparedness and Management.⁸⁸

Another threat to IDPs security is posed by the lack of housing legal tenure security and the absence of protection against threats and harassment. IDPs interviewed

to the Constitution, his control over the Kampala metropolitan area and the loyalty of his subjects, the Baganda, have called into question state's capacity to manage urban development, as explored in chapter V.

⁸⁶ This and other types of social connections enabling tenure security are analysed in chapter V.

⁸⁷ Interview no. 151014-002, Acholi Quarters IDP woman.

⁸⁸ At village level (LCI), the policy establishes that a Disasters Management Committee should be created and conduct a risk assessment, sensitise and organise the community on common contingencies, and collect information for early warning (2010, 3.14).

in Acholi Quarters and Kasokoso do not have legal property titles for the land they occupy, increasing their risk of eviction. Several IDPs interviewed described how they were threatened by Baganda residents in the neighbouring area, who forcefully evicted them from plots they were cultivating down the hill and from their quarry posts, arguing that Acholi people were not native to the area and should go back to the north.⁸⁹ As a result of the combination of these threats, the risk of secondary displacement is high among the IDP population.

c. Basic service access and provision: adequate standard of living

Access to, and enjoyment, of basic services is considered an indicator of integration (marker) and a means of becoming integrated within the society. IDPs are, in principle, entitled to public healthcare, formal education, and the safe provision of water, sanitation, and electricity utilities through the formal market. However, the deficient supply of these services in the informal settlements means that IDPs routinely have to assume higher costs of private schools and medical services, non-piped water provision, and secondary informal power connections.

The limited provision of public services and the exclusion of these areas from slum upgrading and formalisation policies carried out by the government can be understood as a means of discouraging their permanent settlement. Strikingly, this has not prevented authorities from collecting property taxes in both slums, and a few IDPs showed official documents proving they had paid taxes to the Kampala Capital City Authority in the past.⁹⁰

Public healthcare facilities are unavailable in both settlements. The populations rely on a few small private clinics and the assistance to people living with HIV/AIDS provided by local NGOs.⁹¹ Regardless of these limited resources, some IDPs expressed their will to remain in Kampala based on their access to antiretroviral drugs, since medical facilities in northern rural areas are fewer and unreliable.⁹² Collective efforts to

⁸⁹ Interview no. 151206-001, Acholi IDP woman, Kasokoso.

⁹⁰ Interview no. 151014-001, Acholi IDP man, Acholi Quarters; no. 151014-002, Acholi IDP woman, Acholi Quarters.

⁹¹ Meeting Point International—supported by Italian NGO AVSI—and AcTogether are among the NGOs providing healthcare and education in Acholi Quarters.

⁹² The incidence of HIV/AIDS in Acholi Quarters is said to be higher than the city average, although no data is available. Armed conflict and cultural practices like polygamy, as well as the conditions of

build pit latrines and water drains, together with NGO health campaigns, have improved the sanitation and health conditions in the area, but access to quality and timely healthcare is still more than what people can afford.⁹³

Education is described as a priority by all IDPs interviewed, and being able to afford school fees is a common concern. Although public schools are free of charge in Uganda, there is not enough school seats in the neighbouring area to meet demand. Parents send their children to private institutions, where they also believe the quality of education is better. A few NGOs sponsor the education of children in Acholi Quarters at their own primary and secondary education facilities.

Some IDPs assert they did not complete their education due to the conflict, and many others said they were forced to drop out of school due to lack of resources while displaced. Early-marriage, pregnancy, and parenthood are also described as the reasons for failing to complete or discontinue schooling. Some youth and young parents talked about their wish to resume their studies and considered an academic degree as essential to accessing employment in the city.

Notwithstanding the positive stance towards formal education, its role in the integration process of IDPs should be assessed cautiously. Primary and secondary education are provided in the nearby area, reducing the opportunities for residents to interact with members of other groups of different socioeconomic status—something only available to the few studying at university or through vocational training outside of the informal settlements. Still, degrees and certificates might not be enough to access the urban labour market in a country where personal connections are seen as a key to finding employment, according to the accounts of Acholi informants.

Utilities, like electricity, water, and sanitation are costly and irregularly supplied. Electricity supply is provided informally to the settlement structures through one or several registered users who facilitate power connections in exchange for a rate calculated according to the number of bulbs. In terms of water supply, people living in

poverty, may be behind these figures. Although it is commonly accepted that conflict and forced displacement increase the vulnerability of population to HIV and other STIs, this assumption has not been supported by the analysis of available prevalence data (Spiegel, Bennedsen, et al. 2007, Spiegel 2004).

⁹³ The director of Meeting Point International described how harmful cultural practices and beliefs used to prevent Acholi Quarters dwellers from looking for appropriate medical assistance in the past, and how epidemic outbreaks were common in the early 1990s. Interview no. 151204-001.

Acholi Quarters bought jerry cans from water-tank trucks, while in Kasokoso a little stream supplied the neighbourhood.⁹⁴ Rain water was also fetched in buckets to meet household needs. Meanwhile, the community had improved paths and drains and had organised among themselves to collect and burn garbage or use the debris to fill and level the ground for later construction, although these activities had lately been disrupted by eviction threats.⁹⁵ Pit latrines built by dwellers often overflow during the rainy season, making water and sanitation a problem in the area. In Acholi Quarters, the eventual support for political candidates during local electoral campaigns has provided the area with the construction of some open water drains.

4.2 De facto integration

De facto integration is described as the process whereby IDPs negotiate their presence at the local level with the host population and local institutions, mostly shaped by informal practices and the use of social connections to access rights and services (Polzer 2008b, 9, Hovil 2014). Access to livelihoods and housing, the elements of which are considered most relevant to the process of the integration of IDPs in urban contexts, are addressed through social connections and informal practices in Kampala, reinforcing a strong sense of Acholi community. This is in sharp contrast with the weak and few relations Acholi IDPs establish with people outside of the immediate community, which may also indicate the spatial limits of IDPs' integration process, a nuance that is not captured in FDS benchmarks.

a. Social connections

The capacity to establish, use, and maintain social relations is a central element of integration processes, which was not included as an indicator in the FDS. The only reference to the relational character of integration was in the community-based approach included in the principles of the framework, which encourages the inclusion of the needs and interest of communities in areas of (re)integration to increase feelings of acceptance. These connections are divided into bonds—relationships within the same community; bridges—relationships with members of other communities; and links—

⁹⁴ An IDP woman interviewed in Kasokoso reported that Acholi children and women sometimes face discrimination while queuing to collect water, as they are not regarded as indigenous to the area.

⁹⁵ This fact is further analysed in chapter V.

connections between the individual and the state. In the case of Acholi IDPs participating in this study, bonds are ties with members of their own ethnic group, bridges are connections with members of other ethnic groups inside and outside the informal settlement, and links assess the relationship between Acholi IDPs and local government institutions and representatives.

Belonging to the same ethnic community and sharing a cultural background make bonding capital relatively strong within Acholi Quarters. This is particularly apparent in the collection of money for burials or to cover medical expenses of those more in need within the community.⁹⁶ Furthermore, many families interviewed report having at least one dependant, either an orphan or a minor relative, under their guardianship.

In yet another example of this strong connection, group savings schemes based on trust are widely extended in the community, as are paper beads cooperatives, mostly initiated by women.⁹⁷ Some IDPs are also part of the Committee of Property Owners, created to challenge eviction threats in the settlement, and the Urban IDPs Association.

These strong community ties provide opportunities for mutual aid, counselling, conflict mediation, and income. They also facilitate access to land and housing in the area, since Acholi elders living in the Quarters are able to grant a portion of their land to IDPs to build their own structures, sometimes for free. Conversely, Acholi IDPs living in Kasokoso, where their presence is scattered, have failed to construct a consistent network to assist its members. In fact, internally displaced women interviewed in Kasokoso were connected to mutual aid groups in the Quarters but did not seem to be part of such initiatives within their settlement, although more research is required to confirm this assumption.

Strong community and family bonds also have a downside, as they strip individuals of their ability to invest in their own goals to instead support their kin. For

⁹⁶ This practice was observed during my visits to Acholi Quarters when one of my informants, the oldest woman of the settlement, was sent to the hospital and the community gathered money to cover her medical expenses. On the other hand, burials include the transportation of the deceased to Acholiland in the absence of graveyard in the settlement and the lack of access to nearby burial sites, according to Acholi Quarters neighbours.

⁹⁷ These initiatives were introduced by NGOs but have since acquired autonomy, and saving schemes have been replicated without external support.

instance, some IDP informants explain that it is difficult for them to sustain their own business when money and/or assets are diverted to cover their relatives' needs.⁹⁸ Likewise, young family members are rarely given the chance to express their opinion about their preferred durable solution, as it is expected that they will respect the decisions of parents or elders. Moreover, it is assumed that daughters and female dependants will either marry or follow their parents back to the village in the case of return. These beliefs, part of Acholi customs, have led to recorded cases of adolescents fleeing from home in the settlement to avoid return.⁹⁹

These findings are in line with Woolcock and Narayam's analysis of social capital, which highlights that inner "social solidarity" has not always translated into economic prosperity (Woolcock and Narayam 2000, 230). In this regard, Long (2011, 35-36) asserts that ethnic affiliations often provide "alternative structures of protection" in the absence of the state, although their capacity "is not limitless." The image created of the outsider is of an autarkic microcosm. NGOs consulted recall how the area was "a little north up there", and argue that integration within their own community runs smoothly—"they have established strength among them that you can't even find outside of Acholi Quarters"—while they remain disconnected from the surrounding urban environment.¹⁰⁰ In fact, contact with outsiders to the settlement is limited. Many IDPs state that they had mild relations with Kampala, and city dwellers were seen as middle-income earners and strangers to their lives in the Quarters. Although some urban IDPs work in the metropolitan area as security guards, street vendors, or paper bead jewellery retailers and wholesale sellers, they did not seem to engage in stable relations with Kampala inhabitants. In the same way, people from Kampala had seldom heard about Acholi Quarters, and when they did they had never visited the area, did not know anyone there, or were aware of the existence of IDPs.

Connections between Acholi IDPs and the community outside of their settlement—bridges—are weak and often conflictive. Acholi IDPs recall receiving insults, like Anyanya (a word used for south Sudanese rebels) and other pejorative local

⁹⁸ Interview no. 151014-002, Acholi IDP woman, Acholi Quarters and interview no. 151028-001, Acholi IDP man, Acholi Quarters.

⁹⁹ Interview no. 151206-001, Acholi IDP woman, Kasokoso and interview no. 151206-006, Acholi non-IDP woman, Kasokoso.

¹⁰⁰ Interview no. 151123-001, Project Director, AVSI International.

names referring to their darker skin tone. Interviewees often accused Baganda tribe members, the main ethnic group in central Uganda and Kampala, of discriminatory behaviour against the Acholi. Accounts of eviction threats in the quarry and the forced removal of Acholi IDPs from a cultivating area down the hill on the grounds that the land belongs to the Baganda, contributed to worsening interethnic relations.¹⁰¹ Nonetheless, later arrivals of new settlers from other ethnic groups have increased diversity in Acholi Quarters,¹⁰² and interethnic marriage is said to be increasingly common. Residents from other ethnic groups to whom I spoke acknowledged Acholi people as the first settlers and the main community and reported keeping good relations with them.

In Kasokoso, where Acholi people are a minority, all IDPs interviewed claimed to have a good relationship with neighbours from other ethnic communities. In spite of that, they offered examples of open discrimination on the grounds of their ethnic origin. One woman described how neighbouring families warned their children against playing with Acholi children, calling them dirty.¹⁰³ Another IDP woman talked about children being prevented from fetching water from the local stream because of their Acholi heritage.¹⁰⁴ However, Acholi IDPs have been able to successfully buy or rent properties from members of other ethnic groups and negotiate their presence in Kasokoso.

According to Woolcock and Narayam (2000, 227), the ties built with other groups and communities (bridges), in this case with the Kampala population outside of the settlements, allow for social mobility (“to get ahead”), serving as “bridging” capital. Even so, further research is necessary to determine if the growing interaction with non-Acholi people inside the settlements is providing further opportunities for betterment to IDPs.

Finally, links with state institutions and their representatives are strong within the settlement at the LCI level in Acholi Quarters but not in Kasokoso, as previously mentioned. The LCI chairman and council are regularly consulted on issues concerning

¹⁰¹ Land, housing, and tenure security issues are analysed in-depth in chapter V.

¹⁰² Many people evicted from the Nakawa-Naguru housing estates in Kampala in July 2011, and economic migrants from rural areas, have moved to Acholi Quarters in the last five years, increasing the population significantly. I had the opportunity to interview some who were also Acholi IDPs affected by renewed displacement within the city.

¹⁰³ Interview no. 151206-005, Acholi non-IDP woman, Kasokoso.

¹⁰⁴ Interview no. 151206-001, Acholi IDP woman, Kasokoso.

the settlement and to resolve disputes in the Quarters. During the campaign, politicians visited the area, although some IDPs complain that their presence has not changed their condition.¹⁰⁵ However, even when direct engagement with state institutions is low, porous political networks and frequent alliances between MPs and their ethnic constituencies make connections between grassroots movements and state institutions surprisingly possible, as shown in the following chapter.

b. Employment and livelihoods

Ager and Strang consider employment a marker of and a means to integration. Accordingly, job opportunities provide a potential space for exchange and the creation of new connections and contribute to self-sufficiency and the improvement in principle of an individual's perceptions of worth and of having a place in their new environment. In Kampala, unemployment rates are high, further limiting the options of IDPs to enter the formal labour market, but informal labour is vibrant and able to integrate a large number of urban unemployed.

IDPs interviewed have diversified their sources of income to make a living. A combination of waged and self-employment, sale and rent of rooms, plots and structures, and moneylending are mostly available through the informal market. Employment is a common concern in both settlements. IDPs are either self-employed, as quarry workers, paper beads handicrafts makers, boda-boda drivers, fruit street vendors, or are engaged in informal wage labour as builders in the construction sector, security guards, or manufacturers in the food processing factories in a nearby industrial area.

Stone quarrying is practiced, either permanently or occasionally, by all IDPs interviewed, including children. The physical hardship involved in this activity and associated health risks—respiratory diseases, fractures—makes it undesirable work, but it is sometimes the only choice available. At the same time, some IDPs travel to their areas of origin during harvest to help their relatives and receive a part of the harvest as payment. This resourcefulness has allowed IDPs to remain in the city and maintain a semblance of stability against all odds.

¹⁰⁵ Interview no. 151028-001, Acholi IDP man, Acholi Quarters.

IDP women interviewed in Kasokoso were developing their work inside of the perimeter of the settlement, doing quarry work, handicrafts, or tailoring, while their husbands were working outside the settlement as security guards or truck drivers and were largely absent from their homes, either working or looking for a job. When internally displaced women were asked why they did not seek employment outside of Kasokoso, they often referred to their lack of education, problems reconciling family duties and working hours outside of the settlement, and low wages.

Regardless of employment being a road to integration, the fact that many IDPs engage in productive work without leaving the settlements or are self-employed diminishes the positive effects of their incorporation into the labour market. Only those residents able to extend their networks beyond the settlement seemed to have better chances of getting a job or expanding their businesses. This was the case of a few IDPs interviewed who run businesses in the charcoal trade and carpentry, or who have little shops in the settlement's market area.¹⁰⁶

A limited educational and professional background, with agricultural skills that cannot easily adjust to the urban labour market, may explain why IDPs mainly access poorly paid and labour-intensive jobs. Nevertheless, Acholi youth and those born in displacement with better professional qualifications also find it hard to get proper employment. Even if this could be partially explained by the high national unemployment rate,¹⁰⁷ many informants refer to tribalism and discrimination against the Acholi as the main obstacles to employability, together with a lack of contacts.¹⁰⁸ An inability to speak and understand Luganda fluently, the language of the Baganda, was described as an additional barrier to accessing better-paid jobs, even when English is Uganda's official language.

c. Housing

Housing access is another indicator and a vehicle to integration. In the case of urban IDPs, it is considered one of the major challenges in attaining a durable solution.

¹⁰⁶ Interview no. 151021-001, Acholi IDP man; interview no. 151027-001, Acholi non-IDP man.

¹⁰⁷ Although national unemployment was 9.4 percent in 2013, this rate rose to nearly 12.3 percent for urban youth (people between eighteen and thirty years old), while the percentage of youth working in the informal sector was 95 percent (Uganda Bureau of Statistics 2015).

¹⁰⁸ Several IDPs argued that Baganda employers dismiss their candidacies when they see their Acholi surnames, starting with an A or an O, on an application form.

Since few can afford to rent or buy property in the formal market, IDPs are forced to live in dilapidated buildings and informal settlements, assuming the risk of eviction and secondary displacement. Despite the Ugandan government's constitutional obligation to ensure all citizens enjoy their rights and access to "decent shelter" (Uganda National Constitution 1995), it is estimated that 60 per cent of Kampala's inhabitants live in informal settlements (UNHABITAT 2007b, 10)

Access to land and housing in Acholi Quarters is usually mediated by personal relations with someone living in the area, as explained in detail in the following chapter. These relations are mostly based on shared ethnic origin or family connections, which facilitate IDPs' settlement by providing land and rental opportunities at lower rates than in the rest of the city, or allowing them to access land for free after clearing and levelling a sloping terrain. In spite of the apparent advantage for Acholi people in the Quarters, some Acholi decided to settle in nearby Kasokoso where landlords and house owners were often Bantu people from the central and southern regions of Uganda who had either rented or sold their properties to Acholi IDPs without any particular appreciation of their origin, according to their testimonies.

Urban IDPs interviewed in both settlements were accommodated in sub-standard houses. Their homes were self-constructed from poor building materials that would not comply with the minimum conditions of safety and habitability established in national and international regulations, and they had no property titles. Rooms were usually added to an initial one-room structure to accommodate a growing number of inhabitants, and as a livelihood and investment strategy since the construction of extra residential structures can secure a minimum household income in critical times.¹⁰⁹

Soil erosion, poor construction materials, and the location of multiple dwellings on steep slopes or bordering the quarry increase the risk of collapse. Evacuation in the case of floods or fire is hindered by the narrow and disordered paths built between structures where residual water flows, only alleviated by the presence of some open drainage systems that the community has constructed. Open dumping areas are another source of disease, although the community has been organised in the past to collect and burn waste.

¹⁰⁹ Housing access and tenure security are discussed in detail in the following chapter.

The perception of temporariness in Acholi Quarters has led to the construction of what they describe as non-permanent or semi-permanent structures, made of mud and sticks, usually topped with iron sheets. In this regard, I observed that the use of better construction materials (bricks, concrete, etc.) or finishes (painting, windows, door locks, etc.) often aligned with IDPs' expression of their wish to provide an affordable and safe house for their family to settle, either permanently or for a long term, in the city.¹¹⁰

4.3 Perceived integration

The perceived dimension of the integration process is composed of IDPs' subjective assessment of their situation within the society, including future expectations and the interpretation of the factors conditioning their permanence and negotiation opportunities, and the sensitivity of the host community to their presence and integration process. Culture and language are among the factors facilitating integration, following the conceptual framework of Ager and Strang. A set of shared cultural values and norms and a common language ease, in principle, communication between the newcomer and the receiving society. These two elements frame Acholi urban IDPs' self-evaluation of their integration, but this dimension is further shaped by their particular experience of displacement and their expectations for the future.

“Home is home,” pointing up (north) with the finger, was a common reply to my questions about IDPs' feelings of attachment to their current location. Internally displaced informants were reluctant to call their dwellings a house, and they systematically used the term ‘structure.’ Elders interviewed expressed concern about what they perceived as a loss of cultural identity while in exile, a perception that was also found in Branch's analysis of urban IDPs in the northern city of Gulu (Branch 2013). Their protracted presence in Kampala had produced a kind of acculturation that has made them used to the cash-based economy and life in overpopulated communities, in sharp contrast with the scattered settlement and vast clan or family terrains of traditional Acholi life (Girling 1960, cited in Joireman, Sawyer and Wilhoit 2012). This acculturation was evident in those born in displacement, who often lack the agricultural

¹¹⁰ Interview no. 151005-003, IDP woman; 151021-001, IDP man; and 151028-001, IDP man.

skills required to survive in their parents' areas of origin.¹¹¹ In this regard, the NGO members I consulted talked about the transformation of Acholi people in urban areas, asserting that in meetings held in the north with other Acholi groups from rural areas, the latter questioned whether their urban counterparts were “real” Acholi.¹¹²

IDPs interviewed found questions about the future difficult to answer, and their responses often turned into the formulation of a desideratum more than a strategy or life projection considering their present reality. In this regard, perceptions on durable solutions appeared to follow a generational cleavage, with elders and adults longing for return and young adults and youth wishing to remain in the city. However, their feelings were to a greater extent influenced by their prospects for better employment and educational opportunities for themselves and their family. Some IDPs also explained how painful it was for them to visit the village and see how their relatives, who had stayed in the north during the war, were often in a better economic situation than those who had fled to the capital. Others argue that they could not go back to the north empty-handed after so many years in the city, since people expect them to bring something to the family.¹¹³

Illustrated in the previous domains, many Acholi IDPs perceive their capacity to successfully settle in the city as conditioned by nativeness, believing that their situation would be considerably easier were they part of the Baganda tribe. Perceptions of exclusion are common among the IDPs interviewed—an impression that only subtly changed among those individuals working or studying in mixed environments.¹¹⁴ Common stereotypes depict Acholi as hard workers, but also illiterate and brutal and associated with the rebellion in the north. This could pose a challenge to integration, making exchange with outsiders less common. IDPs are conscious of not being in their motherland, a fact that often deters them from making stronger claims to their right to

¹¹¹ Apart from individual accounts, a summary of the main reasons for remaining in Kampala was given by a programme officer of the RLP psychosocial unit, and an Acholi IDP himself. He also pointed out that some IDPs may be afraid of returning and not being accepted by their community due to their past involvement in fighting.

¹¹² Interview no. 151204-001, Director, Meeting Point International

¹¹³ Interview no. 151021-001, IDP Acholi man

¹¹⁴ Interview no. 151101-002, IDP Acholi man

settle. Being a Baganda is seen as a feature that ensures tenure security in Kampala, allowing for house upgrading and the use of better building materials.¹¹⁵

A generalised perception of state corruption and absence of accountability are blamed for underdevelopment and the lack of economic opportunities. In line with findings in previous studies on this issue (Møllerop 2013, 61-62), IDPs' awareness of government responsibilities and accountability to them as citizens is low. This feeling of disenfranchisement was expressed in a perception of state institutions and political practices as deeply corrupt and therefore unable to perform their duties and serve citizens. This sentiment strongly contrasts with IDPs' active participation in the electoral campaign.

The host community in Acholi Quarters generally perceives IDPs as fully integrated and facing the same problems and dilemmas as other residents. Earlier settlers in Acholi Quarters remember the arrival of the first IDPs and the dire conditions they lived in, but said that in time their situation became similar to that of the other dwellers.¹¹⁶ In fact, referring to them as IDPs created confusion during some interviews. One Munyankole elder was reluctant to identify the people fleeing from war as IDPs, as the area was never a camp run by the government and people were left to fend for themselves as any other settler.¹¹⁷

This perceived integration in the eyes of the host community has not prevented attacks on Acholi people from the surrounding communities, as previously explained. Harassment is not directed exclusively at IDPs, but to Acholi people as an ethnic group. For instance, during a community meeting at an LCI in Kasokoso, a man referred to Acholi people as "these refugees," showing his disdain.¹¹⁸ On the contrary, the chairman of the LCI, in the section of Kasokoso where interviews were carried out, said they had condemned any attempt to sow divisions within the settlement, arguing that everyone was a Uganda national and cooperation is required to keep animosities at bay.¹¹⁹

¹¹⁵ Interview no. 150927-001, Acholi IDP woman, community leader.

¹¹⁶ Interview no. 151101-001, non-IDP Acholi woman.

¹¹⁷ Interview no. 151009-002, non-IDP Munyankole man.

¹¹⁸ LCI representatives and community members meeting, Kasokoso, 8 November 2015.

¹¹⁹ Interview no. 151127-001, Kasokoso LCI chairman.

4.4 Assessing integration as a durable solution for Acholi urban IDPs

In spite of the protracted character of their displacement, IDPs interviewed maintain a strong feeling of attachment to their homeland, and many share a will to return. The lack of governmental support, insufficient financial resources, and difficulties in accessing land are some of the reasons they have not returned to the north. Moreover, employment and educational opportunities and access to healthcare and medical treatment (above all for those infected with HIV/AIDS) are key reasons to stay in Kampala, coupled with infrastructure deficits in areas of origin.

The desire for local integration among the urban IDPs interviewed varied in relation to the sustainability of their livelihood. Those who have been able to develop their own business or access permanent employment are more willing to remain than those unable to cover their basic needs. Even when their long-term presence in the area may indicate a degree of de facto local integration, their ability to negotiate their presence in the informal settlements and the legitimation of their right to remain by the host community fluctuates. This ambivalent relationship with the local community and the absence of legal tenure security indicate that urban IDPs are far from achieving a durable solution to their situation.

Interviews and observations carried out in Acholi Quarters and Kasokoso provide a wealth of data on the diverse experiences of protracted IDPs, and the relevance of their personal histories and agency to explaining their own processes of integration in the city, which sometimes extends over two decades. In spite of this, it is difficult to assess the quality of that integration, its durability, and if IDPs are integrated enough to be no longer considered an IDP. Most importantly, their responses illustrate the limits of the concept of durable solutions as that which is obtained when the person affected by internal displacement no longer has specific assistance and protection needs and enjoys human rights without being discriminated against because of displacement.

IDPs interviewed gave multiple accounts of open discrimination against them, not of an institutional, legal, or juridical kind, but of a social and economic kind suffered equally by their Acholi counterparts. Being considered out of place, and as a consequence with fewer livelihood options, may not be related to being an IDP but to being Acholi in Kampala, according to their testimonies. The socioeconomic

discrimination that Acholi IDPs confront in Kampala seems to be intimately related to the root causes of conflict, particularly to the north-south divide, which has not been addressed by the state's reconstruction and development policies.

Primarily, IDPs assistance and protection needs are not specific to their condition of displacement, but are particular to living in an informal settlement and shared with their hosts. Can we then say that they are no longer IDPs? Does living in an informal settlement under threat of eviction amount to a durable solution? This contradiction reveals one of the weaknesses of the FDS: the relative value of benchmarks that establishes the comparison between IDPs and the host community in terms of basic human rights standards. As explained in chapter I, this means the quality of the durable solution depends on the extent to which basic human rights are met in the host community. Who is this host community in the case of Acholi urban IDPs? the average Kampala resident? their neighbours in the informal settlement? Identifying the two groups for comparison purposes might be useful in setting a target for FDS indicators, but the analysis of IDPs relationships and interactions with their urban environment are by far much more illustrative of how integration eventually takes place and the factors involved.

The analysis of these connections reveals an inner strength within the Acholi community in Kampala and their disconnection from surrounding urbanites. This absence of bridges may, in fact, be conditioning their ability to move on, according to their testimonies, in line with Woolcock and Narayam's (2000) thesis. In this regard, no FDS benchmark could actually account for the relational elements that drive feelings of inclusion and exclusion, but that also provide access to livelihoods and housing opportunities.

Living in informal settlements is always challenging, as threats of eviction are common, the provision of basic services is meagre, and the presence of state authorities is reduced to its minimum expression. However, the differences between the settlements studied indicate better integration in the urban realm of Kasokoso despite being more recently populated than Acholi Quarters. This may be related to the higher numbers of economic migrants from the central region with substantial proximity networks outside the slum, and the greater presence of middle-income households. While this may partially explain the absence of similar development and better housing in the Quarters,

further research is required to assess the effects of IDPs' feelings of temporariness and Acholi ethnic marginalisation in their process of urban integration.

On a different note, the legal dimension should not be measured exclusively by the absence of legal discrimination or by the enactment of laws protecting IDPs, but by their effective implementation, which is often hindered by political calculation. Government objections to recognising that Acholi people displaced by war into the city are IDPs deny them the specific assistance to which they are entitled. This absence of official recognition further hinders their options in recovering their land and properties in the north. Moreover, the deficient implementation of other laws and policies affecting their current situation in informal settlements further hinders their settlement. The lack of implementation of national DRR policies in informal settlements, the exclusion of their areas from slum upgrading programmes, and the costly and cumbersome procedures of proving ownership and register acquired tenure rights put IDPs under a constant threat of renewed displacement, jeopardising the sustainability of their settlement options.

5. Conclusion

The case of urban IDPs process of integration in Kampala provides an opportunity to analyse the evolution of settlement strategies without the intervention of targeted assistance policies. In this sense, it reflects the complexity of integration and the factors and actors that combine to enable IDPs' settlement. This observation exercise, in conjunction with semi-structured interviews, reveals the strategies applied to realising human rights, which are mostly gained through connectivity and informal interaction, particularly in areas singled out as the most relevant for urban IDPs' integration: livelihoods and tenure security.

Protracted displacement of urban IDPs in Kampala has led to some sort of integration with a shared feeling of alienation. Individuals interviewed felt they did not belong to that place and were mostly longing for return. By grouping with their tribesmates in Acholi Quarters, urban IDPs have been able to reconstruct a sense of community in exile, with mutual aid networks that provide for basic needs and ensure survival and permanence. In Kasokoso, where the Acholi IDP population is scattered, they have been able to negotiate their presence with their neighbours from the central

regions, although frictions with other communities on ethnic grounds seem to be more frequent.

Findings support the need to include fewer tangible indicators in the conceptualisation of durable solutions. For instance, the realisation of ESC rights, which are a key to sustainability, are mainly obtained through negotiation and social connections. Moreover, the analysis of perceived integration further points to the sensitive dimension of this process, showing how culture, prejudices, preconceived ideas, and expectations shape IDPs resilience and responses to their situation. In this regard, the development of attachment, the perception of their reality, expectations for the future, and the feelings of marginalisation need to be assessed to ensure they are conducive to a durable settlement.

Taking into consideration *de facto* and perception elements, we learn that it may be most revealing to understand how IDPs actually access or manage to realise those rights, and how they feel about their current situation, rather than the ticking boxes on the fulfilment of certain standards. The focus of durable solutions on the restoration of the protective role of the state leaves the creation of bonds and bridges (intra- and inter-community links) to chance, thinking that offering the same assistance to the host community will be enough to foster good relations. This approach could, in principle, address the relationship of IDPs with their immediate neighbours, but does not necessarily contribute to the creation of bridging capital, which facilitates social mobility and durability (Woolcock and Narayam 2000, 227, Bouchard and Taylor 2008, 114). In practice, shared common spaces are limited outside of settlements, making IDPs see “city life” and its people as something distant and alien.

The results of my analysis support Long’s (2011) definition of protracted displacement as the result of a crisis of citizenship in areas of origin combined with insufficient and inadequate responses to IDPs needs and interests while in displacement. The absence of government recognition and its failure to provide protection, together with the inability of aid actors to assess urban IDPs vulnerabilities, are to blame for the duration of their displacement. However, this hypothesis obviates the capacity of IDPs to display their agency and achieve integration against all odds, and the existence of protection actors other than the state, in this case the Acholi diaspora, the host community, and customary authorities in Kampala.

CHAPTER V The role of tenure security in Acholi urban IDPs' integration

Security of tenure is at the centre of the debate on durable solutions, since its realisation is critical to (re)integration processes (Williams 2011, 4, UNGA 2014, para. 35). As explained in chapter III, tenure security is not simply legally awarded but socially constructed. To support the creation and consolidation of tenure security, it is essential to understand how the necessary political will and community acceptance is built up locally, from the grassroots to the institutional level, and, in this case, how urban IDPs use their agency and resourcefulness to resist eviction and negotiate their presence. The assessment of IDPs ability to broaden and use their social connections shows the evolution of their integration process and the acquired level of knowledge about their complex new urban environment.

Housing is identified both as key element of durable solutions in urban settings and as a marker of and means to integration. However, the analysis of provisions related to HLP included in internationally adopted guidance and strategies underlines the limits to their conceptual development and implementation, revealing a predominantly technical and legal approach to housing solutions that mostly disregards the role of de facto and perceived elements in integration processes, and the political and relational underpinnings of tenure security. In summary, international frameworks mostly fail to translate legal tenure security into IDPs durable enjoyment of their housing rights and to acknowledge that the exclusive legal enforcement of rights does not turn a house into a home.

This fifth chapter empirically shows the relevance of de facto and perception dimensions of tenure security in urban IDPs' process of integration. It presents and in-depth analysis of the factors conditioning the security of tenure of Acholi urban IDPs in Kampala and shows their ability to understand and navigate the city's complex dynamics and establish alliances at different levels to confront eviction and potential secondary displacement.

The first sections explain the emergence of Kampala as the capital of Uganda and analyse the background of current political disputes about urban development and land management. The chapter proceeds with the analysis of Acholi urban IDPs' negotiation of housing access and settlement strategies, and shows the process of realisation of tenure security in the two areas under study, Acholi Quarters and Kasokoso. Moreover, the analysis of tenure security dimensions—de jure, de facto, and perceived—shows the relevance of alternative protection institutions and network strategies to confront eviction threats and ensure permanence, demonstrating that de facto and perceived tenure security can confront legal practice and even subvert power relations. Considering de jure, de facto, and perceived elements, the analysis proves that responses to protracted internal displacement need to go beyond legal and normative considerations. The chapter concludes with a call to understand and respond to the complexity of tenure security in the post-conflict urban context and to define tenure security as an indicator of integration taking hold, particularly in their de facto and perceived manifestations, which, when adequately understood and strengthened, can support durable solutions for urban IDPs.

1. Kampala's complex urban development: the creation of a capital city

Kampala, a city designed to host three hundred thousand people, is now home to almost two million. The capital has seen a steep population growth since the end of the “Bush War” in 1986 and the coming to power of Yoweri Museveni, inaugurating an era of political stability unprecedented in the country since its independence.¹²⁰ In fact, Kampala is one of the fastest growing cities in Africa, with a 5.6 per cent average population increase registered annually (Vermeiren, Rompaey and Loopmans 2012, 199). Fast population growth has contributed to urban sprawl in the capital, where 60 per cent of its inhabitants live in informal settlements (UNHABITAT 2007b, 10).¹²¹

¹²⁰ The civil war was waged between 1981 and 1986 by Museveni's National Resistance Movement against the government of Milton Obote. Since then, President Museveni has portrayed himself as a “peace maker,” an image that has earned him wide electoral support and has favoured his grip on power, while threatening a return to chaos and conflict if he loses the presidency.

¹²¹ Slums are defined by UNHABITAT as settlements with either one or several of the following characteristics: inadequate access to safe water; inadequate access to sanitation; poor structural quality of housing; overcrowding; and insecure tenure.

This rapid expansion has created structural and socioeconomic constraints, including insecurity of tenure, low levels of physical planning, unplanned settlements, and deficits in transport, environmental management, provision of basic services and housing, and increasing criminality rates and pollution (UNHABITAT 2016b, 26).

One of the first things that struck me as a visitor in Kampala was the profusion of placards and signs warning that a particular property, either a plot or a building, was not for sale. Being used to the view of housing sales advertisements, I inquired about the reasons for this urge for clarification. The explanation was that individuals and organised groups often sold properties despite not being their legal owners, an answer that illustrates the limited functionality of current property management systems and the weak control and legal enforcement capacity of the local government to protect formal property rights in the city.

In order to understand the challenges and opportunities that Acholi protracted urban IDPs face in consolidating tenure security in informal settlements and the multiple forms with which this security is intertwined in their process of local integration, it is necessary to first set the scene for this process in Kampala. To this end, the following subsections explain the complexity of Uganda's legal and institutional pluralism and reveal political interference in the management of Kampala's tenure rights.

1.1 Background of the land tenure systems operating in Kampala

Land in Uganda belongs to its citizens under five different tenure systems by virtue of the 1995 Constitution: freehold, leasehold, customary, *mailo*, and public. All of these forms can be found in the legally plural Kampala, creating complex and overlapping rights. This imbricated tenure landscape hampers regularisation and ordered urban development, in spite of the measures adopted by the central and local governments to harmonise the different systems, support the formalisation of rights, and engage in city planning.

The city's contemporary tenure systems are a legacy of the colonial period. When the first colonizers arrived in this Eastern African territory, the area was ruled by the Kabaka, the king of the Buganda Kingdom, and was mostly populated by his

subjects, the Baganda tribe. In 1900, the British awarded to the Buganda Kingdom the ownership of Mengo territories where the Kabaka had its main residency, creating a municipality administered by the Baganda that developed alongside the colonial capital, Kampala. The rest of the Kingdom's territory was divided into *mailo* land, administered by the Kabaka and his chiefs, and crown land managed by the British colonial powers (Nkurunziza 2007, 511). Since then, the Baganda elite have become landlords of their territory and collected a fixed annual ground rent from former occupants of land, known as *bibanja* (Goodfellow 2010, 12). In practice, *mailo* titles function like freehold titles with exclusive rights of ownership.

As a consequence of the 1900 agreement, Baganda rights over their territory were consolidated and a dual ownership developed over *mailo* land. On one hand, the Baganda elite were the rightful owners of the land, and on the other hand the *kibanja* right holders, the *bibanja*, had the rights to use, occupy, and develop the land and owned all the developments introduced on their plots (Muinde 2013, i). *Kibanja* rights can be inherited, and *bibanja* are not obliged to register their tenancy.¹²² This duality has proven problematic in the long-term for urban development, as it requires the state or private investors to buy land from the owner and compensate *kibanja* right holders. Additionally, the absence of an agreed formula to calculate indemnification has slowed urban development and often leads to violent protests for compensation (Muinde 2013, 37).

In 1968, after President Obote abolished the traditional kingdoms that were threatening his grip on power, mainly the Buganda, Kampala absorbed Mengo municipality to create the current capital, but tenure systems were not unified or consolidated. In 1975, President Idi Amin further suppressed freehold titles, leading to the disruption of ground rent payment by *mailo* tenants and to the informal occupation and subdivision of large tracts of land (Muinde 2013). Museveni partially reversed the situation with the official restoration of the traditional kingdoms and the restitution of land to the Kabaka in 1993 under the Traditional Rulers Restitution of Assets and Properties Act, a move aimed at increasing his electoral base in Kampala and gaining votes from the Baganda population (Johannessen 2005).

¹²² In 2016, the Buganda Land Board launched a campaign to register *kibanja* right holders through the payment of 600,000 UGX (approximately 160€).

Today, it is estimated that 60 per cent of Kampala's territory is *mailo* land still owned by Kabaka and Baganda elites, although their control has been weakened by successive land subdivisions and legal reforms introduced by Museveni's government (Foley 2007, 8). Particularly, the 1998 Land Act increased the protection of *bona fide* occupants against eviction,¹²³ angering *mailo* landlords and the Kabaka who saw how their land was being taken away by non-Baganda occupants (Goodfellow 2010, 13).

The city's land management is also divided between the government and the Buganda Kingdom. On one hand the 1998 Land Act decentralised land management regionally and at the district level through the creation of the Uganda Land Commission, putting successive district land boards and committees in charge of land registration and making them responsible for identifying and managing unregistered land within their jurisdiction that they are entitled to sell and lease (Foley 2007, 17). Additionally, land tribunals were established to settle land disputes in an attempt to avoid political interference and increase land rights predictability (Joireman 2011, 63). However, these institutions, financially under-resourced and understaffed, remain mostly inoperative or have been dissolved (Foley 2007, 19, Joireman 2011, 63). Instead, LCI chairpersons are required to solve HLP disputes expediently and witness land or property acquisition in the area under their jurisdiction,¹²⁴ charging a fee for these services despite being free according to the law.¹²⁵ Authors like Joireman (2011, 64) argue this informal practice awards purchase agreements a quasi-official recognition.

On the other hand, the Buganda Land Board is an independent institution responsible for the management of *mailo* land. The relationship between the Board and the state-run Uganda Land Commission is contentious around the land restored to the Kabaka under the 1993 Act. Some of these properties were registered in District Land Boards and the Buganda Land Board is taking steps to invalidate these titles unless they can verify and certify ownership or other tenure rights (Buganda Land Board 2016).

¹²³ *Bona fide* occupants are defined as those who have been settled in a place for at least twelve years before the enactment of 1995 Constitution.

¹²⁴ Under 2006 Local Council Courts Act, the LCI court is composed of the executive committee of the village. These are elected positions and their holders are not required to have a legal educational background to exercise this function. The law establishes that these courts have jurisdiction to try matters relating to land (part II, art. 10). The LCI courts have the power to facilitate reconciliation and order redress through compensation, the payment of a fine, or the imposition of community services (part. II, art. 13).

¹²⁵ Interview no. 151013-003, Dr. in Law, University of Makerere.

Although customary tenure systems are not as such present in Kampala and its metropolitan area, some practices of land distribution, subdivision, control, and access could be termed neo-customary.¹²⁶ This is the case for subdivisions of land carried out by *kibanja* right holders following family and clan lines (Muinde 2013). On the same note, first settlers in informal settlements usually clear and sell land and demarcate their own plots despite their lack of land titles.¹²⁷ Cases where elders have provided free land for construction to relatives or other people in need, following traditional practices, have also been documented during this case study field research.

Informal tenure systems have flourished in Kampala. Indeed, housing access in the capital's informal settlements is not anarchic, but structured and negotiated through institutions whose legitimacy derives from their ability to provide housing and tenure security to their constituencies. These are formed by a mixture of formal and informal procedures and representatives to the extent that the LCI chairperson's signature is present on purchase agreements even when there is no title deed crediting the ownership of what is being sold. These institutions develop their own alternative norms to manage land access that can "undermine, accommodate, complement or reinforce formal rules" (Nkurunziza 2007, 510). These informal systems are evidence of the foundations of tenure security in everyday state-building practices in post-colonial contexts, where recognition by local authorities is often more relevant than legal status (Lund 2011, Peters 2004, Van Leeuwen 2014).¹²⁸ Goodfellow alternatively talks about "established informal norms of behaviour" that are used by Kampala elites to avoid or boycott official institutions (2010, 14).

1.2 Urban development plans and political stalemates

Chaotic urbanisation processes in Africa are often described as the combination of the failure of the state to respond to rapid growth and the lack of political will to accommodate newcomers. Accordingly, this has led to the creation of large informal settlements in capitals and major cities, which are understood as expressions of social exclusion (Arimah 2011, UNHABITAT 2010a). In Kampala, the failure to implement urban development plans, legal pluralism, a great number of low-income households,

¹²⁶ See in Chapter III Durand-Lasserve's definition of this term (2006, 4).

¹²⁷ Interview with Dr. in Law, University of Makerere, interview no. 151013-003

¹²⁸ See Chapter IV, section 5.

and the inability of the state to provide affordable housing are described by UNHABITAT (2007b, 9-12) as the main contributing factors to the creation of slums.

Nevertheless, a closer look at Kampala's deficient urbanisation process reveals patterns that call into question the alleged reasons for the unplanned urban growth and supposed marginality of informal settlements. In this sense, Goodfellow (2013) shows how similar rates of poverty, slum prevalence, rural-urban migratory flux, and legal pluralism conditions produce divergent development patterns in Kigali, Rwanda, and Kampala, underlining the relevance of political bargaining and "historically informed city-level political economy analysis" in understanding urban planning performance. To understand the limits of legal reforms, it is necessary to analyse local power dynamics and their capacity to reshape policies through negotiation and competition (Van Leeuwen 2014).

In Kampala, development plans for the capital and its metropolitan area often face opposition from the Buganda Kingdom. The consolidation of formal tenure rights over land through the 1900 Agreement contributes to the perception of Baganda people as natives and owners of the land in the central divisions and Kampala, and the Kingdom fears losing its grip on land to the growing metropolitan area.¹²⁹ In this regard, the central government's move to extend the Kampala City Council Authority's (KCCA) jurisdiction to areas previously outside of the capital boundaries met the opposition of the Kabaka and his supporters (Goodfellow 2010).

Moreover, the enactment of the Kampala Capital City Act in 2010 was perceived as a measure designed to counteract the political stronghold of the opposition Democratic Party in the capital, which has been leading the City Council since the first multiparty elections. The new bill established the presidential appointment of an executive director and deputy executive director managing the new KCCA and controlling the activity of the mayor elected through direct universal vote. The central government has reduced the operational capacity of the KCCA, cutting its financial

¹²⁹ Other mechanisms of movement control established during the colonial period have built in the construction of ethnic geographic zones across Uganda, with communities fiercely opposing intrusion and access to land by "non-native" groups in what they conceive as their homeland. In spite of the Constitution enshrining the right of every Ugandan citizen to freely move across the country and establish residency in a place of choice, its realisation has been called into question by land claims against "foreigners."

resources and reducing its executive powers. It is willing to show the inability of the opposition party to run the capital and preclude any possibility of challenging Museveni's NRM presidency (Resnick 2014).

Heated debates on tenure rights are regularly part of electoral contests, with political parties adopting positions regarding land ownership claims in Kampala's informal settlements. Meitner and Kjær (2016) analyse the use of land issues during the 2016 presidential campaign and conclude that this is part of the programmatic political discussions of the candidates concerning land-grabbing, land and urban development, the quality of tenure systems to ensure tenure security, and the tenure rights of informal settlement dwellers, among others.

This lack of synchrony between the Buganda kingdom, the Government of Uganda, and the municipal government has led to virtual blockage of urban development plans in Kampala. Contested expansion plans, elite interests, and competing agendas have allowed slum dwellers and other underclass citizens to successfully negotiate and gain the support of their formal or informal representatives, avoiding the implementation of urban planning regulations, evictions, and tax payments (Goodfellow 2010). This bargain has also favoured the settlement of middle-income families in these areas, though informally/irregularly, without an approved physical plan or ignoring housing regulations, making the wealthy and the poor coexist (MLHUD 2008, 12).

The description of the political dynamics shaping Kampala's urban development supports the interpretation of security of tenure as the outcome of power relations and social interaction discussed in chapter III, where tenure security is related to the creation and legitimation of political authority. Political and socioeconomic factors are more decisive for tenure security than occupancy status and formal regulations (Payne and Durand-Lasserve 2012, 9-10) or, in other words, *de facto* tenure security in Kampala often prevails over *de jure* elements. These political dynamics also determine Acholi IDPs' tenure security in the city, as will be discussed later.

2. Informality, tenure security, and adequate housing in Kampala

“Urban planning [... has] an impact on the rights of urban internally displaced persons”, although these are frequently outdated and too rigid to accommodate migration flows (UNGA 2014, para. 33). In Kampala, the most recent urban development plan was drafted in 1994, but since then little has been implemented.¹³⁰ One of the biggest challenges to its execution is that in the capital “planning comes after development has already occurred in one area.”¹³¹ People routinely build houses and other structures on their land without a state-sanctioned physical plan and disregard or are unaware of the existence of a city masterplan. An urban planning officer in the Ministry of Lands, Housing, and Urban Development (MLHUD) describes this, coupled with the lack of law enforcement capacity and corrupt practices by state agents, as the main stumbling block on the path to urban development. In other words, informality is the norm in Kampala’s housing and infrastructure construction and provision.

Addressing informality in the housing sector and in slum formation is among the top priorities of the government, underscored in its 2016 National Housing Policy (NHP). It is estimated that 28,400 housing units are required annually in Kampala to absorb newly established households, reduce overcrowding, and replace obsolete/substandard units (UNHABITAT 2010a, 37). The KCCA has officially recognised the existence of sixty-two informal settlements with an estimated population of 2.5 million people, around five hundred and sixty thousand families, within its jurisdiction (2014, 23).¹³² These figures call into question official population numbers, 1.5 million according to the 2014 national census.¹³³ The number of Acholi IDPs living in Kampala’s slums is unknown, but the Urban IDPS Association estimates three hundred thousand people (one hundred and eighty thousand children, eighty thousand women, and forty thousand men) in different areas of the city.¹³⁴

¹³⁰ In 2012, a new Kampala Physical Development Plan was drafted and submitted, though its approval is still pending.

¹³¹ Interview no. 151117-001, Urban Planning officer, MLHUD.

¹³² These figures are based on a household survey carried out by the Uganda National Slum Dwellers Federation (Dobson, Lutwama and Mugisa 2014, 12).

¹³³ UNHABITAT (2016b, 7) estimates that the population of the Greater Kampala Metropolitan Area (GKMA) could rise to 3.1 million, half of the total urban population in Uganda. GKMA is a loosely defined area comprising the urban sprawl of the capital and the bordering districts of Wakiso, Mpigi, and Mukono.

¹³⁴ See document provided by the Urban IDPs Association Chairman, in Annex IV

“To ensure that everyone has decent affordable housing with secure land tenure in an organised environment,”¹³⁵ the central government has defined three main courses of action to reduce informality in housing provision and prevent the creation of new settlements in the future: i) strengthen legal tenure security; ii) upgrade slums and redevelop urban areas; and iii) partner with, and acknowledge, multiple stakeholders for the creation of adequate and affordable housing.

2.1 Strengthen legal security of tenure

Ugandan legislation has been modified to guarantee legal security of tenure to land occupants, considering that only 15 to 20 per cent of the land is registered in Uganda (USAID 2010, 3). The 1998 Land Act contains multiple provisions to secure tenure through formalisation that are relevant to Acholi urban IDPs, since their long-term presence in informal settlements has often evolved into emergent occupancy rights, providing IDPs with a legal basis to resist eviction and claim ownership, as explained below. For instance, the Land Act allows for the formation of communal land associations to register group tenure rights and awards security of tenure to *bona fide* and lawful occupants on freehold, leasehold, and *mailo* land, in line with the 1995 Constitution.¹³⁶

A *bona fide* occupant is defined as a person who has been settled, using, or developing a piece of land unchallenged by the title holder for at least twelve years before the enactment of the 1995 Constitution (Land Act 1998, art.29, 2a). Any person who purchases land from a *bona fide* occupant acquires the status of *bona fide* (Land Act 1998, art. 29). Furthermore, the Limitation Act of 1959 (art. 5), still in force, establishes that no action should be taken to recover a piece of land after twelve years of continued occupation by another person. This provision opens the way for the protection of informal occupants through adverse possession, a principle rooted in the primacy of land use over wasteland or unproductive land (Foley 2007, 25). After that period, the occupant can register the piece of land under his or her name through a new title.

¹³⁵ Interview no. 151117-001, Urban Planning Officer, MLHUD

¹³⁶ A lawful occupant pays an established annual rent to the land owner regardless of the existence of a written rental agreement.

In an effort to curb forced evictions by landlords against unregistered tenants, an Amendment Bill was introduced to the 1998 Land Act in 2007 (Foley 2007, 14). The amendment establishes the procedure for a lawful eviction through the issuance of a court order, providing six-months of notice to the occupant for possible appeals. An eviction can only be applied in the case of non-payment of annual nominal ground rent by the tenant. It also establishes fines and imprisonment charges to be imposed on owners and occupants who fail to follow the due process for eviction or to grant purchase priority to either the landlord or the tenant when a property is being sold.

However, several experts consulted assert that forced evictions on privately owned land are frequently carried out without due process.¹³⁷ If the owner gets a court order, he or she wants the land vacated immediately and ignores the six months awarded by the law to carry out a lawful eviction. Even without the order, an owner can use or threaten with the use of force, and police forces are often involved in providing security to proceed with the clearance. Conversely, eviction on public land often follows due process, according to informants, although there are many cases in which the absence of government diligence to stop forced eviction can be understood as acquiescence. However, UNHABITAT underscores that private real estate developers are partly responsible for forced eviction in Kampala, but asserts that the Government has also been indirectly involved in these practices, selling occupied land to investors (UNHABITAT 2010b, 29, 57).

More broadly, the acts of Parliament are mostly not enforced, and land disputes are still resolved through non-legal informal channels, leaving tenure security to de facto determination (Goodfellow 2010, 14). The cost of title registration and juridical litigation and the length of these processes can also hamper the formalisation of land and property rights, together with the cost associated with regularisation, like tax payment.¹³⁸ Corrupt practices in the judicial systems and local government make litigation against forced eviction or proving land rights claims unattainable to many slum dwellers.¹³⁹

¹³⁷ Interview no. 151013-003, Dr. in Law, University of Makerere. Interview no. 151117-001, Urban Planning Officer, MLHUD. Interview no. 150923-001, Programme Coordinator, ACTogether.

¹³⁸ Interview no. 151013-003, Dr. in Law, University of Makerere.

¹³⁹ Interview no. 150925-001, Community Promoter, UNSDF

2.2 Slum upgrading policies and pilot projects

The 2008 National Slum Upgrading Strategy (NSUS) is the main guidance for addressing informal settlements in Uganda, according to the 2016 NHP.¹⁴⁰ The NSUS states that high urbanisation rates, urban poverty, complex urban land tenure systems, and failure to implement urban plans due to political interference, institutional weaknesses, and financial constraints are among the main factors feeding informal settlements' growth in Uganda. It further indicates that rural to urban migration has contributed to fast urbanisation in Kampala, while internal displacement is mentioned as the main cause of urban growth in northern cities, particularly in Gulu during the war (MLHUD 2008, 20). Besides slums upgrading, the NSUS insists on the need for a two-track strategy to prevent the emergence of new informal settlements through the integration of socioeconomic, infrastructural, and poverty reduction measures.¹⁴¹

In dealing with tenure security in informal settlements, the strategy is committed to supporting incremental tenure rights schemes, controlling land markets—when possible—to avoid displacement of residents by rising rents, and strengthening legal and de facto tenure security of owners, tenants, and occupants (MLHUD 2008, sect. 3.6.1). The strategy proposes progressive measures, like the review of planning and building standards to what is really attainable, and encourages multiple tenure forms in response to housing needs, including rentals. When resettlement is inevitable, residents are said to have priority for relocation in sites offering employment and basic services. However, the NSUS does not provide any indication of how to establish compensation in the case of eviction or for the loss of their properties and previous investment in the development of the area.

There have been several pilot slum upgrading interventions in Kampala. Some interventions have developed infrastructure for the settlements and others have provided for the construction of low-income housing to host informal settlers. The cost of upgrading was partially financed through the creation of savings groups. However, the

¹⁴⁰ The urban planning officer interviewed at the MLHUD said the strategy is not legally binding and only serves as an orientation to the ministry.

¹⁴¹ The strategy is divided into eight sub-strategies addressing core aspects: tenure regularisation and affordable land; supply of affordable housing; urban infrastructure and basic services; slum-sensitive urban planning; financing; inclusion and participation of residents; cost allocation, recovery, and affordability; and stakeholder participation and coordination.

poorest families left the informal settlements after upgrading, since they could no longer afford to live in the area, while low-income houses have often become middle-income families able to afford formalisation while original residents have resettled in other slums. (MLHUD 2008, 31). Nawangwe (2003) points out that this unwanted result of upgrading policies in Kampala can be attributed to an inadequate assessment *ex ante* on livelihoods and purchase capacity, and a deficient participation process.

An alternative method is the redevelopment of the full informal settlement and the relocation of slum dwellers to land allocated by the Government of Uganda. This type of intervention has been supported by Uganda National Slum Dwellers Federation (UNSDF) and the NGO ACTogether, which actively collaborates with residents to create savings groups to finance house construction and plan for resettlement. Savings groups also buy land and receive support from Slum Dwellers International to build low-income houses. However, the areas allocated are often outside of Kampala, where there are few employment opportunities, forcing settlers back into slums near the city centre to access jobs while their family remain in their new property.¹⁴²

2.3 Stakeholders' engagement in housing provision

Another relevant aspect of the NSUS is the inclusion of a broad definition of the stakeholders to be engaged in slum upgrading activities, including central and local governments, customary authorities, the private sector, development agencies, NGOs, local associations, and slum dwellers. Slum dwellers are here defined as partners and assets to urban development, not as beneficiaries, acknowledging their contribution to the urban economy and their capacity to organise and actively participate in the design and implementation of upgrading activities (MLHUD 2008, sect. 3.6.6). The strategy highlights the importance of identifying the strengths of every stakeholder to maximise synergies among them.

Moreover, the 2016 NHP categorises IDPs as a vulnerable group in need of special protection, together with elders, disabled, women, and child-headed households among others. Recognising their precariousness, the NHP suggests these groups should be supported to access the housing market with specific interventions, but it does not

¹⁴² Interview no. 150923-001, Programme Coordinator, ACTogether; interview no. 150925-001, Community Promoter, UNSDF.

provide examples of particular actions and instead encourages the inclusion of vulnerable groups in existing housing schemes, reducing the solution to enabling their participation (MLHUD 2016, art. 3.11).

Since the privatisation of the National Housing Corporation in 1993,¹⁴³ the state has discontinued the direct provision of social housing and concentrated on actively looking for private investors interested in estates development in the capital city and its metropolitan area.¹⁴⁴ The promotion of private-public partnerships is described as the best option to solving compelling housing problems and moving Kampala's urban development forward.¹⁴⁵ However, the contribution of private investors to the housing sector remains marginal at best (MLHUD 2014, 26). This strategy has eased access to formal serviced land to more affluent and middle-income households through finance services and legal reforms, contributing to increasing the price of available land in Kampala. At the same time, the strategy has proven inefficient in addressing the housing needs of the urban poor, since private companies are not attracted to invest in this sector, fearing low revenues and widespread defaults (MLHUD 2008, 27, UNHABITAT 2010b, 30).

Despite all these critiques, the NHP underscores that its main objective is to create an enabling framework to resolve housing deficits, setting and enforcing regulations and standards to ease private investors' responses to housing needs through the market economy (MLHUD 2016, iv). Under de motto "adequate housing for all," strategies repeatedly disregard their inability to address the housing needs of the poorest urban households. This suggests that the principles of the enabling approach, introduced by the World Bank and UNHABITAT in Uganda in the 1990s, were used by the government to justify their complete withdrawal from direct intervention in the housing sector and not only from direct provision (UNHABITAT 2010b, 38).

¹⁴³ Under the Public Enterprises Reform and Divestiture Act, 49 percent of the public corporation was acquired by the Libyan African Investment Company, a private holding enterprise.

¹⁴⁴ Interview no. 151117-001, Urban Planning officer, MLHUD.

¹⁴⁵ Interview no. 151117-001, Urban Planning officer, MLHUD.

3. Specific provisions on housing in regional and national instruments tackling internal displacement

After setting the context of tenure security in Kampala through a review of its historical, political, and legal dimensions and the policies and strategies to promote security of tenure, this section focuses on understanding how housing is addressed in policies and legal frameworks designed to protect and assist IDPs and to prevent displacement in Uganda. To that end, I review the dispositions included in the African Union Convention for the Protection and Assistance of IDPs in Africa, known as the Kampala Convention, and the Uganda National Policy for IDPs (NPIDP).

3.1 The Convention for the Protection and Assistance of IDPs in Africa

The Kampala Convention is the first regional legally binding instrument establishing obligations to signatory states to protect IDPs and prevent displacement in Africa. The document came into force on 6 December 2012, and although its content is mainly inspired by the Guiding Principles on Internal Displacement, it contains some substantial differences in dealing with housing, land, and property issues. In this respect, it is suggested that the word “restitution” is intentionally avoided in order to adapt the achievement of durable solutions to a context of legal pluralism where multiple rights coexist over the same land (Asplet and Bradley 2012). For instance, article 11 advises state parties to “establish appropriate mechanisms providing for simplified procedures where necessary, for resolving disputes relating to the property of internally displaced persons”, but only requires the state to assist with restitution when a community has a special “dependency or attachment to such lands.”

Although this article seems to soften the call for restitution within the Guiding Principles and the Pinheiro Principles, Asplet and Bradley (2012) argue that this makes it possible to level the right to restitution of HLP to other restorative measures and helps to balance return, local integration, and resettlement, enabling IDPs free choice. In fact, article 12 establishes that the state must compensate or establish other forms of reparation to IDPs “for damage incurred as a result of displacement,” broadening the meaning of harm beyond the loss of property. Therefore, I understand the Kampala Convention as introducing flexibility in addressing HLP issues, and as implicitly

recognising the evolution of land and housing rights. This may allow protracted urban IDPs to claim rights over land they have occupied during their displacement.

Unfortunately, there are other remarkable disparities that reduce the quality and extent of protection provided by the state. Notwithstanding that the Kampala Convention underlines the obligation of state parties to “promote self-reliance and sustainable livelihoods among IDPs,” the document only refers to the provision of shelter within the humanitarian response and it does not include any other disposition enabling the establishment of temporary or permanent housing (African Union 2009, art. 3.1.k).

Particularly worrisome is the section dedicated to addressing development-induced displacement. In line with the Guiding Principles, article 10 requires states to prevent the forceful removal of population, to explore feasible alternatives through direct consultation to those affected, and to assess the socioeconomic and environmental impact of the project. However, it does not include measures to minimise its adverse effects, such as alternative accommodation, safe relocation, compensation, or the right to an effective remedy as enshrined in principle 7 of the Guiding Principles. This provision is particularly relevant for the Acholi urban IDPs interviewed, whose local integration is currently threatened by a housing development plan, as discussed below.

3.2 The National Policy on Internally Displaced Persons

The National Policy for the protection of IDPs, enacted in 2004, establishes that local governments and the OPM must provide basic shelter and housing that is safe and secure during displacement, where IDPs can enjoy access to basic services and local infrastructure. Under article 3.6, IDPs are also protected against arbitrary or compulsory deprivation of property or any interest or right over property. This latter clause is ambiguous, as it does not explicitly refer to property previously owned by IDPs and could be reinterpreted as a protection against eviction and secondary displacement in areas where they have settled after displacement.

Moreover, as a preventive measure, the NPIDP call for protection against arbitrary displacement, including in the case of large scale development projects (Government of Uganda 2004, art. 3.3). Despite the fact that these provisions appear to

establish a formula enabling urban IDPs to claim their right to remain in informal settlements threatened by urban development plans, both articles assert that the “compelling and overriding public interest” would be an exception to the rule. The definition of what could constitute an exceptional circumstance requires further consideration.

Contrary to the dispositions found in the Kampala Convention, the policy considers the right to land restitution as the only remedy for the harms suffered during displacement (art. 3.6.3). Where the restoration of land rights is not possible, the local government must allocate new land for resettlement following the identification of available land by the local community in a location close to a market area to ensure subsistence. There is no provision for other types of compensations for damages incurred during displacement.

The NPIDP has been mainly implemented through the Northern Uganda Rehabilitation Programme, the Peace, Recovery and Development Plan I and II, and the Northern Uganda Social Action Fund I, II, and III. These programmes are aimed at increasing local government capacities, including land management, and the social and economic development of the north. Nevertheless, the resources destined to effective land restitution, the resolution of land disputes, and the improvement of the juridical system in the north remain insufficient to deal with the number of land litigations and contradictory claims, leading to land wrangles and renewed displacement (Onegi 2012, IDMC 2014b, 8-9), hampering the return of urban IDPs to their areas of origin. In addition, the use of traditional conflict resolution mechanisms to settle land disputes as a transitional justice measure has been criticised by Branch (2014) as a restoration of male gerontocracy domination and corruption. This, together with land grabbing carried out by the military and other relevant actors during the conflict, has jointly pushed people to Gulu slums, according to the author.

4. Urban IDPs’ tenure options and housing access in Kampala

Confronted with the absence of state recognition and support, the Acholi community emerged as the main agent of protection for urban IDPs, providing shelter and easing access to housing. The affordability of land and lower rental prices, the presence of Acholi people and relatives, and potential employment in the local quarry

encouraged IDPs to settle in Acholi Quarters. However, the progressive growth and congestion of the settlements have reduced the availability of free space, leading to construction in hazardous areas, prone to floods and landslides, inside or bordering quarry areas and on steep slopes.

IDPs acquire properties in the informal settlements through three main channels: grant, occupation, and purchase. Some IDPs mentioned that elders or relatives granted them a piece of land, favouring their settlement. Occasionally, some sort of payment was involved as a sign of gratitude. Others stated that they gained access to their plot by clearing and levelling the area that was later occupied. This process often required negotiations with neighbours and community leaders for permission to build a structure and settle. Purchase was also common among the IDPs interviewed, whereby they bought a piece of land or a structure from someone already established, or formerly living in the informal settlements.

To facilitate such exchanges, after setting the price, the chairperson of LCI and other local authorities, such as elders, are invited to witness and certify the good faith of the agreement, since fraudulent sales are frequent. Paradoxically, this witnessing and the participation of formal local authorities takes place in spite of the informal character of the transaction and the total absence of property titles, in line with the informal mechanisms to acquire land rights in Kampala described by Nkurunziza (2007). To witness and sign a purchase agreement, the LCI chairman admitted charging a 10 per cent fee over the cost of the property, but kept no copy of the document or record of the purchase.¹⁴⁶ Nonetheless, written purchase agreements are rare among IDPs interviewed in Acholi Quarters. Some deemed these documents unnecessary, as transactions are based on trust relations between the buyer and the seller. Others argued that the temporary character of their presence and tenure insecurity in the informal settlement made written documents irrelevant. This reality is in stark contrast with findings in the nearby Kasokoso slum, where all interviewees who paid for their land or structure, IDPs and non-IDPs alike, were in possession of written purchase agreements signed by the LCI.

¹⁴⁶ Interview no. 151005-004, LCI chairman, Acholi Quarters. Such proceedings are widespread in Uganda, although it is not an official requirement to buy property, nor is the charge of a fee for witnessing services.

Despite informality and the absence of legal property titles, all IDPs interviewed purchased, acquired, or were willing to buy a piece of land in order to build their own structure. Housing rental was considered the least desirable option, since regular rent payments could easily end up in default due to irregular wages/earnings or employment loss, the concurrence of unexpected expenses, or the relative primacy of other basic needs, such as food, water, or school fees. Therefore, to earmark major savings for a one-off payment to buy a piece of land for construction was perceived as a secure option, and a further relief to future generations to free them from the burden of housing. The priority given to ownership over renting shows the extent to which IDPs' sustainable livelihoods are connected with better tenure security options.

Most importantly, the degree of tenure security awarded by rental agreements was low compared to other informal tenure forms available. To begin, there were no written contracts and the common verbal clauses required a three-month deposit to guarantee the economic reliability of the tenant. Payments were often accredited with the issuance of a handwritten invoice, though not always. Tenants were liable for minor repairs while the landlord was responsible of major repairs, mainly the maintenance of roofs and walls.¹⁴⁷ Moreover, Ugandan legislation is barely developed in the field of rental housing, and the laws and policies establishing eviction procedures do not contemplate any kind of measure to ensure the housing rights of informal tenants.¹⁴⁸

Despite the low cost of tenancy in the area, monthly payments were described as a challenge for many households, and LCI chairpersons confirmed that disputes over rent defaults were the most common in relation to housing in both informal settlements. Rental was considered the last resort for the more vulnerable by IDPs who could not afford to build their own structure (widows, young couples with children, elderly women, and single parents). Conversely, newly arrived economic migrants interviewed considered tenancy as their first option in their effort to improve their lives and move to a better and safer location.

¹⁴⁷ The description of the rental procedures was described by an IDP renting rooms and structures, interview no. 151021-001, male IDP.

¹⁴⁸ Interview no. 150923-001, Project Coordinator, NGO ACTogether; Interview no. 151013-003, Dr. in Law, University of Makerere.

4.1 Acholi IDPs house construction, distribution, and use

Houses in Acholi Quarters consist of one storey structures with one or multiple rooms and provide access to communal or household latrines built outside the main building. The basic quarters consist of one room without windows where the door is the only feature available for the entrance and evacuation of people, air, and fumes. Usually, additional rooms are added to the original structure creating a tenement, locally known as *muzigo*.

The construction of additional rooms and structures functions as an income-generating and investment strategy. Many IDPs interviewed rented rooms within their house or owned more than one structure, which, occasionally or permanently, are destined to rent. In situations of economic distress, the family may regroup in one room and rent other available rooms as a coping strategy. However, more often than not, the number of family members exceeds the structure's capacity, forcing older siblings, mostly adolescents, to look for a place to sleep at a friend's or relative's house. Parents interviewed showed their concern about early pregnancy, sexually transmitted diseases (STDs), delinquency, or alcohol and drug consumption as a consequence of the absence of supervision of their children and dependants.

Structures are deemed temporary or semi-permanent by IDPs, even when houses have visible upgrades and extensions. Construction materials vary from mud and sticks covered with plaster to brick and wooden structures. Iron sheets are invariably used as rooftops and running water is unavailable, while electricity is accessed through secondary connections to the network and paid on a monthly basis to the registered user. Nevertheless, the function of houses is not merely residential. There are some buildings with mixed commercial and residential use, mostly located in the market area. Moreover, production of crafts (jewellery, paper beads) and preparation of food for sale often takes place within the house.

In spite of their expressed desire to return, many IDPs have invested in the betterment and extension of their structure. According to their testimonies, the main reason for housing upgrades is to provide greater safety and comfort for family members and to ensure compliance with Acholi customs whenever possible. Acholi customary practices include a pre-established distribution of the house and its

inhabitants. For instance, parents should not sleep in the same room with their children, and siblings—divided by age and sex—must have their own rooms located in a separate structure within the family plot. Several IDPs interviewed showed their concern for not being able to keep with this tradition due to lack of space within their structure/plot. They worried that the absence of privacy would make children see ‘things’ (referring to sexual practice) before they were ready and were worried about how this could affect their upbringing.

Also, following Acholi customary practice, IDPs interviewed stated they would hand their structure down to their married sons in case of return. Women are seen as “flowers” that will leave home after marriage. This patrilineal inheritance system increases women’s vulnerability, making them prone to early-marriage and homelessness in cases of divorce or separation, and rendering them dependant on their families’ will and capacity to reintegrate them. This also influences their opportunities for a sustainable return, and several IDP women interviewed explained how the portion of land they could claim from their relatives in the north would not be enough to sustain their families.

5. Assessing Acholi urban IDPs’ tenure security

Despite the continued presence of IDPs in Acholi Quarters since the late 1980s, and the presumed acquisition of tenure rights over the land they occupied through adverse possession, the risk of eviction and the fear of secondary displacement have increased in the last few years. The main threat to their settlement emerged in 2012 when the National Housing and Construction Company (NHCC), the former public housing agency, announced its intention to upgrade and redevelop the area in partnership with the MLHUD. The company, privatised in 1993, claimed to be the legal owner of the land by virtue of a leasehold agreement signed in the 1960s with Kireka Estates Ltd., an Indian company established in 1933 that acquired these fields from the colonial British government where it established a tea plantation.¹⁴⁹ The Banda-Kireka Slum Redevelopment Project includes the construction of low-cost housing to accommodate informal settlement dwellers; however, neighbours in Kasokoso and

¹⁴⁹ According to the Uganda Registration Services Bureau <<http://www.ursb.go.ug/>> consulted on 9 November 2016.

Acholi Quarters argue they cannot afford those buildings and that this solution is only a cover for market-driven eviction. The area is located close to the city centre and main roads, increasing the interest of investors.

NHCC's claims are contested by Acholi Quarters dwellers organised in the Committee of Housing Owners who define themselves as *bona fide* occupants, arguing that their ancestors settled in the area bordering the tea plantation as early as 1937 and that they have been managing the land customarily since then.¹⁵⁰ According to their testimonies, these first settlers were mostly northerners who arrived in Kampala during the construction of the railway line joining Mombasa, Kenya with Uganda's capital, found employment on the plantation, and in the 1950s initiated quarry work in the area. In 1980, the area was elevated to the status of village, a fact that, the Committee says, ratifies the presence of a significant population by that time.¹⁵¹ They further question NHCC property claims and their stated urban development goal, arguing that if the project were really in public interest, the government would have resorted to compulsory acquisition to regain the property.

Alternatively, many IDPs share a different narrative about the creation of the settlement, which explains their feeling of temporariness and conditionality associated with their presence in the area. Almost every IDP interviewed explained how the Kabaka, king of Buganda yielded a portion of his territory to Acholi people on a temporary basis, not permanently, after they arrived in Kampala as workers on the railway line in the 1930s. Even if it is impossible to trace the source of this narrative, IDPs' statements may play a role in justifying their presence in Buganda territory, away from their motherland, in order to resist intermittent harassment by Baganda people in the surrounding area. According to customary land tenure practices, access to non-indigenous members cannot be granted without the prior consent of natives. In this regard, the presumed favour of the Kabaka to their settlement could contribute to diminishing intimidation. However, the Buganda Land Board certifies that the area included in the leasehold agreement did not belong to the Kabaka, in spite of the presence of one of the king's numerous residences on the top of the hill (Mwesigye

¹⁵⁰ Recording no. 151018-001, Secretary, Committee of Property Owners, Acholi non-IDP man

¹⁵¹ Recordings no. 151018-001 and 151018-002 with the Committee of Property Owners

2013). Additionally, the Certificate of Title shows the area was deemed Crown land during the colonial period.¹⁵²

In a context in which formal tenure rights and tenure security are exclusive to middle-income and affluent households, or those well-connected to the local elite in Kampala, urban IDPs' prospects for securing housing tenure rights during displacement may seem bleak at best, and their chances to settle and integrate scarce. Confronted with this volatile scenario and the threat of secondary displacement, a detailed analysis of IDPs' tenure security applying Van Gelder's three dimensions—de jure, de facto, and perception—may provide a comprehensive picture of the sustainability of their settlement options and reveal community protection strategies and the use of informal channels to build tenure security, showing the connection between IDPs' tenure security and their process of local integration. A better look at processes of negotiation over housing access and settlement strategies developed or seconded by IDPs in Acholi Quarters unveils their capacity to adapt to this complex scenario, and even to benefit from it, through a set of instrumental social connections. The definition of tenure security as “a set of relationships [...] that enables one to live in one's home in security, peace and dignity” (UNHRC 2013, sect. II, para. 5) acquires here full relevance.

5.1 De jure tenure security

As discussed in chapter III, legal tenure security is founded on a set of rules that are clear, known, justiciable, and supported by a legitimate tenure system, be it statutory, customary, religious, hybrid, or other (UNHABITAT 2004, 31). This is summarised in the obligation of the state to protect its citizens against forced eviction and safeguard property rights. In this sense, the state acts as a guarantor of rights in line with the protective role assigned by the Guiding Principles, the FDS, and the Pinheiro Principles.

IDPs interviewed do not possess legal titles for the land they occupy and only a few can prove, through written purchase agreements, the exact amount paid for their plot, although the LCI chairman regularly sanctions informal documents with his signature. In this respect, IDPs' decisions to forgo purchase agreements may indicate

¹⁵² See copy of document in Annex V

their low perception of the risk of eviction or their deeply held belief in the temporariness of their settlement in Kampala.

IDPs admitted that they are not formal property owners and justified their settlement in the area referring to the permission awarded by the Kabaka. Only a few challenged their eventual eviction, brandishing their legal rights over the land they occupied. Actually, the majority of IDPs interviewed could opt to register their land in their name through adverse possession according to the provisions of the Limitation Act of 1959 (art.5-11), since they arrived in Acholi Quarters in the late 1980s and the beginning of the 1990s and have lived there uninterrupted and unchallenged for more than twelve years (Foley 2007, 24-26).

The cost of formal land registration and the issuance of a new title could, nonetheless, turn formal tenure rights into something unaffordable for IDPs and slum dwellers. In this case, the secretary of the Committee of Property Owners suggests a collective title for the whole community as a legal alternative available to the settlement.¹⁵³ The Committee further challenges the legal compliance of the property titles presented by the NHCC, arguing that the owners of Kireka Estates who sold the land to the construction company were not entitled to do so, since they are not the freehold owners of the land and as Indian nationals are banned from owning land in Uganda according to the Constitution. However, juridical litigation is seen as a last resort despite the proofs the Committee was collecting to legally support its case.¹⁵⁴

Unfortunately, the complexity of land laws in Uganda does not help to clarify this situation, and IDPs' limited legal awareness leaves them unprotected. This juncture raises questions about the usefulness, or even the existence, of a set of rules that are clear, known, and justiciable for IDPs and other slum dwellers, and is representative of the weaknesses of their legal integration in the urban realm as explained in the previous chapter. Laws and the mechanisms are there, but access and proper functioning seem unattainable, and the lack of trust in their efficiency is evident: the minimum protection of the state against forced eviction was unavailable.

¹⁵³ Recording no. 151018-002, meeting with Acholi Quarters Committee of Housing Owners

¹⁵⁴ Recording no. 151009-002, Chairman, Committee of Property Owners, non-IDP Munyankole man

5.2 De facto tenure security

This dimension is composed of the elements that prove the effective control over housing, land, or other properties regardless of legal status. Factors denoting this security are often the duration and size of the settlement and the level of community cohesion. Also the implicit is the recognition of ownership rights through political and administrative practices or the provision of services (Van Gelder 2010, 451). This dimension of tenure security is connected to de facto integration, understood as the negotiation of the presence and attainment of social acceptance and inclusion in the host community, but also IDPs' comprehension of and capacity to influence local politics and power struggles (Van Leeuwen 2014, 294). According to this association, tenure security is a manifestation of IDPs' agency to settle in their new environment and even modifies this context by altering existing power relations.

Numerous elements support the prevalence of de facto tenure security in Acholi Quarters. The documented establishment of population in the area since the 1930s and its ever increasing number, estimated at twenty thousand inhabitants; the articulation and organisation of the community through the LCI and its councils—elders, women, youth, disabled people and veterans; the strong commitment of their associations—committee of property owners, paper bead vendors, savings groups, etc.; the presence of government representatives—LCI, police post, etc.; and the payment of property taxes to the KCCA are signs of implicit state recognition of the settlement.¹⁵⁵ At the same time, the absence of public services reflects the unwillingness of the state to invest in areas where ownership is contested in an attempt to cut the flow of new residents and the expansion of informal settlements.

Additionally, some factors show that de facto tenure security of IDPs is the result of the negotiation of their presence and their ability to increase their bargaining power. IDPs interviewed are aware of their position in the social scale as slum dwellers and northerners in Kampala, and understand they are disadvantaged in relation to the “native” Baganda tribe and the parastatal NHCC's claims on the land they occupy. In this context, Acholi IDPs have developed several strategies to integrate social networks and reduce this power imbalance.

¹⁵⁵ Interview no. 151014-001, Acholi IDP man, and 151014-002, Acholi IDP woman. Both showed their payment invoice during the interview.

First, IDPs' decision to establish themselves in an area previously inhabited by their tribe provides them with the support of their own community as they settle and survive, increasing their chances of remaining. Through their participation in decision-making bodies and associations within the community, IDPs extend and consolidate these community bonds. The experience of Acholi IDPs in Kasokoso proves, nonetheless, that access to housing is also possible among other ethnic groups, although the participation of IDPs in this settlement was unusual, putting them on the margins of power, and relations were sometimes strained due to the different ethnic backgrounds, increasing the perception of being an unwelcomed guest. For instance, an internally displaced woman interviewed in Kasokoso mentioned how a group of Baganda people came to her plot and tried to forcefully evict her after she had constructed her structure in an area previously destined for quarry work. She explained that a member of the LCI supported her because she was a widow, and she could ultimately stay, but still she receives insults on the grounds of being Acholi.¹⁵⁶

IDPs' initiatives, although relevant to livelihoods and inclusion, are limited to ensuring de facto tenure security within the boundaries of the settlements, and might be insufficient to counter eviction threats from outsiders. Once the threat of eviction materialised through the NHCC development project, there was a need to transcend the boundaries of Acholi Quarters, building bridges with outsiders and garnering support for their permanence. An outstanding example of this bridge-building strategy was the participation of IDPs in the Committee of Property Owners (the Committee). I learned of the existence of this initiative through an interview with an Acholi IDP woman, determined to assert her right to remain in her house, and through her I was able to interview the Committee's members.¹⁵⁷

According to the testimony of its chairman, the Committee was created to represent the community and be their voice during meetings and negotiations with the NHCC and the government regarding the land dispute.¹⁵⁸ Its foundation was the result of the loss of confidence in the LCI chairman, since he and other members of the community had participated in a meeting with MLHUD and NHCC representatives

¹⁵⁶ Interview no. 151206-001, Acholi IDP woman, Kasokoso.

¹⁵⁷ Interview no. 151005-003, Acholi IDP woman, Acholi Quarters.

¹⁵⁸ Interview no. 151009-002, Chairman, Committee of Property Owners, Muyankole non-IDP man, Acholi Quarters

without due consultation with neighbours. Their first decision was to form a fact-finding mission to inquire about the property title and determine legal ownership of the site. At the same time, members of the Committee started to document the lasting presence of Acholi people in the area in order to support their claim to a *bona fide* status. But most importantly, they informed their neighbours about their rights as occupants of the land, since many of them were ignorant of the law, although IDPs interviewed were generally unaware of the existence of this committee.

During the fact-finding mission, the Committee established contact with other two neighbourhoods affected by the same NHCC development project: Kiganda and Kasokoso. Both settlements were said to be populated mostly by Baganda and people from other tribes of Central Uganda. The Committee thought they could provide them with further information about land ownership and established an alliance with the aim of pursuing the issuance of a land title and the recognition of their rights as *bona fide* occupants, of requesting a physical plan to develop the area according to national standards, and, as a result, of securing compensation as owners and, in the case of eviction, to ensure the due process is followed.¹⁵⁹

This alliance with Baganda settlers could seem improbable in principle, considering several Acholi IDPs informed about land disputes with neighbouring Baganda populations who treated them as foreigners and questioned their entitlement to settle in what they consider their land. However, Kiganda and Kasokoso Committee members acknowledged that Acholi Quarters was the longest standing settlement in the area, and thought that coming together would increase their chances to prove their own rights over land.¹⁶⁰ The people in Acholi Quarters trusted that this alliance with the Baganda would broaden their support base and diminish the threat of eviction.

But the strategy to build connections was not limited to the creation of bridging capital with surrounding communities. Aware of the usual power bargain in local politics, the Committee lobbied Baganda politicians to extend their support base, garnering sympathy from an NRM MP for Wakiso district, Rosemary Seninde, and the

¹⁵⁹ See interviews no.151005-003, Acholi IDP woman; 1510009-002, Chairman, Committee of Property Owners; 151018-001 Secretary, Committee of Property Owners, Acholi non-IDP man; and 151018-002 Committee of Property Owners Council.

¹⁶⁰ Kasokoso and Kiganda started to be populated in the 1970s. Previously, the area was designated for agricultural production, according to the LCI chairman of Kasokoso, as explained in chapter IV.

Forum for Democratic Change (FDC) MP for Kyadondo East, Ibrahim Ssemujju. The Committee also lobbied and gained the support of the Nakawa division MP and Deputy Attorney General, Fredrik Ruhindi, a Munyankole who is well-connected with President Museveni.

In November 2013, members of the NHCC, accompanied by police, tried to enter the informal settlements to open boundaries. This move was received with stone-throwing by residents and resulted in a three-day running battle with police using tear gas; at least twelve people were seriously injured (Mwesigye 2013, Nassaka and Katusiime 2015). Ruhindi interceded to stop the mayhem, and together with Seninde and Ssemujju presented a petition in Parliament to suspend the eviction on behalf of the Committee (Parliament Watch 2013a, 2013b).

The Parliament pronounced in favour of the settlers and the eviction was temporarily suspended, because the NHCC and the MLHUD were unable to prove their entitlement to the land (Parliament Watch 2013a). In spite of the standoff, IDPs interviewed were afraid that the NHCC project could be reactivated after the 2016 elections, in the same way as this happened after the 2011 polls in the Nakawa-Naguru housing estates.¹⁶¹ Confirming their worst fears, President Museveni suspended the eviction order pending over the informal settlements during the 2015 electoral campaign, only to issue a statement supporting the resumption of the redevelopment project immediately after the elections (Meinert and Kjærø 2016, 776).

Both Seninde and Ssemujju were re-elected in 2016 elections, partly in return for their support to settlers (Nalugo 2016, Parliament of Uganda 2016, Meinert and Kjærø 2016). Meanwhile, NRM Mamerito Muwerga, former mayor of Kira municipality, was not even nominated for re-election after his support for the NHCC project earned him the enmity of informal settlement dwellers who burned his car and nearly lynched him during the fighting (Mwesigye 2013).

¹⁶¹ The Naguru-Nakawa housing estates were constructed in 1950s to accommodate government officers, but the government condemned the buildings in 1993 arguing that the properties were dilapidated and too dangerous for occupancy. The government signed an agreement with Opec Prime Properties Ltd. in 2006 to redevelop the area and tenants were evicted (Mwanje and Wandera 2011). Residents in the housing estate at that time were renting the properties from the government workers who were the registered tenants; only the latter were given the option to obtain a housing unit through a mortgage scheme, according to interviewed victims of the eviction found in Acholi Quarters.

5.3 Perceived tenure security

Finally, perceived tenure security is related to the individual estimation of the risk of eviction and to the assessment of threats (Van Gelder 2010, 451). As mentioned above, in Acholi Quarters land purchase is based on trust and seldom sanctioned with a signed agreement, which could indicate that the perception of risk was low when Acholi IDPs settled in the area. Nevertheless, IDPs felt the 2013 events had a huge impact on their perception of security. The violence and the threat of eviction negatively affected community dynamics, their decisions about housing extension, and their prospects for settling permanently in the area. Community debris collection was disrupted as were other collective tasks, while housing improvements, repairs, and extensions were halted. IDPs were particularly worried about the absence of alternative housing options in the case of eviction, as they transitioned from resistance into despair.

Their perception of insecurity was often related to their lack of legal awareness, but also to their low expectation of rights enforcement due to what they describe as rampant corruption and tribalism. The arrival and establishment in Acholi Quarters of people evicted from the Nakawa-Naguru housing estates in 2011—some of them IDPs as well—contributed to the shared idea that eviction is inevitable and compensation unlikely. Conversely, IDPs with greater legal awareness and those with a more stable economic situation showed more confidence in the success of their land claims and their ability to challenge the NHCC.

IDPs' feelings of being in someone else's land, rooted in tribal territorial divisions, as well as being the focus of insults for being Acholi, contributed to a sense of being unwelcome in Kampala. Furthermore, the idea of home, which is deeply entwined with that of motherland and home-making, seems unviable to many in the current context, although, as argued before, employed and younger IDPs showed their willingness to remain in the city and fight for the recognition of their housing rights. This same ideas were expressed by the chairman of the Committee, who stated it was only the IDP elders that kept an attachment to their land and who showed less interest in claiming their land rights in Kampala, while younger IDPs who are able to work did not want to leave Acholi Quarters and were ready to back their common cause.¹⁶²

¹⁶² Interview no. 151009_002, non-IDP Munyankole man, Committee of Property Owners chairman

6. Conclusions

Institutional responses assisting urban IDPs in the realisation of their right to adequate housing, as part of their integration process, need to go beyond the legal approach to security of tenure. This premise is supported by the findings of the analysis of the Acholi urban IDPs case study developed in the present chapter. First, the capacity of post-conflict states to effectively manage, protect, and enforce tenure rights is generally limited and becomes even more challenging in context of legal pluralism. This was the case in Kampala, where the legitimacy of the government to administer land is not only reduced but called into question by political interference and powerful economic and ethnic elites. This situation is reproduced in many post-conflict contexts, particularly in Africa. As such, formal titles, urban development policies, and slum upgrading strategies are nearly ineffective in practice, requiring the support of other elements to ensure their compliance and to protect security of tenure.

Second, in this context of legal insecurity, IDPs' options to remain in their houses depend on other factors, like social support, socioeconomic status, political dynamics, and their own perceptions. Acholi settlement in Kampala was possible due to the support received from their kin and to their involvement in local institutions and initiatives. Most importantly, their ability to remain depends on the political interplay that for decades has hindered the implementation of urban planning in Kampala. The social porosity of political parties and institutions, with candidates and MPs competing for voters and the favour of the Kabaka, has allowed for informal connections and practices to flourish and decide the fate of the informal settlements threatened by the NHCC urban development project.

Third, the way IDPs conceive of themselves as people with legitimacy to settle in a different place and how they are seen as legitimate settlers is central to increasing their tenure security and their options to remain. For Acholi IDPs, being perceived as any other dwellers by their neighbours encourages their inclusion in local institutions and initiatives in Acholi Quarters; however, their status as non-natives has hindered IDPs' connections to collective actions in Kasokoso and has often threatened their tenure security. At the same time, IDPs' perceptions of their presence in Kampala as temporary or permanent conditions their decisions to actively engage in the consolidation of their tenure rights and to pursue their settlement in Kampala,

confronted with the absence of alternatives to either resettle or return. This common cause is also an opportunity to test the strength of their relationship with their host community in Acholi Quarters, establishing a connection with non-Acholi in the surrounding area and indirectly increasing their political leverage.

It can be reasonably argued that both de facto and perceived dimensions are rather weak or inconsistent in time and therefore do not provide a sustainable ground for security of tenure to support urban IDPs' process of integration as a durable solution. Conceding that this might be true, these elements can also be of great concern if they are not integrated in the analysis, design, and implementation of programmes supporting urban IDPs' security of tenure and HLP rights. Their analysis shows that the community-approach principle of the FDS is insufficient to deal with a problem that is ultimately political in nature and that transcends the limits of the informal settlement. Moreover, IDPs cannot wait for institutions managing land to turn operative in order to secure their tenure rights, and this tri-dimensional perspective allows humanitarian and development actors, but also willing local governments, to explore different avenues to support the achievement of durable solutions.

The relevance of Acholi IDPs' de facto tenure security in Kampala confirms Polzer's (2008b, 9) thesis that protection is a by-product of a successful process of local integration through negotiation and not the result of the application of the legal framework or state policies.¹⁶³ It also underlines the central role of social connections and the protection provided by entities alternative to the state or by informal institutional practices that contravene state mandates and established legal frameworks. In a context of legal pluralism and institutional weakness, where the legitimacy of the state to manage land is contested by alternative legitimate powers, the resolution of land disputes is often part of a political negotiation at multiple levels. This complex scenario illustrates the reality that stakeholders engaged in the promotion of durable solutions to internal displacement are unable to integrate, resorting to legal and technical solutions and refraining from dealing with the root causes of displacement or the political factors interfering with the achievement of a sustainable and peaceful settlement.

¹⁶³ See Chapter III.

Taking into consideration the three-dimensional nature of tenure security and going beyond its legal expression is central to supporting durable solutions for IDPs in countries recovering from conflict. Understanding the relational character of this security and how it can be conditioned by the animosity or kindness of the host community, but also by the political context, is essential for the design of appropriate interventions that can build on existing connections, ensuring that these are not undermined. Finally, the findings sustain the hypothesis that IDPs' tenure security is not simply legally awarded but socially constructed, and that IDPs' ability to navigate the complexity of political relations and to increase their connections can be interpreted as a sign of progress in their integration process.

CONCLUSIONS

Twenty years since the creation of the Guiding Principles on Internal Displacement established the standards for the prevention of forced displacement and the protection of IDPs during and after displacement, protractedness proves to us all the limited success of the responses provided thus far. This failure compelled me to delve into the barriers experienced by conflict-induced protracted IDPs that prevent their settlement during displacement and once the violence is over.

The present research aims to understand the role of housing tenure security in the process of the integration of protracted urban IDPs. In doing so, it reveals how this security is socially constructed and offers an opportunity to broaden the perspectives of international and local actors committed to achieve durable solutions to internal forced displacement. Finding a place to remain in security, peace, and dignity is intimately related to the end of displacement and makes protection against forced eviction, harassment, and other threats a central element of sustainable livelihoods, particularly in urban areas.

Nevertheless, despite the relevance of housing to durable solutions for urban IDPs, the factors contributing to or hindering IDPs' tenure security in cities are not sufficiently understood. Moreover, while the impact of migration in cities is increasingly analysed in academic and policy publications, the impact of urban development on the sustainability of IDPs' households is seldom explored. In this regard, the implementation of programmes supporting the realisation of IDPs' HLP rights have adopted an almost exclusively juridical and legal approach, rendering their social and political determinants an afterthought or clearly avoiding them to ensure immediate but not durable results.

Shedding light on this complex matter, this thesis has first explored the limits of the established international Framework on Durable Solutions, assessing its comprehensiveness, questioning its applicability to the urban realm, and reflecting on its conception of basic shelter. The dissertation discusses the definition of integration for IDPs and the interpretation of security of tenure found in international instruments, programmes, and policies designed to support them. It also analyses the conception of

forced migrants found in the global urban development agenda. Finally, through the case study of the integration process of Acholi protracted urban IDPs in Kampala, this research dissects the multiple factors and actors constraining and expanding IDPs' opportunities for settlement in cities and the different dimensions where integration and security of tenure come to pass.

Throughout the thesis, I present an overview of the development of the instruments created to identify, assist, and protect the persons affected by internal displacement. Starting with the challenge to the principle of state sovereignty and following with the debate over state responsibility to protect stated in the Guiding Principles, the discussion of the definition of IDPs as a group subject to international concern has evolved into the full recognition of their entitlement to specific assistance and the mobilisation of resources to internationally support the achievement of durable solutions. A gradual shift from the primary support of right to return—understood as the optimum solution to internal displacement and an indicator of progress in peacebuilding—to the exploration of local integration as a feasible alternative of settlement, took place in parallel with a transition from the right to restitution of property to the realisation of the right to housing. Restoration of properties was first considered intimately related to the realisation of the right to return and the reparation of the wrongs of war. Later, and in light of the political resistance against return in a context like the Balkans, restitution became an internationally recognised right on its own, substantiated by the human rights discourse but detached from the feasibility of return. With the turn of the first decade of the century, the limited success of return processes and the observation of the protracted character of internal displacement initiated the debate over the prospects for temporary or permanent local integration via a growing concern about the realisation of IDPs' housing rights. However, it remains to be seen how much international support this major shift can garner.

Through successive chapters, the dissertation answers the questions guiding the research. Enunciated in the introduction, these queries revolve around the definition of IDPs' integration and the understanding of how tenure security contributes to and is built as part of this integration process. It analyses this process in the context of urban Africa, the region most affected by internal displacement and characterised by legal pluralism, customary and informal practices, pointing to the multiple dimensions where

security of tenure is realised. As a tentative response to these questions, the hypothesis I test is that the security of tenure enjoyed by IDPs is an expression of their integration within a society, a reflection of their agency and adaptation capabilities, and the acceptance, recognition, and protection gained in the areas where they settle.

1. Main findings

The Framework on Durable Solutions is inconsistent and incomplete in the enumeration of the criteria that need to be met in order to ensure a sustainable integration and in the definition of actors involved in ending displacement.

The FDS understands integration as a final stage at which the needs and discrimination generated by internal displacement are no longer present. However, many of the needs and forms of discrimination IDPs face while displaced are unrelated to their dislocation but to previous existing inequities. The FDS criteria define the target to be met in order to achieve a sustainable settlement, and these are broadly defined to enable their transposition to multiple and diverse contexts. However, a closer analysis of these benchmarks reveals the absence of criteria concerning social connections and assessing progress in the creation and consolidation of networks that are central to integration processes according to the literature.

The main objective of the FDS, in this sense, is the restoration of the protective link between the individual and the state. Recognising the primary responsibility of the state, it is necessary to identify alternative protection actors that are present and responding to IDPs' needs. In many countries affected by internal displacement, the state is only one among many institutions with a say in the realisation of IDPs' rights. Particularly in the case of cities, the FDS does not include any reflection on informality and how this could or should contribute to the achievement of durable solutions, even when the enjoyment of rights for many urban IDPs depends on these informal modes and actors.

The case study in Kampala proves how social connections and neo-customary and informal actors and practices are central to the integration process of Acholi urban IDPs. Through these relations, mainly through the bonds with their tribe-mates and kin,

IDPs accessed livelihood opportunities and basic housing. Accordingly, bonds with the community of origin allowed IDPs to become self-sufficient. However, the research highlights how IDPs' networks could be broadened for the common good, building bridges with neighbouring settlements and non-Acholi communities to confront the threat of eviction, and even increasing informal links with government representatives. Bridges were built in spite of repeated allegations of discrimination against the Acholi, showing the dynamic character of allegiances and their transformative capacity.

The adaptation of the FDS to the urban realm requires the redefinition of the term “community”, the identification of informal and non-state protective responses, the review of informality debates, and a thorough analysis of local politics and urban development plans in relation to internal displacement.

Applying the FDS in urban contexts is not straightforward. Several of its elements are particularly difficult to define or implement in cities, for instance the concept of community—IDP or host, which might not always apply to people residing in the same area, or the idea of participation with multiple and varied stakeholders, which may not share their views about the presence of IDPs or even the acknowledgment of their existence.

The notion of “competent authorities” appears several times in the FDS, together with reference to national and local governments and humanitarian and development institutions, but leaving the door open to include other stakeholders. In the case of urban scenarios, and particularly in informal settlement, I argue that this could include informal institutions and practices emerging to fill the protection gap left by default formal authorities, providing venues for access to housing, dispute resolution, and a minimum security of tenure. Notwithstanding that these actors have their own interests that are not always aligned with those of informal settlement dwellers, as is the case of gangs and other violent groups, and that their decision-making process may not contemplate the non-discrimination principle of universal human rights, it is inappropriate to label them collectively as pernicious parallel structures. Conversely, it should be gauged whether these could be incorporated as part of the protective framework supporting IDPs in their process of local integration. We must at least be aware of their existence and functions to ensure they do not hinder the settlement of IDPs.

In Kampala, the feud between the central government, the opposition-run municipality, and the Baganda kingdom, with different views on the city's future development, creates an acute institutional crisis. Despite the legal framework, decisions about urban development and planning are taken through informal and unofficial channels, often undermining formal institutions and policy plans. In the settlements under research, neo-customary and informal practices are commonly used to access land and properties and also to solve disputes over default rent payments and land ownership for both IDPs and non-IDPs. Government officials, like the LCI chairpersons, were part of these informal practices together with elder representatives, and the population saw their interventions as legitimate despite of their lack of legal background and competence to do so.

When the settlements under research were threatened with eviction by the NHCC, the strategy followed by the newly formed Committee of Property Owners used informal channels to lobby politicians and attract support to their cause. Only had that approach failed, would the Committee have started a judicial procedure to secure their land claims. In the case of IDPs, only a few were aware of the existence of this Committee, but they also resorted to informal arrangements to justify their presence in the area, in this case alluding to the temporary permission of the Kabaka to settle in Acholi Quarters.

IDPs' integration should be understood as a tri-dimensional process encompassing de jure, de facto, and perceived realms.

The definition of local integration applied to IDPs is absent in academic literature, and the meaning provided by the FDS refers exclusively to a settlement choice: remaining in the area where the person took refuge. Described as a long-term and complex process requiring the concerted and timely support of multiple actors (local and international; human rights, peacebuilding, humanitarian, and development actors), a durable solution obviates the bidirectional and relational character of integration processes.

Based on refugee studies on integration, I suggest a trifold interpretation of this process:

- De jure: an IDP is legally integrated when the law is implemented in a way that secures his or her enjoyment of citizenship rights through all national territory, irrespective of where the person is located or was born, without discrimination.
- De facto: the process of negotiating presence with the host community and local authorities, obtaining the tacit or explicit consent to remain. In time, IDPs dilute among the population, making their everyday experience indistinguishable from that of their hosts. This process is carried out through informal practices and social connections like the adoption of social norms or participation in important events of the host community and the establishment of personal relations.
- Perceived: the perception IDPs have about their inclusion in the host society, the development of feelings of belonging in areas of refuge, and the way they are judged as an asset or a burden or seen as part of their own community by host society members. Perception is related to the personal story, attitudes, and mindsets of IDPs and to their prospects for the future and conceptions of hospitality in the host community.

Applying these three dimensions to the integration experience of Acholi IDPs, we learn that de jure integration is at first not problematic. IDPs interviewed have access to identification documents and there seems to be no legal discrimination to their exercise of rights in Kampala. However, the absence of basic public services in the area and the high cost of private providers hinders the realisation of basic needs (water, education, medical care), while access to justice is limited due to costly juridical procedures and bribery. Moreover, the arbitrary application of policies tackling internal displacement denies urban IDPs the specific assistance to which they are entitled and violates their right to a meaningful choice. In sum, political calculation prevails over the state's legal obligations to protect its citizens.

De facto and perceived dimensions allow for a better understanding of the complex process of integration, revealing the actors effectively responding to IDPs' needs after their arrival in the city and the connections established to achieve self-reliance and ensure permanence. These dimensions also reveal the feelings, beliefs, and expectations conditioning IDPs' settlement in Kampala. These findings call for the inclusion of indicators sensible to the establishment and reinforcement of social connections and able to measure the impact of assistance programmes in the promotion of relationships that facilitate a durable solution, or the changing perceptions around the

process of integration. These are particularly relevant when they transcend the links with the immediate host community, connecting IDPs with the urban society outside of the settlements and furthering their livelihood opportunities.

To unleash the full potential of security of tenure as an enabler of IDPs' integration, tenure security should be understood as a multidimensional, dynamic, and context-specific component, socially constructed and politically defined

The review of the conceptualisation of security of tenure in the principles and frameworks guiding the restoration and protection of IDPs' HLP rights and the evolution of intervention strategies in the field of peacebuilding, humanitarian aid, and urban development reveals that these policies are limited in their response and capacity to ensure sustainable outcomes. Mainly concerned with the legal aspects of that security and with supporting state-building processes where government can assume/resume its responsibility to protect tenure rights, these principles and frameworks are mostly focused on re-establishing and securing formal tenure rights. At the same time, they do not properly assess de facto and self-perceived elements that constrain or allow for the realisation of tenure security and IDPs' enjoyment of housing rights. Moreover, these interventions avoid calling into question structural inequalities and unequal land and property distribution present in housing markets and land tenure systems and that may have been a cause of marginalisation and conflict in the first place.

Notwithstanding the clearly established international guidelines to restore former HLP rights, little is said about the protection of tenure rights that may emerge during displacement. Protracted urban IDPs in informal settlements often occupy the same land for decades, but attempts to provide them with security of tenure frequently meet the opposition of local governments and residents or collide with priorities set out in urban development plans. Housing, land, and property issues are not traditional humanitarian priorities, and development actors have for too long conceived of forced migrants in cities as a threat to ordered urban development rather than an asset. At the same time, humanitarian and development efforts are concentrated in areas directly affected by conflict, but little is done in urban areas outside of the conflict zone that may have received a large number of refugees outside of camps. In light of the limited institutional capacity found in many post-conflict cities that can ensure the efficient

protection of urban IDPs' tenure rights, it is necessary to analyse how security of tenure is de facto gained and sustained.

In practice, a sustainable security of tenure does not fully depend on the legal attribution of ownership, but mostly on the social and political acceptance of IDPs' presence and on their own perception of being in a safe place. The absence of political will cannot be an excuse for inaction; on the contrary, it makes necessary a context-specific analysis of the dynamics that allow for IDPs' settlement and of the strategies they follow as part of their process of integration and the manifestation of their will to remain. This analysis should go beyond relations between IDPs and their direct hosts to understand the underlying power relations that determine urban landscapes and that decide the legitimacy of IDPs' presence in the city. In this regard, tenure security is the result of negotiations carried out at different levels: i) between IDPs and other settlement residents; ii) between IDPs and diverse governance actors, one of them being the state; and iii) between the state and other actors controlling access to land and housing in the city (customary leaders, private investors, informal settlement representatives, etc.). In the same manner, we must understand the limits of these strategies in the consolidation of rights.

The threat of eviction in informal settlements where Acholi urban IDPs have settled is not only the product of an urban development plan. It is the outcome of the history of Kampala as a city and Uganda as a state, a complex and plural legal system, blatant socioeconomic inequality and marginalisation, limited institutional capacity to respond to city dwellers' housing demands and IDPs specific needs, and failing international directives for urban planning and economic development that are unable to support the most vulnerable groups. They are also the result of peacebuilding and reconstruction policies that disregard the root causes of conflicts and ignore the spill-over effects of violence outside of the territories directly affected by the armed clashes.

In this context, Acholi IDPs' security of tenure is enabled by a sum of several factors and elements that are unrelated to the legal conditions of their housing and settlement. The length of the time of occupation, the social cohesion among tribe members, and the level of community organisation were central to the development of a Committee of Property Owners in Acholi Quarters. Moreover, the existence of a common threat allowed for the creation of bridges with outside communities and a

significant change in attitude towards Acholi people. Their long-term presence produced legitimacy to Acholi land claims but also to their right to remain in the eyes of the neighbouring Baganda population. Finally, their awareness of local land disputes and political rivalries offered an opportunity to the Committee to establish links and lobby government representatives and electoral candidates to advocate in their favour in exchange for votes.

On a different note, the perception of temporariness and insecurity limit IDPs' responses to eviction. Many IDPs interviewed declared that they have no other place to go and insisted on the idea that the Kabaka, the king of the Baganda tribe, had granted them permission to settle in the area on a temporary basis. The purpose of this latter statement was twofold and contradictory; on one hand, it reinforced the idea of their settlement in Kampala as something temporary, discouraging any intent to build a permanent residence, and on the other hand, it justified the Acholi presence in Buganda territory and was thought to work as a deterrent to intermittent harassment by Baganda people living in the surrounding area and to resist NHCC claims over land ownership.

2. Future research and ways forward

This dissertation does not constitute an end but a beginning, since it opens new paths for analysis and reflection about the elements enabling and constraining the realisation of durable solutions to internal displacement. At times, I had the impression that my findings brought about more questions than those this document was able to answer. Some of these plausible future research lines are summarised below, not only to enumerate possible personal projects, but to invite readers to choose one to pursue.

The absence of benchmarks identifying and accounting for progress in the area of social relations in the FDS is an opportunity to dive into the existing indicators measuring bonds, bridges, and links and the usefulness of network analysis applied to processes of integration for IDPs. The important point here is not how many relationships an IDP is able to establish, but how and when these links are activated and in what sense they contribute to or hinder the process of local integration. These indicators and analysis can provide humanitarian and development actors with information to design projects that can positively contribute to the creation and

strengthening of protective social connections and measure progress to meet this target, but also to avoid the unintended harming of these links. Furthermore, understanding the factors that lead to isolation and the elements facilitating engagement are central, for instance, to understand the possible gendered differences in the establishment of social relations between men and women. Considering that the way relations are established varies significantly according to culture, gender, location, age, religion, sexual identity, etc., a context-specific analysis of social relations should also integrate these variables for a deeper understanding of these process.

Another interesting path for research emerges from the experience of the Committee of Property Owners. In this case, it would be relevant to assess whether instrumental associations like this one, emerging from a common concern and able to transcend the ethnic divide between natives and settlers but unrelated to the experience of internal displacement or conflict, could change mutual negative perceptions and provide opportunities for further engagement in the long-term. Although much has been said about members of conflicting communities rallying around a common goal, little is written about its aftermath and if that experience contributes to improved relations between communities as a whole, and not only among those joining the common cause.

On a different note, this research highlights the relevance of informal and customary actors in realising IDPs' protection of tenure rights and suggests their inclusion in stakeholder analysis and as partners in assistance and development programmes. Nevertheless, the existence of these alternative protection providers may call into question the capacity and legitimacy of the state and could erode state-building efforts in a post-conflict context. Analysing how the discussion on the relations between formal and informal realms in urban areas can be incorporated into humanitarian programming could contribute to a more coherent and integrated response. Moreover, research should be expanded on how to engage with informal and grassroots movements in urban areas without harming their organic evolution and functionality or co-opting their agenda.

Furthermore, the multiple views on the meaning and experience of integration makes it worthwhile to explore their connections and complementarities and to encourage cross-fertilisation among diverse fields of knowledge. Through this thesis I note that the way integration is analysed and understood varies considerably in

migration studies, refugee studies, and humanitarian studies, but also in the approaches applied to assess this process in western and non-western countries. A review of the different conceptualisations of the term could contribute to enriching the discussion among scholars but also to broadening the concept of integration included in humanitarian frameworks and policies.

3. Final remarks

This thesis proves that security of tenure is the outcome of integration processes, revealing how security is constructed through IDPs' engagement with their environment, establishing connections with multiple actors at different levels, and understanding the complex power dynamics that rule over land and housing access in the places where they take refuge. These findings sustain the centrality of IDPs' agency and the need to design assistance programmes that are built upon their capacities, but also on the significance of visualising the complex interrelations of multiple actors and factors that condition available options. Revealing these connections is central to understanding how political will is constructed and can be garnered and modified.

Even when the particular case study addressed in this thesis refers to a specific post-colonial context of legal pluralism and ethnic division where IDPs are not officially recognised and no international or local assistance is provided, the main findings of this research contribute to understanding IDPs' process of integration globally and challenge one-dimensional legal approaches to their HLP needs, offering new paths for humanitarian and development programming. Analysing the strategies followed by IDPs to establish their settlement and to increase their level of tenure security and envisaging the factors conditioning their expectations provide valuable information to aid institutions, broadening the potential areas of intervention and providing analytical tools for an integrated and holistic approach to durable solutions for IDPs.

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Annex I Informed consent

Rights of the participant

You are free to participate in this conversation and to answer only those questions that you feel comfortable with. I will not judge your actions, feelings or thoughts and be a careful listener. If you feel you do not want to go on with the interview at any moment you can openly say that and I will not ask for the reason or motivation to conclude.

This is an open dialogue and you are the protagonist, if there is any special point you would like to emphasize or any question you find irrelevant, please feel free to say.

Content and scope of the research

This is an academic research. The aim of this study is to understand the process of local integration of Acholi people living in Kampala and the challenges and opportunities it brings. It is particularly interested in access to housing and tenure security as part of the experience of people fleeing from violent conflict in their areas of origin and currently living in the capital. The documentation of this process and the factors and actors intervening in housing provision and safety would contribute to improve our knowledge of the reality of people displaced by war, and try to explain why current policies are not contributing to achieve a durable solution to internal displacement.

Protection of participants and data

This interview is part of the data collected in Kampala to inform an academic research. The data gathered here will be exclusively destined to the elaboration of my PhD thesis. I am the only person who will have access to the full data records.

The name of interviewees will be kept anonymous to protect the identity and security of the participants. This information will not be shared with any official or non-official institution.

Annex II Interview guide

First set. Assessing the size of the household and livelihood options of dwellers, including the educational background

1. Name, age, marital status, number of children/dependants (age of the eldest and youngest one and schooling), region of origin and/or ethnic affiliation
2. Have you completed your education?
3. What do you do for a living? (in case of unemployment ask for other resources)

Second set. Arrival to Kampala, the reasons to leave previous areas of residence or origin and the reasons to settle in Acholi Quarters or Kasokoso

4. When did you arrive in Kampala?
 - a. Why did you come to the capital and not to other place?
 - b. If IDP: Were you in an IDP camp before arriving in the city?
5. How did you get to know Acholi Quarters/Kasokoso?
 - a. Why did you decide to settle here?
 - b. How did you settle here?

Third set. Establish the way land or housing were accessed and, in case of self-construction, how the person proceeded to build the structure/s they owned

6. Are you renting or are you a property owner?
 - a. If purchase: could you tell me who sold this land
 - b. If occupation: could you explain the process you followed
 - c. If granted: could you tell me who gave you the land and for what reason
 - d. If rented: terms of rental agreement
7. Who were these people that offer you this piece of land/structure?
 - a. Where they title holders?
 - b. Do you have any other property?
8. Do you have any paper proving any payment/donation for this land/structure?
9. Tell me the story of this house.
 - a. How long have you been living in this house?
 - b. How did you manage to save money to improve it?
 - c. What have changed in your life after you get the house?
 - i. Access to services (demands of services)
 - ii. Exercise of rights/citizensry (participation in elections)
 - iii. Education/employment

iv. Perception of security//safety//belong

10. Why do you think it is important to have a house?

11. Why did you decide to build a structure if the arrangement was only temporary or informal?

Fourth set. Relational aspects of integration, the connection with local authorities, government representatives and political participation, the relation with neighbours and the life outside of the settlement

12. Relation with environment (good neighbourliness, new friendship relations)

- a. How is your relation with other people in the neighbourhood?
- b. Do you belong to any association? Why is this association important for you?
- c. Do you have any friends/family/colleagues living in other areas of Kampala? Are they from your same community?
- d. Are you registered as a resident within the LC1?
- e. Have you ever paid taxes to the KCCA or other governmental institution?
- f. Exercise of rights/citizenry (documentation, participation in elections)

13. Do you feel welcomed in the settlement? In Kampala? Why?

Fifth set. Response to the threat of eviction and their future prospects in terms of durable solutions

14. Do you feel safe at home?

15. Have you ever been threatened with eviction?

- a. Yes. What was your reaction?
- b. No. What would you do in that case?

16. Durable solutions and prospects of future

- a. If you could choose between remaining in Kampala or going back to your region, what would you do?
- b. What do need to improve your life here?
- c. How do you see your future in five years?

Annex III List of participants

Acholi Quarters participants

#	Interview no.	IDP	Ethnic Community	Gender	Access to housing	Written agreement
1	150930-002	Yes	Acholi	Male	Purchase	No
2	150930-004	Yes	Acholi	Female	Transfer	No
3	151005-001	Yes	Acholi	Male	Rent	No
4	151005-002	Yes	Acholi	Male	Unknown	Unknown
5	151005-003	Yes	Acholi	Female	Occupation	No
6	151005-004	No	Non-Acholi LCI chairman	Male		
7	151008-001	Yes	Acholi	Male	Purchase	No
8	151008-002	Yes	Acholi	Female	Transfer	No
9	151009-001	Yes	Non-Acholi	Male	Occupation	No
10	151014-001	Yes	Acholi	Male	Purchase	No
11	151014-002	Yes	Acholi	Female	Transfer	No
12	151015-001	Yes	Acholi	Female	Purchase	Yes
13	151015-002	Yes	Acholi	Female	Transfer	No
14	151018-003	No//Yes	Acholi//Acholi	Male//Male	Rent//purchase	No
15	151021-001	Yes	Acholi	Male	Purchase	No
16	151021-002	Yes	Acholi	Female	Rent	No
17	151027-001	No	Acholi	Male	Occupation	No
18	151028-001	Yes	Acholi	Male	Occupation	No
19	151028-002	Yes	Acholi	Male	Clearance	No
20	151030-001	Yes	Acholi	Female	Purchase	No
21	151101-001	No	Acholi	Female	Occupation	No
22	151101-002	Yes	Acholi	Male	Occupation	No
23	151103-001	Yes	Acholi	Female	Transfer	No
24	151103-002	No	Acholi	Female	Transfer	No
25	151130-001	No	Muyankole	Female	Rent	No
26	151130-002	No	Muganda	Male	Purchase	Yes

Kasokoso participants

#	Interview no.	IDP	Ethnic community	Gender	Access to housing	Written agreement
1	151206-001	Yes	Acholi	Female	Occupation	No
2	151206-002	Yes//Yes	Acholi//Acholi	Female//Female	Rent	No
3	151206-003	Yes	Acholi	Female	Purchase	Yes
4	151206-005	No	Acholi	Female	Rent	No
5	151206-006	No	Acholi	Female	Grant	No
6	151127-001	No	Muganda LCI chairman	Male		
7	151127-003	No	Muteso	Male	Purchase	Yes
8	151127-004	No	Muganda	Female	Purchase	Yes
9	151127-005	No	Musoga	Female	Purchase	Yes

Institutional and academic personnel interviews

#	Interview no.	Position	Institution	Type
1	150927-001	Chairman//Community leader// Secretary General	Urban IDPs Association	Group meeting
2	151016-003	Chairman	Urban IDP Association	
3	150923-001	Project coordinator, NGO	AcTogether	
4	150925-001	Community promoter, NGO	National Slum Dwellers Federation Uganda	
5	151013-003	Dr in Law	Faculty of Law, University of Makerere	
6	151018-001	Secretary	Committee of Housing Owners Acholi Quarters	
7	151018-002	Chairman + 2 members	Committee of Housing Owners Acholi Quarters	Group meeting
8	151009-002	Chairman	Committee of Housing Owners Acholi Quarters	
9	151117-001	Urban planning officer	Ministry of Lands, Housing and Urban Development	
10	151123-001	NGO Project Director	AVSI international	
11	151204-001	NGO Director	Meeting Point International	

Annex IV Relation of IDPs living in Kampala and areas of residence

13/02/2008

ACHOLI LOCAL COMMUNITY URBAN INTERNALLY DISPLACED PERSONS (IDPS) TEMPORARILY LIVING IN KAMPALA DISTRICTS

TO BE REGISTERED AS IDPS LIVING IN SLUMS IN KAMPALA DISTRICT

The children local Community Urban IDPs mentioned above has a population of over 300,000 people; this includes their families, and dependants.

The population composition has the following

1. Children about 180,000/=
2. Women about 80,000/= (married and widowed)
3. Men about 40,000/=

In Kampala District these communities are found in the following areas:

1. Banda (LEDE) known as Acholi Quarters.
2. Nakawa/Naguru known as Go-down
3. Wabigalo/Namuwongo
4. Kibuli known as Acholi Quarters
5. Kamwokya known as Acholi Quarters
6. Mutungo Zone
7. Nsambya Zone
8. Kawempe Zone

Here below are the Urban IDPs Elected Executive Committee and zone leaders are as follows:-

1. ENG Okullo.P.James Chairman. Tel: 0712876674
2. Mrs. Milly Grace Akena Okot Vice Chairperson. Tel 0712541022
3. Mr. Tiger Vincent General Secretary. Tel 0712270270/0782374140
4. Mr. Oloya Joseph: Vice Secretary. Tel:
5. Mr. Oryemomony Alfred Co-ordinator Tel: 0712-810684/0752486100
6. Mr. Okot Odinga Vice Co-ordinator. Tel:0772378913

Zone Leaders are as follows:


1. Banda (LEDE) Acoli Quarters Mr.KomakechQuinto. Tel:0774-583563
2. Nakawa/NAguru Go-down Mr. Ogwang Amose Tel: 0712924-680
3. Wabigalo/Namuwongo Mr. Ocen Bonifes. Tel:
4. Kibuli Acholi Quarters Mr. Onoo Largo. Tel:
5. Kamwokya Acholi Quarter
6. Mutungo/Biina Mrs. Santa Adoliorac. Tel:
7. Nsambya/Kamwenyi
8. Kawempe Zone
9. *Bukaza Zone ms - - - - -*

Ref IDPs
Yours,



ENG:-OKULLO P JAMES
CHAIRMAN URBAN IDPS KAMPALA DISTRICT
0712876674

Annex V Certificate of title



THE REPUBLIC OF UGANDA

No. P. 7267

REGISTRATION OF TITLES ACT.

SPECIAL Certificate of Title.

FREEHOLD REGISTER Volume 31 Folio 10

DESCRIPTION OF LAND

ALL THAT piece of land delineated and edged red on the plan hereto annexed containing the following area or thereabouts and situate as follows:-

Area.	County.	District.
77.20 ACRES 77.20 77.100	KYADONDO	MENGO

and known as **K I R E K A**
(HELD UNDER CROWN GRANT No. 9230)
LESS A PLOT OF 0.335 OF AN ACRE DELINEATED AND EDGED RED ON THE PLAN MARKED ~~10~~ HERETO ANNEXED TRANSFERRED TO PUSHPABEN W/O TEJ NARANJAN MANJULAL DESAI AND REGISTERED IN VOL. 33 FOL. 4 OF THE FREEHOLD REGISTER ON THE 7TH AUGUST, 1959.

OWNERSHIP

~~MENGO PLANTERS LIMITED OF ABELABO DISTRICT DISTRICT~~
~~RAISED BY THE KYADONDO ENGINEERS AND ARCHITECTS~~
~~FOR THE PURPOSES OF~~

~~CGW~~
-is/are now the proprietors of an estate in fee simple in the land above described subject to the conditions and incumbrances hereinafter set out.

Dated this 3RD day of JULY 1959.

D. L. GYNNIE WILLIAMS
Registrar of Titles.

DLGW
YKN
NST. 144187

-Date, time,
and Inst. No.
12000

YKN
Signature of Registrar