

The Case of Makusa and Lwamunyu Fishing Communities in Mayanzi, Kigungu, Entebbe Municipality, Uganda

Violation Impact Assessment of Assets and Potential Losses



**Shelter and
settlements
Alternatives**

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**Housing and Land Rights Network •
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Assessing Impacts of Women's Dispossession from Land and Home

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Cover photo: Kigungu Landing, Entebbe Municipality, Uganda. Source: Uganda Radio Network.

1.0 Introduction

In a bid to enhance social welfare and livelihoods, initiatives across the globe are devising various visions, goals and strategies to realize this lofty ambition. As public institutions, the private sector and civil society pursue their various local development agendas, at the same time these must be aligned with various state obligations under international human rights law, as well as other universally agreed international development commitments.

In spite of the good intentions of both the local and international development agendas, an abundance of evidence points to the fact that many development initiatives have had especially adverse social impacts. In fact, the evidence shows that development is a deeply contentious issue that is never neutral, socially or otherwise. While livelihoods are enhanced at one end of the social spectrum, the livelihoods of others are severely and, at times irreversibly, degraded. When deeply and critically examined, inclusive, poverty-reducing, rights and equity-promoting schemes undertaken across the globe are just as likely to disempower and impoverish many citizens, and accelerate social conflict.¹

Emerging as a major concern of states in the 1990s,² development-induced displacement has received increasing attention in contemporary development discourse, magnified by global commitments such as the sustainable development goals (SDGs). Meanwhile, human rights and other binding treaty obligations provide an indispensable normative framework to avoid and remedy the socially, economically and environmentally destructive impacts of displacement.

In spite of this normative advance, development-induced displacement has only intensified,³ and will continue to do so as long as industrialization, extractivism, consumption, militarization and urbanization accelerate. Ultimately, these realities bring into sharp focus not only the usefulness of the existing framework, but also how ‘development’ and ‘progress’ are communicated within the wider ‘sustainable development’ discussion in relation to the urgencies of poverty reduction, environmental protection, social justice and human rights.

Notably, the longer-term positioning of the UN Sustainable Development System envisions policy coherence that harmonizes development with states’ international treaty obligations. Such is the promise of the temporal 2030 Agenda, while permanent obligations require modern statecraft to respect, protect and fulfil human rights.

In conceptual terms, the coherent approach calls for simultaneous operation of the three pillars of the UN Charter. It recognizes that ‘peace, development and human rights pillars of the United Nations, provide a clear road map for Member States and the United Nations system alike.’⁴ The normative global approach ensures the ‘advancement of all human rights: economic, social and cultural rights, as well as civil and political rights.’⁵

¹ Willi Wapenhans, *Effective implementation: key to development impact* [Wapenhans Report] (Washington: World Bank, 1992), at: <http://documents.worldbank.org/curated/en/596521467145356248/Effective-implementation-key-to-development-impact-Wapenhans-Report>.

² Ranjit Dwivedi, “Models and methods in development-induced displacement,” *Development and Change*, Vol. 33, Issue 4 (16 December 2002), pp. 709–32.

³ As soberly noted in Michael M. Cernea, “Re-examining ‘Displacement’: A redefinition of concepts in development and conservation policies,” *Social Change*, Vol. 36, No. 1 (March 2006), pp. 8–35.

⁴ “Repositioning the United Nations development system to deliver on the 2030 Agenda: ensuring a better future for all,” Report of the Secretary-General, A/72/124–E/2018/3, 11 July 2017, para. 2.

⁵ *Ibid.*, para. 14.

In spatial terms also, the evolving global development agenda encourages an integrated 'habitat' approach, rather than merely urbanism. This coherence was defined in the Habitat Agenda as a 'cross-sectoral human settlements planning, implementation and governance approach that emphasizes rural/urban linkages and considers villages and cities as points on a human settlements continuum in a common ecosystem.'⁶ The 20-year-old Habitat II Agenda also repeated 61 times the commitment of Member States and the UN System to the 'full and progressive realization of the human right to adequate housing.'

It is in this standard-setting context that development-induced displacement has become one of the most-pressing challenges that many countries across Africa are grappling with.⁷ It is characterized by increasing frequency, violence and severity of impacts. It has serious social, economic, environmental, political and cultural implications, especially for affected groups. Development-induced displacement has both immediate and cumulative long-term impacts for affected persons and communities. It disrupts livelihood patterns, cultural identity, social networks, cohesion and continuity. It also leaves behind lasting emotional and psychological trauma, while increasing vulnerability and risks to epidemics and other health problems.

Economically, such destabilization exposes displaced communities to deeper impoverishment and destitution where vital material and nonmaterial assets are lost.⁸ Beyond the more-visible mass displacements caused by armed conflict, routine, everyday evictions continue through civil conflicts or 'ethnic cleansing' in the name of 'development' and 'progress.'⁹ Development, as currently pursued, is typically uneven, benefiting some groups, while displacing and dispossessing others.

This study emphasizes the values at stake for women facing displacement and eviction in Uganda. In the local gender construct, women are more vulnerable to multiple negative impacts than men, because of their dependence on the formal and informal economies' systematic, material discrimination and alienation by male-dominated economic, social and cultural systems and structures.¹⁰ The exercise quantifies these values by allowing women to determine their values as the subject of the survey.

2.0 Project Background

In partnership with Housing and Land Rights Network of Habitat International Coalition (HIC-HLRN), Shelter and Settlements Alternatives: Uganda Human Settlement Network (SSA- UHSN) undertook a Violation Impact Assessment (VIA) of a poor fishing community living along the waterfront at Mayanzi, in Kigungu, Entebbe Municipality. The community is under threat of eviction by the Uganda Peoples Defence Air Forces (UPDAF). The community is contesting the eviction, which threatens their livelihoods, well-being and welfare.

⁶ Istanbul Declaration on Human Settlements and the Habitat Agenda, Second United Nations Conference on Human Settlements (HABITAT II), Istanbul, Turkey, 3–14 June 1996, A/CONF.165/14, 7 August 1996, para. 104, at: <https://www.un.org/ruleoflaw/wp-content/uploads/2015/10/istanbul-declaration.pdf>.

⁷ As demonstrated in Paul D. Ocheje, "In the public interest: Forced evictions, land rights and human development in Africa," *Journal of African Law*, Vol. 51, Issue 2 (25 September 2007), pp. 173–214.

⁸ W. Courtland Robinson, "Risks and Rights: The Causes, Consequences, and Challenges of Development-Induced Displacement," an Occasional Paper (Washington: The Brookings Institution-SAIS Project on Internal Displacement, May 2003), at: <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.552.9873&rep=rep1&type=pdf>.

⁹ *Ibid.*

¹⁰ Walter Fernandes, "Development induced displacement and sustainable development," *Social Change*, Vol. 31, Issue: 1–2, pp. 87–103, at: <https://journals.sagepub.com/doi/10.1177/004908570103100208>.

According to information gathered from local community leaders and municipal officials, the UPDAF claims security as the pretext for ordering the community's eviction. However, after several engagements between the community and highly placed government and military officials, the eviction was halted, with UPDAF and local authorities agreeing to an extensive review before any action is taken. This study contributes to any such review.

The community under threat is composed of two smaller groups that were originally living on the two nearby islands of Makusa and Lwamunyu in Lake Victoria. The islands, from which the groups claim to have been violently evicted more than a year before, also lie within the jurisdiction of Entebbe Municipality.

The project involved two processes: One involved training in the norms of the integrated human rights and development approach, emphasizing the international legal standards.¹¹ The second involved quantitative survey research. Linking these processes was a Uganda-wide typology of displacement and dispossession cases affecting women, including the profiling of values at stake in five priority cases. That led to a selection process in a second iteration of training¹² to determine the one case in which to apply the VIA tool, which captures the values, assets and costs at stake.



Figure 1 Banner from the first normative workshop. Source: HIC-HLRN.

After initial assessments of the case, the local research team applied HLRN's VIA tool,¹³ adapting it to address the specific impact on women in the displaced community. The tool helped to provide critical insights into the complex dynamics that underpin conditions of pre-eviction and displacement in relation

¹¹ See "Learning Workshop on Women, Land and Housing Rights: Assessing the impacts of dispossession," Kampala, Uganda, 10–12 April 2019, at: <http://hlrn.org/img/documents/WorkshopReportKampala04-2019.pdf>.

¹² See "Report: Technical Workshop on Women, Land and Housing Rights: Assessing the impacts of dispossession," Kira, Wasiko, Uganda, 7–9 August 2019, at: http://www.hlrn.org/img/documents/2.Uganda_technical_workshop_report.pdf.

¹³ See HLRN's *Violation Impact Assessments*, at: <http://www.hlrn.org/spagenew.php?id=qnE=#.Xhl2lsgzatE>.

to deprivation in its various forms. SSA- UHSNET pretested and validated the VIA tool before surveys commenced to generate information that could be adopted to develop relevant policy recommendations and institutionalize reparation mechanisms.

3.0 The Normative Framework: Policy and Legal Instruments

3.1 International Level

The rise of multi-scale displacement across the globe, especially since the 1970s, has triggered the creation and development of various international normative standards and instruments to respond to the socio-economic impacts of conflict, disaster and development by international agencies and sovereign states. Notably, these include the United Nations and constituent organs such as the UN Commission on Human Rights, UN-Habitat, UNICEF, UNDP, UNHCR and WFP, other humanitarian bodies such as ICRC and IOM, as well as specialized NGOs.

International financial and development institutions such as the World Bank, regional development banks (i.e., African Development Bank, Asia Development Bank and Inter-American Development Bank) and OECD have developed standards and safeguard policies for displacement, often euphemized as “involuntary resettlement”¹⁴ in the context of mega projects. However, despite their nomenclature, these displacements still constitute forced eviction by definition and lack sufficient preventive and remedial provisions. The safeguards also suffer significant gaps in compliance and coverage across lending instruments,¹⁵ as well as omit liability for the authors of the negative immediate and longer-term consequences.

3.1.1 UN Principles on Displacement and Displaced Persons

While numerous international instruments currently exist to guide strategic interventions to address pertinent issues arising from various forms of displacement, the UN’s Guiding Principles on Internal Displacement (IDP Principles)¹⁶ and the Basic Principles and Guidelines on Development-based Displacement and Evictions (BPGDDE)¹⁷ act as the universal benchmarks for dealing with displacement globally.

¹⁴ World Bank, *Operational Manual: OP 4.12 - Involuntary Resettlement* (revised April 2013), at: <https://policies.worldbank.org/sites/ppf3/PPFDocuments/090224b0822f89db.pdf>.

¹⁵ Cristina Passoni, Ariel Rosenbaum and Eleanor Vermunt, “Empowering the Inspection Panel: The Impact of the World Bank’s New Environmental and Social Safeguards,” *International Law and Politics*, Vol. 49 (2010), pp. 921–58, at: <http://nyujilp.org/wp-content/uploads/2010/06/NYI305.pdf>; Bank Information Center and Global Witness, “World Bank Safeguards & Development Policy Lending: A Primer on Why DPLs Should be Part of the Safeguard Review,” 2013, at: <https://www.forestpeoples.org/sites/fpp/files/publication/2013/04/dpl-primer-april2013.pdf>; Pascale Hatcher, *Regimes of Risk: The World Bank and the Transformation of Mining in Asia* (New York: Palgrave Macmillan, 2014); Inclusive Development International, “World Bank Safeguards, 2016, at: <https://www.inclusivedevelopment.net/campaign/campaign-to-reform-the-world-banks-policies-and-practice-on-land-and-human-rights/>; Bretton Woods Project, *The World Bank and gender equality: Development Policy Financing* (London: Bretton Woods Project, August 2019), at: <https://www.brettonwoodsproject.org/wp-content/uploads/2019/08/The-World-Bank-and-Gender-Equality-DPF-2.pdf>.

¹⁶ Guiding Principles on Internal Displacement, Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39, E/CN.4/1998/53/Add.2, 11 February 1998, at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G98/104/93/PDF/G9810493.pdf?OpenElement>.

¹⁷ Basic Principles and Guidelines on Development-based Evictions and Displacement, Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, A/HRC/4/18, 5 February 2007, at: https://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf.

Until the IDP Principles were adopted by the UN General Assembly in 1998, no internationally established norms guided development actors on displacement and related issues. Whereas the rights of cross-border refugees are guaranteed in an international convention,¹⁸ this framework paved the way for the recognition of the rights of displaced persons who had not crossed an international border and the corresponding state obligations toward them.

By 2007, efforts led by the Special Rapporteur on adequate housing, a Special Procedure of the UN Human Rights Council, produced the BPGDDE as an international law-based framework to clarify the duties of states at all stages of displacement: before, during and after displacement in the context of development. This multi-phased approach, highlighting both the remedial and preventive dimensions of human rights, form one of the innovative contributions of the 2007 Guidelines, while also incorporating the recently adopted remedy-and-reparations framework.¹⁹ These advancements are also incorporated into HLRN's VIA tool quantification methodology.

These two principled frameworks arising from deliberative UN processes are instructive as to how states are obliged to protect people from displacement and, where displacement is proved to be unavoidable, how to support those affected in realizing their human rights, in particular, the human right to adequate housing. While these policy instruments do constitute binding international law, they are declarative of many obligations already borne by states as Members of the UN, as Human Rights Treaty parties and under peremptory norms of international law applying to all states and their constituent organs.

Protection from and during Displacement

Guiding IDP Principles 5 through 9 warn against the arbitrary removal of people in the absence of compelling and overriding public interest. Accordingly, authorities are obliged to explore and exhaust alternative options before sanctioning displacement as a course of action. The Basic Principles and Guidelines on Development-based Evictions are more explicit about state obligations prior to evictions.²⁰

Where displacement is inevitable, both frameworks prescribe various safety measures and guarantees to ensure that displacement is carried out in a manner that does not violate the rights to life, dignity, liberty and security of those affected. Perhaps more pertinent to the Kigungu context, the frameworks explicitly point out the need for protecting women as a particularly vulnerable group to be given due consideration in the planning and management of relocation processes where displacement is inevitable.²¹

The frameworks are similarly instructive as to the need for protecting special groups that are particularly attached to, and dependent upon their land. The livelihood and culture of the Mayanzi fishing community is strongly linked with the land on which they have settled along the waterfront. Such

Convention relating to the Status of Refugees, 28 July 1951, also known as the 1951 Refugee Convention, at: <https://www.unhcr.org/5d9ed32b4>. Additional to the Refugee Convention are its Protocol Relating to the Status of Refugees, 31 January 1967, at: <https://www.unhcr.org/5d9ed66a4>.

¹⁹ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147, 21 March 2006, at: <http://www2.ohchr.org/english/law/remedy.htm>.

²⁰ *Ibid.*, paras. 37–44.

²¹ IDP Principles 7, 18–20 and, 23. The BPGDDE were annexed the Special Rapporteur's report on his global study on women and adequate housing, and specify the human rights of women facing eviction and displacement in paras. 7, 18, 20–22, 23, 7, 15, 26, 29, 33–34, 38–39, 47, 50, 53, 54, 56–57, 62 and 65.

dependency and attachment to the waterfront makes imperative their protection from displacement by the authorities and other actors.

Protection, Assistance and Reintegration after Displacement

Displacement exposes affected people to numerous vulnerabilities, ranging from insecurity to impoverishment. Where arbitrary displacement is unavoidable, IDP Principles 10 through 27 provide critical guidance for procedures to provide protection, assistance and reintegration of displaced people. The BPGDDE summarize the human rights-based obligations of states after an eviction, emphasizing immediate relief and relocation,²² as well as the longer-term elements of reparation.²³ Thus, operationalizing the frameworks ensures respect for, protection and fulfilment of a range of basic human rights (life; security of person; the highest attainable standard of health; adequate housing, including basic services; civil and political liberties, decent work; education; and participation, especially of women and girls, in decision-making processes, etc.). They also stress the obligation of all relevant authorities as the leading agents in providing the necessary protection due to people affected by internal and development-induced displacement.

Grounded in the norms and methodology arising from the human right to adequate housing, the BPGDDE counts among the standard-setting frameworks recognising the centrality of insecure tenure as an underlying cause of evictions and displacement. For instance, it provides that urban or rural planning and development processes should involve all those likely to be affected and should include the following elements:

- a. Appropriate notice to all potentially affected persons that eviction is being considered and that there will be public hearings on the proposed plans and alternatives;
- b. Effective dissemination by the authorities of relevant information in advance, including land records and proposed comprehensive resettlement plans specifically addressing efforts to protect vulnerable groups;
- c. A reasonable time period for public review of, comment on, and/or objection to the proposed plan;
- d. Opportunities and efforts to facilitate the provision of legal, technical and other advice to affected persons about their rights and options; and
- e. Holding of public hearing(s) that provide(s) affected persons and their advocates with opportunities to challenge the eviction decision and/or to present alternative proposals and to articulate their demands and development priorities.²⁴

These preventive measures largely echo the conditions for legal eviction in all circumstances as provided in the UN Committee on Economic Social and Cultural Rights (CESCR) authoritative interpretation of binding state obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR). The Committee's General Comment No. 7 on forced eviction stipulates a state party's duty to ensure:

- a. An opportunity for genuine consultation with those affected;
- b. Adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
- c. Information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;

²² BPGDDE, *op. cit.*, 52–58.

²³ *Ibid.*, 59–70.

²⁴ The UN Basic Principles and Guidelines on Development-based Evictions and Displacement note, para. 37.

- d. Government officials or their representatives to be present during an eviction, especially where groups of people are involved;
- e. All persons carrying out the eviction to be properly identified;
- f. Evictions not to take place in particularly bad weather, or at night, unless the affected persons consent otherwise;
- g. Provision of legal remedies;
- h. Provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts; and that
- i. Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights.

CESCR notes further that, where those affected are unable to provide for themselves, the state must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.²⁵

As displacements often accompany gross violations of affected persons' human rights such as forced eviction, the right to a remedy for such human rights violations is authoritatively articulated in the UN General Assembly (GA) resolution defining the reparations framework. In that declaratory instrument, grounded in the world's major legal systems, as well as international human rights and international humanitarian law principles, the GA has affirmed that:

“(r)estitution should, whenever possible, restore the victim to the original situation before the gross violations of human rights law or serious violations of international humanitarian law occurred. Restitution includes, as appropriate: restoration of liberty, enjoyment of human rights, identity, family life and citizenship; return to one’s place of residence, restoration of employment and return of property.”²⁶

3.1.2 Operationalizing the Guidance

The Brookings Institution Project on Internal Displacement was an initiative founded in 1994 to coincide with and support the mandate of the UN Secretary-General’s Representative on Internal Displacement. That relationship between the United Nations and a research institution expanded to the University of Bern, the host institution of the second mandate holder. The Brookings-Bern Project on Internal Displacement supported the development and practical implementation of the Guiding Principles on Internal Displacement.

Authored by the Brookings-Bern Project in 2005, *Addressing Internal Displacement: A Framework for National Responsibility*²⁷ outlined standards of practice to guide states and their constituent bodies in designing effective mechanisms in response to internal displacement. It set out principles and targets that state/national bodies should follow to effectively address root causes of displacement, help meet needs of IDPs, as well as address the concerns of other affected groups (e.g., host communities) during various phases of the internal displacement process. It particularly stresses the importance of involving

²⁵ CESCR, General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, paras. 15–16, E/1998/22, annex IV, at:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fGEC%2f6430&Lang=en.

²⁶ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights and Serious Violations of International Humanitarian Law, A/RES/60/147, 21 March 2006, para. 19, at: <http://www.un.org/Docs/asp/ws.asp?m=A/RES/60/147>.

²⁷ Brookings-Bern Project, *Addressing Internal Displacement: A Framework for National Responsibility* (Washington: Brookings Institution, 1 April 2005), at: <https://www.brookings.edu/research/addressing-internal-displacement-a-framework-for-national-responsibility/>.

and engaging both central and local government in the process, in addition to ensuring that IDPs are provided the necessary assistance, even when they are located in areas outside the control of the state, though still within the territorial state's jurisdiction.

Recognizing that national laws are not, in themselves, sufficient to ensure that the rights of IDPs are upheld, a subsequent Brookings-Bern Project instrument addressed national law as an important starting point and tool for IDPs and their advocates to hold governments accountable. *Protecting Internally Displaced Persons: A Manual for Law and Policymakers*²⁸ provides specific guidance for translating the Guiding Principles into national laws and policies.

One year before the GA adopted the legal definition of reparations, the UN's Sub-Commission on the Promotion and Protection of Human Rights endorsed the *Principles on Housing and Property Restitution for Refugees and Displaced Persons* ("Pinheiro Principles").²⁹ Those Principles were the subject of a seven-year process that began with the 1998 adoption of Sub-Commission resolution 1998/26 on Housing and property restitution in the context of the return of refugees and IDPs. That was followed in 2002–2005 with a study by the Sub-Commission Special Rapporteur on Housing and Property Restitution Paulo Sérgio Pinheiro. Following the adoption of the Pinheiro Principles, the UN published an inter-agency handbook for implementing them with global scope.³⁰

The UN's Inter-Agency Standing Committee (IASC)³¹ subsequently also produced a *Framework on Durable Solutions for Internally Displaced Persons*³² in 2010 that sets out several criteria and principles as the basis for finding lasting remedies to displacement. It emphasizes the need for integration of internally displaced communities in locales in which they are displaced, returning these communities to their habitual settlements or resettlement in their home countries, with the affected groups' voluntary and informed consent in the most-dignified manner possible and without compromising their safety.

3.2 Africa Regional Level

3.2.1 The ICGLR Pact on Security, Stability and Development – IDP Protocol

In 2006, the *Protocol on the Protection and Assistance to Internally Displaced Persons* was adopted by the International Conference on the Great Lakes Region (ICGLR). This Protocol is one of ten that form the basis of the ICGLR's *Pact on Security, Stability and Development*.³³ The Protocol became the first internationally binding legal instruments to incorporate the UN's Guiding Principles on Internal Displacement and the Pinheiro Principles, ratified by eleven national governments to safeguard the rights of IDPs. All the member states of ICGLR are obliged under the Protocol to develop national policy,

²⁸ Brookings-Bern Project, *Protecting Internally Displaced Persons: A Manual for Law and Policymakers* (Washington: Brookings Institution, 16 October 2008), at: <https://www.brookings.edu/research/protecting-internally-displaced-persons-a-manual-for-law-and-policymakers/>.

²⁹ *Principles on Housing and Property Restitution for Refugees and Displaced Persons*, E/CN.4/Sub.2/2005/17, 21 June 2005, at: <https://undocs.org/E/CN.4/Sub.2/2005/17>.

³⁰ *Housing and Property Restitution for Refugees and Displaced Persons Implementing the 'Pinheiro Principles'* (Geneva: FAO, IDMC, OCHA, OHCHR, UN-Habitat and UNHCR, March 2007), at: https://www.ohchr.org/Documents/Publications/pinheiro_principles.pdf.

³¹ An inter-agency forum of UN and non-UN humanitarian partners founded in 1992 to coordinate and improve humanitarian assistance to affected populations. The IASC was established following UN General Assembly resolution A/RES/46/182, and resolution A/RES/48/57 affirmed the IASC as the primary method for inter-agency coordination.

³² *IASC Framework on Durable Solutions for Internally Displaced Persons* (Washington: Brookings-Bern Project on Internal Displacement, 2010), at: <https://www.unhcr.org/50f94cd49.pdf>.

³³ International Conference on the Great Lakes Region, *The Pact on Security, Stability and Development for the Great Lakes Region*, December 2006, amended November 2012, at: <http://www.icglr.org/images/Pact%20ICGLR%20Amended%2020122.pdf>.

legal and institutional frameworks in partnership with IDPs to address internal displacement. Special attention is given to those particularly vulnerable to displacement such as pastoralists, host communities and mixed ethnic groups. The Great Lakes IDP Protocol entered into force in 2008 and, along with the Pact's other related Protocols,³⁴ extend the quality of human rights protection available to IDPs in the region and lay the foundation for guiding interventions to address the underlying causes of displacement and maintain security and stability.

3.2.2 Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)

The *Convention for the Protection and Assistance of Internally Displaced Persons in Africa* (Kampala Convention) was adopted by the African Union (AU) in 2009 and came into force in 2012. It strikes a similar chord with the preceding ICGLR IDP Protocol, but provides a broader framework for regional governments to protect the rights and well-being of those displaced in multiple contexts such as conflict, natural disasters and human rights abuses. It explicitly identifies and sets out restitution measures for various causes of displacement, affirms the responsibility of national authorities to assess needs and vulnerabilities before providing relevant assistance to displaced persons, recognises the roles played by civil society and host communities, in addition to facilitating the adoption of national policies and legislation to protect and assist IDPs. The framework gained significant legitimacy in mid-2017, when 40 of the 52 AU member states had signed it, of which 29 have ratified it.³⁵ The Convention builds on other existing international legal and human rights frameworks. Importantly, it aligns with the UN Guiding Principles on Internal Displacement by stressing the primacy of state authorities as key actors in safeguarding the rights of displaced persons, as well as recognizing the need for special consideration of communities with special attachment or dependency on land due to their particular culture.

3.4 Uganda's Policy and Legal Framework on Development-based Displacement

Land commodification, a highly active informal land market driven by unprecedented demand for developable land, forms the contexts of the case under review. These land-market conditions coincide with social conflict and weak institutions (local government, judiciary, police) as conspicuous factors fueling unlawful, land-based displacement across rural and urban Uganda.

Indeed, violent land displacements and the accompanying impacts have cast a long shadow over the country's history especially from the colonial period through the post-colonial era, including the political tumult of the 1970s and 1980s and its aftermath. In many hierarchically structured pre-colonial societies, semi-feudal arrangements had acted as an effective check against conflict and, ultimately, acted as a buffer against displacement or violent eviction. Displacement had mostly occurred as a result of intra and inter-societal conflicts. However, the introduction of formal land rights at the turn of the 20th Century by the colonial government fundamentally changed land relations, creating a trigger for all manner of displacements at varying spatio-temporal scales, localized and beyond.³⁶ While conflict-

³⁴ The Protocol on the Property Rights of Returning Persons specifically relates to IDP protections, while the Protocol on the Prevention and Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and the Protocol on the Prevention and Suppression of Violence against Women and Children. *Ibid*.

³⁵ AU, "List of Countries Which Have Signed, Ratified/Acceded to the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)," at: <https://au.int/sites/default/files/treaties/36846-sl-AFRICAN%20UNION%20CONVENTION%20FOR%20THE%20PROTECTION%20AND%20ASSISTANCE%20OF%20INTERNALLY%20DISPLACED%20PERSONS%20IN%20AFRICA%20%28KAMPALA%20CONVENTION%29.pdf>.

³⁶ John Vianney Ahumuza, "Achieving sustainable land ownership and land use conflict management in Uganda, Department of Foundation Studies" (Mukono, Uganda: Uganda Christian University, 2014), at:

induced land displacement has reduced somewhat with the armed rebellion that engulfed much of northern,³⁷ eastern and southwestern Uganda having ended, development-induced land displacement has steadily taken on greater significance recently.

Subsequently, development-induced displacement has become almost synonymous with the land and development discourse in Uganda. Given the above history and its entanglement with contemporary realities around displacement, over the years, the Government of Uganda, in partnership with various development partners, has instituted several policies and legal tools to address this formidable challenge.

They include the following:

- Constitution of the Republic of Uganda (1995),
- The Local Governments Act (1997),
- The National Resettlement Policy,
- The National Policy for Internally Displaced Persons of 2004
- The Uganda Land Amendment Act of 2010 and
- Uganda National Land Policy (UNLP) of 2013.

More recently, the Ministry of Lands, Housing and Urban Development finalised draft guidelines for land evictions.³⁸ This framework lays a firm foundation for providing some protection to groups threatened by displacement while also enabling just and fair restitution for eviction-affected groups. Despite the above well-formulated framework conceived to reflect internationally recognised best practices, development-induced displacements continue across the country. This is partly a result of many factors, key among them being an incoherent set of multiple policy and legal instruments, systemic politicisation of processes, and institutional ‘inertia,’ whereby weak and isolated state bodies lack the necessary capacities and political support to fulfil their respective mandates.

While cumulative data and information from various sources have brought much-needed attention to the challenge of displacement, this study provides additional insights and clarity regarding the specific impacts of displacement on the social, environmental and economic welfare/well-being of vulnerable persons particularly affected groups such as women. It is hoped that these insights will help broaden and deepen public understanding of the cumulative losses, costs and damages that accompany displacement, in order to inform relevant decision making and realistic interventions.

https://ucudir.ucu.ac.ug/bitstream/handle/20.500.11951/77/Ahumuza_Achieving%20sustainable%20land%20ownership_2014.pdf?sequence=1&isAllowed=y.

³⁷ The Lord’s Resistance Army (LRA) insurgency is credited for uprooting up to more than 1.7 million people from their ancestral lands mostly in Acholi sub-region.

³⁸ Taddeo Bwambale, “Draft land eviction guidelines ready,” *NewVision* (20 May 2019), at: https://www.newvision.co.ug/new_vision/news/1500581/draft-land-eviction-guidelines-ready; “Stakeholders Discuss Land Eviction Guidelines,” The Judiciary of the Republic of Uganda (1 August 2019), at: <https://www.judiciary.go.ug/data/news/723/Stakeholders%20Discuss%20Land%20Eviction%20Guidelines%20.html>; Tom Malaba, “Judicial officers propose land eviction guidelines,” *Daily Monitor* (1 August 2019), at: <https://www.monitor.co.ug/News/National/Judicial-officers-land-eviction-guidelines-Bart-Katurebe/688334-5218836-rsvbx7/index.html>.

3.5 Concurrent International, Regional and National Policy and Legal Frameworks

In summary, international, regional and national frameworks recognise a broad range of inalienable human rights, which include:

- The right to life (International Covenant on Civil and Political Rights [ICESCR], Article 6.1)
- Freedom from cruel, inhuman and degrading treatment (ICESCR, Article 7)
- The right to security of the person (ICESCR, Article 9.1)
- The right to an adequate standard of living, including the right to adequate housing, food, water and sanitation (International Covenant on Economic, Social and Cultural Rights [ICESCR], Article 11)
- The right to non-interference with privacy, home and family (ICCPR, Article 17)
- Freedom of movement and to choose one's residence (ICCPR, Article 12.1)
- The right to health (ICESCR, Article 12)
- The right to an effective remedy (ICCPR, Articles. 2.3 and 26)
- The right to property (Universal Declaration of Human Rights, Article 17)
- The rights to vote and take part in the conduct of public affairs (ICCPR, Article 25).

Displacement in any context that violates any of the above human rights of affected persons and communities contravenes universal criteria of statecraft, including Uganda, which ratified ICESCR in 1987 and ICCPR in 1995. The pending eviction of the Makusa and Lwamunyu fishing communities living at Mayanzi, Entebbe Municipality potentially threatens to create homelessness, loss of identity, dignity and livelihoods, as well as possible exposure to other civil, cultural, economic, political and social human rights violations, if carried out in a manner that does not align with the above frameworks. According to CESCR, local and national governments are mutually obliged to take appropriate measures to ensure that those within the community without capacity should be provided resettlement with adequate housing and guaranteed access to land and/or other similar assets to guarantee a means a decent livelihood and adequate housing. Meanwhile, prevailing international norms deem that forcefully evicting the community in question against its willful consent and without appropriate reparation is illegal, unjust and prohibited.

4.0 Methodology

The research team carried out a preliminary field visit primarily to establish, ascertain and clarify important facts regarding the history and current status of the community in question. The visit enabled vital reconnaissance to acquaint the field researchers with the physical, social and economic characteristics of the Mayanzi community. It also provided an opportunity to build rapport with the community to facilitate the eventual data collection, allay any potential fears and tensions, and address expectations and unforeseen issues arising. A mixed methods approach, employing both qualitative and quantitative data, was adopted for the violation impact assessment (VIA) survey. The survey was also executed as a collaborative initiative whereby community leaders and other prominent members were actively engaged as peers in the design and execution of the research (particularly framing of the VIA tool, planning of fieldwork activities and validation of the emerging findings).

After drafting the VIA tool based on the conceptual framework, a team of 10 field research assistants were recruited and taken through a 2-day training session on basic research skills, land evictions and displacement. Assistants were selected based on the following criteria: knowledge of basic research and application of the relevant skills (for example data collection, engagement of critical thinking, local language proficiency and rapport building), women, land and property rights and knowledge of the

research context. The training grounded the research assistants in the study's purpose and main objective, contextual issues (land, women, vulnerability, displacement, rights and violation) and use of the VIA tool. During the 2-day training session, the field pre-test was carried out. Five resource persons from the target community were selected and trained to support the research assistants during the data collection process. Twenty socially diverse community respondents, including 15 women and five men, were selected to pre-test the tool. This pool of respondents was expected to provide nuanced insights into the differential impacts of displacement. After pre-testing the tool, relevant adjustments were made, and the survey instrument was finalised.



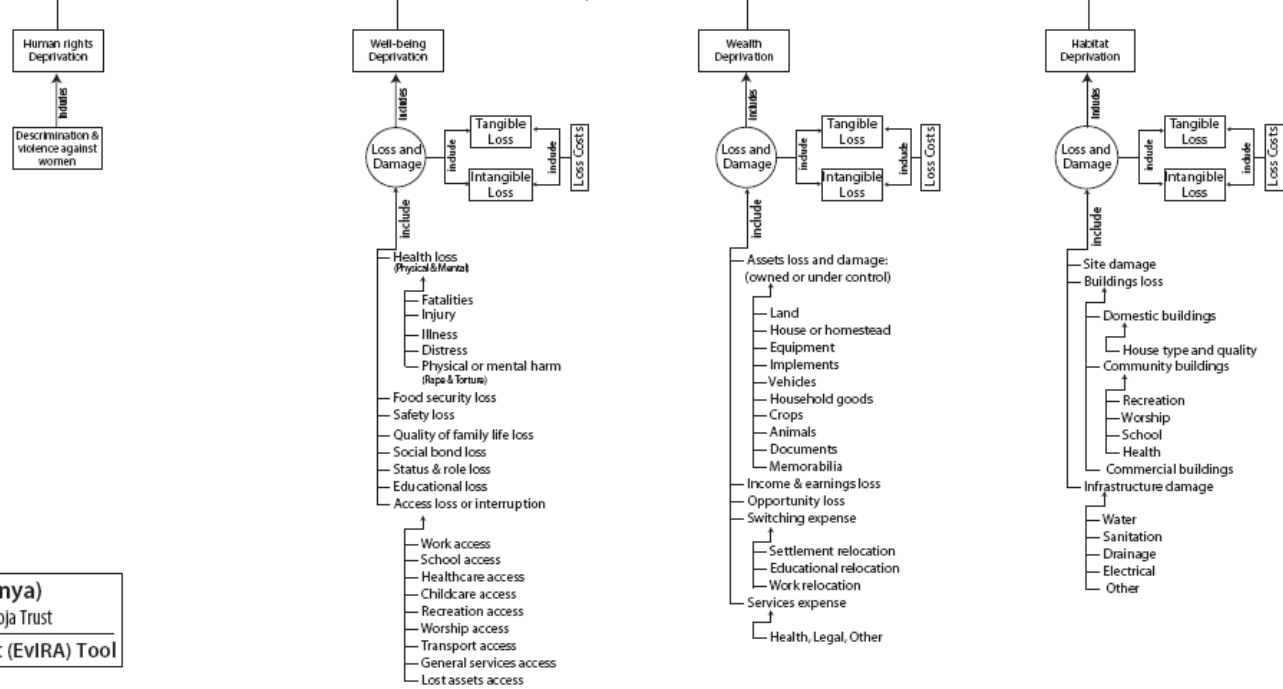
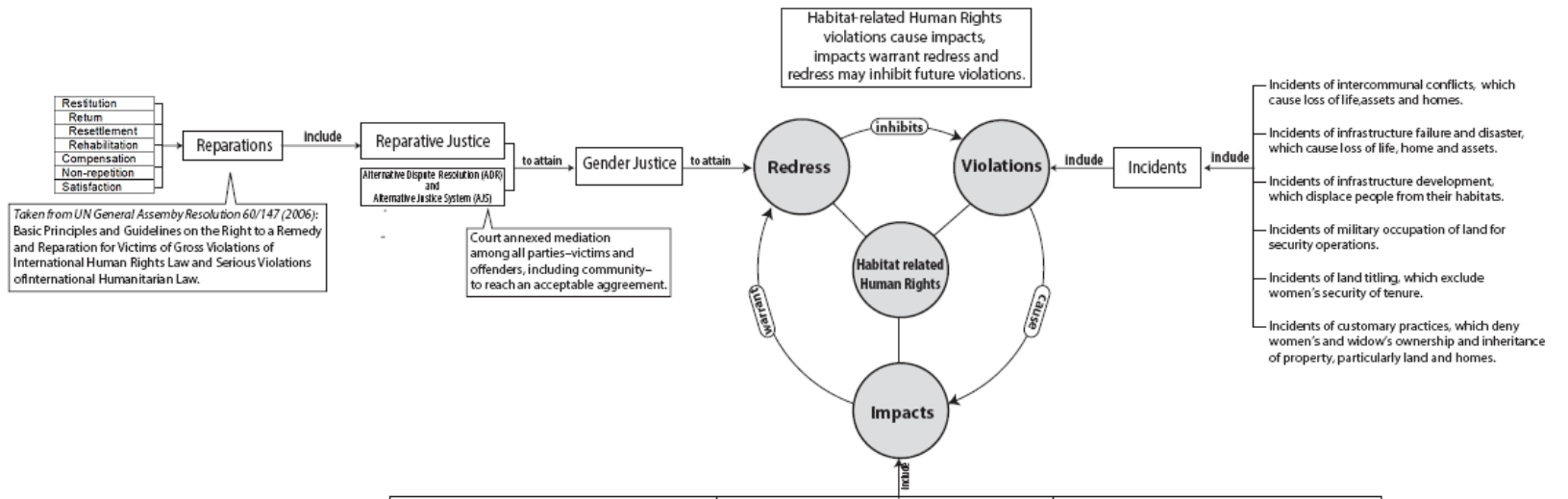
Figure 2: Field researcher interviewing a member of the Mayanzi community at Kigungu Landing. Source: SSA: UHSNET

The research team commenced data collection, working alongside five community leaders and prominent members to help identify and mobilise respondents from the target community engaged in the survey. Employing a random-sampling approach, 80 women and 20 men were selected to provide data for the survey, bringing the total to 100 respondents. They were split evenly between the two sets of groups from Lwamunyu and Makusa. Each research assistant was assigned either a community leader or member to administer ten questionnaires over a period of five days. After data collection, the questionnaires were coded, data entered and analysed using Statistics Package for the Social Sciences (SPSS) software. The analysed data was then used as the basis for the findings reported herein.

2.1.2 Conceptual Framework

The conceptual framework upon which the study was premised incorporated key norms that circumscribe development-induced displacement and reparations (redress) for gross violations of human rights (e.g., in cases of forced eviction) and inquired into to possible human rights, habitat and material (wealth) impacts of the incident. The conceptual framework is indicated on the following page, drawing from the schematic already developed by project counterpart, Mazingira Institute (Kenya).

Conceptual Framework



Women, Land and Homes Project (Kenya)
 HIC HLRN in collaboration with Mazingira Institute and Pamoja Trust
Evictions, Impacts and Redress Assessment (EViRA) Tool
 (Davinder Lamba, Mazingira Institute, Nov. 2018)

5.0 Findings of VIA Survey and Discussion

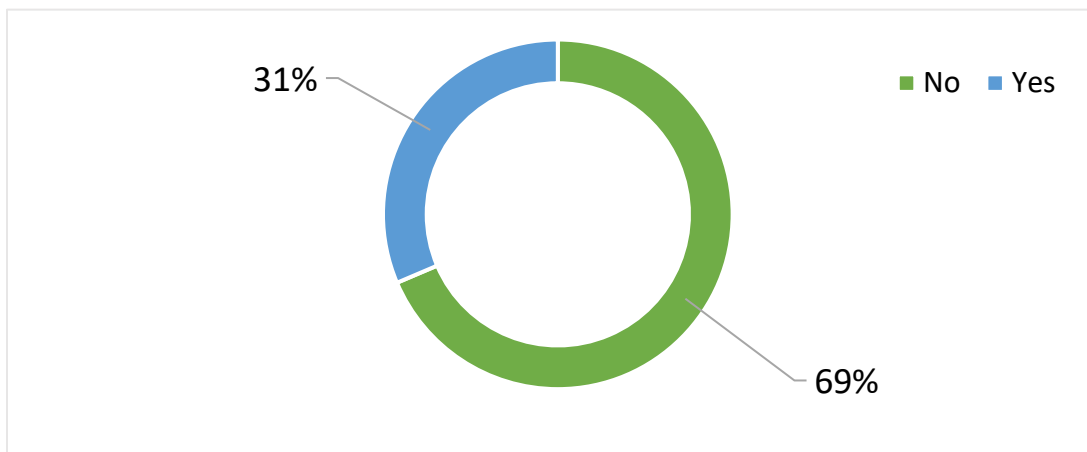
5.1 Introduction

Initially, 100 women and men were targeted with a ratio of 80:20 to provide the data for the assessment. To this number the team enrolled an additional 15 women and 5 men who were engaged during the pre-testing, which translated into a cumulative total of 120. A response rate of 100% was realized.

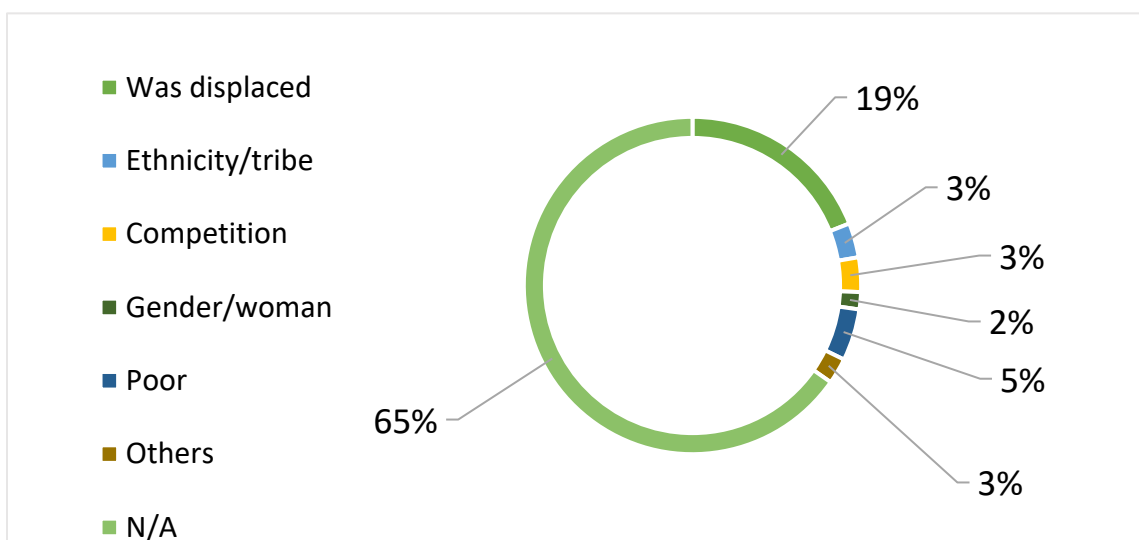
5.1.1 Discrimination

Respondents from the target community were asked if they felt discriminated against, particularly because of their identity as part of a fishing community within the larger community where they live and work. Over 60 percent did not feel discriminated against, while more than 30 percent felt otherwise.

Sense of Discrimination



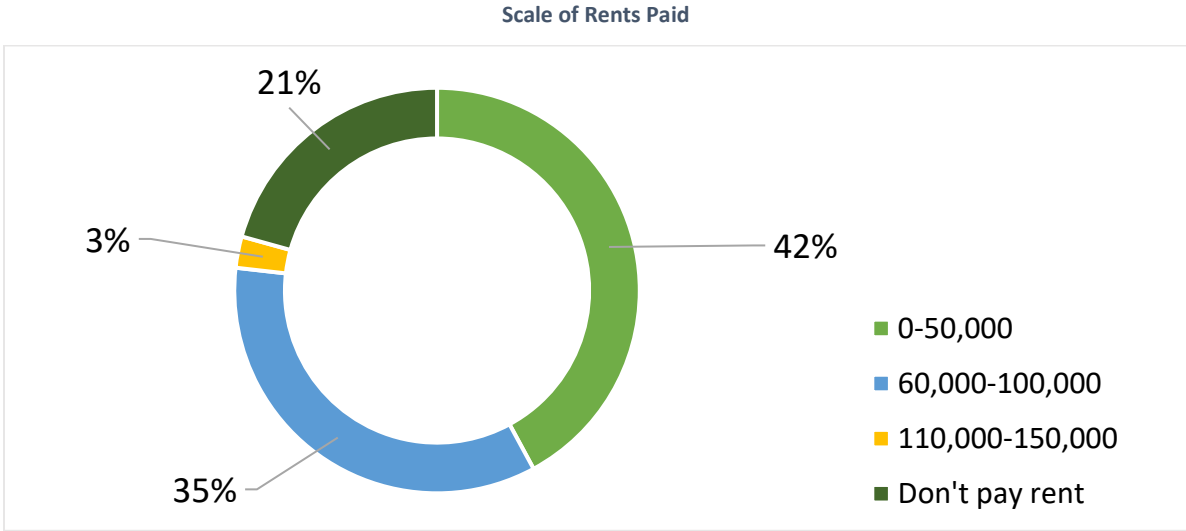
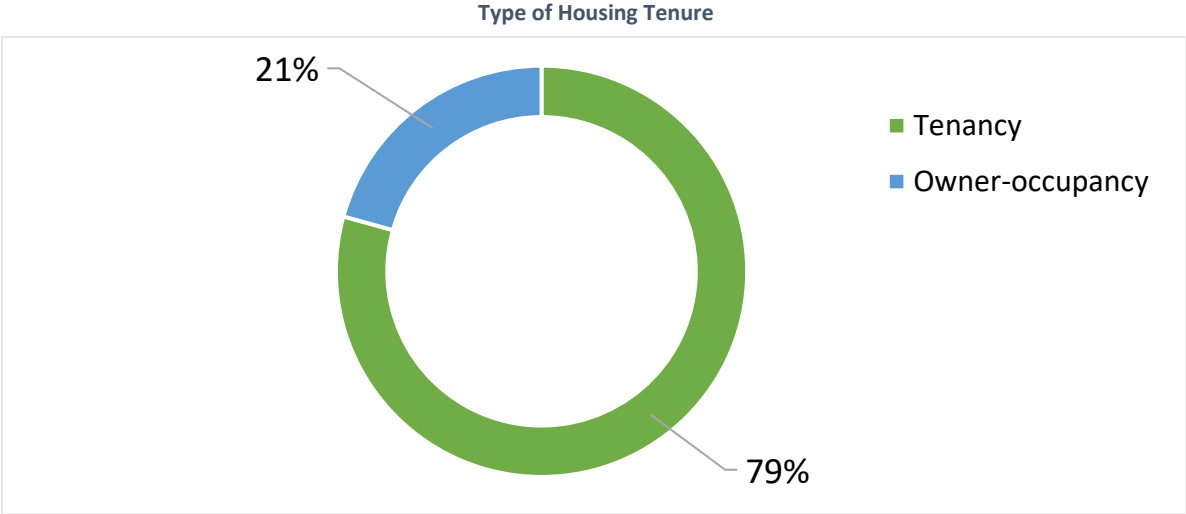
Contributing Factors to a Sense of Discrimination



The findings reveal that various contributory factors (being originally displaced, ethnicity/tribe, gender/as a woman, etc.) accentuate discrimination. This implies that, though it remains obscured, the multi-dimensional facets of victimization faced by fishing communities is partly rooted in social-cultural misconceptions and stereotyping by other communities is a serious issue, which has a strong bearing on their psychological and social welfare in terms of social acceptance, tolerance and belonging. The existence of such an issue portends the possibility of being systematically targeted and their human rights violated.

5.1.2 Housing

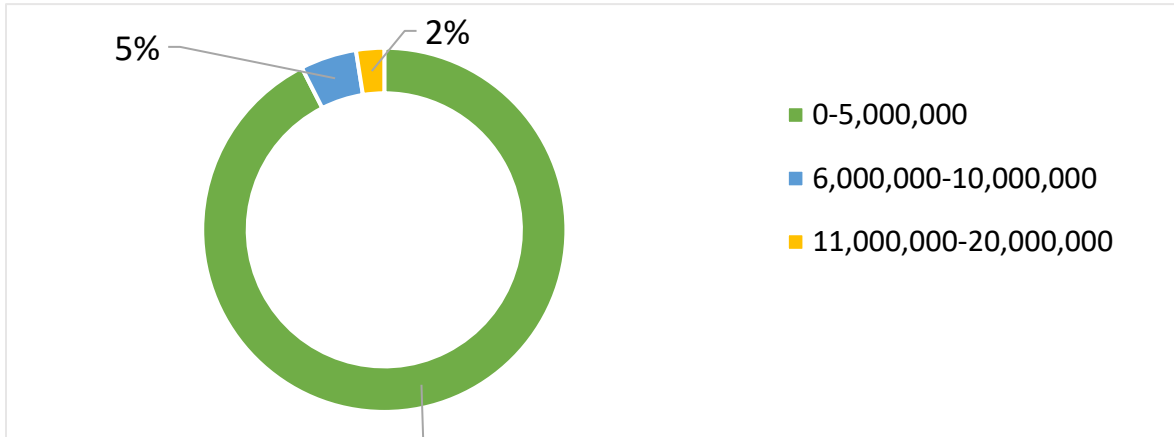
The survey confirmed that the majority of the women were tenants where they reside on the contested site in Mayanzi. A small percentage of respondents who were interviewed have been able to secure their own housing elsewhere away from Mayanzi using their own resources.



The larger percentage of the women engaged in the survey pay rent in excess of UGX 50, 000 (approx. USD 15), which, to them, is relatively expensive, considering that their livelihood is extremely insecure and precarious. As such, with many being dependent on rental housing, they faced a very high likelihood

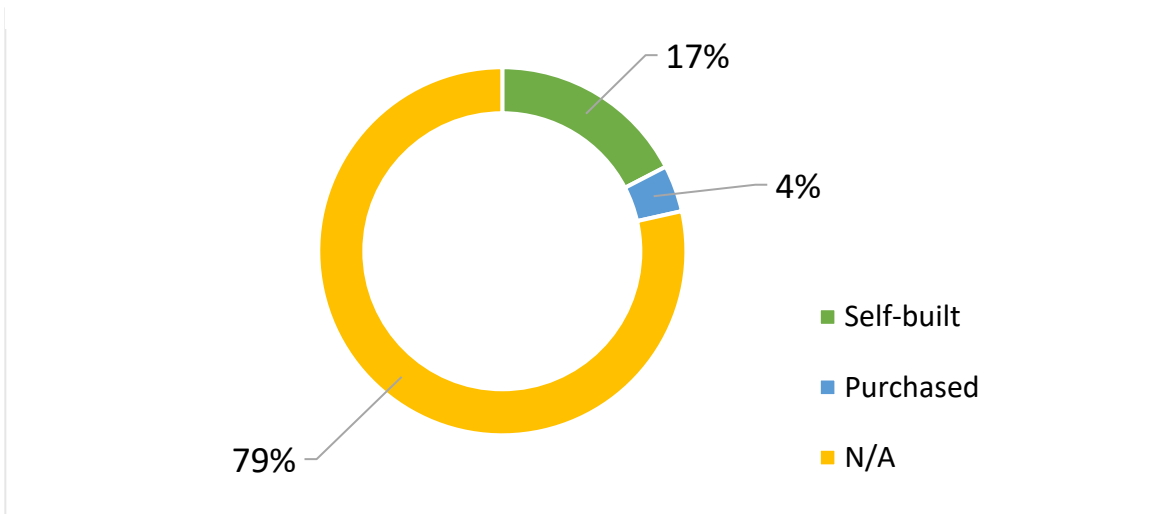
of being predisposed to numerous challenges such as loss of their physical assets from theft, exposure to adverse weather conditions and compromise of their personal safety in the event that they are evicted.

Approximate Values of Owned Housing



The approximate value of the housing for those who do not rent ranges between UGX 5,000,000 and UGX 10,000,000 (approx. between USD 1,500 and USD 2,800). In the event of an eviction, this provides a basis for gauging restitution—at replacement values—for those who invested their own resources into freehold tenure arrangements to meet their housing needs.

Means of Obtaining Owned Housing

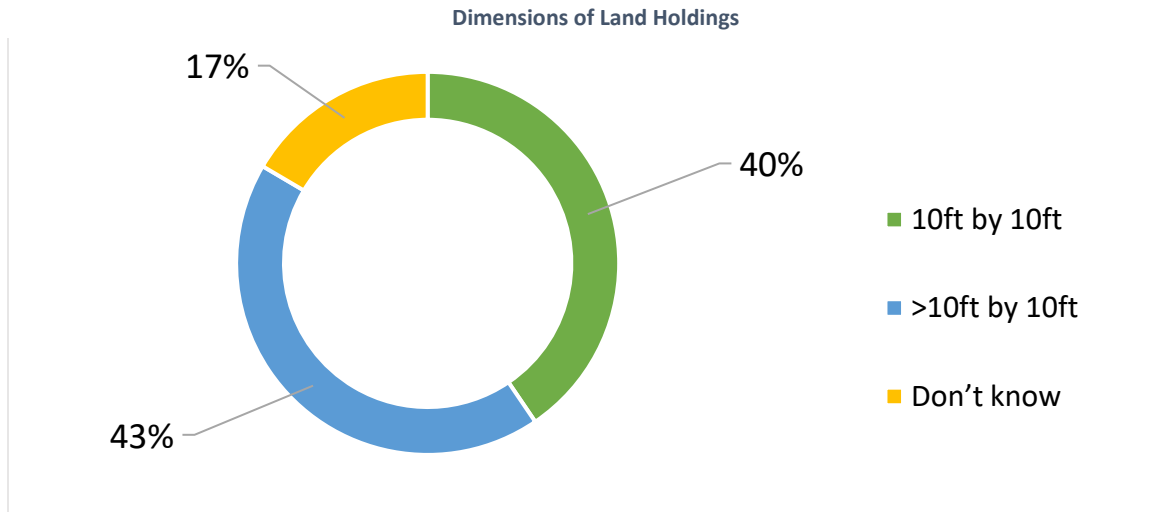


A small proportion of those who own their housing not only used their own finances, but they also used their own labour to socially produce shelter for themselves and their families. Not surprisingly, through follow-up questions, it was found that, while most women who own their housing used paid labour, a few of them were actively involved in the construction of their housing to reduce costs. The disadvantaged position of women vis-à-vis their male counterparts is accentuated in this regard, because they are more likely to be forced to incur expenses on labour to meet their housing needs, unlike men who are more likely to use their own labour in house construction to minimise their costs.

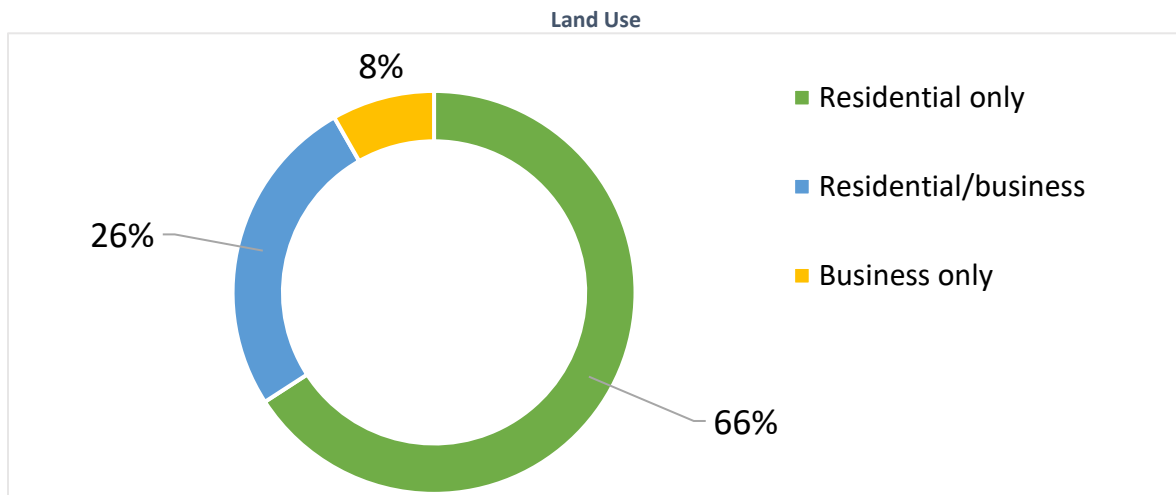
5.1.3 Land and services (water and sanitation)

Land Access

The survey also sought to establish on average how much land that women living in Mayanzi settlement were occupying to assess their living conditions vis-à-vis acceptable planning standards for adequate living space. Resonating with submissions from informal interactions and conversations with community leaders, about 40 percent of the respondents engaged in the survey are renting plots that cover 9 m²; 43 percent of the respondents rent plots that are just over 9 m².



Most respondents are currently utilising the small plots they are renting for housing purposes, while a significant proportion also run small businesses to supplement their households' incomes.



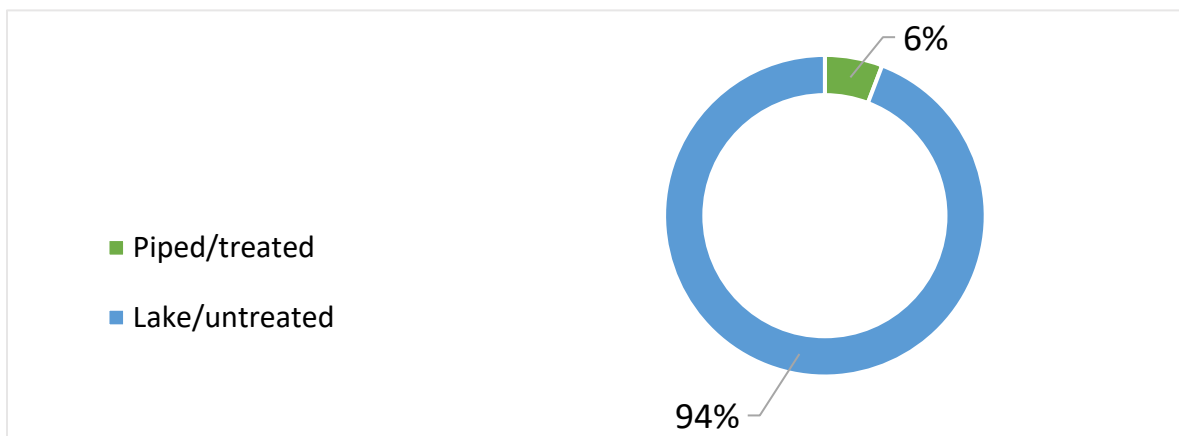
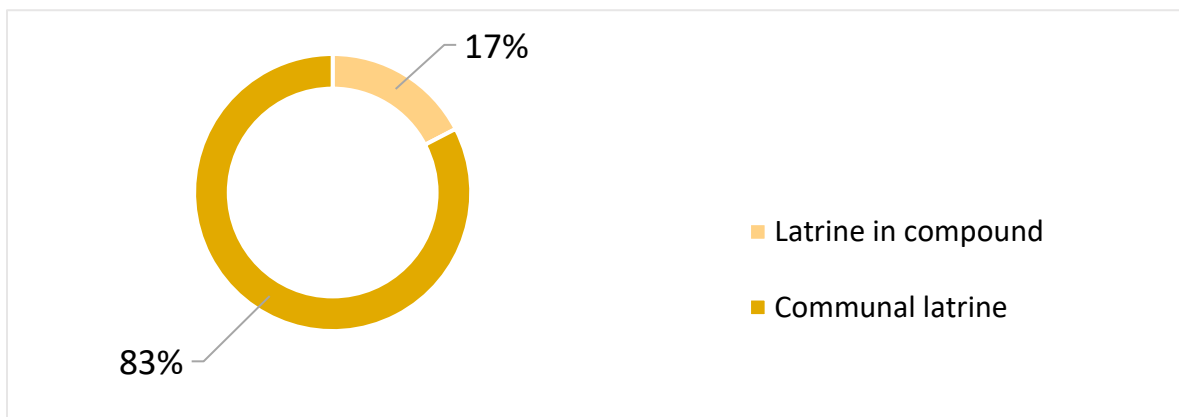
The utility from such small spaces is extremely low given the competing needs of the average households living in the settlement. Households of four or more with little children have to creatively exploit these tiny spaces to meet their housing and recreational needs. Others run small informal

businesses like restaurants, shops and bars, to get by. The restrictive space also implies that the settlement form is basically a mixture of front-to-front, front-to-back and back-to-back style, with one-metre corridors separating them acting as access pathways. With walls predominantly built using timber, privacy is absent, heightening exposure of women and young girls to all forms of sexual violence from aggravated assault to abuse and harassment. We witnessed an incident to substantiate this serious threat while carrying out the survey, whereby a teenager was apprehended by several women in the settlement for defiling a 2-year-old girl. According to the officer-in-charge of the Kigungu Police post, where the case was reported, by the time of validating the findings, the case had been forwarded to the respective courts of law for processing with the suspect still in custody, given the gravity of the offence. Putting all this into context, the living standards of the target community are below acceptable conditions for human habitation, dignity, welfare and safety.

Water Supply and Sanitation

An overwhelming number of the respondents confirmed that the lake is the main source of water for meeting needs such as drinking, cooking and other domestic requirements. The situation is no different for those whose homes also double as businesses such as the fish-traders and others running small restaurants who also meet their needs by drawing raw water from the lake a few yards away. During the survey, National Water and Sewerage Corporation connected a stand pipe nearby, in fulfilment of a pledge by the Entebbe Mayor to extend services to the settlement.

Type of Water and Sanitation at Home



Regarding sanitation, a four-stance communal pit-latrine exists on the outskirts of the settlement and most respondents engaged during the survey admitted it's the only one accessible to them. A small percentage of respondents who now live outside the settlement have access to their own latrines where they currently reside.

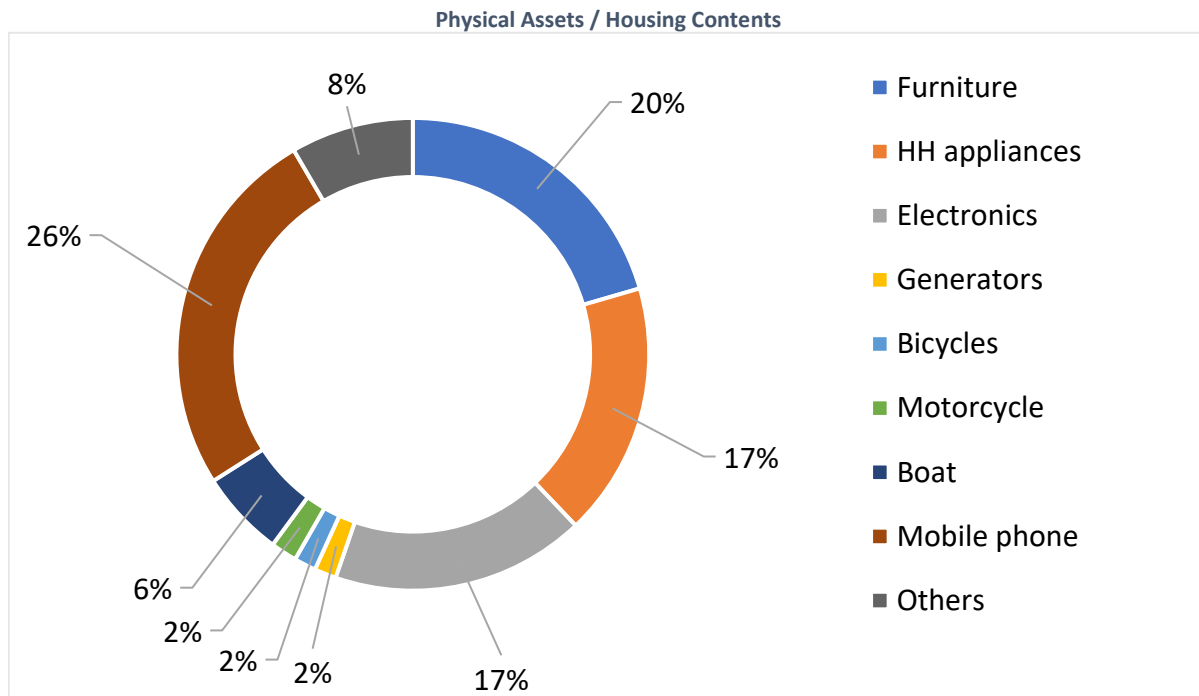
Until the piped water was extended, the community subsisted by its own means, beyond the reach of vital services such as clean piped water supply and sewage evacuation/emptying. While piped water has been extended, it remains unaffordable to the majority of the community, and the landlord is contesting the decision to deploy piped water on his property without his explicit consent. The sanitation situation remains extremely dire, to say the least. More than 700 adults have to share a single four-stance latrine. The implication is that the only accessible latrine is subject to high demand and, in a largely patriarchal society, men enjoy more-privileged access than the women. According to residents, the toilet has to be emptied almost every week, with each household making monetary contributions to meet the costs. The costs are shouldered mostly by women, yet they do not enjoy the same access privileges as the men, which only further reinforces levels of sanitation inequality.

5.1.4 Household Assets

Respondents engaged in the survey revealed that households in the settlement hold a diverse set of assets. These include furniture, appliances, electronics, generators, bicycles, motorcycles, boats and mobile phones. By and large, mobile phones and furniture are the most commonly held household assets.

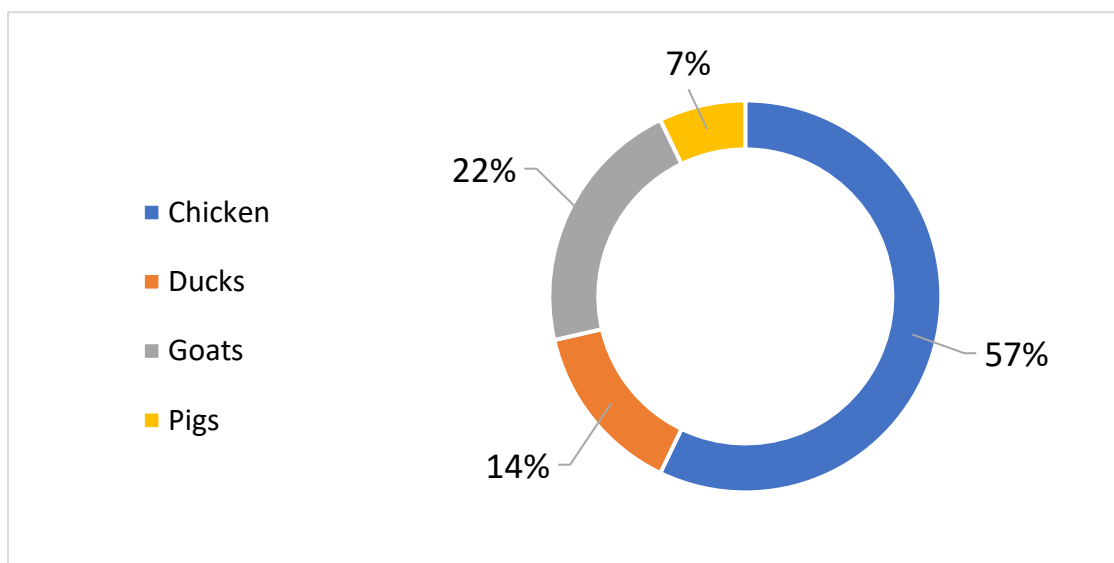
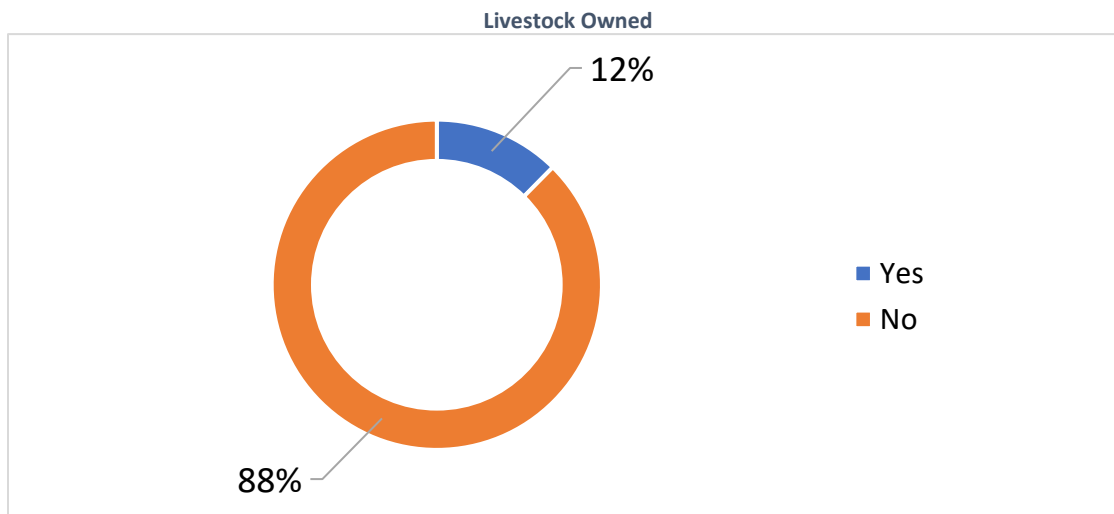
a. Physical assets

b. The survey took into consideration the physical (economic) assets held by each household as contents of the home. The following figure summarizes that inventory.



c. *Ownership of Livestock*

Very few of the respondents owned livestock, implying that the livelihood base for women living in this community is extremely limited. Without livestock to diversify their income implies over-dependence on few options reinforcing vulnerability, precariousness and uncertainty.

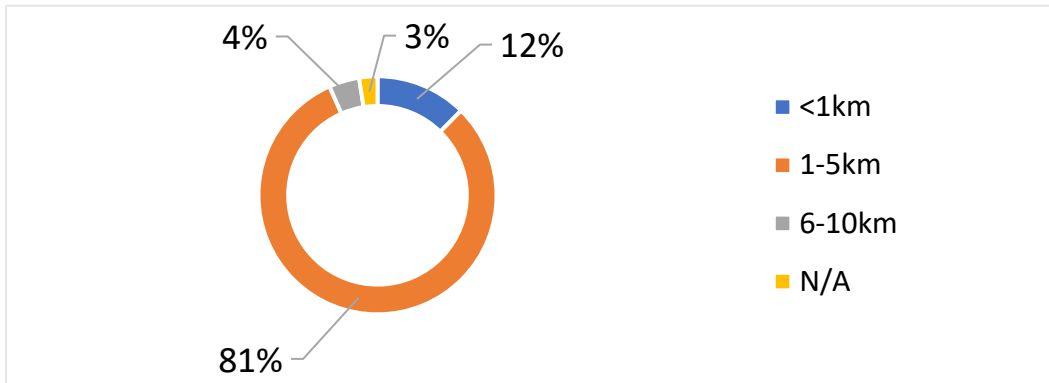


The few respondents who had some livestock mostly kept chickens and goats, followed by ducks and pigs. Unless the process of moving the community is carefully negotiated, planned and executed, households with such assets could incur losses in the potential chaos that might ensue as a result of forced displacement.

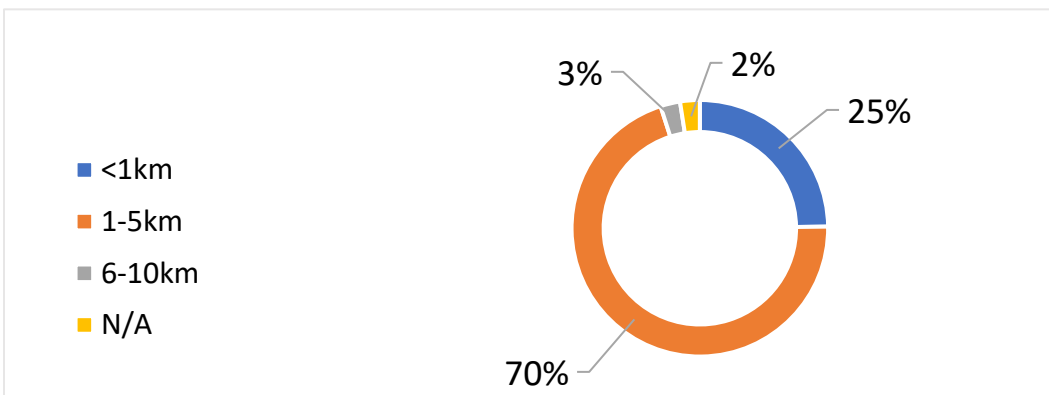
5.1.5 Access to Services

On average, important basic services such as healthcare, education and banking were accessible to respondents within distances of 5 km as shown below.

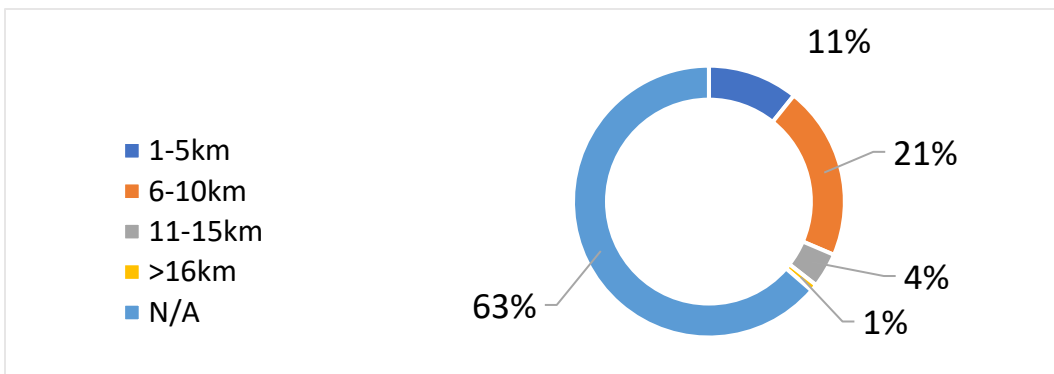
i. Health Facilities



ii. Schools

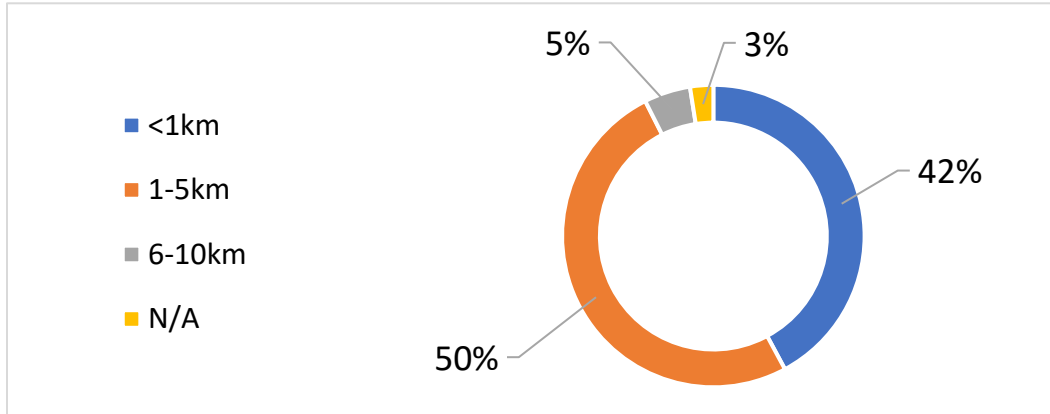


iii. Banks

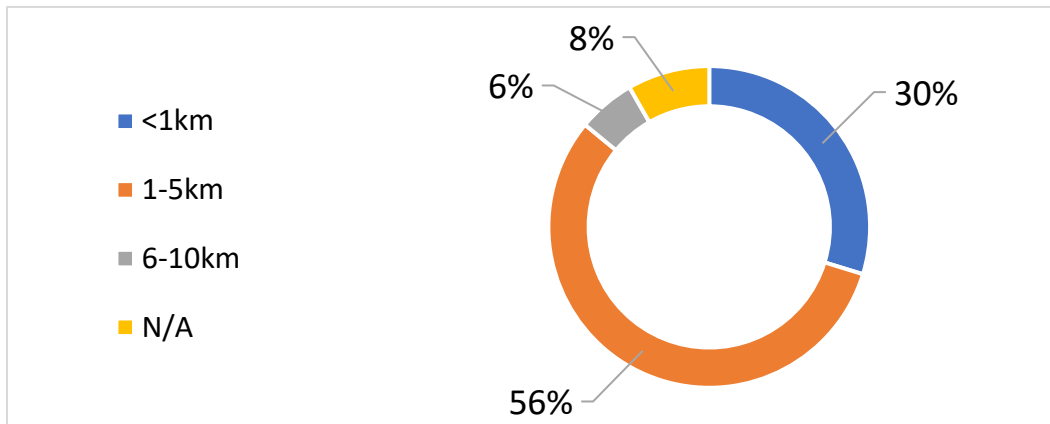


Similar to the previous services, the average distance travelled to access other important social facilities such as churches, mosques and community gathering points is also within the 5 km threshold.

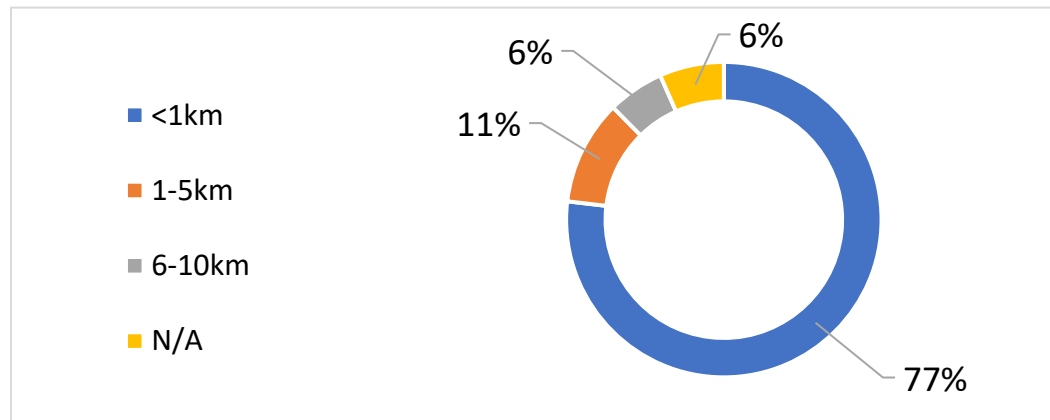
iv. Churches



v. Mosques



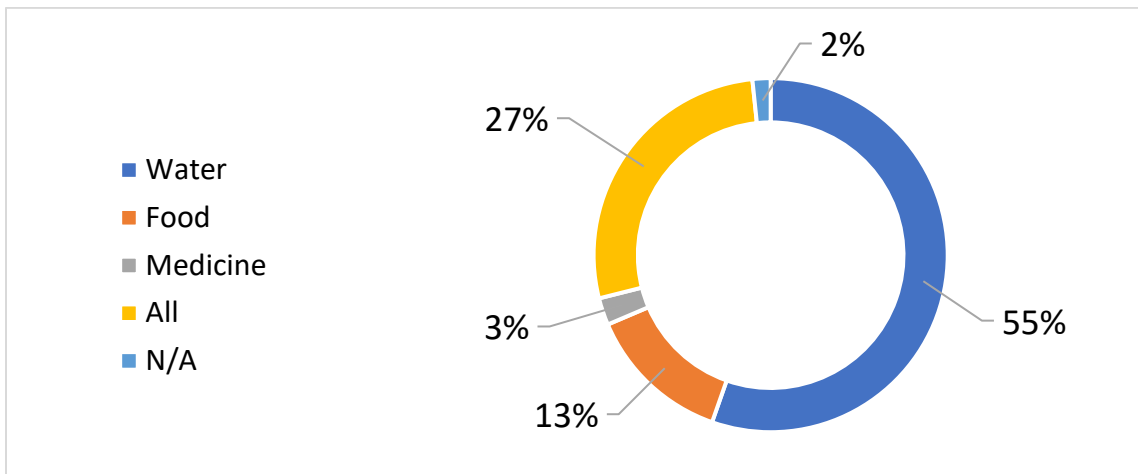
vi. Community Gathering Points



Public services are also generally accessible within the 5 km range, including police, planning, public notices and national documents issuance. However, seen through the lens of universal principles of adequate housing and human settlements, 5 km is relatively long and inconvenient distance, requiring associated costs (transport fares, energy and time), as well as the possibility of exacerbating certain vulnerabilities and risks, the burdens of which are mostly shouldered by women. Putting the matter into context, though, use of these services is critical and, should the community be displaced, efforts need to be made to ensure they have access to the same services within the same range or preferably less, and not more.

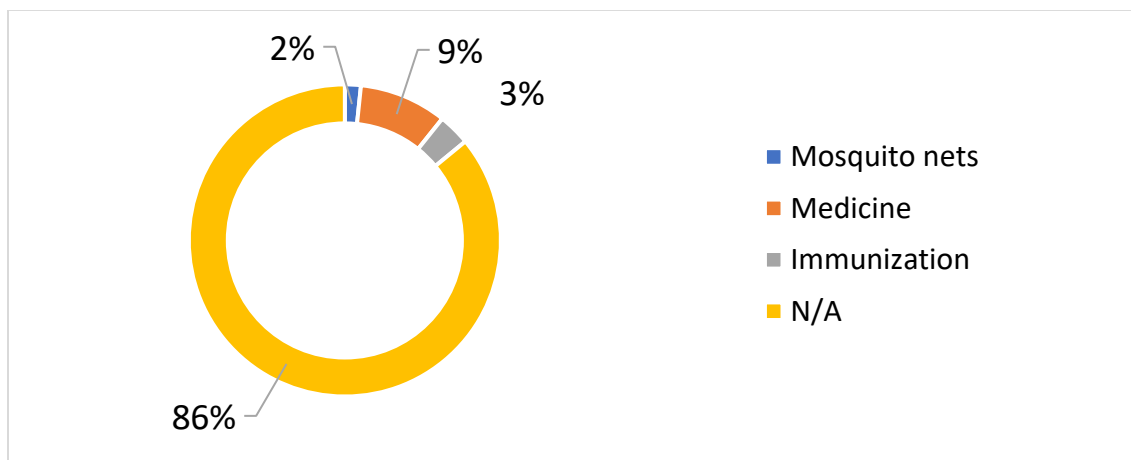
5.1.6 Environment Goods and Services

Water and food emerged as the most-commonly extracted and used environment goods among the respondents participating in the survey. It appears that these are the most important environment resources around which the livelihoods of women in this community are built, dependent and sustained. The lake serves as the main source of water, as earlier indicated, while markets remain the main source of food needs. None of the households owns land on which to grow their own food. So, while water is acquired as a 'free' resource, households have to use their meagre incomes to purchase food.



5.1.7 Subsidies and Rations

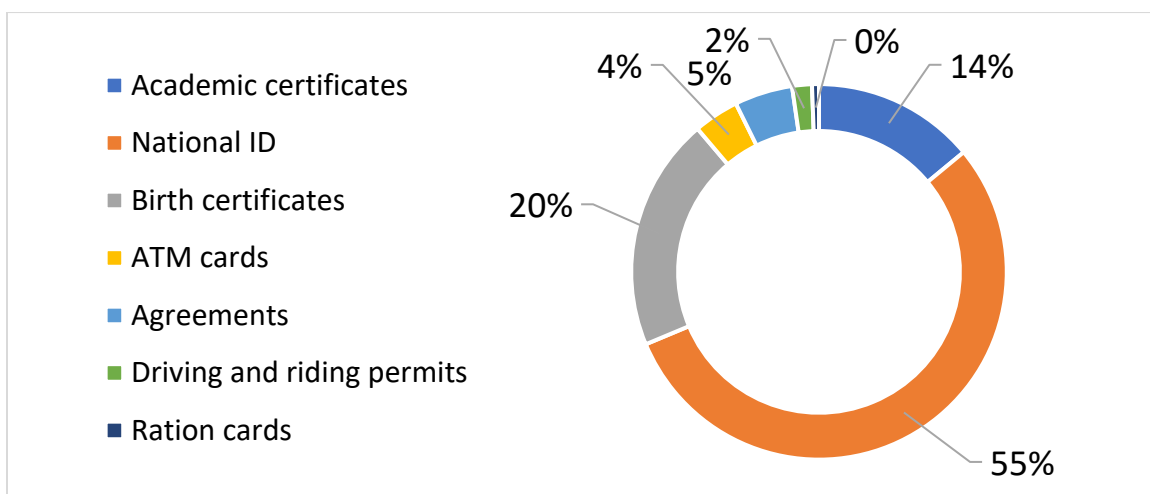
Medicine (especially for HIV/AIDS) and mosquito nets stand out conspicuously as the only subsidies received by the community, along with free immunization services.



Displacement would have serious repercussions for such women. It would lead to disruption of treatment regimens for those who are currently enrolled and are receiving free HIV/AIDS drugs, malaria-prevention medication and immunization services from health facilities within Entebbe Municipality. Without adequate care to ensure that those affected are enrolled in alternative facilities, the mismanagement of the process can trigger and escalate a chain of impacts on the health of such women, infringing on their basic right to health with far-reaching impacts on their productivity when their physical, mental and social well-being is compromised.

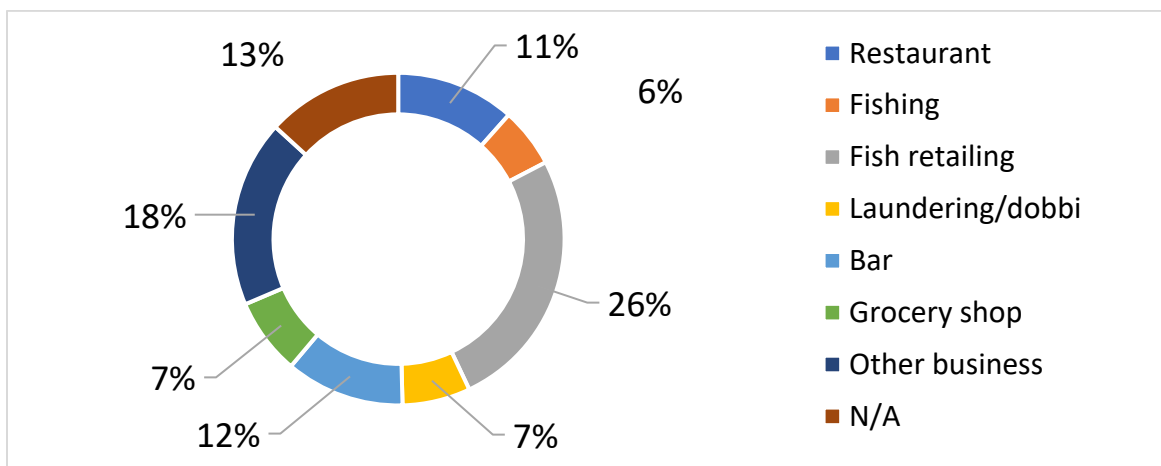
5.1.8 Vital Documents

The majority of respondents possess national identification cards as their most important personal documents. A smaller proportion possess birth certificates, and even fewer hold academic certificates, land agreements, ATM bank cards, permits and ration cards.



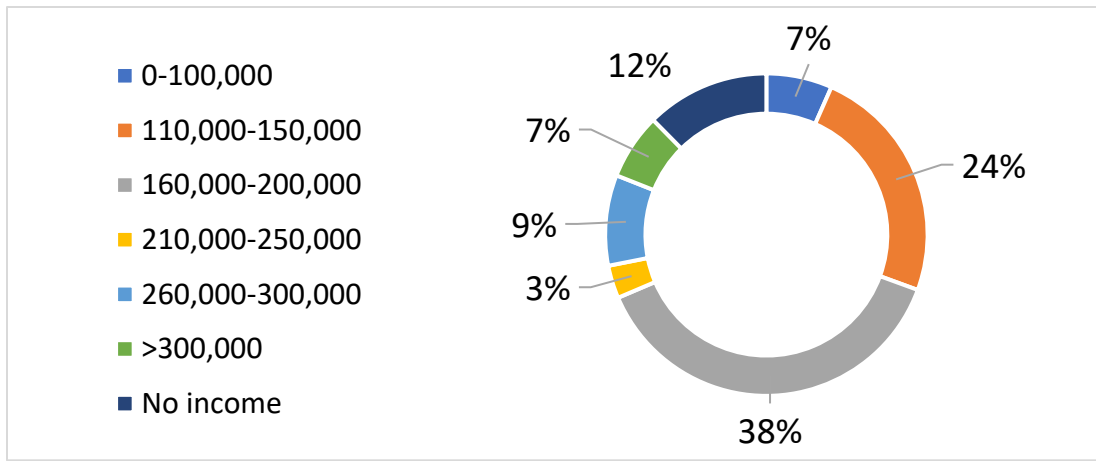
5.1.9 Work/livelihood

Respondents employ a diverse set livelihood/survival options to provide for their day-to-day needs. 26 percent of respondents were engaged in fish retailing/vending, with the rest dependent on running restaurants/food kiosks, bars and laundering.



5.1.10 Incomes

Generally, respondents participating in the survey mostly earn between UGX 100,000 and UGX 200,000 (approx. USD 30 and USD 60) monthly. Very few earn upwards of UGX 300,000 (approx. USD 90). A small proportion currently has no means of income. Placing these figures into context, the data imply that the community is precariously living on the margins of poverty and, thus, eviction from their current location without concomitant restitution would likely consign them to extreme poverty in the worst-case scenario. For most women in this community, labour mobility is extremely low, given the social demands of child-care and nurturing that many have to juggle, thus, displacement would disproportionately affect them more than the men whose labour mobility is better.

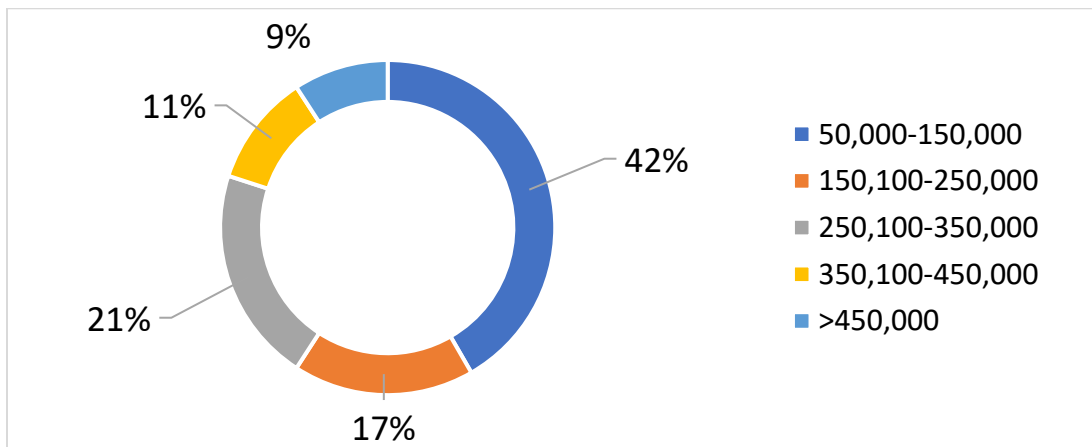


5.1.11 Household Expenditure

The baseline considered numerous assets and their centrality to the lives of the affected households, and potential impacts in the event of loss or damage due to forced relocation from their current residence.

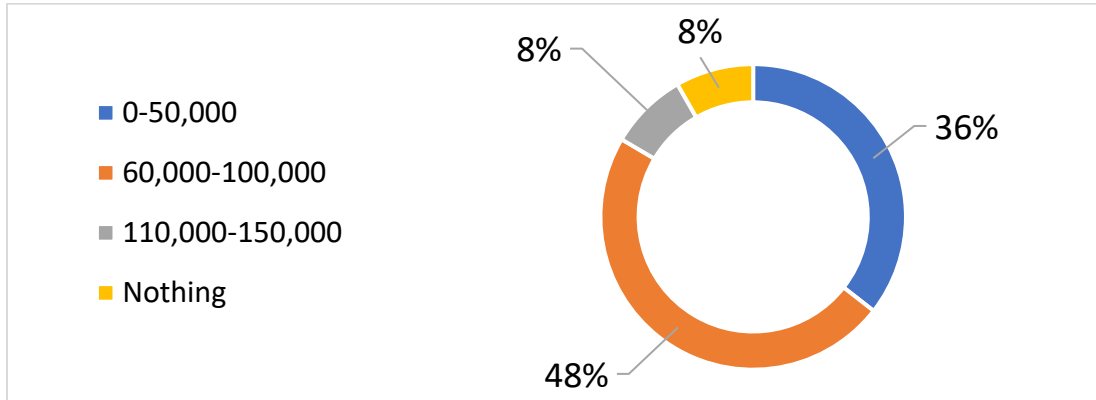
Food (Monthly)

According to most of the respondents, they spend UGX 50,000 to UGX 350,000 (approx. USD 15 to USD 95). Considering the extremely low incomes, meeting food needs places quite a heavy burden on the meagre incomes, especially of women who provide for households on their own in this community.



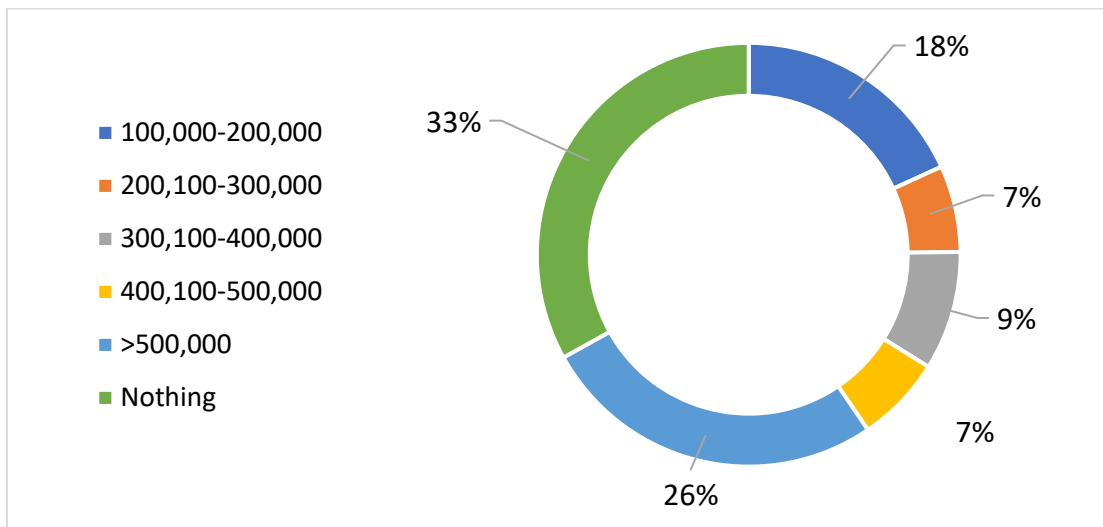
Healthcare (Monthly)

More respondents reported incurring monthly healthcare costs between UGX 60,000 to UGX 100,000 (approx. USD 18 to USD 30) than those spending less.



Education (Monthly)

A sizeable number of respondents spend more than UGX 500,000 (approx. USD 150) per month on education. Education, along with food appear to take up quite a significant proportion of respondents' earnings.



6.0 Summary, Reflections and Recommendations

Summary and Reflections

The findings from this study provide valuable reflections on the multi-dimensional challenges facing the fishing community at Mayanzi, Kigungu, Entebbe Municipality. It is hoped that these reflections and the insights they offer will enable a more-coherent, coordinated and integrated approach for responding to the existential threat of unlawful community eviction and displacement as faced by the Mayanzi fishing community, while also enacting strategic measures to counter against the occurrence of similar challenges in the future:

- (a) The threat of unlawful eviction and displacement of the Mayanzi fishing community is clearly a result of the unfolding convergence of three key issues: First, are the urban development pressures and the economic interests that underpin them, which is typical for a growing town such as Entebbe municipality; secondly, the need to safeguard and protect community livelihoods is also another critical element; and third is the aspect of security and accompanying risks given that Entebbe is a key national and international administrative hub, hosting the UN regional mission base, Uganda People's Defence Air Force, State House and the Entebbe International Airport.
- (b) The threat of evictions from residential land is not unique to Entebbe Municipality. However, though given the specifics of a fishing community, it appears to be a special case. This notwithstanding, as the competition for the country's fisheries resources accelerates steadily, it is only a matter of time before such events become commonplace. Fishing communities will emerge as a particularly vulnerable group, as militarization of the lake and urban development accelerate, especially in waterfront towns such as Entebbe Municipality.
- (c) Not only does the threat of eviction and displacement of the Mayanzi fishing community portend the seriousness of accelerating competition between public and private interests over fishery resources, it is also a pointer to the severe institutional fragmentation, dysfunction and discord in various spheres, from the local government to central government. This contention needs serious attention on the part of public institutions to mediate, especially if the grave potential social and economic impacts are to be effectively avoided.
- (d) Little credible socio-demographic, economic or other relevant documentation exists about the Mayanzi fishing community, which complicates interventions to address existential challenges such as service provision and strategic, long-term assessment and planning. Detailed enumeration and profiling is urgently required to generate more-accurate data for developing effective interventions and strategies to address the multi-faceted challenges faced by this community. It is little wonder that such needed strategies and interventions appear to remain lacking in local decision-making processes.
- (e) Discrimination against the Mayanzi fishing community, especially by other resident communities, is prevalent, although manifesting in subtle ways.
- (f) Women, older persons and children within these communities are extremely disadvantaged as compared to the men, given the entrenched patriarchy and the debilitating conditions it creates. Women are particularly vulnerable to the impacts of prostitution, asset deprivation, sexual and physical violence with serious long-term impacts on their emotional, psychological and physical health, as well as their dignity and productivity.

- (g) Uncertainty about the future of the Mayanzi fishing community is taking its toll. Discussions with the community, its leaders, the landlord's representative and Entebbe Municipality leaders through this study revealed that, while the order to evict the community was temporarily halted, no definitive decision has been communicated. This state of limbo has only reinforced the precariousness, apathy, helplessness and vulnerability of the Mayanazi fishing community.
- (h) The Mayanzi fishing community is living in extremely deplorable conditions, characterized by poor housing, inadequate access to accompanying services such as affordable, clean piped water, sanitation facilities and solid waste management, which exposes women, children, terminally ill and older persons to many health risks. This problem is compounded by the community's social and economic asset base (i.e., wealth, well-being, home and access to services) being extremely weak.
- (i) The Entebbe Municipal Council currently does not have a waterfront plan or clear strategies in place for overseeing the management and control of waterfront developments. Without such plans, the Municipal Council has little leverage to undertake effective and meaningful interventions, as in the case of the Mayanzi fishing community. The waterfronts appear to be public assets, yet they are being gradually privatized in a manner that forecloses access to the collective benefits they offer the public.
- (j) There exists a multiplex of actors, both visible and invisible, with different interests regarding the case of the Mayanzi fishing community. This ultimately creates numerous challenges to legitimacy (recognition of tenure), lines of communication and policy coherence. These actors include Entebbe Municipal Council (MC), Uganda People's Defence Air Force, Uganda People's Defence Forces, local leaders, individuals attached to high-ranking military officials and apparently invisible private businesses, all of which are operating without any clear coordination, cooperation or integration. Subsequently, there appears to be no unified intervention plan to effectively address the challenges faced by this community, with most past interventions being carried out in an ad hoc manner.

Key Recommendations

Several immediate/short, medium- and long-term recommendations, along with specific actions and targets are set out as a starting point for developing, bolstering and building institutional capacity to address gender and development-induced displacement. These are segmented into central and local government level-recommendations as presented in the following section.

a. Central Government/Public Bodies/State Institutions; e.g., Fisheries, Police, Military, etc.

Period	Recommendation	Actions	Targets
Immediate/Short Term	Provision of protection, immediate assistance and relief to community threatened by gender and development-induced displacement.	Engage law enforcement organs (i.e., police) to undertake thorough investigations and protection; Engage respective local government and public bodies (i.e., Entebbe MC, Wakiso District and Office of the Prime Minister) to harmonize positions.	Detailed investigation report; Disseminate findings from the investigation for public accountability; Designate lead and support public bodies to oversee support and protection to threatened community.
Medium Term	Initiate and implement multi-actor partnerships across state, transnational, private, community and NGO sectors to support the creation of a collaborative network to address gender and development-induced displacement.	Identify and consult key sector actors at various levels (state and non-state); Mobilize a thematic working group; Establish, agree and implement operational framework of working group.	Comprehensive profile and brief of key actors; Hold several multi-actor consultative meetings; Develop a thematic working group brief to guide key actors.
Long Term	Strengthen institutional framework for tackling gender and development-induced displacement.	Clarify actor mandates and responsibilities; Integration with other sectors such as environment, planning and education; Instigating a rigorous institutionalized monitoring program.	Comprehensive profile and brief of key state bodies; Integrated inter-sector work plans; Institutional monitoring protocol.
	Oversee radical fiscal and administrative policy decentralization to effectively empower local governments to address existential threats of gender and development-induced displacement.	Develop funding strategies for local governments to address gender and development-induced displacement;	Implement a centrally-funded structure to oversee implementation of related interventions and programs.

b. Local/sub-national government (Entebbe Municipal Council and Wakiso District)

Period	Recommendation	Actions	Targets
Immediate/Short Term	a. Undertake data and knowledge generation to support planning to counter threats of gender and development-induced displacement.	<ul style="list-style-type: none"> i. Carry out enumeration and profiling exercise to generate relevant planning data; ii. Risk assessment of vulnerabilities; 	<ul style="list-style-type: none"> i. Knowledge and database framework to support decision making; ii. Risk assessment profile for vulnerable communities.
	b. Engage vulnerable groups of the affected community; e.g., women and girls in participatory decision-making processes.	Facilitate more women and girls in Entebbe MC local public meetings; e.g., budget reading.	Set aside quotas for women in Entebbe MC public meetings.
Medium Term	a. Initiate and build multi-actor local partnerships across state, transnational, private, community and NGO sectors.	<ul style="list-style-type: none"> i. Identify and consult key sector actors at various levels (state and non-state); ii. Establish, agree and implement operational framework of multi-actor partnership; iii. Identify core local personnel to lead and guide multi-actor partnership. 	<ul style="list-style-type: none"> i. Comprehensive profile and brief of key actors; ii. Conduct multi-actor consultative meetings; iii. Develop a thematic working group brief to guide key actors; iv. Designate local working team to be led by the EMC physical planner and community development officer.
	b. Development of waterfront plan covering all landing sites as a decision support framework.	<ul style="list-style-type: none"> i. Clear designation of landing sites, recreational and other spaces; ii. Develop standards and regulations for waterfront developments. 	<ul style="list-style-type: none"> i. Comprehensive waterfront plan; ii. Detailed waterfront development guidelines.
Long Term	Prioritize investment in specialized training for local personnel to build local capacity for addressing gender and development-induced displacement.	Identify and assess capacity needs of local staffing;	Detailed institutional capacity assessment;

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Annex I: Survey Questionnaire



Shelter and settlements Alternatives | **Uganda Human Settlements Network**



Housing and Land Rights Network • Habitat International Coalition

Batch Sequence No

SSA: UHSNET

Assessing Impacts of Women's Dispossession from Land and Home

Staff details and survey time

Name of interviewer:

Date of interview:

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Name of supervisor:

Starting time:

Completed 1

Partially done..... 2(Reasons for partial response should be explained in the remarks)

Interviewer remarks:

Supported by: HIC-HLRN

Community Survey Questionnaire

Introduction

Greetings! My name is _____ (*mention name and show ID card where necessary*). I am an enumerator from Shelter and settlements Alternatives: Uganda Human Settlements Network (SSA: UHSNET).

Shelter and Settlements Alternatives: Uganda Human Settlement Network (SSA: UHSNET) is a national network organization that brings together different stakeholders in the human settlements sector to more effectively address issues and challenges affecting human settlements in Uganda. SSA: UHSNET is partnering with Housing and Land Rights Network of the Habitat International Coalition (HIC-HLRN) to implement a project titled *“Assessing Impacts of Women’s Dispossession from Land and Home.”*

We are conducting a survey on the condition of women in this area affected by a threatened eviction so as to gather information about potential losses and damage to you including to your wealth, wellbeing, and habitat in case of displacement, or other losses of home or land. It will take us one hour of your time and the information you give will be confidential.

Would you like to take part in this survey?

If yes, thank you for taking part in this important survey.

If No, (say thank you and move on to the next house)

Section A: Identification Particulars	
Name of respondent	
Telephone number	
District	
Division	
Parish	
Village/Zone	

- Complete the table below based on questioning the respondent to find out all the current members of her household where she is living now

No.	Current HH member	Relationship	Gender	Year of birth/Age	Education level	Employment status
1	Self	Self	Female			
2						
3						
4						
5						

- Where did you live originally?

Name of home of origin: Location:

- Please tell me why you left your original home (and when) and also all the reasons why you have moved subsequently, so we can get the story of your housing history

.....

4. Are you discriminated in this community based on your identity? If so, Why?

.....

Section B: Economic Values and Assets (household)

a. Structure (dwelling and other)

1. If you are to replace your house, what would be the cost?

(a) UGX 0–5,000,000	(b) UGX 6,000,000–10,000,000
(c) UGX 11,000,000–20,000,000	(d) > UGX 20,000,000

2. What is the type of occupancy?

(a) Tenant (b) Owner occupied (c) Any other

3. If renting, how much is spent per month?

4. If its owner occupied, how was it acquired?

5. If any other, specify.....

6. How did you acquire this land?

7. What is the size of the land? How much do you pay for it? And how are you using it?

.....

8. What other non-economic benefits do you get from this land/ plot?

.....

9. Where do you get water?

- i. Tap in house
- ii. Tap in compound
- iii. Kiosk
- iv. Other (specify) _____

10. Do you have any other human-made water sources?

11. Are there areas for waste disposal? i. Yes..... ii. No.....

12. What toilet facilities do you use?

- i. Latrine in compound
- ii. Communal latrine
- iii. Pit latrine
- iv. Other (specify) _____

b. Contents (personal and household articles/livelihoods inventory)

1. Now I would like to ask you about assets owned by your household.

No	Type of assets	Number	Total estimated value (in UGX)
1	Furniture/Furnishings		

2	Household Appliances e.g. Kettle, Flat iron, etc.		
3	Electronic Equipment e.g. TV., Radio, Cassette, etc.		
4	Generators		
5	Bicycle		
6	Motorcycle		
7	Boat		
8	Mobile phone (s)		
9	Other household assets		

c. Environment goods and services/ecology

1. What kind of environmental resources do you use?

(a) Water (b) Building materials (c) Food (d) Medicine (e) Others (specify).....

d. Equipment/inventory

1. How do you employ these assets to facilitate your livelihoods?

.....

e. Trees/crops

1. Do you grow crops on your land? i. Yes ii. No

2. Please list the kind of crops you grow and their value

No	Trees & crops	Cash	Food	Value
1				
2				
3				
4				

f. Infrastructure/services/utilities

1. What social amenities do you have in your place, and how far are they?

i. Hospitals distance

ii. Schools distance

iii. Banks distance

iv. Churches distance

v. Mosques distance

- vi. Community gathering points distance
- vii. Other (specify) distance

g. Livestock and animals

1. Do you own any livestock? i. Yes ii. No
2. If yes, what types?
3. Estimate their value

h. Subsidies and rations

1. What items do you receive on a regular basis without pay?
-

i. Vital documents

1. Do you possess any vital documents? i. Yes ii. No Such as?
 - (a) Academic certificates,
 - (b) National IDs,
 - (c) Birth certificates,
 - (d) ATM cards,
 - (e) Agreements,
 - (f) Driving and riding permits
 - (g) Ration cards
 - (h) Others (specify)

j. Work/livelihood

1. Do you have any source of income? i. Yes ii. No If yes, mention them.
-

2. How much is your monthly income? (Personal) (also HH income, if known)
-

k. Loans, other debt payments

1. Do you have any loans or debts and what did you use the money for?
-

2. How would it affect you in case of an eviction?
-

Section C: Regular Expenditures (household)

Type of value	Questions					
(a) Bureaucratic and legal fees	1. Are there legal services in your community? i. Yes ... ii. No ...					
	2. How do you benefit from these services?					
	3. How much do you spend on these services daily/monthly/Annually?					
(b) Food	Your food source	Amount spent	Daily	Weekly	Monthly	

	Own production																			
	Market																			
	Others (specify)																			
(c) Health care	<p>1. What is the level and frequency of disease incidence do you often suffer in this neighbourhood?</p> <p>2. Do you have access to immunization and primary, women health care services. Yes..... ii. No..... If yes, how far from your home?</p> <p>3. How much do you spend on health care per month?</p> <p>4. Are you satisfied with the services? i. Yes ii. No Reasons:</p>																			
(d) Information	<p>1. What sources of information are available to you on housing and land rights? (a) Social media, (b) TV, (c) newspaper, (d) radio, (e) community meetings, (f) Others (specify)</p> <p>2. How much do you spend on accessing this information per day on different sources of information?</p>																			
(e) Investment	<p>1. Do you use your house for economic activities? i.Yes ii. No</p> <p>2. If yes, which economic activities are you engaged in?</p> <p>3. How much investment capital did you use?</p>																			
(f) Public Participation	<p>1. Do you hold community meetings to discuss key challenges affecting the community? i. Yes ii. No</p> <p>2. If yes, how much does it cost to hold a community meeting?</p> <p>3. Other than meetings, how else do you contribute to addressing issues affecting your community and what are the costs?</p>																			
(g) Transportation Costs	<p>1. What mode of transport is commonly used in your area?</p> <p>2. Do you incur expenses on transport? i. Yes ... ii. No ...</p> <p>3. If yes, how much do you spend on transport on the following daily?</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #d9ead3;"> <th style="width: 60%;">Item</th> <th style="width: 40%;">Amount spent</th> </tr> </thead> <tbody> <tr> <td>Health facilities</td> <td></td> </tr> <tr> <td>School</td> <td></td> </tr> <tr> <td>Religious facilities</td> <td></td> </tr> <tr> <td>Market</td> <td></td> </tr> <tr> <td>Community trainings/meetings</td> <td></td> </tr> <tr> <td>Other (specify)</td> <td></td> </tr> </tbody> </table>						Item	Amount spent	Health facilities		School		Religious facilities		Market		Community trainings/meetings		Other (specify)	
Item	Amount spent																			
Health facilities																				
School																				
Religious facilities																				
Market																				
Community trainings/meetings																				
Other (specify)																				

(h) Education	1. How much do you spend on tuition, registration and school supplies?
----------------------	---

Section D: Social Assets (household)

a. Community spaces

1. What kind of spaces do you have in your community if any?
2. Do you have access to these community spaces i. Yes ... ii. No ...

b. Crèches/childcare services

3. Do you have places where to leave children while you are at work or away from home? i. Yes ... ii. No ...
Please describe

c. Cultural heritage/sacred sites/structures

1. Do you have any culturally relevant sites in your community like Shrines, burial grounds, clan enclaves? i. Yes ... ii. No ...
Please describe

d. Family

1. I would like to ask you about the qualities of a good family life.

No.	Aspect of family life	Do you consider this to be important?	Are you able to do it currently?	Do you think you will be able to do it after relocation?
1	Feeding my family			
2	Paying school fees without fail			
3	Having quality time to share with family members			
4	Attending extended family gatherings			
5	Participating in religious activities			
6	Participating in community activities			
7	Other:			

e. Inheritance status

1. Have you enjoyed any property rights through succession? i. Yes ... ii. No ...
Please describe
2. Is this succession gender distributive?

f. Inviolable/priceless values

1. Do you have any personal/ household items, photos, documents of sentimental value that were given or inherited by you/or your family.

No.	Item	Description	Estimated value (UGX)
1			

2			
3			
4			
5			

g. Psychological well-being

1. Did you suffer distress as a result of leaving your original home? i. Yes ii. No
2. How did it impact you?
3. Do you anticipate any type of distress as a result of displacement? i. Yes ii. No
Please describe

h. Social and institutional capital

1. I would like to ask you about social bonds.

No.	Type of social grouping	Do you have access to this or similar group currently?	Do you think you will have access to this or similar group after relocation?
1	Extended family whose members frequently visit(ed) each other		
2	Active community		
3	religious/other place of worship		
4	Workplace/place of employment		
5	Cooperative society		
6	Savings and credit self-help group		
7	Other type of social grouping		
8	Other:		

i. Social status/solidarity/cohesion/integration

1. What roles do you play in your community?

Section E: Civic Assets (non-material)

a. Social cohesion/ integration

1. How often do you interact with people from the neighbouring community?
2. What is the nature of the relationship between your community and the neighbouring community?
3. Is there tension and conflict within your community and between your community and your neighbours?
i. Yes ii. No
4. If yes, how has the tension and conflict manifested?
5. How is the conflict managed?

Political legitimacy

1. Are you registered as citizens with a NIN? i. Yes ii. No
2. Do you feel your rights as a citizen are respected by the authorities?
i. Yes ii. No Please describe
3. Are you registered to vote in this community? i. Yes ii. No
4. Do you have anyone from among you who has been elected in previous elections?
.....

b. Political participation

1. Do you engage in meetings with leaders in your area? i. Yes ii. No
2. If yes, how do you participate in these meetings and who organizes them?
3. What kinds of issues are discussed in these meetings?
.....
4. How regular are these meetings and do you get feedback?

c. Civil order

1. How does your community and the local leadership handle internal unrest, conflict and other social issues?
.....
2. What role do women play in handling these issues?

d. Safety and crime prevention/management

1. What types of crime/violence do you experience in your community and what's the frequency, if any?
.....
2. How are these issues handled in your community and how long does it take to solve these cases?
.....
3. Who is affected most by domestic, sexual, psychological violence in your community?
.....

Section F: Public/State Costs/Expenditures

a. Bureaucracy and administration:

1. Which government public administrative offices are available within this community?
(a) Local council office(s)
(b) Municipal council
(c) Judicial/Court
(d) Police
(e) Others (specify) _____
2. How accessible are these Public administrative offices (*charges involved, time taken, satisfaction derived from the services*) ?

b. Equipment:

1. Are you aware of any Public service works being implemented in this community (*road works, garbage collection, awareness campaigns, sewage systems, water installations, etc.*)? i. Yes ii. No Specify:
.....
2. Have you ever witnessed an eviction? i. Yes ii. No (If yes, could you describe how the process was conducted?)

3. If yes, what kind of tools/equipment was used?
4. What personnel conducted the eviction?

c. Lawyers and judges

1. I would like to know if there are any public legal aid services in this community (*i.e., LCs, courts, police, others*)
Please specify:

d. Police:

1. Where is the nearest police station in your community (*how far*)? _____
2. How do you assess services of the police? _____
 - (a) Number of personnel? _____
 - (b) Frequency of their presence (during day/night hours)? _____

e. Military:

1. Do you have any military presence in this area? _____
2. How do you assess the military presence? _____
 - (a) Number of personnel? _____
 - (b) Frequency of their presence? _____

f. Services and fees:

1. Are public services available in your area?
 - i. Health services Distance.....
 - ii. Urban planning Distance.....
 - iii. Sanitation (sewage treatment, garbage collection etc.) Distance
 - iv. Education services Distance.....
 - v. Public Notice / information) Distance.....
 - vi. Issuance of national documents Distance.....
 - vii. Others (specify)

End Time: _____