

Land, Livelihoods, and Human Rights: A Legal Analysis of the Balaalo Situation in Northern Uganda Under Trespass to Land Law

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Abstract

The study examines the Balaalo pastoralist situation in Northern Uganda, focusing on the legal and human rights implications of land disputes under the law of trespass to land. The presence of Balaalo communities has generated tensions over land rights, communal ownership, and individual property interests, challenging both Ugandan customary and statutory legal frameworks as well as national and international human rights standards (Green, 2008). The study aims to analyze the Balaalo situation within the context of Ugandan trespass law, assess the human rights implications for affected communities, and identify legal and policy gaps that exacerbate land-related conflicts. Employing a qualitative case study design, the research utilizes interviews with local authorities, review of legal documents and court cases, and thematic analysis of the collected data. Findings reveal that conflicts largely arise from the intersection of customary land tenure and statutory law, with significant gaps in the enforcement of property rights, inconsistent legal and institutional responses, and human rights concerns related to evictions and restrictions on pastoralist mobility. The study concludes that harmonizing trespass law with human rights standards is essential and recommends policy reforms to enhance legal clarity, the establishment of inclusive adjudication mechanisms, promotion of community mediation efforts, and the development of improved cadastral systems to mitigate conflict while protecting the livelihoods and rights of all stakeholders.

1. Introduction

The Balaalo situation in Northern Uganda exemplifies a complex intersection between traditional nomadic practices and contemporary land-rights paradigms. This study seeks to illuminate the multifaceted and often legally contested landscape, shaped by statutory frameworks, customary land tenure, and human rights considerations. Uganda's legal system, rooted in the 1995 Constitution, statutory law,

and customary practices (Enemark & McLaren, 2018), provides the backdrop against which these tensions unfold.

This chapter lays the foundation for the study by contextualizing the core problem and outlining its significance. It examines the challenges faced by the Balaalo community in securing land rights, sustaining livelihoods, and protecting human rights within the framework of trespass to land law (Green, 2008). The chapter further

presents the study objectives, research questions, and scope, while highlighting the theoretical and legal frameworks that guide the analysis. By establishing this context, the chapter demonstrates the relevance of the study to both legal scholarship and practical interventions in land disputes.

1.1 Context and Background

Since the early 2000s, the Balaalo pastoralists have frequently migrated from the western regions of Uganda to the northern areas like Acholi, Lango, and West Nile (Green, 2008). This movement often occurs in pursuit of fertile grazing lands, driven by periodic droughts and pasture scarcity in their traditional homelands (Kaimba et al., 2011). The Balaalo's lifestyle is inextricably linked to pastoral mobility, a necessity for sustainable cattle rearing (Turner & Schlecht, 2019). However, this mobility often leads to the encroachment of communal lands traditionally used for agriculture, precipitating conflict with sedentary, agrarian communities (Green, 2008).

Uganda's land tenure system is characterized by a duality of traditional and statutory practices. The 1995 Constitution of Uganda, specifically Articles 237 and 26, provides the constitutional foundation for land governance. Article 237 (3) recognizes customary tenure, which entails communal ownership without formal documentation. Customary land tenure is predominant in Northern Uganda and operates through family and clan-based systems, where land is often allocated based on lineage rather than individual ownership (Muhindo, 2018).

In contrast, statutory systems such as freehold, leasehold, and Mailo tenure involve registered and legally recognized land ownership (Muhindo, 2018). Tensions arise when statutory land reforms, often imposed without consideration of customary practices, disrupt traditional land use patterns (Muhindo, 2018). The Penal Code Act, Cap 128, especially its provisions on trespass, further complicates these scenarios by introducing legal repercussions for unauthorized land use, often affecting pastoral groups like the Balaalo (Asad et al., 2024).

The historical context of land disputes in Uganda is deeply rooted in colonial legacies and subsequent legal reforms (Asad et al., 2024). The introduction of Mailo land by the British colonial administration monetized and individualized land ownership, a stark departure from Uganda's

communal land traditions (Asad et al., 2024). Post-independence reforms meant to integrate these systems have often faltered, leaving a legacy of unresolved land disputes (Asad et al., 2024).

Government interventions, such as the eviction orders executed under Presidential directives in the 2010s and 2020s, underscore the state's efforts to mediate these conflicts. However, such interventions often exacerbate tensions due to the lack of compensation for displaced pastoralists and the unilateral imposition of statutory law over customary rights, as seen in landmark cases such as *Attorney General v. Patrick Muwanga* and subsequent rulings addressing land occupation and rights (Oloka-Onyango, 2017).

1.1.1 Problem Statement

Conflicts typically arise where Balaalo settlements intersect with host community lands. Issues of trespass, crop destruction, and evictions are frequent, prompting legal battles that pit statutory law against customary practices. The tension is particularly evident when Balaalo pastoralists are accused of occupying land without formal titles, a scenario that disregards the historical use and occupation by these groups under customary tenure (Nakayi & Kirya, 2017).

The legal tension extends to human rights issues. The enforcement of statutory laws often fails to consider the pastoral community's rights to livelihood and movement, conflicting with Article 22 of the Constitution, which guarantees protection against arbitrary eviction. The eviction cases, such as those decided by the High Court in the wake of Executive Orders against nomadic settlers, highlight the disconnect between legal enforcement and human rights protection, compounding the grievances of both pastoralists and indigenous communities (Nakayi, 2023).

The challenges inherent in balancing enforcement of land laws with human rights protections are emblematic of larger systemic issues within Uganda's legal framework. Customary laws, which protect communal rights and traditional land use, often clash with statutory provisions that emphasize individually registered land rights. Consequently, the legal ambiguities and inconsistent enforcement contribute to the perpetuation of disputes, creating an urgent need for comprehensive policy reforms and adjudication mechanisms that respect both legal traditions and human rights obligations.

By and large, the Balaalo conundrum in Northern Uganda encapsulates the broader struggle between adherence to statutory law, respect for customary practices, and the safeguarding of human rights. Addressing these conflicts requires nuanced understanding and strategic reforms that harmonize diverse land tenure systems, ensuring equitable solutions for all stakeholders. Incorporating perspectives from legal authorities, policymakers, and affected communities is crucial in crafting frameworks that reflect Uganda's unique socio-legal landscape and promote sustainable peace in regions fraught with historical and emergent land conflicts.

1.2 Purpose of the Study

The purpose of this study is to critically examine how Ugandan law, specifically trespass to land, property law, and constitutional human rights protections, responds to land-related disputes involving Balaalo pastoralists and host communities in Northern Uganda. By situating these disputes within both statutory and customary legal frameworks, the study seeks to evaluate whether existing legal and institutional mechanisms adequately balance land rights, livelihood protection, and human rights obligations.

1.3 Research Objectives

The study is guided by the following objectives:

- 1) To examine the legal frameworks governing trespass to land in Uganda, with particular attention to their application within customary land tenure systems.
- 2) To assess the human rights implications of land disputes for Balaalo pastoralists and host communities, including impacts on livelihoods, freedom of movement, and property rights.
- 3) To analyze institutional and administrative responses to land disputes, including the roles of local authorities, courts, and central government interventions.
- 4) To identify gaps and inconsistencies in law, policy, and enforcement that exacerbate land-related tensions and undermine effective conflict resolution.

1.4 Significance of the Study

This study makes an important contribution to

scholarship and practice in several respects. Academically, it bridges legal and human rights literature by offering an integrated analysis of statutory law, customary land tenure, and rights-based frameworks in the context of pastoralist land conflicts. From a policy perspective, the study provides evidence-based insights to inform legal reform, human rights protection strategies, and community-level mediation initiatives aimed at reducing land-related conflicts. Adopting a rights-based perspective, the study foregrounds the protection of livelihoods, freedom of movement, and equitable access to land as central to sustainable conflict resolution.

1.5 Scope and Limitations of the Study

The study is geographically confined to Northern Uganda, with particular focus on the Acholi, Lango, and West Nile sub-regions, where Balaalo-related land disputes have been most pronounced. The population of interest includes Balaalo pastoralists, host community landowners, local government officials, and relevant legal authorities. Thematically, the study is limited to land disputes arising under trespass law, their interaction with customary land tenure systems, associated human rights concerns, and institutional responses. While the findings provide valuable legal and policy insights, they may not fully capture the dynamics of pastoralist land conflicts in other regions or under different socio-political contexts.

2. Methodology

This study employed a **qualitative methodological framework** that combines doctrinal legal analysis with an empirical case study approach to investigate the Balaalo pastoralist situation in Northern Uganda, focusing on trespass to land law, its enforcement, and human rights implications. The methodology was designed to ensure that legal norms, institutional practices, and lived experiences are examined in an integrated and contextually grounded manner. Drawing on established qualitative research principles (Creswell & Poth, 2017), this chapter describes the research design, population, and sampling strategy, data collection and analysis procedures, ethical safeguards, and limitations. Emphasis is placed on methodological rigor, reliability, validity, and adherence to human rights standards, in line with international research ethics frameworks.

2.1 Research Design

The research adopted a qualitative case study design, appropriate for capturing complex, context-dependent phenomena where law, customary practices, and social dynamics intersect. Qualitative case study methodology allows in-depth exploration of legal phenomena in their real-world settings, particularly where multiple sources of evidence are available (Yin, 2018).

A doctrinal legal analysis formed the first component of the research design. This involved a systematic examination of statutory and constitutional provisions, including the *Constitution of the Republic of Uganda (1995, as amended)*, the *Penal Code Act (Cap. 128)*, and principles of the law of torts relating to trespass to land. Judicial decisions from Uganda and comparative jurisdictions were analyzed to identify legal norms, interpretive trends, and gaps affecting pastoralist land rights. This doctrinal component was informed by internationally recognized legal research standards.

The second component, the case study approach, contextualized doctrinal findings within lived experience by engaging directly with stakeholders affected by land conflicts. Case studies enable examination of the dynamic interaction between law, policy, and community practices, a mode of inquiry recommended in pastoralism and land governance research (AU *Framework on Land Policy in Africa*; FAO *Voluntary Guidelines on the Responsible Governance of Tenure*) (“Framework and Guidelines on Land Policy in Africa,” 2011). By integrating doctrinal analysis with empirical data, the design ensured that research findings reflect both *legal prescriptions* and *law in action*.

This combined approach allowed the study to address its core objectives: (1) examining the legal framework governing trespass to land; (2) assessing human rights implications for pastoralists and host communities; (3) analyzing institutional responses to land disputes; and (4) identifying gaps in law and policy that exacerbate conflict.

2.2 Target Population and Sampling

The study’s target population comprised eighteen participants, purposively selected to capture a diverse range of perspectives on Balaalo-related land disputes in Northern Uganda. Participants were drawn from four key stakeholder groups: Local Authorities,

Community Leaders, Legal Practitioners, and Balaalo Pastoralists. This selection ensured representation across administrative, customary, legal, and lived-experience perspectives, allowing the study to triangulate data and produce robust, contextually grounded findings (Creswell & Poth, 2017; Miles et al., 2014).

Local Authorities included district officials, sub-county representatives, and local council leaders responsible for implementing land laws and managing disputes at the grassroots level. Their inclusion aligns with Uganda’s statutory framework for local governance under the Local Government Act, Cap. 243, which vests administrative responsibility for land management in local councils and officials (Republic of Uganda, 1997). These participants were purposively selected to provide insights into the enforcement of statutory provisions, including the Land Act (Cap. 236) and trespass law, accounting for 27.8% of the total sample.

Community Leaders were drawn from elders and leaders of host communities who manage or represent customary land interests. They provided perspectives on communal land management, customary tenure systems, and local conflict resolution mechanisms, also representing 27.8% of the participants. Their inclusion reflects the dual legal system in Uganda, where customary land tenure coexists with statutory land law and where local leaders play a critical role in mediating disputes (Anying & Gausset, 2017).

Legal Practitioners, including lawyers, magistrates, and legal officers, offered expert interpretations of statutory law, judicial precedents, and human rights standards. This group constituted 22.2% of the total sample. They ensured that the study incorporated formal legal perspectives, referencing instruments such as the 1995 Constitution of the Republic of Uganda (as amended), the Penal Code Act (Cap. 128), and relevant principles of tort law relating to trespass (Dennison, 2017; Nanima, 2016).

Balaalo Pastoralists were included to provide firsthand accounts of mobility restrictions, access to land, and evictions, representing 22.2% of the participants. Their experiences highlighted the practical and social consequences of land disputes, aligning with research on pastoralist livelihoods in Africa and Uganda, which underscores the vulnerability of nomadic groups to land tenure conflicts and human rights

violations (Andy, 2013; Sakamoto, 2016; Homewood et al., 2009).

Participants were recruited through official channels, including district offices, community associations, and legal networks, and participation was voluntary. Purposive sampling, a widely accepted non-probability technique in qualitative research, was employed to identify individuals with direct involvement or expert knowledge of Balaalo land issues (Creswell & Poth, 2017). Inclusion criteria

required participants to have substantial experience with land disputes, pastoralist mobility, or customary land governance, while individuals lacking this experience were excluded. This approach emphasizes depth and contextual richness rather than statistical generalization, aligning with the goals of qualitative research (Patton, 2014).

The composition of participants and sampling strategy is summarized in Table 1:

Table 1. Study Participants by Category, Number, Role, and Sampling Technique

Category	Sub-Category / Role	Number of Participants (n)	Percentage of Total Sample (%)	Rationale for Selection	Sampling Technique
Local Authorities	District officials, sub-county leaders	5	27.80%	Responsible for statutory enforcement of land laws; provide administrative perspectives	Purposive
Community Leaders	Elders and customary land leaders	5	27.80%	Represent customary tenure systems and local conflict resolution mechanisms	Purposive
Legal Practitioners	Lawyers, magistrates, legal officers	4	22.20%	Offer expert interpretation of statutory law, case precedents, and judicial trends	Purposive
Balaalo Pastoralists	Pastoralist community members	4	22.20%	Provide firsthand experiences of mobility constraints, evictions, and land access	Purposive
Total		18	100%		

Source: Primary Data, 2026.

Explanation of the Table:

This table provides a clear overview of participant composition, the sampling technique, and the rationale for inclusion. Percentages indicate the proportional representation of each group, allowing readers to understand how perspectives were balanced across stakeholders.

- Local Authorities (27.8%) contributed administrative and institutional insights on the enforcement of land laws and conflict resolution practices.

- Community Leaders (27.8%) provided insights on customary land tenure, community management, and local conflict resolution, reflecting Uganda’s dual legal system (The Land Act, Cap. 236; Anying & Gausset, 2017).
- Legal Practitioners (22.2%) offered expert interpretations of statutory provisions, judicial precedents, and human rights frameworks, grounding the study in formal law (Constitution of

Uganda, 1995, as amended; Nakayi & Kirya, 2017).

- Balaalo Pastoralists (22.2%) highlighted the human and social dimensions of land disputes, providing critical context for understanding mobility, access, and livelihoods (Andy, 2013; Sakamoto, 2016; Homewood et al., 2009).

By combining purposive selection with careful stakeholder representation, the study ensured comprehensive and triangulated data collection across institutional, legal, customary, and lived-experience perspectives. This sampling strategy enhances the credibility, reliability, and depth of the findings, providing a nuanced understanding of land disputes, human rights issues, and pastoralist livelihoods in Northern Uganda.

2.3 Data Collection Procedures

Data were collected using four complementary qualitative methods to capture legal norms, institutional practices, and lived experiences:

- **Semi-structured interviews** were conducted with representatives from all stakeholder groups. Interviews were designed to elicit nuanced information on trespass law enforcement, land access, dispute resolution mechanisms, and human rights implications. Each interview lasted approximately 30–60 minutes, conducted in English or relevant local languages with translation support where necessary.
- **Focus Group Discussions (FGDs)** supplemented individual interviews by capturing collective perceptions and shared experiences. Separate FGDs were held with host community members and with pastoralist groups to encourage open discussion and cross-validation of views.
- **Document Review** involved systematic examination of legal texts, constitutional provisions, government policy documents, directives, and media reports to establish the formal legal and policy framework governing land and human rights. This review was guided by the protocol recommended in legal and policy research methodologies (Dalglish et al., 2020).
- **Legal Case Analysis** engaged publicly reported cases involving land trespass

and human rights claims to assess judicial reasoning, remedies, and consistency in legal interpretation. Analysis considered both Ugandan case law and relevant comparative jurisprudence.

Instrument pre-testing was conducted with select legal practitioners and community representatives to refine interview and discussion guides for clarity and relevance.

All data were digitally recorded, securely stored, and encrypted. Transcripts were anonymized to protect participant identities. Data access was restricted to the research team in accordance with ethical standards outlined by internationally recognized guidelines (Berkowitz & Delacour, 2022; Wilms et al., 2018).

2.4 Data Analysis

Data analysis was conducted through a complementary thematic and doctrinal analytical process. Empirical data from interviews and FGDs were transcribed verbatim and analyzed thematically to identify recurring patterns, narratives, and concerns related to land use, conflict dynamics, and rights violations. Coding was facilitated using NVivo 12 software, consistent with qualitative research practice (Miles et al., 2014).

Doctrinal legal analysis involved the interpretation of statutes, judicial decisions, and policy texts to elucidate legal principles governing trespass and human rights protections. Findings from thematic and doctrinal analyses were triangulated to reconcile discrepancies between legal prescriptions and lived realities, enhancing internal validity.

Trustworthiness was strengthened through member checking, in which participants reviewed preliminary interpretations for accuracy, and peer debriefing with academic and legal experts. An audit trail was maintained, documenting data collection and analytical decisions.

2.5 Ethical Considerations

Ethical integrity was central to the study. Before fieldwork, ethical approval was obtained from an institutional review board, ensuring compliance with formal research ethics protocols. Informed consent was obtained from all participants following a clear explanation of the study's purpose, procedures, potential risks, and benefits. Confidentiality was maintained through

anonymization and secure data storage. Measures were taken to minimize harm, stress, or social repercussions, particularly for vulnerable pastoralist participants. Research procedures were aligned with national law and international human rights standards, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (Gostin, 2001).

Potential conflicts of interest were disclosed and managed transparently, and researchers maintained neutrality in data collection and interpretation.

2.6 Limitations of the Methodology

While the methodology was rigorous, limitations are acknowledged. The purposively selected sample and non-randomized design limit statistical generalizability. Participants may have underreported experiences due to recall limitations or social desirability bias. The doctrinal focus may not fully capture unwritten customary norms outside formal legal texts. These limitations are mitigated through triangulation and trustworthiness measures, and they are consistent with the epistemological foundations of qualitative inquiry.

2.7 Presentation of Findings

Findings were presented thematically, structured around the study's core objectives. Verbatim quotations were used to illustrate lived experiences, while legal texts and judicial decisions provided authoritative grounding. This thematic presentation facilitated integration of normative legal standards with empirical observations, enabling readers to understand the interplay between statutory law, customary practices, and everyday realities of pastoralist and host communities.

3. Literature Review

This literature review interrogates the intersection of trespass to land law, customary land tenure, human rights, and institutional governance in Uganda, with specific reference to the Balaalo pastoralist situation in Northern Uganda. Anchored in the study's objectives, the review strategically synthesizes legal doctrine, human rights theory, and empirical scholarship to establish both the scholarly consensus and the unresolved tensions that necessitate the present study. The purpose is to identify gaps in knowledge, establish the conceptual foundation for the study, and justify the research questions

and methodology employed.

3.1 Legal Frameworks Governing Trespass to Land Within Customary Tenure Systems

Trespass to land occupies a central position in Ugandan property law, functioning as a legal mechanism for protecting possession and maintaining public order. Under Ugandan law, trespass is recognized both as a civil wrong under the law of torts and as a criminal offence under the Penal Code Act, Cap. 128, particularly sections dealing with unlawful entry and interference with property. Doctrinally, trespass emphasizes the protection of possession rather than ownership, requiring no proof of damage once unlawful entry is established (Penal Code Act, Cap. 128).

However, this doctrinal clarity becomes legally fragile when applied within customary land tenure systems, which dominate landholding in Northern Uganda. Article 237 of the 1995 Constitution of Uganda (Uganda, 1995) vests land ownership in the citizens of Uganda and explicitly recognizes customary tenure as a lawful form of landholding. Article 237(3)(a) (Uganda, 1995) further affirms that land under customary tenure shall be governed by customs, traditions, and practices of the communities concerned. This constitutional recognition fundamentally alters the context in which land-related law must be interpreted, creating tensions between customary and written law, and reshaping dispute resolution (Mujuzi, 2020; Anying & Gausset, 2017).

Comparative legal scholarship reveals a shared concern: statutory trespass regimes, rooted in individualistic notions of exclusive possession, often fail to accommodate communal landholding and negotiated access arrangements characteristic of customary tenure systems (Wily, 2011, 2018). This incompatibility is particularly pronounced in pastoralist contexts, where land use is seasonal, mobile, and socially regulated rather than fixed by surveyed boundaries. The literature thus converges on the view that rigid application of trespass law, without constitutional contextualization, risks undermining the very customary systems the Constitution seeks to protect.

3.2 Human Rights Implications of Land Disputes for Pastoralists and Host Communities

Land disputes involving pastoralist communities implicate a broad spectrum of human rights protected under both domestic and international

law. The 1995 Constitution of Uganda, under Articles 20 and 21, guarantees the inherent dignity and equality of all persons (Mujuzi, 2023), while Article 26 protects the right to property and prohibits deprivation except in accordance with the law and upon prompt, fair compensation (Kaalund, 2023). These provisions are reinforced by Uganda's obligations under international and regional instruments such as the Universal Declaration of Human Rights (UDHR) and the African Charter on Human and Peoples' Rights, which recognize property, livelihood, freedom of movement, and cultural rights (Ahimbisibwe, 2017).

Peer-reviewed studies consistently demonstrate that land-related conflicts disproportionately affect pastoralist livelihoods, food security, and cultural survival (Homewood et al., 2009; Kaalund, M., 2023; Andy, 2013; Letai & Lind, 2013). For the Balaalo, mobility is not merely an economic strategy but a cultural and ecological necessity. Yet statutory enforcement of trespass laws frequently criminalizes pastoral movement, framing it as an unlawful intrusion rather than a legitimate land-use practice rooted in customary norms (Michael & Pablo, 2022).

While there is broad agreement that both pastoralists and host communities possess legitimate rights and interests, the literature reveals a normative tension. One strand prioritizes sedentary agricultural property rights as essential for food security and investment, while another emphasizes the collective and livelihood rights of pastoralists as protected minorities. Human rights scholars argue that failure to balance these interests through proportional and participatory mechanisms results in violations of Articles 20, 21, and 36 of the Constitution (Kameri-Mbote, P., 2013), the latter specifically safeguarding minority rights (Ashukem, 2019). This unresolved tension underscores the need for a rights-based legal framework capable of mediating competing land claims.

3.3 Institutional and Administrative Responses to Land Disputes

Institutional responses to land disputes in Uganda have attracted sustained scholarly criticism. Local government authorities, traditional leaders, courts, and central government agencies all play roles in land governance, yet their mandates frequently overlap or conflict. Empirical studies indicate

that local authorities often lack technical capacity and legal clarity to adjudicate complex customary land disputes, while customary institutions are increasingly marginalized despite constitutional recognition (Nuwagaba et al., 2024).

Courts, though constitutionally empowered under Article 126 to administer justice in conformity with law and equity, face structural barriers including evidentiary challenges in proving customary ownership, high litigation costs, and procedural delays. As a result, administrative and executive interventions, such as eviction orders and security-led enforcement, have become common responses to pastoralist land conflicts.

The literature strongly critiques these approaches for bypassing due process and undermining judicial authority. Legal commentators argue that executive actions that disregard Articles 26 and 28 of the Constitution (Michael, O., & Pablo, M., 2022), protecting property rights and the right to a fair hearing, risk rendering land governance arbitrary and politicized (Fenster, 2006). Comparative studies from Kenya and Tanzania reinforce this critique, demonstrating that coercive administrative responses tend to entrench grievances rather than resolve disputes (Demarest, 2014; Boone, 2014).

3.4 Gaps, Inconsistencies, and Enforcement Failures

Despite extensive scholarship on land conflicts, pastoralism, and customary tenure, there remains a striking absence of integrated legal-human rights analysis focused specifically on trespass to land. Much of the existing literature treats statutory law, customary systems, and human rights as parallel rather than intersecting regimes. This fragmentation obscures how constitutional guarantees, penal provisions, and administrative practices interact in practice.

Moreover, enforcement inconsistencies are well-documented but insufficiently theorized. Scholars note that similar acts of land occupation may be treated as lawful in one context and criminal in another, depending on political influence, ethnicity, or economic interests (Jenss, 2018). Policy reforms have largely failed to address these enforcement gaps, focusing instead on legislative amendments without strengthening institutional coordination or accountability.

This gap is particularly acute in Northern Uganda, where post-conflict land restitution,

weak documentation, and pastoral mobility converge to produce heightened vulnerability. The absence of coherent jurisprudence harmonizing trespass law with customary tenure and human rights norms continues to exacerbate land-related tensions.

3.5 *Connecting the Literature to the Present Study*

Against this scholarly backdrop, the present study positions itself as a necessary and timely intervention. By systematically examining trespass to land law through the lenses of constitutional supremacy, customary tenure, and human rights obligations, the study bridges doctrinal legal analysis with lived realities. It responds directly to calls within the literature for context-sensitive, rights-based approaches to land governance.

This research advances knowledge by interrogating not only what the law states, but how it is enforced, contested, and experienced by Balaalo pastoralists and host communities. In doing so, it contributes a legally grounded, human rights-centered framework capable of informing judicial reasoning, policy reform, and sustainable conflict resolution in Uganda and comparable jurisdictions.

4. Findings, Analysis, and Discussion

This chapter presents the study's empirical and doctrinal findings, interprets their significance, and situates them within broader legal, social, and human rights contexts. By integrating analysis with discussion, the chapter provides a holistic understanding of the challenges faced by the Balaalo community in Northern Uganda regarding land rights, livelihoods, and human rights under the legal framework of trespass to land law.

4.1 *Trespass Conflicts and Eviction Orders*

The results of the present study support the hypothesis that land-related conflicts involving Balaalo pastoralists in Northern Uganda are fundamentally driven by the misapplication and over-criminalization of trespass law within landscapes predominantly governed by customary land tenure systems. Empirical evidence demonstrates that disputes frequently emerge when pastoral mobility intersects with communally held land, where ownership is collective, boundaries are fluid, and access is traditionally negotiated through social norms rather than formal demarcation. These findings are consistent with prior scholarship indicating

that formal legal provisions are routinely invoked to resolve disputes that are essentially civil, customary, and relational in nature (Wily, 2018; Boone, 2014).

Trespass conflicts and eviction orders emerged as the most visible and recurrent manifestation of these disputes. Host communities commonly relied on statutory notions of exclusive possession embedded in the Land Act, Cap. 227 (Gay, 2016), particularly provisions criminalizing unlawful entry onto land, to justify the removal of pastoralists. In contrast, Balaalo respondents grounded their claims in customary practices of seasonal access, negotiated grazing arrangements, and historical mobility patterns, none of which are explicitly accommodated within Uganda's formal trespass regime. This legal dissonance mirrors broader national trends identified in earlier studies on land conflict escalation in Uganda, where statutory enforcement collides with customary tenure realities (Rugadya, 2008; Wily, 2018).

Our analysis highlights a significant correlation between administratively issued eviction orders and the escalation rather than resolution of land conflicts. In practice, Local Council I (LC1) leaders, Resident District Commissioners (RDCs), and district security committees frequently issued eviction directives without judicial oversight or procedural safeguards. This occurs notwithstanding Article 28 of the Constitution of the Republic of Uganda (1995) (Uganda, 1995), which guarantees the right to a fair hearing. This pattern suggests that executive-led enforcement, rather than court-sanctioned adjudication, plays a pivotal role in perpetuating unlawful evictions, community resentment, and retaliatory violence. Jurisprudence such as *Justine E. M. N. Lutaaya v. Stirling Civil Engineering Co. Ltd* (2002) affirms that trespass is primarily a civil wrong grounded in possession, not criminal liability; however, the study reveals that this doctrinal clarity remains poorly internalized at the local administrative level.

In interpreting these results, it is evident that the conflation of civil trespass with criminal culpability has normalized extra-judicial remedies. The data provide compelling evidence of systemic due process violations, thereby challenging prior assumptions that administrative evictions are effective instruments for maintaining public order. A key implication of these findings is that persistent reliance on

executive action, in place of judicial determination, undermines the rule of law and erodes public confidence in land governance institutions.

4.2 Human Rights Implications: Freedom of Movement and Livelihood Security

The study further establishes that Balaalo-related land disputes generate profound and far-reaching human rights implications for both pastoralists and host communities. The results of the present study support the hypothesis that forced evictions and movement restrictions disproportionately infringe upon constitutionally protected rights, particularly freedom of movement under Article 29 (Uganda, 1995) and the right to property under Article 26 of the Constitution of Uganda (1995) (Uganda, 1995). These findings are consistent with a substantial body of literature demonstrating that pastoralist livelihoods are especially vulnerable to land governance regimes that privilege sedentary land use over mobile production systems (Andy, 2013; Sakamoto, 2016; Smith, 2021).

The study uncovered compelling evidence of human rights violations across all research sites, including forced evictions, destruction of livelihoods, loss of livestock, and restrictions on seasonal grazing mobility. These outcomes align with earlier studies showing that weakly regulated land administration systems disproportionately harm vulnerable populations, particularly pastoralists whose livelihoods depend on mobility and access to shared resources (Kameri-Mbote, 2013; Robinson & Flintan, 2022). Such practices raise serious constitutional concerns not only under Article 26 on property rights but also under Article 45 (Nuwagaba, I. et al., 2024), which preserves inherent rights derived from human dignity.

Our analysis highlights a significant correlation between eviction practices and livelihood insecurity, manifesting through disrupted grazing cycles, livestock mortality, food insecurity, and deepened poverty. This pattern suggests that mobility plays a pivotal role in pastoralist survival strategies and should be recognized as an essential component of livelihood protection rather than construed as a security threat. At the same time, the findings demonstrate that host communities experience parallel rights violations, including crop destruction, environmental degradation, and

threats to personal safety. This duality complicates simplistic narratives that frame the conflict as a unidirectional violation and underscores the need for balanced, rights-sensitive interventions.

Contrary to expectations, the analysis reveals that human rights violations are frequently facilitated by state institutions acting beyond their legal mandate. Taken together, the results implicate weak human rights mainstreaming within land administration, security enforcement, and local governance as a critical factor sustaining land-related conflict. These outcomes underscore the need for further inquiry into rights-based land governance frameworks capable of accommodating both pastoral mobility and community land protection.

4.3 Institutional Responses: Local Authorities, Courts, and Central Government

The findings demonstrate that institutional responses to Balaalo-related land disputes are fragmented, inconsistent, and frequently contradictory. The results of the present study support the hypothesis that informal institutions act swiftly but unlawfully, while formal judicial institutions act lawfully but remain largely inaccessible to affected populations. These findings align with existing literature on legal pluralism, which cautions that poorly coordinated institutional arrangements often deepen enforcement gaps and exacerbate conflict rather than resolve it (Thamari-odhiambo, 2021; Valkonen, 2020).

Local Council I (LC1) courts routinely issued eviction orders without clear jurisdiction, written decisions, or procedural safeguards, while formal courts and administrative directives from central government institutions occasionally contradicted these local determinations (Kerrigan et al., 2012; Mujuzi, 2020).

Our analysis highlights a significant correlation between reliance on local administrative mechanisms and procedural irregularities, including the absence of mediation, lack of legal representation, and disregard for jurisdictional limits prescribed under the Local Council Courts Act. This pattern suggests that institutional expediency plays a pivotal role in undermining constitutional safeguards, particularly Article 126 of the Constitution (Uganda & Uganda, 1995), which mandates that justice be administered in conformity with the law and in a manner that promotes substantive justice.

Contrary to expectations, the analysis reveals that central government interventions, such as presidential eviction directives, often intensify legal uncertainty by bypassing both customary dispute resolution mechanisms and formal courts. The data provide compelling evidence of institutional overreach, challenging prior assumptions that executive intervention necessarily restores order. A key implication of these findings is the urgent need to recalibrate institutional roles and restore judicial primacy in land dispute resolution.

4.4 Statutory–Customary Law Disconnect and Legal Gaps

The study reveals a persistent and structural disconnect between statutory land law and customary land governance. The results of the present study support the hypothesis that Uganda’s legal framework inadequately reconciles customary tenure, recognized under the Land Act, Cap. 236, with penal sanctions for trespass that remain individualistic and rigid. These findings are consistent with previous literature indicating that unresolved legal pluralism fuels land insecurity in post-colonial states (Thamari-odhiambo, 2021).

Our analysis highlights a significant correlation between the absence of legally recognized grazing corridors and discretionary enforcement by state actors. This pattern suggests that legal ambiguity plays a pivotal role in enabling the selective application of trespass laws, often to the detriment of marginalized pastoral communities. In interpreting these results, it is evident that statutory silence on pastoral mobility has created enforcement vacuums that are filled by coercive administrative practices rather than rights-based solutions.

4.5 Interpretation and Broader Implications

Taken together, the results implicate legal fragmentation and institutional inconsistency as critical drivers of the persistence of Balaalo-related land conflicts. The data provide compelling evidence for the need to reconceptualize trespass law within a broader human rights and livelihood protection framework, thereby challenging prior assumptions that criminal enforcement alone can secure land order. A key implication of these findings is that sustainable conflict resolution requires deliberate harmonization of statutory law, customary norms, and constitutional human rights guarantees.

These outcomes underscore the need for further investigation into integrated land governance models that prioritize mediation, legal clarity, and access to justice. Absent comprehensive reforms aligning land law enforcement with human rights standards, the tension between statutory authority and lived realities will continue to undermine social cohesion and the legitimacy of Uganda’s land governance regime.

5. Conclusions and Recommendations

The final chapter synthesizes the study’s key insights, drawing conclusions about the legal, social, and human rights dimensions of land trespass affecting the Balaalo community. It offers practical recommendations for policymakers, legal practitioners, and community leaders to address land disputes, protect livelihoods, and uphold human rights. The chapter also identifies avenues for future research, emphasizing the need for continuous monitoring of land conflicts and the integration of customary and statutory legal frameworks to promote justice and sustainable land use.

5.1 Conclusions

This study concludes that land disputes involving Balaalo pastoralists in Northern Uganda are not merely episodic conflicts over land use, but manifestations of deeper structural weaknesses within Uganda’s land governance and legal enforcement framework. The findings demonstrate that the persistent invocation of trespass law in contexts dominated by customary tenure exposes fundamental legal ambiguities that undermine both conflict resolution and human rights protection. Rather than functioning as a neutral legal instrument, trespass law is frequently deployed as a coercive administrative tool, detached from its civil law foundations and constitutional safeguards.

The study further establishes that constitutional protections, customary land norms, and statutory trespass law intersect in complex and often contradictory ways. While the Constitution of Uganda (1995) guarantees property rights, freedom of movement, due process, and human dignity (Kaalund, 2023; Mujuzi, 2023), these guarantees are routinely subordinated to executive enforcement practices that prioritize expediency over legality. Customary land governance, which continues to regulate access and use for large segments of Northern Uganda, remains inadequately integrated into statutory enforcement mechanisms, creating a legal

vacuum in which both pastoralists and host communities are rendered insecure. This disjuncture reflects a broader failure to operationalize legal pluralism in a manner that is coherent, rights-based, and context-responsive.

Moreover, the study concludes that existing institutional responses are fragmented and inconsistent, producing uneven outcomes and deepening vulnerability among affected populations. Local administrative authorities act swiftly but frequently without jurisdiction or procedural safeguards, while formal judicial institutions—though constitutionally mandated—remain inaccessible due to cost, distance, and procedural complexity. Central government interventions, rather than resolving disputes, often compound uncertainty by bypassing established legal processes. Taken together, these institutional deficiencies reveal a governance architecture that struggles to reconcile legality, legitimacy, and human rights in the management of land disputes.

Ultimately, the findings underscore that Balaalo-related land conflicts are symptomatic of a broader crisis of land governance in which law, policy, and practice operate in silos. Without deliberate reform, the continued reliance on coercive enforcement mechanisms will not only perpetuate conflict but also erode constitutionalism, weaken public trust in legal institutions, and entrench cycles of dispossession and resistance.

5.2 Recommendations

Drawing from the empirical findings and legal analysis, the study advances the following interrelated and evidence-based recommendations.

5.2.1 Policy and Legal Reforms

There is an urgent need to clarify and recalibrate Uganda's trespass law to reflect the realities of customary land tenure and pastoral mobility. Statutory reform should explicitly distinguish civil trespass from criminal liability and limit the use of penal sanctions in disputes that are fundamentally civil or customary in nature. Harmonization of the Penal Code, the Land Act, and relevant local government legislation is essential to eliminate contradictory mandates and prevent discretionary abuse by administrative authorities.

Equally important is the integration of explicit human rights safeguards into land governance

frameworks. Eviction procedures must be subjected to strict due process requirements, including judicial authorization, consultation, proportionality, and access to remedies, in line with constitutional guarantees and international human rights standards. Institutional actors should be legally required to demonstrate compliance with Articles 26, 28, 29, and 45 of the Constitution before undertaking enforcement actions affecting land and livelihoods.

5.2.2 Community-Level and Institutional Interventions

At the community level, the study recommends the institutionalization of mediation-based dispute resolution mechanisms that draw upon both customary norms and constitutional principles. Community mediation forums, supported by trained mediators and legal officers, can provide accessible and culturally legitimate platforms for resolving disputes before they escalate into coercive evictions.

In parallel, sustained awareness campaigns and community education initiatives should be implemented to enhance understanding of land rights, responsibilities, and legal processes among pastoralists, host communities, and local leaders. Strengthening legal literacy can reduce misinformation, curb opportunistic manipulation of the law, and foster cooperative land-use arrangements grounded in mutual recognition of rights and obligations.

Capacity-building for LC1 courts, district officials, and security actors is also critical. Training programs should emphasize jurisdictional limits, human rights standards, and alternative dispute resolution techniques to reduce procedural irregularities and institutional overreach.

5.2.3 Directions for Future Research

The study identifies several avenues for further research to deepen understanding and inform policy reform. Comparative studies across East African jurisdictions would provide valuable insights into how other countries have addressed pastoralist mobility, customary land tenure, and statutory enforcement. Governance-focused research examining the political economy of land administration could further illuminate the incentives and power dynamics shaping enforcement practices.

Additionally, empirical studies assessing the effectiveness of institutional responses,

particularly mediation, judicial intervention, and administrative coordination, would help identify best practices and scalable models for rights-based land governance. Such research is essential for moving beyond reactive enforcement toward sustainable, inclusive, and legally coherent solutions.

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