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UGANDA

DEBORAH MULUMBA

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REFUGEES IN UGANDA

An overview of the history, legal framework, challenges and opportunities

A keynote address delivered by Deborah Mulumba, at the “Open Doors” Refugee Symposium held at Makerere University, Kampala on the 21st Nov 2017.



Good afternoon. It is a great honour to be here. I wish to thank Konrad Adenauer Stiftung for inviting me to this public dialogue to deliver keynote speech on the topic: Refugees as economic actors: a Uganda, France and German Perspective. However, in my speech I will focus only on the Uganda experience. I also would like to recognize the governments and agencies which funded the dialogue and to KAS for the prepara-

rations of the seminar and particularly in conceptualizing its substance.

I offer my observations and perspective regarding the topic at hand from my own position as a scholar of forced migration and refugees; also from my experience having worked with and for refugees for several years in the past and during the past eight (8) years as deputy and chairperson of Refugee Appeals Board in Uganda.

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- Brief history of the refugees in Uganda (in particular I address the management/intervention approaches including the durable solutions)
- The legislative and policy framework for refugees in Uganda
- Refugees as economic actors or a burden
- Challenges encountered

Brief history of the refugee phenomena in Uganda and the missed opportunities

Uganda first encountered refugees in the early 1940s during World War II when the British Colonial administration offered safe haven to about 4000 Polish nationals and Jews who had been earmarked for death by the Nazis in Europe. They were encamped in the districts of Masindi (Nyabyeya) and Mukono (Kojja). What we have in their memory is a small Polish Catholic Church at Nyabyeya and only a cemetery in Kojja.

However, our discussion this afternoon is about refugees as per the UN 1951 Convention, the 1967 UN Protocol and 1969 OAU Convention governing the specific aspects of refugee problems in Africa.

Uganda maintains an open-door policy for refugees and asylum seekers. In this regard, Uganda has hosted several waves of refugees since 1955 to date. In 1955, approximately 178,000 Sudanese nationals fled to Uganda following army mutiny at Torit Army Garrison (Pirouet, 1988). Asylum seekers fled to Uganda from Sudan upon the Anyanya uprising. The years 1959-1960, and 1973 were years of exodus for the Banyarwanda (majority Tusti) and Congolese during the Lumumba rebellion into Uganda. From 1980 to date, Uganda has received asylum seekers of several nationalities including Rwanda, Burundi, Somali, Ethiopia, Eritrean and Kenya (during the blood bath following general elections of 2007). Since 2013, the political tensions in the newest country, South Sudan between President Salva Kiir and his former deputy Dr Machar have caused acute displacement of their nationals, and as a result increased refugee caseload in Uganda.

The main cause for these influxes has been majorly political and ethnic; for instance, the political heat generated after general elections in Rwanda in 1959 and the political upheavals in 1960 in Congo following the murder of Patrice Lumumba.

By end of May 2017, Uganda was home to 1,277, 476 refugees originating from South Sudan (947,427), the Democratic Republic of the Congo (204,413), Burundi (34,241), Somalia (25,321), Rwanda (13,907), Eritrea (4,310), Sudan (2,549) and Ethiopia (1,798). By the end of 2016, Uganda had the fifth largest refugee population after Turkey (2.9 million), Pakistan (1.4 million), Lebanon (1 million), and Islamic Republic of Iran (979,400). By the end of May 2017, Uganda had the third-largest refugee population after Turkey (2.99 million) and Pakistan (1.34 million) (UNHCR Report- Refugees in Uganda 20th June 2017).

The United Nations High Commissioner for Refugees (UNHCR) is UN agency responsible for refugees in the world. UNHCR works with several other UN agencies and Non-governmental Organizations to accomplish its work

The legislation and policy framework

Uganda has open door policy for refugees and asylum seekers with an enabling legislative and policy framework to refugees in Uganda.

The Constitution

The Uganda Constitution under Chapter 4 provides a broad range of rights that are available to refugees as any other persons on the territory of Uganda. Refugee have freedom to join non-political civil associations, enjoy freedom of movement, right to family, affirmative action, right to property, freedom of religion among others. Also in the Constitution, Article 189 (1) and the sixth Schedule, provide for refugee management as a central government function

The Refugee Act, 2006 and Refugee Regulations 2010

The Refugees Act 2006 repealed the Control of Alien Refugees Act of 1962. It is considered progressive because of its human rights and protection orientation in line with international legal instruments relating to refugee protection such as the 1951 Convention Relating to the Status of Refugees and its protocol of 1967. The Act also embraced provisions of the 1969 OAU Convention Governing the Specific Aspects of the Refugee Problem in Africa. The Refugee Act, 2006, was enacted to "make new provision for matters relating to refugees in line with the 1951 Convention relating to the status of refugees and other international obligations of Uganda relating to the status of refugees; to establish an Office of Refugees; to repeal the Con-

trol of Aliens and Refugees Act, Cap. 62; and to provide for other related matters" (The Refugees Act, 2006:3).

The Act, like the 1951 Convention and the 1969 OAU Convention, provides for durable solutions of voluntary repatriation, local integration and resettlement to a third country. The Act also provides for humanitarian service delivery through International Humanitarian Agencies and Non-Governmental Organisations (NGOs) including Community Based Organisations (CBOs). The Regulations to the Act were made operational in 2010 as the legal requirement for full implementation of the new refugee law.

On rights of refugees while in Uganda, Article 29/1 (iv) is very clear when it mentions that refugees have among other rights "the right to engage in agriculture, industry, handicrafts, and commerce and establish commercial and industrial companies in accordance with the applicable laws and regulations in Uganda" (Booklet on refugee protection in Uganda, 2006:24). In addition, section vi of same Article 29/1, states that refugees have "the right to have access to employment opportunities and engage in gainful employment (p25). In 2010, the statutory instrument expanded the rights of the refugees to re-

ceive education, healthcare, traveling freely within the country and access to plots of land for both settlement and cultivation to food self-reliance.

In addition, it is worth noting that there has been political goodwill towards refugees in Uganda, which has contributed to a viable and enabling legal and policy environment.

Rural settlements and approaches for management of refugees

The refugee phenomenon as we know it today started in Europe during World War 1 (WW1) and intensified in World War II (WW II). Most refugees seeking asylum were those fleeing Communism and fleeing to the West where they were looked after by the NGOs and resources of those countries. Others were relocated to other countries such as Australia, South Africa, South America, and the United States of America. In the new countries, refugees were helped to integrate through skills training and through acquisition of professions. So, the issue of depending on humanitarian aid for a long time does not appear to have arisen.

However, when the refugee problem extended to the South around the 1960s, the approach to integration of refugees changed. The economies of the African countries that were pro-

During refugees were meagre, and refugees brought in extra burden. Therefore UNHCR extended its role of Protection to include humanitarian assistance.

With the exception of a small number of refugees that have been allowed to reside in urban cities (on Care and Maintenance programme), the bulk of refugees in Uganda are accommodated in rural areas. Large rural settlements for refugees were established; they include Nakivale, Oruchinga, Kiryando- go, Kyangwali, Kyaka I and Kyaka II, Rhino Camp, and recently Bidi Bidi, among other smaller settlements in northern and West Nile.

As mentioned earlier the countries in Africa that were producing and receiving refugees were poor. Refugees were labeled as hopeless and desperate victims who needed help. It was from that perspective that the programmes were designed for basic needs of refugees by the UNHCR and other international non-governmental organizations without the input of refugees. In addition to that the assumption was that refugees would soon return to their countries of origin. Therefore much of the humanitarian assistance was supposed to be short in nature. However, recent debate alludes to refugees as being resilient

with agency that allow them to make decisions in their favor.

Durable Solutions

The UNHCR maintains three 'durable' solutions for African refugees, namely resettlement to a third country, local settlement/integration into host society and voluntary repatriation. It within these 'solutions' that humanitarian assistance is given.

While repatriation is most preferred, it is not easily achievable. There has been only two (2) major repatriations in Uganda, namely, the Rwandese after the 1994 genocide and the Sudanese in 2005 after the signing of the Comprehensive Peace Agreement. For the Sudanese, their stay after repatriation did not last long as they are all back into Uganda. Resettlement, as a durable solution has been applied to only a few refugees in comparison with the numbers. The remaining refugees in Uganda have been managed under the local settlement/integration durable solution.

Apart from the emergency aid, which is usually short lived, the policies and approaches governing the management of refugees were designed to reflect the short nature of stay. Local Settlement (LS) and Local Integration (LI) programs are implemented in rural refugee settle-

ments to address health, primary education, water and sanitation and food concerns. In addition, Heads of household would be supplied plots of land according to the number of dependants. This would also determine the amount of relief to be given to each household. Refugees in addition would receive hoes, seeds and other farm implements to allow the cultivation of crops for food and extra for sale. As time went by, small grants would be given to groups of refugees to engage in income generating activities. However, these grants were always small and did not yield much profit. However, some settlements, such as Nakivale are not suitable for agriculture because of its terrain and dryness. Many refugees in this settlement are therefore kept on continuous food and other aid. This is not without problems; the WFP gets stretched out financially and may not be able to avail the required food. For instance, the funding shortfall has had serious repercussions for the refugees. Since the situation became critical, with refugee numbers swelling, the World Food Programme (WFP) in May 2017 was forced to cut food rations from 12kg to 6kg per person. (Monitor, June 19, 2017)

In retrospect, Nakivale refugee settlement an 82 square mile government-gazetted area was

established in 1960 mainly for pastoral Rwandese refugees who came in with large herd of cattle. Nonetheless during the bad politics of 1970-1980s several refugees moved out of Nakivale seeking pastures for their cows. In the process, they acquired local names, intermarried with the Hima and also acquired land. It became difficult to categorize refugees in western Uganda. Others, due to the geopolitical events, left the settlement and acquired land in the cattle corridor including Nakasongola, Ngoma and Nakaseke. For many years these areas continue to be a great source of milk, beef, ghee and hides. Besides, refugees in Kiryandongo have also produced much of the maize in the country. Such was the case in the mid-1990s when World Food Programme purchased maize grain from the Sudanese refugees for her programme and I believe they continue to do so today. Several examples abound of refugees who have been successful in their economic endeavors. Moreover, the young people left the settlements to look for employment and education opportunities and have secured jobs in the urban areas.

Even though there has not been much study on the economic contribution of refugees to the development of Uganda, judging from the foregoing, I am of the

opinion that refugees have contributed substantially.

Are refugees economic actors or a burden?

The assumption that refugees are helpless and victims has been surpassed by the dynamics of real life for refugees, when they show resilience and positive attitude towards work. With the new Refugee Act, 2006 allowing free movement, there are several refugees in urban areas and rural settlements who are maintaining their families without the support of UNHCR. There are many refugees entrepreneurs in Kampala and in the settlements. It is not possible to mention each of them now, but they are engaged in several income generating activities such as: For the DRC refugees- tailors, hair salon operators, interpreters of the French language, hawkers of African Prints/bitenge, experts in wood carvings and sculptures, jewelry and arm watches, and others. It has also been noted that the refugees in these businesses employ more nationals in their projects than their fellow refugees. For instance Patrick Salon in Bugolobi has five Ugandan young women and one young refugee male. Another Internet Café business owned DRC male refugee is operated by nationals. As for the Ethiopians, they are largely to be found on hospitality businesses.

Moreover, there are concrete examples of economically-empowered refugees in Nakivale and in other settlements. For instance, a group of Somali refugees operate daily Matatu (Nakivale-Mbarara). For those of us who have been to Nakivale, we can appreciate that this Matatu business is an opportunity for the refugees and their hosts.

Catering Business in Nakivale is operated by Ethiopian and Eritrean refugees in pleasant atmosphere and delicious meals, which was never the case before.

Refugees in Nakivale also operate one of the biggest SACCOs in Uganda. There are also small kiosks owned and run by refugees.

I have already mentioned the maize business in Kiryandongo.

In Bidi Bidi refugee settlement, a group of refugees handle health care, they actually came with a Scanning machine and are able to undertake this diagnostic activity. Plus, refugees are involved in restaurants and catering. They also trade in grain.

Studies on whether refugees should be viewed as economic actors or a burden have been conducted on several categories of refugees. The study in Uganda by Professor Alexander Betts

(Oxford University) has shown the positive side of refugees' economic contribution to their host country. In his study he examined the myths that had been advanced concerning the vulnerability of refugees.

On whether refugees are economically isolated, he affirms that is not true. "in Uganda, refugee settlements are not 'remote, isolated, distant from broader society'. Instead, the study established that many refugees in camps are synced with local and global economics, importing materials from places as far as the Netherlands and India to make good for local markets and selling these goods to locals and refugees of other nationalities" (Spotlight TEDx Talk).

On whether refugees are a burden on the state and citizens, Betts found that refugees create jobs- opening up economic opportunity to others, with 21% of refugees employing others and 40% of these employees being Ugandan nationals.

On the homogeneity of refugees, Betts found that though refugees are perceived as farmers, refugees in Uganda held a variety of skill sets, occupations, and levels of income. The study found over 200 different independent income -generating activities among the population they surveyed. Being a refugee

does not necessarily make one poor.

Betts also established that roughly 70% of rural refugees regularly use mobile phones to communicate. In Kampala urban refugees reported even a higher rate of Internet use than the general population.

Several arguments have been made concerning refugees dependency on assistance. Betts study found that only 1% of household they surveyed did not have source of income - generating activity. And that they wanted to work, they wanted income and they wanted opportunities from the economy.

There are challenges encountered in the course of these activities.

Land- with such a big increase of the refugee population it is not clear exactly how much land in size is distributed to the refugees. Also, it is known whether refugees possess the modern farming skills. Despite Betts findings, the breakdown of the people actually engaged in these businesses would be ideal. Even when one talks of 200 different types of IGAs, the actual refugee population is 1 million plus. There is need to disaggregate the data so that major categories of refugees are not left behind.

Besides, the land scarcity creates jealous when encroachers are chased off “refugee land”.

There is tension when hosts do not get employed by refugee organizations, such was the case recently in Lamwo and Moyo districts. However, the above issues are now getting streamlined and most refugee programmes are now shared with host communities, a fact that will reduce tensions.

Gender is a challenge, in that when we do not view the gender concerns in the programmes and in the power asymmetries, which could be disadvantaging women, youth, older men, PWDs, etc.

Sexual and Gender Based Violence (SGBV) is occurring all the time and targets more women and girls than men and boys. There is need to address the gap

Post-secondary education for refugees is not within the package of UNHCR assistance. Some categories of refugees may not be also to access it.

Conclusion

African wars and conflicts are long and protracted. Refugees should therefore be seen from the perspective of long stayers and programmes designed with this in mind. Besides donor fa-

tigue, the recent pour into Europe of Syrian refugees has implications for future management of refugees; there will be less funding for African refugees.

Despite the high numbers of refugees in Uganda and the little resources our side, we should acknowledge that refugees have potential economic contribution to their countries of asylum (Parson, 2016).

Refugees of the 1960s were peasants but not the refugees of today. We have seen refugees seeking not to depend on handouts.

While Uganda has provided conducive legal and policy environment, refugees lack empowerment to undertake economic activities. Only a few have the capacity and the financial muscle to take off. Therefore the above-mentioned examples alluded to are few and far between. Majority of refugees are still dependent on handouts. Some engage in activities that are not environmentally friendly, such as charcoal burning, fishing of young fries, drug pushing, etc.

Many of the refugees do not have the required skills to operate a business. And, yet the opportunities for skills training are few. Women who may not have the capacity to do business and to engage in economic ventures may be further hindered from

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Employment levels right now for Ugandans are quite low. The most ideal thing is not to have refugees compete for the few jobs with nationals; that would cause tensions. Rather entrepreneurship and encouraging and supporting refugees to set up businesses would be most ideal.

Refugees who spend a decade or more outside their countries of origin rarely accept to repatriate. This is the more reason we should look for ways of empowering refugees. Refugees have shown that they can work and earn a livelihood and this should be capitalized upon by helping them engage in economic projects which have been well thought out. This way, we may reduce the cost on the UN and other donors while at the same time contributing to the development of refugees and the host country. As Kelly Clements, Deputy High Commissioner for refugees at the UNHCR remarked recently, “the only way to overcome damages inflicted by forced displacement is to look at the refugees from an empowerment perspective” (Jordan Times May 20, 2017 article by Laila Azzeh).

About the Speaker

Deborah Mulumba is an Associate Professor of Forced Migration at Kyambogo University, Kampala. She previously worked at Makerere University where she was a senior lecturer. She read forced migration at the Refugee Studies Centre, Oxford where she completed a PhD thesis about Sudanese women refugees in Uganda. She teaches course units on gender and development issues in Forced Migration; Conflict and Forced Migration; Reproductive health and Displaced Persons among others