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Executive Summary

What Does it Mean to Host Refugees?

Uganda’s refugee regime is currently shrouded in opacity. In this report, we seek to understand refugee governance in Uganda. This effort will enable us to answer questions about the legislative framework through which refugees settle in Uganda, such as, who is designated a refugee, migrant settler, or internally displaced person? Who funds refugee protection and management programs, and which programs are being prioritized in the funding schemes?

Refugees were designated as a vulnerable group in need of protection in the aftermath of the Second World War in the 1951 Convention for Refugees. But before this, different types of displacement and migration were happening across the globe. However, the formal designation of a group as one that is vulnerable and in need of protection shifted the legal landscape and responsibilities of countries that became part of the 1951 Convention. Different countries have taken on the role of hosting refugees and Uganda currently sits in the top 5 refugee-hosting countries in the world. In this report, we assess what it means for Uganda to host refugees. Here, we look at the history of refugees in Uganda, funding for refugees, laws and regulations governing refugees, and the different ways that Uganda deals with refugees.

Uganda is not new to receiving refugees and different migrant groups. In fact, the country has been interacting with different migrant groups since before its colonization and independence. These historical interactions and linkages between various groups inform the perception that these different groups receive in the country today. We analyze how the different categorizations of refugee vs migrant shapes their individualistic relationship to the state and the people they meet in their new home in Uganda. The way we define individuals helps shape the lenses with which we view them and therefore the appropriate ways to relate with them.

In assessing these categorizations, we start by questioning how these new groups of people end up in Uganda and the reasons for their migration. We take a deep dive into the influence of colonial legacies on Uganda’s past and current refugee regime. The main outcome of this assessment of colonial legacies is how imperialist systems and institutions continue to shape governance decisions and impact the lives of citizens. Here we use a historical analytical lens and key events to investigate why certain groups have found themselves in Uganda.
We look at the history of Indians, Poles, Rwandans, Ethiopians, Somalis etc. in Uganda and the reasons behind their migration into Uganda.

We also discuss the government’s response to refugees, in particular the forces behind the government’s refugee policies and decisions. We take a deep dive into the three solutions given to the large number of refugees that Uganda hosts. We look at the factors that enable or inhibit integration, repatriation and resettlement of refugees.

Furthermore, we compile legal frameworks both national and international that govern migration in Uganda. Recognizing that refugee governance is a collective effort that involves players in the international and national realm, a myriad of governmental and non-governmental organizations and the concerted effort of the host communities to be a willing participant in hosting refugees, it is then important for us to understand the legal frameworks that shape Uganda’s refugee regime e.g., International Conventions and national laws. This is important for transparency and accountability purposes.

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The State of Refugees in Uganda

Introduction

Uganda has a long history of hosting refugees, dating back to the aftermath of the Second World War, years before the country gained its independence from the British. This history has created a culture and perception of Uganda as a hospitable country to refugees. However, if we are to understand Uganda as a refugee hosting country, we need to be able to reckon with the origin of Uganda’s refugee policies and the implications that they continue to have on the country’s treatment of refugees. This report outlines and questions Uganda’s refugee hosting history; discusses challenges faced and offers solutions to the refugee problem whilst analyzing the policies that govern refugees and migration.

This report examines Uganda’s refugee history by focusing on the different refugee groups and migrants hosted in the country. We do this by focusing on the major historical events that led to the groups’ migration into Uganda. These major historical events draw our attention to the circumstances surrounding the arrival of the different groups and consequently the reception that these groups get in the country.

Additionally, we look at the challenges that come with hosting refugees and the solutions provided for those challenges. We take particular interest in discussing why these solutions have failed in Uganda. The discussion of why durable solutions for refugees in Uganda allows us to look into the origin of Uganda’s refugee policies and the role that the international refugee regime plays in shaping and influencing refugee policies in countries like Uganda.

Lastly, we look at refugee and migration governance by looking at the formal laws and policies that affect the lives of refugees, migrants, and their hosts. By laying out the legal environment, we seek to provide an updated discussion of the legal frameworks that shape migration and the behavior of not only migrants but all those working in the migration space.
Uganda and its Refugee History

Since the colonial creation of Uganda by the British, the refugee hosting phenomenon has been the norm, dating as far back as World War II with the Polish nationals fleeing violence in Europe. Outside of the legalized language of refugees' mass movements – whether forced or otherwise – have historically long been a phenomenon in Africa. In colonial and post-colonial Uganda, different displaced persons across the racial divide, from Poles to Afghans to Indians to South Sudanese, Congolese, Ethiopians, Eritreans, Rwandans, and Burundians continue to find a temporary home in the country. Updated data from United Nations High Commissioner for Refugees (UNHCR) shows that as of July 2022, Uganda hosts over 1 million refugees. Of the total, around 60 percent came from neighboring South Sudan and the Democratic Republic of the Congo ranked second. This raises the UNHCR’s estimated funding for refugees in Uganda for 2022 to a total budget of $343.4 million.¹

Uganda has 13 refugee-hosting districts (Adjumani, Isingiro, Kampala, Kamwenge, Kikuube, Kiryandongo, Kyegegwa, Koboko, Lamwo, Madi-Okollo, Obongi, Terego, and Yumbe). The refugees are hosted in 13 settlements (Adjumani1, Bidibidi, Imvepi, Kiryandongo, Kyaka II, Kyangwali, Lobule, Nakivale, Oruchinga, Palabek, Palorinya, Rhino Camp, and Rwamwanja), in addition to the non-specifically located urban refugees in Kampala.

However, designated settlements have not always been the mandatory placements for refugees in the country. Since 1959 self-settled Rwandan refugees in Kigezi wrote a letter to the Secretary General of the Kigezi District protesting the formal order relocating them to Ankole District in the Oruchinga settlement.²

Historian Ashley Brooke Rockenbach in her Ph.D. thesis “Contingent Homes, Contingent Nation: Rwandan Settlers in Uganda, 1911-64” narrates the genesis of the Oruchinga settlement. Ashley writes of the Anti-Tutsi violence in the crumbling Belgian Mandate Territory of Ruanda-Urundi that led to another influx of Rwanda Refugees into Uganda.

¹ UNHCR update 2022 https://reporting.unhcr.org/uganda-funding-2022
² KigDA Immigration Box 3, File ADM 23/Ii, Control of Entry into Uganda of Refugees—Ruanda Refugees; Mushana, et al, to Secretary General for Kigezi District Council, 10 May 1962.
“Since November 1959 over 100,000 people into neighboring Congo, Tanganyika (Tanzania), and Uganda. Of these, an estimated 35,000 Rwandans were thought to be residing in the southern Ugandan districts of Kigezi and Ankole. In response to the crisis, The Ugandan colonial authorities began construction on a formal refugee settlement in November 1961, in the Oruchinga Valley of southern Ankole”.

Ashley details how the Oruchinga camp was never the ideal place for settlement given its historical failure as an agricultural valley under the British in the 1950s.³

The project ended in complete failure and was finally abandoned in 1958, largely because the government could not persuade African farmers to take up land in the valley. Oruchinga suffered from poor drainage, resulting in alternating periods of flooding and drought. It was heavily infested with tsetse flies and mosquitoes, making it a potentially dangerous location for both humans and their livestock. Even the Ministry of Agriculture doubted the valley’s potential as a site for agricultural development.

While some groups like the Polish have relocated, many other groups remain in Uganda. Different factors such as civil war, political violence, or human rights abuses in both Uganda and the neighboring countries, has translated to an influx of refugees pouring into Uganda and earning the country international accolades for the “most progressive refugee policies and most welcoming country for refugees”. Various key events, specifically political violence have marked the inflow of refugees in Uganda, as discussed below;

World War II and the Nazi Violence

White refugees in Africa are not the expected image to conjure up when it comes to the refugee populace inhabitants of African colonies. However, between 1941 to 1950, nearly twenty thousand Poles lived in refugee camps in the British colonies of East and Central Africa, living in places such as Uganda, Kenya, Tanganyika, Northern, and Southern Rhodesia.

Uganda, however, ended up hosting the largest number compared to the other colonies as 7,000 Polish refugees were settled in what is now Mukono and Masindi districts. A section of the Polish refugees was not simply displaced by the war but was initially deported from the eastern part of Poland by Soviet forces attacked by Germany, the group was also made of those forcibly deported in labour camps from 1940 onwards.

The signing of the Sikorski-Maisky Agreement in England facilitated the relocation of Polish refugees to the British colonies in Africa. The agreement also enabled the release of all Polish citizens in the Soviet Union to form a Polish army fighting against German aggression.

The special position of Uganda as a “British Protectorate” made it more suitable to host the poles as they could be resettled in remote areas away from the indigenous Ugandans. Scholars such as David Tshimba in his paper “The Ghost of Racism in the Contemporary Global Compact on Refugees” analyze Uganda’s positionality as “being at the heart of imperial Britain’s foreign policy doctrine of the unity of the Nile waters, rather than as a settler-colony”. Tshimba suggests that this inimitable position could have influenced the British’s preference making Uganda a more ideal location among their colonies to host the largest number of Polish refugees.

In the wake of the Second World War, Ugandan historian Samwiri Lwanga-Lunyijigo in his presentation, “Uganda’s long connection with the problem of refugees: from the Polish refugees of the World War II to the present,” writes of the story of Polish refugees’ resettlement. Lwanga notes that the polish persons were made up of civilian internees and prisoners of war from the Axis powers.

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5 “ON THE EDGES OF WHITENESS: Polish Refugees in British Colonial Africa during and after the Second World War” by Jochen Lingelbach https://www.berghahnbooks.com/title/LingelbachOn

and others were detainees from the Allied Powers. The Uganda Protectorate government in an effort to resettle the polish, established two camps hosting 7,000 Poles, largely consisting of women and children. The Government settled one group in Nyabyeya in Masindi District and the other in Koja in Mukono District.

Historian Lwanga summaries that the locations of these camps at Nyabyeya and Koja were distinguished for their seclusion from the local populations in the 1940s, in his empirical explanation, Lwanga-Lunyiigo notes that the intention of the isolation of the Polish refugees was “to preserve the superiority of the Caucasian race intact in the esteem of the natives”. The British design didn’t however hold as at any given opportunity that the Polish refugees got, they mingled with the locals to the utter disgust of the British colonial officers. Comparable to the resettlement of the Poles, the Colonial Government also largely played a part in the flooding of Asians in Uganda, specifically those of Indian origin.


8 A keynote address delivered by Deborah Mulumba, at the “Open Doors” Refugee Symposium held at Makerere University, Kampala on the 21st of Nov 2017. Published by KAS.
The Asian Expulsion of the 1970s from Uganda

The misconception that Indians first came to Africa through the construction of the East African railway under the derogatory term “the Indian coolies” 9 lingers to date. This narrative often doesn’t consider the 18th-century trade routes that existed between the Indian Ocean long before the European colonization of the 19th century.10

Before the European partition of East Africa in 1886, there was an Indian population along the coastal towns in what is presently Kisumu and Mombasa. The vibrant trade routes in the region saw Indian traders’ presence in the region for nearly two thousand years in pre-colonial East Africa, Historian Mukesh Kumar writes in his article “Indian Immigration in Uganda, Trends and Pattern”. Mukesh pens how the Imperial British India Company’s presence in 1890 took advantage of the already prevailing Indian presence and employed many in administrative positions later increasing the numbers at both the coast and interiors of East Africa.

The successful Indian ocean trade in 1910 saw the National Bank of India become the official bank of the East African Protectorate - the Indian rupee replaced the Maria Theresa dollar. This trade boom made East Africa favorable for many Indian traders who opened shops.

However, the largest inflow of Asians to Uganda came with the building of the railroads at the turn of the 20th century. Historian Mukesh Kumar in his article “Indians in Post-War Uganda, 1948-62” writes of the unrestricted entry of Indians to Uganda as economic migrants from 1894 onwards with restrictions in 1914.11 The founding of the Imperial British East Africa Company ‘(IBEAC) in 188812 to govern and exploit the East Africa colony also introduced the idea of the construction of the railway track from Mombasa to Lake Victoria in 1896. It began at Mombasa in 1896, and in 1899 it reached Nairobi, in the second stretch railway was built up to Kampala in 1903.

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Parts of the Railway are still operational in Uganda, its construction took more than 30,000 laborers and six years to construct. In an article by the History department of Teso College, the authors note that the “British imported about 7,500 skilled laborers from India and retained the services of about 20,000 unskilled laborers, made up of Indians and East Africans. By the end of construction 6,500 Indians were wounded or crippled and 2,500 had died, mainly from disease. Many of the remaining Indian workers stayed on to form significant Indian minority communities in Kenya and Uganda”. (The number of Africans who were wounded or died was not recorded.)

It famously achieved nicknames such as the “lunatic Express” by historians like Charles Miller, because of the nature of the kind of ambition and the constant deaths of workers who were gobbled by lions. At independence in 1962, Asians were an ingrained part of Uganda’s business elite, according to the Uganda Census of 1959, there were 14715 Indian immigrants in Uganda. The number more than doubled at the time of the Indian expulsion. This dramatically changed during the reign of General Idi Amin who came to power through a nonviolent military coup ousting President Obote who was away at a conference.


Idi Amin, under the pretext of having “a Ugandan economy run by Ugandans”, gave Asians 90 days to evacuate Uganda. More than 40,000 Asians were expelled from Uganda, the majority settling in Britain as some had dual citizenship. The expulsions began in September 1972 and three months later, after the April 1972 Asian census according to the Daily Monitor article, “Inside final days of Idi Amin’s chaotic expulsion of Asians,” Amin’s government took a census of the Asians in April, resulting in the issuing of a special identity pass known as the Green Pass, without which any Asians movement was restricted.

Britain in response to the expulsion also issued passports to some Asians and worked with other international partners like Canada to settle some, it is reported that 28,000 of them fled to Britain, leaving most of their assets behind. President Museveni’s policies in the early 90s’ encouraged the return of Indians as he promised to also return their properties. The question of citizenship for Indians still hangs in balance even after the community petitioned President Museveni for recognition as an ethnic group. The Gender and Labor Minister in a statement to Parliament poured cold water on that petition, informing Parliament that Indians cannot trace their origin in Uganda but to India.

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Photo Credit: Evening Post


16 Felix Ocen, “Inside final days of Idi Amin’s chaotic expulsion of Asians Sunday, September 12, 2021, Daily Monitor, 2021


The Rwandan Genocide of 1994

The Ugandan and Rwandan border is a product of the British and the Belgians drawing a boundary to establish colonial territory, denoting that movement across the two borders and the similarity in the ethnicities remains to date. Historians such as Ashley Brooke Rockenbach in her dissertation “Contingent Homes, Contingent Nation: Rwandan Settlers in Uganda, 1911-64” writes about the pre-colonial Rwandan kingdom, during the late 1800s, and its extended reach into what is today Bufumbira, in southwestern Uganda. “When the British acquired the Uganda Protectorate in 1900, Kinyarwanda-speaking people were already an important part of the southern border region.” Ashley notes that Tutsi nobles and their followers, sent to govern these remote borders of the kingdom, “took up permanent residence in Uganda following the demarcation of the border in 1911”. The kingdom’s violent expansion, meanwhile, had also forced other Kinyarwanda speakers to flee northwards. The noble’s violence over territory meant other Rwandans moved into what is now Western Uganda.19

There have been several events that lead to an increased influx of Rwandans to Uganda, as well as border patrolling, including;

1. The 1919-20 Epizootic Rinderpest

The lack of manpower to police borders translated into a movement across different colonies specifically among the cattle-keeping ethnicities. This movement of cattle and sharing of water sources is what led to the 1919-20 Rinderpest epizootic as Uganda cattle were accused of spreading the disease.

This signaled a watershed in the history of border management between Uganda and Rwanda. Ashley Brooke Rockenbach historizes the creation of legislation barring movements of people across a colonial border within the restriction of cattle and that in turn laced a foundation for legislation restricting the movement of people.

Before state administrators sought to regulate the movement of people across borders, they created laws, infrastructure, and practices to control the passage of livestock. Refusal of the refugee label complicates the premise, foundational to international law, that refugees constitute problems to be first identified (through the standardized collection of reliable population data) and then solved (through the re-establishment of the citizen-state bond).”20

20 Contingent Homes, Contingent Nation: Rwandan Settlers in Uganda, 1911-64
By Ashley Brooke Rockenbach. A dissertation submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy (History) in the University of Michigan 2018
When placed in dissimilarity, Colonial officials were swayed that their financial success depended on Africans having access to land and enjoying the relative freedom of mobility that enabled a free supply of labor. They were therefore cagey to imposing restrictions on African migrants, fearing that the introduction of pass systems, identity cards, migrant quotas, and registries would impede the country’s prime labor source.

For the colonial officers, migrant illegibility served the economic interests of the colonial state, even as it undermined the state’s capacity to organize populations. Undeniably, the colonial administration demonstrated little interest in “seeing like a state,” as historian James Scott notes.21

2. 1994 Genocide

Tensions had simmered for decades between the Hutu and Tutsi populations in Rwanda. The region had operated under Belgian colonial rule from after the First World War until 1962. During this time, colonial policies fostered divisions between the Hutu who made up the country’s largest ethnic group, and the Tutsi, who formed the second-largest ethnic group. The Belgians viewed the Tutsi minority as superior and favored the Tutsi for leadership positions. This favouritism created ongoing and deeper tensions between the Hutu and Tutsi.22

In the late 1950s and early 1960s, struggles for independence from Belgian rule gained strength in Rwanda. These struggles included violence between the Hutu and Tutsi as the two groups sought power. In 1962, the nation achieved independence, with Hutu leaders assuming control of the government. Many Tutsi were massacred, others were forced to flee the country as the ruling government portrayed them as threats to Rwanda. The anti-Tutsi sentiments behind these attacks contributed to the conditions for the genocide that followed 32 years later.

The 1990s were colored with a Tutsi rebel group known as the Rwanda Patriotic Front (RPF) invading Rwanda, the Hutu government believed the rebels to be stationed in Rwanda and with the support of the Ugandan Government.

21 James Scott has famously argued that the modern state does violence to local communities in its efforts to simplify and “make legible” complex social realities. See James C. Scott, Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed (New Haven: Yale University Press, 1998). Historians of Africa, however, counter that colonial and postcolonial states in Africa were (and are) extremely limited in their ability to “see” populations. See for example Erik Bähre and Baz Lecocq, “The Drama of Development: Skirmishes Behind High Modernist Schemes in Africa,” African Studies 66, no. 1 (2007): 1-8.

This launched a civil war as the military responded with force. Anti-Tutsi sentiment began to increase in intensity as Hutu-dominated media painted the Tutsi minority as a threat to Rwanda.\textsuperscript{23}

The 1994 genocide was in response to the shooting down of a plane carrying President Habyarimana that led to his assassination. In the aftermath of the attack on President Habyarimana’s plane, extremist Hutus began a concerted attack against Tutsis in Rwanda and their Hutu sympathizes. From April to July 1994, massacres were carried out by government forces as well as armed militia known as the Interahamwe.\textsuperscript{24}

During the different civil wars, many displaced Rwandans kept settling in Uganda. In 1982-83, the Obote regime organised state repression and expulsion of Rwandans, accusing them of supporting the Museveni camp, causing 40,000 to flee to Rwanda until the Habyarimana government closed the border. Following this crisis, thousands of Rwandans were caught between the two countries, the Ugandan government allowed them to return.

Rwandan refugees have since settled in Uganda and Congo, both countries routinely accuse each other of political threats often invading or even limiting border crossing among their citizens.

\textbf{Photo Credit: AP: Karsten Thielker}


\textsuperscript{24} By Jeremy Maron “What led to the genocide against the Tutsi in Rwanda?” https://humanrights.ca/story/what-led-genocide-against-tutsi-rwanda#:~:text=The%201994%20genocide%20against%20the,militia%20known%20as%20the%20Interahamwe.
The Democratic Republic of Congo and the Numerous Wars

Congo has experienced several civil wars dating as far back as the violent Belgian Colonization, in turn, this has translated to the nature and magnitude of migration across borders.\textsuperscript{25} Political historians write of Leopold II’s turning Congo into his personal colony, the site of atrocities, committed without any accountability in order to grow the wealth of Belgium including slave labor to extract rubber and ivory, causing the forcible movement of people and mass murders.\textsuperscript{26}

Even with the taking over administration of the colony in 1908, the Belgian government abolished slavery, but continued to exploit natural and human resources and perpetuated many administrative structures based on race and ethnicity.\textsuperscript{27} The colonial administration also directly, and indirectly, caused the migration of peoples within and to Congo. For example, after assuming the administration of Rwanda (a former German colony) as a League of Nations mandate, it promoted a large migration of Rwandese to the Kivus from 1937 to 1955 to provide labor for its mineral and agricultural enterprises, and to relieve the population pressures in Rwanda.\textsuperscript{28} In the wake of the 1994 Rwandan genocide, millions of Rwandan refugees flooded into the eastern Democratic Republic of Congo. At the end of the genocide, over a million Hutus sought refuge in eastern Congo.

The UN High Commissioner for Refugees estimates that only 7\% of these refugees were perpetrators of the genocide — often referred to as Interhamwe or FDLR (the Federation for the Liberation of Rwanda). Consequently in 1996 Rwanda and Uganda invaded the eastern DRC to root out the remaining perpetrators of the genocide.


\textsuperscript{27} Dembour, Marie. (2000). Recalling the Belgian Congo: Conversations and Introspection. Recalling the Belgian Congo: Conversations and Introspection. 9. 1-235.

A coalition comprising of the Ugandan and Rwandan armies, along with Congolese opposition leader Laurent Désiré Kabila, eventually defeated dictator Mobutu Sese Seko.

Laurent Désiré Kabila became president in May 1997 and in 1998 he ordered Rwandan and Ugandan forces to leave the eastern DRC, fearing annexation of the mineral-rich territory by the two regional powers. According to the latest data from UNHCR, approximately 440,400 Congolese citizens have sought for asylum in the bordering countries so far. Adjumani and Yumbe, northern Uganda districts, housed roughly one-third of the total refugees that sought asylum in the country.

The death of President Kabila saw the Luanda Agreement between Uganda and Congo, put an official end to the war as the Transitional Government of the Democratic Republic of the Congo took power in July 2003. Due to the instability in the East and Horn of Africa, many countries have had to deploy their military to combat the war spilling into their borders and they have in turn taken in refugees. This has happened in both Congo and South Sudan where the Ugandan army deployed.

29 https://www.easterncongo.org/about-drc/history-of-the-conflict/
South Sudan and Ongoing Conflicts

The border movement across South Sudan and Uganda seemed obscure as scholars such as Taha, and Faisal Abdel Rahman Al note in their work “The Sudan-Uganda boundary”. The official restrictions termed “cross-border” only followed the boundary agreement of 1914 between the British Protectorate of Uganda and the Anglo-Egyptian Condominium of Sudan. Sudan's independence in 1956, also saw Sudanese moving to northern Uganda fleeing fighting in Sudan's first civil war.

This influx was temporarily halted by an agreement signed in Addis Ababa in 1972. But the trend in forced displacement was then reversed: events in Uganda following the seizure of power by Idi Amin in 1971 eventually led to Ugandans fleeing into southern Sudan, many to escape reprisals after the fall of both Milton Obote and Amin's regimes. The first war between the South and North Sudan began in 1962 and is commonly known as the Anya Nya war, officially ended in 1972 with the signing of the Addis Ababa agreement. Although the agreement asserted that the South would become a self-governing region, after eleven years it fell apart – not least because of the discovery of oil in the South and growing fears among Southerners that Khartoum's increasing ties with Arab governments in the early 1980s would lead to an Arab Islamic state.

By the end of the First Sudanese Civil War in 1972, the Sudanese government estimated that 500,000 people had hidden in the bush, and another 180,000 had crossed into neighboring countries, with 74,000 settling in four official camps (Onigo, Agago, Acholpii, and Nakapiripirit) in northern Uganda.

Finally, in 2011, South Sudan gained independence from Sudan, following a country-wide referendum made possible by the 2005 Comprehensive Peace Agreement (CPA) where 99% of the South Sudanese population voted in favor of its independence. However, the victory was fleeting.


33 Building on Sand: The Sudan People's Liberation Movement / Army (SPLM/A) and State Formation in South Sudan by Peter Biar Ajak
The Sudan People’s Liberation Movement, the ruling political party that originally led the way for independence, is now divided and fighting for power. The latest update from UNHCR puts the number of South Sudan refugees at 920,768, especially those who are biometrically registered in Refugee Information Management System (Government - OPM) and unregistered at Reception Centers/Transit Centers/Collection Points.34

The majority of the refugees from South Sudan have settled in Adjumani District beginning in 1989 when the SPLA attacked Nimule, a border town adjacent to the current entry point at Elegu, and thousands of Sudanese fled to Uganda.35

Like the conflicts between Sudan and South Sudan, Somalia similarly continues to have its share of internal conflicts lasting more than 15 years following the demise of the government of Siaad Barre.36

The Somalia Displacement

Scholars like Abdulahi Osman, historicize the conflicts in Somalia in his paper “Cultural Diversity and the Somali Conflict, Myth or Reality?” outside of the Waterdown understanding of the complexities of Somalia. Osman writes of the first significant refugee displacements out of Somalia starting with the events that would lead to the collapse of President Siaad Barre’s regime in 1991. According to Abdulahi, since then, Somali refugees and internally displaced persons have remained the most consistently protracted displaced population in the Horn of Africa.

Conversely, migration and mobility have been featured as key elements in the political and economic history of the region for much longer. Since at least the 1970s, Somalis have been displaced at varying scales in response to different dynamics involving conflict, natural disasters, and economic hardship.37

Recent years have seen a dramatic increase in the Somali population in Uganda. Nevertheless, even as Somalis move across Eastern Africa, settling mainly in Kenya, the spike in mobility particularly in Uganda is shaped both by crises and by opportunities, mainly economic opportunities as many have settled in urban places in Kampala.

Scholars Gianluca Iazzolino and Mohamed Hersi write of change in the nature of Somali migrant networks in Uganda by highlighting the dual significance of Uganda both as a safe haven and as a steppingstone for upward social mobility and business expansion across the region and beyond. Both scholars argue that “the historical trajectory of the Somali community in Uganda over the past 30 years has been shaped by the interaction of pre-existing linkages and the institutional framework defined by a mix of donor-oriented policies and presidential patronage”.38 Both scholars write about the “Somali transnational networks in Uganda have consolidated and expanded in a setting in which Somali entrepreneurs with access to capital have been able to take advantage of business opportunities, drawing from a growing number of trusted workforce and eventually forging synergies with the Ugandan security apparatus.”


Gianluca and Mohamed point to President Museveni’s institutional frameworks such as the economic liberalization of the 1990s that allowed Somali business to thrive and grow a network to the 2006 refugees’ law that allowed for movement and the deployment of the UPDF in 2007 in Somalia. The scholars analyze how those policies are used to “manage the donor perceptions” which in turn has influenced the economic, demographic, and political configuration of the Somali diaspora in Uganda.

Historically, the Somali presence in Uganda traces back to the early 1900s, when Somali askaris from Northern Somalia serving in the British Colonial Army settled in the surroundings of Jinja and Tororo with their families. The community has since expanded to running businesses from restaurants to import-export, while others have settled for some local business. The latest data from UNHCR indicates that there are currently 60,394 Somali refugees in Uganda this number doesn’t indicate unregistered refugees.

Due to the already existing networks of business and transport company networks that already existed in Uganda in the early 90s many of the Somali refugees leverage these remaining networks coupled with freedom of movement to formulate communities and grow working opportunities across towns from Jinja, Kampala, Mbale and many more. Somalia’s conflicts also spill across borders into Ethiopia as characterized by the 1977 and 1978 border disputes with Ethiopia known as the Ogaden War.

The Ethiopian Refugees in Uganda

Ethiopia is unique to the rest of the East and Horn of Africa countries with their history and migration policies rooted in 19th-century colonization, Ethiopia was never colonized. It was briefly occupied by Italian forces. Partly for this reason, the refugee phenomenon is relatively new as emigration grew out of domestic repression, humanitarian crises such as the 1970s and 1980s war, and famine that saw large numbers of Ethiopians leave their homes.

Researcher Girmachew Adugna in his article “Once Primarily an Origin for Refugees, Ethiopia Experiences Evolving Migration Patterns” draws the link between colonial ties and how they play an important role in shaping patterns of migration out and within Africa.

“Having never been colonized, Ethiopia does not share these ties with either African or European countries, and so migration patterns do not follow a well-defined route. While the Middle East has become a prominent destination for labor migrants, Ethiopia’s diaspora is scattered over a range of continents. A large portion of those settling in the country are from neighbors in the Horn of Africa.”

Ethiopia's military dictatorships in 1974 after The Derg seized power declared the country a socialist state. The governments executing political opponents after only two months in power saw a new wave of emigration. On top of the internal conflicts contesting power between 1977 and 1978, Ethiopia was also engaged in a border dispute with neighboring Somalia known as the Ogaden War. Both conflicts led to large-scale humanitarian displacement, both internally and internationally.

However, the economic, and environmental crisis with a touch of military dictatorships in the early 70s and now with the Tigray war, have meant that some Ethiopians have found a home in Uganda, many residing mainly in urban areas in Kampala such as Kabalagala. Currently, UNCHR data as of July 2022, puts the number of Ethiopian refugees at 5,041.


41 Girmachew Adugna; Once Primarily an Origin for Refugees, Ethiopia Experiences Evolving Migration Patterns - Migration Policy Institute, October 5, 2021. https://www.migrationpolicy.org/article/ethiopia-origin-refugees-evolving-migration
Eritrean Refugees in Uganda

A section of Eritrean refugees is at the heart of what humanitarians have termed as Israel’s inhumane refugee treatment through trading arms with Uganda in exchange for the country taking in Eritrean refugees. News publications such as the Daily Monitor have documented the first narratives from Eritreans who accuse the Israeli government of paying them $3,500 and then deporting them to Uganda through Rwanda. Historically, many Eritrean refugees escaping the Stalinist regime of Isaias Afwerki, have increasingly found temporary homes in Uganda.

The International Refugee Rights Initiative (IRRI) in their policy paper “Eritrean Refugees in Kampala and the Ugandan Asylum System” shares how the phenomena of Eritrean refugees and asylum seekers are new to Ugandan refugee history. “Until the late 2000s, there were hardly any Eritreans who were officially registered as refugees or asylum seekers in Uganda, but in the last decade and following the introduction of new Refugee Status Determination (RSD) mechanisms under the 2006 Refugee Act, their number has steadily increased”. Indeed, just like young Eritreans fleeing from regimes, Burundi also shares a similar history of young people leaving their countries to avoid persecution.


The Burundian Refugees in Uganda

State fragility in Burundi has been a cause, and consequence, of the country’s political instability. Political Economist Janvier D. Nkurunziza writes in his article “The origin and persistence of state fragility in Burundi” that,

“Since independence, Burundi has endured six episodes of civil war, two major foiled coup d’états, and five coup d’états that have led to regime change. The root cause of state fragility is traced back to divisive practices introduced by the colonial power, which have since been perpetuated by post-colonial elites. This political volatility has generated persistent cycles of violence, resulting in the collapse of the country’s institutions and economy, even after the negotiation of the Arusha Agreement.”

The political instability according to Janvier has been a key cause for the mass migration of Burundi’s people and the emergence of a large refugee population, dispersed among neighboring states and far away.\(^4\) However, Burundi’s cycles of conflict over recent decades have displaced hundreds of thousands of its citizens and resulted in serious atrocities.\(^5\) Burundi like Rwanda has also had refugees’ repatriation offers back to Burundi from Uganda; however, many others continue to stay, the latest data from UNHCR placed the number at 41,851.

The 2000 Arusha Peace and Reconciliation Agreement allowed the situation to stabilize and refugees to return, but political repression continued alongside failures in the reintegration process. Levels of violence escalated in 2015 following the controversial bid of President Nkurunziza for a third mandate, prompting new waves of displacement within and from the country.


As many historians of Africa have shown, the colonial state was never designed to know its subjects outside of the divide and rule tactics in Burundi, Rwanda, pitting two ethnic groups against each other. The fictional creation of borders across different nations that have divided communities was happily inherited by the colonial elite with no interrogation and has resulted in a failure to manage migration.

There are many reasons why Uganda continues to bear the costs of hosting so many refugees, some are complex, rooted mainly in its violent colonial histories, having its citizens displaced in other countries, contributing to the national traumas of civil war, and the allure of geopolitical opportunism. Refugees also for Uganda mean a lucrative business of receiving more foreign assistance as Western countries are also largely uninterested in hosting refugees and many would rather poorer countries take in the influx.


47 Uganda has a remarkable history of hosting refugees, but its efforts are underfunded, Published: August 26, 2021, 3.34 pm SAST Dr Evan Easton-Calabria, https://theconversation.com/uganda-has-a-remarkable-history-of-hosting-refugees-but-its-efforts-are-underfunded-166706 The Conversation
Afghanistan Evacuees and the American War

The withdrawal of the United States of America and its allies from Afghanistan in 2021, resulted in an exodus of Afghan people fleeing the country currently in the Taliban. The mass movement raised international debate and discussion pressuring the US to take moral responsibility for its participation in the war by taking on refugees.

The American government reached out to its allies including Uganda and Rwanda for temporary hosting of some refugees. On 25 August, the first batch of Afghan evacuees transferred to Uganda landed aboard a private chartered plane and would be housed in hotels, as reported by The New Arab. Whilst Uganda ‘accepted’ to receive 2,000 evacuees, only 145 were received.48

The move from both Rwanda and Uganda came under heavy skepticism due to both governments’ trail of human rights violations. Both countries share a long history of hosting each other’s nationals dating as far back as colonialism and its establishment of artificial borders.


Afghan evacuees be taken to a hotel booked by the Government of Uganda.

Photo Credit: AFP
Photo Credit: RISE-UP Project
Urban Refugees in Uganda

Cities are creative, innovative, and adaptive precisely because of forced migration, not despite it. Therefore, there is an urgent need for “a new approach for dealing with refugees, one in which those forced to flee their homes are integrated more permanently into urban areas rather than isolated in camps.” This means that the opportunities offered by refugees can best be tapped if they are effectively and productively integrated into the urban economy. Whilst most refugees in Uganda are resettled at sites located in the remote and rural countryside, a significant portion of refugees still decide to self-settle in big cities and townships across Uganda.

Kampala: A hub for Urban Refugees

Home to about 3.7 million inhabitants, Kampala is one of the fastest growing cities in Africa, with the population increasing by 5% each year. Kampala hosts many urban refugees from different countries, including DRC, South Sudan, Somalia, Rwanda, Burundi, Ethiopia, and Eritrea, whose population has been expanding. Urban refugees in Kampala are in a unique position to tap into formal and informal livelihood opportunities. It is imperative to focus on Kampala because cities are at the frontline of the 21st century forced displacement management. Currently, around 60 percent of the world’s 25.4 million refugees live not in camps but in cities and urban areas across North America, Europe, the Middle East, Africa, and Asia. People accept the risks of city life for the opportunities cities offer – better security, livelihoods and services, and social mobility. Indeed, rural camps and aid packages have little connection with the lives and experiences of most displaced people.

As of December 2020, UNHCR indicated that 86,730 individuals (67,492 refugees and 20,665 asylum-seekers) are registered in Kampala. The urban refugees in Kampala represent about 5% of the total refugee population across all of Uganda and about 4% of the total host population in Kampala. Refugees from DRC represent the majority at 46% of the overall urban refugee population in Kampala. With the recent massive influx of refugees from South Sudan and

49 (Sassen 2004).
50 (Katz B & Brandt J (2017).
51 https://worldpopulationreview.com/world-cities/kampala-population
52 (Muggah & Abdenur 2018).
53 (UNHCR 2018).
54 (Haysom 2013).
55 (Huang, et.al 2018).
DRC, the population of urban refugees in Kampala could actually range between 200,000 – 500,000 people. While in Kampala, refugees from the same country of origin tend to live together in certain neighborhoods. For example, many Somalis live in Kisenyi, and the Congolese concentrate in Katwe, Makindye and Nsambya. Ethiopians stay in Kabalagala and Kansanga. South Sudanese reside in Makerere, Kawempe, Nsambya and others are scattered in the city’s low-income areas.56

Most urban refugees in Kampala are highly educated. For instance, a baseline study by Mercy Corp (2020)57 found that 81% of their survey sample of urban refugees in Kampala had either finished or were attending secondary/tertiary education in their home countries before fleeing to Uganda. Specifically, 46% had attained secondary school education, and 41% had university/college degrees and diplomas. 7% had attained primary education only and only 5% had not attained any formal education. 52% of the respondents in Kampala who were from South Sudan had a secondary school certificate, diploma, or degree as compared to others (45% Rwandese, 36% Congolese, 41% Somalis, and 40% Others) while 84% of the Somalis – didn’t have any single academic qualification. This confirms a study58, which found that most of the urban refugees in Kampala were academicians, researchers, engineers, teachers, and musicians. While in Kampala, “urban refugees build and rely on their social networks for support quickly learning and tapping into all available services, economic opportunities and programs while at the same time advocating for themselves and other urban refugees”59 (ibid). The survey also indicates that over 20% have been Kampala residents for the past 1-5 years, and 30% of the respondents just came to Kampala less than a year ago within the last year. Before settling in Kampala, 92% of the refugees first settled in refugee settlements.

Most urban refugees in Kampala are legally registered by the Directorate of Refugees at Office of the Prime Minister (OPM), thus they seldom live in fear of being detained, arrested, or forcefully repatriated. Although both OPM and the Kampala City Council Authority (KCCA) have very limited interventions targeting urban refugees, the UNHCR through its implementing partners such as Inter Aid, as well as a few refugees-led organizations like YARID60 offers support towards the integration of urban refugees mostly through livelihood programs, English language lessons and computer training initiatives among

56 (Women’s Refugee Association 2011; InterAid 2009; Omata 2012).
58 Macchiavello’s (2011)
59 ibid
60 https://www.yarid.org/
others. However, just like in other urban contexts, most of these projects are constrained by the “humanitarian logic” that has mostly been fueled and sustained by the availability of funding. Therefore, the need for innovative interventions especially those that embrace ICT and enterprise development provides a unique opportunity to address the multiple challenges that urban refugees in Uganda face.

**Economic Realities of Urban Refugees in Uganda**

In principle, refugees and migrants are permitted entry to the formal employment market in Uganda according to the Uganda Refugee Act, 2006. The law provides that those who are looking for economic opportunities should have an opportunity to still enjoy a better life for themselves and their families, continue with their educational aspirations, and improve their professional skills. Unfortunately, these opportunities are difficult to realize due to few formal sector jobs. This is because employers are often inconsistent in their interpretation of refugees’ right to work, as outlined in the Act. As a result, most urban refugees and migrants seek livelihood opportunities in the informal economy. However, the informal economy has also become increasingly competitive further exacerbating the challenge.

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**URBAN REFUGEES (15-35 YEARS) INTERVIEWED**

- **761**
- **4 FGDs**

**YEARS REFUGEES HAVE STAYED IN KAMPALA**

- **50%**
- **20%**
- **30%**

**COUNTRIES OF ORIGIN**

- **CONGO**
- **SOUTH SUDAN**
- **SOMALIA**
- **RWANDA**
- **ERITREA, ETHIOPIA**

**EDUCATIONAL BACKGROUND**

- **46%** Degrees/Diploma
- **41%** Secondary School Certificate
- **7%** Primary School Certificate
- **5%** No Certificate
- **4%** G rowns

**FAMILY SIZE**

- **75%** 3.00 Family Members
- **25%** 1.2 Members

**MARITAL STATUSES**

- **20.6%** Divorced/Separated
- **14.8%** Married
- **16.6%** Single/Never married before
- **58%** Widowed

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*Field & Mookherjee 2017*
Those who try to partake in odd jobs are underpaid for their work – or not paid at all. Yet, when urban refugees access conditions of freedom and economic opportunities, they can boost economic and social development. The experience of the fashion and design landscape in Kampala which is significantly being shaped and revolutionized by Congolese fashion designers is a good example.

**Are Uganda’s urban refugees just in transit?**

As already illustrated, most urban refugees in Uganda are young and educated persons with dreams and ambitions. They are looking for economic and social opportunities around the world to exploit their fullest potential. For instance, in 2020 alone, UNHCR Uganda submitted for resettlement 1,396 refugees to Sweden, Norway, Canada, France, Australia, Finland, and the United States of America. 63% of the refugees submitted for resettlement are urban refugees in Kampala, while 37% live in the settlements. Urban refugees submitted are mainly from DRC (75%), Somalia (7%), Rwanda (5%), and Burundi (5%), with the rest from other countries. Other complementary pathways, such as international scholarships also exist which are mainly being provided in Canada, the United Kingdom, and Germany (134 students supported) and family reunification (60 families supported) with refugees in a third country.

**Navigating self-settling as an urban refugee in Uganda**

Uganda’s applauded refugee policy only considers resettled refugees. So, if a refugee decides to live and reside in a city or town, they are basically “on their own”. Nonetheless, some services are still being offered. For instance, the OPM, together with UNCHR runs a Kampala Refugee Desk. Among others, the desk facilitates the screening process of forcefully displaced persons, especially those seeking asylum in Uganda. The desk also supports urban refugees to access justice and relevant information about services and other opportunities, among others. Indeed, the UNCHR also established the Urban Refugee Working Group which helps to coordinate services provided to urban refugees. But a lot of work still needs to be done as most urban refugees often end up living in Kampala’s slums, which are generally characterized by poverty and poor sanitation. Refugees face distinct challenges in these areas for example, refugees report being charged more than locals for housing or basic services. A lack of local networks and language barriers are further difficulties confronting Kampala’s refugees. Despite facing specific threats to their wellbeing, refugees in Kampala often appear to be part of the urban poor.
and may be unable to access critical humanitarian and development support. For example, a 2018 study found that 85% of refugees interviewed in Kampala did not receive support from charities despite the widespread need. This is because there is a pervasive sense among international humanitarian and development actors that refugees who choose to live in Kampala are better-off than those who live in settlements. They often assume that those who choose to “self-settle” in Kampala have more money and local connections, and thus do not need support.

64 Silberman (2020). Empowering Uganda’s forgotten refugees. Seefar
65 Agora (2018) ‘Understanding the needs of urban refugees and host communities residing in vulnerable neighborhoods of Kampala’
66 Silberman (2020).
Why Uganda is the beacon of Refugees

All governments have laws that seek to govern their borders and specifically to determine who can enter the country. Borders are meant to exclude and keep certain people (non-citizens) out of the country. However, immigration control policies and borders are tested when there is a case of mass displacement with hundreds of thousands of people seeking asylum that the government cannot turn away as stipulated by international law and conventions. The test to borders and immigration policies has been evident in Uganda since the country started taking in refugees pre-independence from the British.

Uganda is a presidential republic that exhibits features of authoritarianism (Tripp, 2004; Svolik, 2012; Kagoro, 2016). The country has had the same leader since 1986 with governmental positions being rotated among few individuals. Like many authoritarian states, the Ugandan government pays little attention to public opinion and in most cases makes decisions without the consent of its citizens. But although the Ugandan government does not heed to the opinions of its citizens, the government pays attention to its image in the international arena especially in relation to its refugee policies.

Uganda has been lauded for its open-door policies towards refugees to the extent that it is recognized as one of the most hospitable countries in the world for refugees globally. This reputation as a hospitable refugee hosting country is important for the government in laundering its image to the international audience who can then afford to ignore other human rights violations in the country for the façade of immigration hospitality at a time when there is rising anti-immigration rhetoric.

The international refugee regime influences host governments for both practical and normative reasons. Practically, international assistance increases a country’s ability to accept refugees by providing financial assistance, stimulating domestic markets and creating infrastructure for example the development of “new towns” or the improved delivery of services like water and medical care in

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67 This discussion of forced displacement excludes internally displaced persons
68 Article 14 Universal Declaration of Human Rights grants the right to seek and enjoy asylum from persecution; 1951 Refugee Convention expounds on these rights and delineates obligations of refugee hosting countries
69 A simple Google search on Uganda’s refugee policy will result into multiple media pieces praising the country for its hospitable immigration policies.
70 This rise in anti-immigration policies is linked to the rise in right-wing fascism https://www.dw.com/en/anti-immigrant-attitudes-rise-worldwide-poll/a-55024481
areas where refugees settle. Donor countries encourage favorable treatment of refugees by promising or threatening to withhold bilateral aid or “earmarked” contributions to refugee aid. The provision of assistance (and the threat of reducing it) means UNHCR carries some influence on the host government.

A small country like Uganda which depends on aid from foreign governments is then strong-armed into hosting large numbers of refugees as rich countries increasingly implement restrictive and exclusionary migration policies.

The pie chart below shows the biggest contributors to monetary aid for Uganda’s refugees. Notice that the top contributor, the United States has been in the news for refusing asylum seekers entry into their borders.


Major Funding Contributors to Uganda’s Refugee Regime.

<table>
<thead>
<tr>
<th>Country</th>
<th>Funding Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States of America</td>
<td>54.30%</td>
</tr>
<tr>
<td>Belgium</td>
<td>8.57%</td>
</tr>
<tr>
<td>Denmark</td>
<td>10.52%</td>
</tr>
<tr>
<td>Finland</td>
<td>1.74%</td>
</tr>
<tr>
<td>Germany</td>
<td>1.08%</td>
</tr>
<tr>
<td>Liechtenstein</td>
<td>0.07%</td>
</tr>
<tr>
<td>United Arab Emirates</td>
<td>0.75%</td>
</tr>
</tbody>
</table>

However, it is not always that efforts and interests of rich donor countries through international organizations get translated into policy action or change in government behaviour. One reason for this is the idea of sovereignty. A sudden influx of refugees challenges the notion that borders can be controlled especially in a country like Uganda where borders are porous. Sudden migration events like a refugee crisis due to conflict in a neighbouring country undermine the government’s ability to determine who enters its territory. In cases like this, governments must compromise their preferred policy directions to accommodate recommendations by international actors to incorporate long-term refugee assistance into national development programs.74

Below is a graph that shows the rising number of refugees in Uganda. A sudden increase in numbers like that experienced in 2016 after conflict broke out in South Sudan challenges the government’s ability to control its borders and also challenges the capacity of local institutions to effectively provide services for all.

74 Jacobsen (1996)
Is hosting refugees a burden to Uganda’s sovereignty?

Balancing the idea of sovereignty with adherence to global norms, international laws and conventions can be a tricky business. This balancing act can be viewed as pressure from international actors and inherently translated as a threat to sovereignty. Pressure from international actors on countries in the Global South can also be interpreted as an imperialistic and neocolonial attempt to control the politics of formerly colonized countries.75

The maintenance of sovereignty is the fundamental objective of all nations. Once that sovereignty is threatened in any way, countries take defensive measures to maintain it. One of the ways that countries maintain sovereignty is by exercising control over who enters or leaves their territory. If countries are pressured by international organizations and other governments to open their borders to refugees, they lose control of their borders. This means that pressure from international organizations and foreign governments can cause the opposite reaction where countries seeking to exercise more control over their borders and make restrictive border control policies that limit the number of refugees they admit.

75 Jacobsen (1996).
For these reasons, the Ugandan government has kept an open-door policy for refugees, especially those coming from neighbouring states. Aid is a gateway that international organizations and donor countries use to seek influence over government’s policies.

Note that the amount of aid a country receives is not static. Donors are at will to change how much funding and aid a country gets without much notice.

Below we show a graph of the major international organizations contributing aid to Uganda’s refugee programs.

**Major international organizations funding refugees in Uganda**

![Graph showing funding received by Uganda from International Organizations]
How Uganda deals with its refugee Crisis

Three solutions (Integration, Repatriation, and resettlement) are often publicized as answers to Uganda’s refugee hosting. Uganda is the number one refugee hosting country in Africa with a population of over 1,500,000 refugees coming from over five countries. One’s refugee status obligates the host government to provide protection to the individual and avail them of certain social services. Refugee status then delineates the relationship that one has with the state and how the state views the individual. However, the government often fails to meet its obligation toward refugees due to the limited availability of resources.

Temporary Guests or Here to Stay? A case for Integration

Refugees in Africa are often viewed as temporary guests who are in the host communities to escape the immediate effects of a crisis in their countries of origin. However, evidence shows that refugees are not a temporary fixture in African societies, especially in places that have experienced multiple waves of civil conflict. For Uganda, a country that has been host to refugees since before its independence, one would think that the country would implement better integration strategies for its not-so-temporary guests.

Integration of refugees into their host community is the concerted effort to help “refugees adapt to the host society without having to forego their own cultural identity.” Efforts to help refugees adapt include providing a welcoming environment and meeting the needs of those refugees through the provision of various social services (UNHCR). In Uganda, integration of refugees includes placing refugees in settlements that are part of the host communities. Refugees have freedom of movement and can freely interact with their hosts. Additionally, refugees are free to participate in the economy through legal authorization to work and by setting up their own businesses. Moreover, upon arrival, refugees are given land by the Uganda government that they use to grow their own food that they use for home purposes and sell the surplus.

76 UNHCR  https://data.unhcr.org/en/country/uga
79 Wamara et al. 2022
80 Dryden-Peterson & Hovil (2004)
This encourages self-reliance instead of the common reliance on aid. This is not to say that refugees are not provided with aid. Refugees are often provided with aid in form of food, medical supplies and in some cases cash handouts. Refugee children are also free to attend the schools they find within their hosts.

Factors that enable integration

A major factor that encourages the integration of refugees is policies put in place to govern migration. Uganda as noted earlier has an open-door policy for forced migrants and has consequently created a hospitable environment via different policies that enable refugees to feel like they are a part of their new environment. Uganda's refugee hosting system hinges on the self-reliance of refugees who are hosted in refugee settlements instead of camps. The structure of these settlements allows refugees to move freely and interact with local communities. This freedom of movement and interaction has led to the establishment of small markets, churches, schools etc. to accommodate the new entrants. In this case, the presence of refugees improves the economic and social life of their hosts. Below we show a graph of the various refugee settlements across the country and the number of people they host.
To encourage self-reliance, refugees are given a plot of land that they use to farm food products. By providing its refugees with plots of land for farming, the government aims to establish a refugee community that can sustain itself especially when it comes to food production. The generosity of the people and government of Uganda in making agricultural land available for refugees has been lauded as a model for other refugee-hosting countries. The self-reliance for refugees not only promotes community engagement but also encourages economic development as refugees and hosts trade their surpluses.

Furthermore, refugees in Uganda come from neighboring countries where there exists cultural and ethnic affinities that enable integration. Researchers like Matthew Gibney (1999) have shown that cultural similarities between refugees and their host nations are a major factor in the way that refugees are perceived by their host communities. Affinities based on ethnicity allow the host community to see themselves in the shoes of those displaced given the cultural similarities between them. Communities that share ethnic ties often see themselves as an extension of each other. In Uganda, we see this in the ease with which Rwandan refugees were able to integrate into communities in Southwestern Uganda where they were largely settled. Additionally, ethnic Acholi of South Sudan have been able to integrate with the Acholi host communities they found around their Palabek settlement in Northern Uganda. Beyond the cultural ties, many of these “extended” ethnic groups separated by arbitrary borders have had long-term interactions where they build norms of reciprocity notes (Othwonh Dak, 1968). The norm of reciprocity is activated during times of crisis and hence the need to help alleviate the suffering of the other.
Challenges to integration

Integration is not without challenges from the host communities. Here we take a look at some societal factors that hinder integration and what efforts are being taken to mitigate them.

a) Economic and resource competition between refugees and their hosts.

As alluded to earlier, economic and resource competition is one of the major challenges to integration. The economic capacity of the host country to absorb refugees can either enable or constrain the relationship between refugees and their hosts. In a country like Uganda which has most of its population living in rural areas and is dependent on the land for agriculture, economic capacity is determined by factors such as land availability, the carrying capacity of the land, employment patterns, and infrastructure. A refugee influx affects both land availability and the quality of the land by creating or aggravating shortages of land, water, and firewood and by straining the ecosystem (Jacobsen, 1996).

Furthermore, resource resentment can arise between refugees and their hosts especially in cases where the local communities believe that their needs are being neglected. The different provisions that refugees are given by their host governments and the international aid community is one source of resentment from host communities. Individuals living in areas with a large concentration of refugees can observe these provisions that they sometimes do not have access to (Zhou, forthcoming).

Studies have shown that the relationship between refugees and their host communities is mutually beneficial. For example, Keribaum (2016) finds that “the Ugandan population living near refugee settlements benefits both in terms of consumption and public service provisions.” Repeated interactions with refugees through trade and increased provision of social services in refugee communities led to the betterment of life for both refugees and their host communities. The presence of refugees, international aid workers and service providers has led to the up crop of towns in host communities that see to the improvement in the standards of living in those areas.

To mitigate any form of resentment that may arise as a result of refugees getting certain services that may not be available to the local population, Uganda’s refugee response plan stipulates that whereas 70 percent of assistance goes to the refugees, the other 30 percent must go to the host communities.\textsuperscript{82} This ensures that host communities are not left out and continue to benefit from the presence of refugees.

\textbf{b) Security Threat (Considerations)}

It is additionally argued that immigrant groups fleeing conflict pose a security threat to the native population. One such explanation of this security threat is the migration of conflict from the origin country to the host community especially if these two communities border each other. There is concern that refugee settlements can re-unite aggrieved co-ethnics who might take the opportunity to re-group, draft new members and launch attacks against their origin country (Salehyan, 2006). This then forces the host government to get involved in a war that it previously had no interest in. This security problem is exemplified by Rwandan refugees forming the Rwanda Patriotic Front which consisted of Rwandan refugees who were in Uganda banding and “\textit{invaded [Rwanda] from their bases in Uganda to put an end to the genocide and toppled the government in Kigali}” (Salehyan, 2008).

Furthermore, insecurity is often gendered, for example male refugees are considered a security threat to their host communities. Security concerns, include terrorism, sexual assault, theft and other types of violence (Erisen and Kentmen-Cin 2017; Huysmans 2006; Lahav and Courtemanche 2012; Ward 2019). In some cases, male refugees can be seen as spies for their origin country and therefore create political tension between the host government and the origin country.\textsuperscript{83}

\textsuperscript{82} UNHCR-Uganda Refugee Response Plan.

Repatriation

Voluntary repatriation is the chosen return of refugees to their “home” or origin country. The Universal Declaration of Human Rights (1948) established in Article 13 (2) that “Everyone has the right to leave any country, including his own, and to return to his country.” This article then permits individuals to flee their country in times of crisis and be able to voluntarily go back once that crisis is over. Additionally, the cessation clause in the 1951 refugee convention states that once there are changes in conditions in the origin country, “international protection is no longer justified”, especially in cases where threats of “persecution” have been eliminated.

Voluntary repatriation can sometimes be as hard as forced displacement on some individuals. Given the protracted nature of conflict in the Great Lakes Region of Africa, some refugee groups have found themselves displaced for over decades and therefore started new lives in their host countries. For such groups to be repatriated means that they will have to leave an environment they are familiar with for one where they have lost connections.

The cessation of the fear of persecution may also not apply to all members of the refugee group. Whereas some individuals may willingly choose to go back to their home country after the condition that caused their forced displacement ceases to exist, some people based on their individual identities may have real fears of being persecuted and therefore become reluctant to return. Resettlement to a third country is offered as a solution for those who are unable to return home even after the crisis has ceased due to continued fears of persecution. Although this allows countries to decree that refugees must return to their home countries, in some cases this notion of voluntary repatriation has led to the forced expulsion of refugees from their host communities. For example, in 1996, Tanzania signed an agreement with the Rwandan government that would see the return of Rwandan refugees in Tanzania back to Rwanda.

However, as Whitaker (2002:329) points out, “the Rwandan repatriation from Tanzania in December 1996 can hardly be described as voluntary.” In 2003, The Ugandan, the Rwandan governments and the United Nations High Commission for Refugees (UNHCR) reached a similar agreement that would have seen the return of Rwandan refugees in Uganda back to Rwanda. Although some Rwandans returned home, many were reluctant to leave and therefore stayed in Uganda. Below we discuss some of the reasons behind this reluctance.

84 Repatriation must be completely voluntary and in accordance with UNHCR checklist. This is to ensure that host countries are not forcefully returning refugees to a situation where they will be subjected to persecution. The principle of non-refoulement is fundamental in refugee protection

The Decision to Repatriate

What influences the decision to repatriate or not? Karooma (2014) identifies conditions that influence an individual’s decision to repatriate arguing that social networks play a vital role. Social networks are connections and ties that individuals make with people that they come across and these networks help make sense of and navigate their surroundings.

Social networks then are able to connect people through space and time. These networks are important in facilitating decision-making for migrants, especially in situations where there is limited information. Social networks play a vital role in the decision to migrate (where one migrates to) and on how to integrate and survive in this new country.

Ugandans have become increasingly aware of the different groups of people living and co-existing among them. One of the factors that aid integration of refugees and influences the decision not to repatriate is the inter-marriage between the locals and refugees. Marriages help to ground most refugees to their host communities.

Ugandan hosts also recognize the importance of these relationships that in an Aforbarometer round 5 public opinion survey conducted between 2011 and 2012, 75.8% of the respondents indicated that a wife of a Ugandan man should be considered for Ugandan citizenship even if she was born outside Uganda.

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86 Karooma (2014) security; time of exile; access to land; access to social services; international assistance; Uganda’s hospitality to refugees and Ugandan laws i.e. the Refugee Act of 2006 which favors refugees; prospects for naturalisation; and personal and family networks as factors that help an individual make the decision to return to their origin country.
Additionally, 50.7% of the respondents agreed that a husband of a Ugandan woman should be considered a Ugandan citizen even if he was born outside Uganda.

**Husband to a Ugandan woman even if he was born outside Uganda**

- **2.83%** No
- **50.75%** Yes
- **46.42%** Don't know

When it comes to children born of refugee parents in Uganda, 63.3% of the respondents stated that a person born in Uganda with two non-Ugandan parents is a citizen of Uganda. These factors are then taken into consideration when refugees decide whether to repatriate or not.

**Born in Uganda with both parents non-Uganda**

- **1.92%** No
- **34.75%** Yes
- **63.29%** Don't know

Refugees in Uganda come from neighboring countries that have experienced different waves of violence. Given the protracted nature of violence and Uganda’s policy on integration, it is not uncommon/surprising that there are established networks (communities) that refugees rely on when they leave their country and come into Uganda.

In the refugee camps, they find their countrymates, fellow refugees and a cluster of professionals willing to help them navigate the social, political and economic environment in their new country. In some cases, some refugees are lucky to be reunited with family members which eases the burden of displacement.
Once in their country of asylum, refugees also tend to venture out on their own and create new connections and networks. Social networks can be formal (institutionalized) through organizations like UNHCR, NGOs working in the refugee sphere and churches or informal through friends and relatives, interactions with other refugees and members of the community.

In assessing the reluctance of Rwandan refugees in Uganda to return to Rwanda, Karooma (2014:13) found that refugees had “formed social relationships with their kin and non-kin individuals who support them (i.e. the hosts who help them to settle in Uganda) during the repatriation process.” These social relationships are not only a coping mechanism for displaced persons but also help refugees in filling the gaps that are left by governments and international organizations.

These networks are also important in helping refugees negotiate and make sense of where they consider home. What or where is home for a refugee who has been displaced for more than 20 years, married in their country of asylum, and has formed social and economic networks?

Refugees once settled in their country of asylum tend to seek some form of permanency and therefore set up roots in their new homes. These roots can include the small businesses they start, attaining permanent jobs, inter- marriages between refugees and locals and other social relationships. Refugees – especially those in protracted situations – build new lives in their host communities that are not dissimilar from that of the hosts. Therefore, asking individuals to uproot themselves and start afresh somewhere else not only disrupts the lives of the refugees but that of the communities where they were once settled.
Resettlement

The third solution to Uganda’s refugee problem is the resettlement of refugees to a third country. Resettlement is the “transfer of refugees” from their first country of entry (asylum) to a third country that offers permanent residency to the refugees selected (UNHCR). The promise of resettlement increases the ability of a host country (first country of asylum) to cope with an influx by transferring part of the refugee population to another country (Jacobsen, 1996; UNHCR). The distinction between who is a migrant and who is a refugee is often in relation to the different group’s relation with the state. This distinction is most apparent in the resettlement of refugees and the provisions that refugees are given. Although provisions given to refugees vary across countries, the most common form of services handed to refugees who have been resettled include cash payments, housing allowances, language integration classes and job training and labor market integration classes. Even though resettlement is offered as a third durable solution, it is often seen as a last resort. In 2018, only 27 countries offered resettlement to 55,700 refugees.

Moreover, this resettlement process is long and drawn out and leaves many refugees in limbo as they wait to learn of their fate. Resettlement is offered to individuals and groups who are determined to fall into the following categories; “Have Legal and/or Physical Protection Needs, Survivors of Torture and/or Violence, Medical Needs, Women and Girls at Risk, Family Reunification, Children and Adolescents at Risk, and Lack of Foreseeable Alternative Durable Solutions” (UNHCR). Individuals are vetted and interviewed by UNHCR officials to determine their eligibility. In addition to this, individual countries may have their own vetting processes that refugees must undergo in order to be eligible for resettlement.

However, even after being resettled, the grass is not always greener on the other side. In a new comparative study, Heba Gowayed notes that in addition to racism, resettled refugees are often faced with new challenges. Many find

88 Kell Cofransisco. Cities and refugees: The German experience. The Brookings Institute
https://www.brookings.edu/research/cities-and-refugees-the-german-experience/
For a comparative study of the provisions that refugees receive across Germany, Canada and the United States, read Refuge: How the State Shapes Human Potential by Heba Gowayed
89 For reference, at the end of 2018 there were 20.4 million refugees under UNHCR’s mandate
https://www.unhcr.org/globaltrends2018/
that the skills they held back home are not transferrable as their new countries have different assessments for “human capital,” and many are “thrust into poverty” due to inefficient social assistance (Gowayed, 2022). Here we see that resettled refugees face the same kinds of integration issues discussed earlier. These social provisions are intended to ease the resettlement and integration of refugees into their new homes and help them start their new lives.

Furthermore, refugees are often thrust into the murky political fields of their new homes and met with anti-immigrant rhetoric. For example, former chancellor of Germany Angela Merkel was met with backlash from officials in her own party of members of the opposition after her decision to welcome Syrian refugees (Mushaben, 2017). Worries about competition for jobs in a country that had barely survived the Eurozone crisis and the threat of cultural “contamination” from a group that was seen as distinctly different and unable to integrate into society drove yet many more into the arms of right-wing political parties like the Alternative for Germany (AfD) and movements like the Patriotic Europeans Against the Islamisation of the Occident (PEGIDA)90. Such sentiments not only threaten the physical well-being of resettled refugees but can also jeopardize their ability to fully integrate into their new communities.

90 Anti-immigration sentiments that are predicated on racism and racist tropes have become a mobilization tool for most groups in Western societies. Immigrants whether economic or refugees have become a scapegoat for all things that natives consider wrong with their countries from unemployment to poor social services.

The Legal Environment Affecting Migration in Uganda

Key Definitions

Migrant

According to the International Organisation for Migration (IOM), a migrant is “an umbrella term,” not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The IOM goes ahead to clarify that there is no universally accepted definition that exists and this definition is not meant to imply or create any new legal category.91

Refugee

According to the 1951 Refugee Convention, “someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.”

Internally Displaced Persons

According to the UNHCR, internally displaced people (IDPs) are people who have not crossed a border to find safety. Unlike refugees, they are on the run at home.92

An Evacuee

A person who is removed from danger or disaster.93 It is imperative to distinguish an evacuee from a refugee, a refugee leaves voluntarily whilst an evacuee is removed for their safety. The International Committee of the Red Cross provides guidelines under the Geneva Conventions on ways in which evacuation should be carried out.94

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91 International Organisation for Migration, Who is a Migrant? Geneva Switzerland, 2022 https://www.iom.int/who-migrant-0
93 https://www.dictionary.com/browse/evacuee
94 See guidelines in the ICRC casebook. https://casebook.icrc.org/glossary/evacuation
The 1951 Refugee Convention and its 1967 Protocol

Uganda became party to the 1951 Convention in 1921, when the League of Nations was established, a legal status for refugees was introduced, however, it limited its scope to specific refugee groups on a case-by-case basis. After World War II, the 1951 Refugee Convention was established. It legally recognized refugees in the region based on their experience of displacement, rather than their country of origin for the first time. It is important to note that the Convention was originally limited in scope to persons fleeing persecution in Europe. Before the 1951 Refugee Convention, non-governmental organizations, like the Red Cross, were the key players in refugee response.

According to the UNHCR, the Convention and its Protocol explain who a refugee is and the kind of legal and social rights a refugee is entitled to. These documents also show a refugee’s obligations to host countries. Additionally, the 1951 Convention and its Protocol stipulates certain categories of people who do not qualify for refugee status, such as war criminals. Initially, the 1951 Convention was more or less limited to protecting European refugees in the aftermath of World War II.

In subsequent decades after 1951, displacements mainly arose in states outside of Europe due to decolonization and independence struggles, especially in Africa. Consequently, those displaced could not meet the entire checklist of the Convention’s refugee definition therefore the UNHCR required authorization by the United Nations General Assembly to provide assistance. It took the UN sixteen years to respond by espousing the Protocol Relating to the Status of Refugees in 1967.

95 Asylum Access, What is the 1951 Refugee Convention and how does it Support Human Rights, 2021 https://asylumaccess.org/what-is-the-1951-refugee-convention-and-how-does-it-support-human-rights/#:~:text=The%201951%20Refugee%20Convention%20was%20created%20after%20World%20War%20II%2C%20persons%20fleeing%20persecution%20in%20Europe. 18/08/2022 7:42am

96 Aslu, Access, What is the 1951 Refugee Convention and How does it support Human Rights, 2021 https://asylumaccess.org/what-is-the-1951-refugee-convention-and-how-does-it-support-human-rights/#:~:text=The%201951%20Refugee%20Convention%20was%20created%20after%20World%20War%20II%2C%20persons%20fleeing%20persecution%20in%20Europe. 18/08/2022 7:42am


It is important to note that the Protocol was not enacted due to concerns about the geographical and temporal limitations of powerful States at the time but it was the growing pressure and the lobbying by newly decolonized countries.99 There are arguments that the Convention’s formation was ‘colonial-ignorant’, this ignorance has had lasting effects on the UNCHR’s functioning.100

Even with the enactment of the 1967 Protocol, European bias was still noted by several decolonized states which led to the establishment of regional treaties and regulations.101 African states for example adopted the OAU (Organisation of the African Union) Convention Governing the Specific Aspects of Refugee Problems in Africa in 1969.

Another criticism of the Convention is its failure to recognize persecution of women in the criteria of “membership in a particular social group.” According to the convention, a person seeking refugee recognition not only has to demonstrate that she has been persecuted or has a “well-founded” fear of persecution; in addition, she must show that the persecution directed against her is a result of a prejudiced motive as stated in the refugee definition.

The grounds for persecution are limited to race, religion, nationality, political opinion, or membership in a particular social group.

“The concept of women being persecuted as women is not the same as women being persecuted because they are women.”

The first notion, that of women persecuted as women, relates to the types and forms of persecution that are gender-specific, such as rape, female genital mutilation (FGM), or domestic abuse. The second notion, that of women persecuted because they are women, addresses the causal relationship between gender and persecution.102

It is important to note that Uganda ratified the 1951 Refugee Convention and its 1967 Protocol in 1976.\textsuperscript{103} As a party to 1951 Refugee Convention, Uganda is bound by the articles in the Convention and protocol. This means that Uganda like other non-European countries grappled with a law that wasn’t contextualized to her reality. Internationally, Uganda has been celebrated as an exemplary country in terms of tolerating and treating refugees humanitarianly. According to the IOM, we are living in times when anti-foreigner attitudes are on the rise across the world however, Uganda has continued to host one of the highest number of refugees in Africa.\textsuperscript{104}

\textsuperscript{103} https://www.ilo.org/wcmsp5/groups/public/---dgreports/---ddg_p/documents/genericdocument/wcms_815306.pdf

\textsuperscript{104} https://uganda.iom.int/resettlement-operations
The Regional Policies

The Organisation of African Unity and The OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.

As seen earlier the existing framework did not properly provide for the needs of refugees outside Europe. There was a need for a policy to cope with the huge number of people fleeing conflicts stemming from the struggles against colonialism. President of Tanzania, Mwalimu Julius Nyerere - at the time said, "We saw refugees coming out of colonial countries and our idea was, treat these people well". The OAU Convention did not anticipate that there would be refugees or even internally displaced persons after independence.

Many African states grappled with the task of nation-building after independence. In addition to nation-building, there was the need to look after and find durable solutions for refugees displaced by the liberation wars and those displaced as a result of apartheid in South Africa. It is important to note that the Organization of African Unity (OAU) was established in 1963. The OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (the OAU Refugee Convention) was enacted in 1969 and came into force in 1974.

The OAU Convention broadened the definition of the refugee enshrined in the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. There was a need to afford suitable responses to the new proportions of mass displacements of persons in need of international protection and assistance.

According to Article 2 paragraph 1, the Convention made it obligatory for member States to “use their best endeavours consistent with their respective legislations to receive refugees and to secure their settlement. This was different from the 1951 Refugee Convention which left granting of asylum to the discretion of States.

105 https://www.fmreview.org/faith/okello 19/08/2022
106 https://au.int/en/overview 22/08/2022
107 https://www.unhcr.org/about-us/background/45dc1a682/oau-convention-governing-specific-aspects-refugee-problems-africa-adopted.html#:~:text=%7C%20T%C3%BCrk%C3%AEye%20T%C3%BCrk%C3%A7e%20T%C3%BCrk%C3%BC%2C%20OAU%20Convention%20Governing%20the%20Specific%20Aspects%20of%20Refugee%20Problems%20in%2C%20Addis%20Ababa%2C%20September%202019

African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa

This Convention commonly known as the Kampala Convention enjoins member states to establish appropriate legal frameworks for the protection of internally displaced persons.\(^\text{109}\) This Convention was adopted in 2009 and Uganda was the first country to ratify it.\(^\text{110}\) Accordingly, Uganda continues to take a leading role in adopting this Convention on the continent.\(^\text{111}\)

A report was done on the progress of the Kampala convention ten years after its enactment by representatives of member states. This report noted three key things to ensure proper implementation of the Kampala Convention: firstly, that States should be in the driver’s seat for ensuring protection to internally displaced persons; secondly, the need for peer-to-peer exchanges on best practices; and lastly the need to capitalize on the different actors from the different agencies to develop national frameworks, collect data, leveraging technical expertise from the different agencies and providing resources.\(^\text{112}\)

This Convention is a key instrument for Uganda because it guides the African States on the protection of Internally Displaced Persons. In 2017, member states adopted an action plan for the implantation of the Kampala Convention. Member States adopted a set of mechanisms for monitoring, compliance and reporting on the implementation of the Convention.\(^\text{113}\) It is important to note that there was no mention of the special circumstances that require increased protection of women and girls. Additionally, whilst the government of Uganda has included the contents of this Convention in this policy in her national policies\(^\text{114}\) she has not reported in accordance with the action plan in the paragraph above.


The National Laws and Policies in Uganda

The 1955 Control of Refugees from South Sudan Ordinance

The Control of Refugees from South Sudan Ordinance was enacted shortly after the end of British and Egyptian domination of Sudan. A civil war broke out between the Arabs in northern Sudan and the Black people in the south of the country. This war would lead to an influx of over 178,000 refugees into Uganda.\footnote{A. Kiapi, The Legal Status of Refugees in Uganda, 3 EAST AFR. J. PEACE HUM. RIGHTS 115 (1996).} It was clear that the civil war in that country was not about to come to an end. As a result, the Uganda British Protectorate Government enacted the Control of Refugees from the Sudan Ordinance in 1955.\footnote{Ordinance No. 35, 1955} This law was reactionary, it did not anticipate Refugees from other countries leading to the enactment of the Control of Alien Refugees Act which repealed it.\footnote{Mujuzi, Jamil. (2008). FROM ARCHAIC TO MODERN LAW: UGANDA’S REFUGEES ACT 2006 AND HER INTERNATIONAL TREATY OBLIGATIONS. East African Journal of Peace & Human Rights. 14. 399.}
Control of Alien Refugees Act (CARA) in 1960.\(^{118}\)

There was strife in different parts of East Africa that led to refugee crises, for example, Kenyans needed to flee the Mau Mau rebellion in the 1950s and Rwandan Tutsi refugees needed to flee political turmoil in their country in 1959 to the early 1960s. Additionally, conflicts in Zaire/DRC in the 1950s and 1960s in the wake of Independence coupled with Patrice Lumumba’s assassination in 1961 forced thousands of Congolese to flee to Uganda.\(^{119}\) Due to the continued instability Uganda needed a law that was not specific to only the refugees from South Sudan. The British Protectorate government, responding to the different wars, passed the Control of Alien Refugees Act (CARA) in 1960.

Under the CARA, refugees could be ordered to reside in a particular place in Uganda.\(^{120}\) It was an offence to harbor other refugees. Harboring was punishable by a fine, imprisonment or deportation.\(^{121}\) Directors or Administrators of the Settlement could take control cars in the possession of Refugees for use in the Refugee Settlement. If there was any loss or damage during the time use, refugees couldn’t bring any complaint against the director or administrator.\(^{122}\) The Act also upheld the 1955 Ordinance discussed above as long as it did not contravene the Act.\(^{123}\)

According to Professor Abraham Kiapi, this law was draconian because it appeared to make refugees intruders who were not readily welcomed. It also confined refugees to remote settlements.\(^{124}\) Additionally, other scholars argued that the CARA violated a good number of refugee rights that Uganda had agreed to respect as a party to the 1951 Convention.\(^{125}\) By the enactment of the Ugandan Constitution in 1995, the CARA had become unconstitutional in several respects. A good example of the unconstitutionality of the CARA was

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118 Herein referred to as CARA
120 Section 7 CARA
121 Section 13 CARA
122 Section 16 CARA
123 Section 26 CARA
the contravention of Article 26 on right to property and Article 23 on protection of personal liberty.\textsuperscript{126} The repossession of cars belonging to refugees was inconsistent with the right to property whilst restrictions of movement hindered personal liberty.

The Refugees Act 2006

As seen above, the CARA had become an obsolete law and needed to be abolished. The Uganda government started the process for the enactment of a new refugee legal regime. In 2003, the Minister of Disaster Preparedness and Refugees tabled the Refugees Bill in Parliament, and it was gazetted in the Uganda Gazette in November 2003.\textsuperscript{127} The Bill was debated in Parliament and passed into an Act after consultation with different stakeholders. The Bill was assented to by the President of Uganda on 24 May 2006. It came into force in 2008 and regulations to operationalize it was passed in 2010.\textsuperscript{128}

The Refugee Act provides for important definitions under Section 1. defining an asylum seeker\textsuperscript{129} frontier, gender discriminative processes,\textsuperscript{130} integration,\textsuperscript{131} members of a family of a refugee,\textsuperscript{132} a non-political crime,\textsuperscript{133} persecution,\textsuperscript{134} and refugee.\textsuperscript{135}

\textsuperscript{126} 1995 Ugandan Constitution
\textsuperscript{127} 7 Bills Supplement No. 8, Bill No. 20, Uganda Gazette Volume XCVI, No. 58
\textsuperscript{128} https://www.unhcr.org/528a0a268.pdf
\textsuperscript{129} As a person who has made an application for the grant of a refugee status under Section 19
\textsuperscript{130} Which includes strict and forced adherence to a dress code, obligatory pre-arranged marriages, physically harmful facial or genital mutilation, rape, domestic violence and other gender related negative activities.
\textsuperscript{131} A process of interaction, peaceful co-existence and sharing of available services between refugees and nationals
\textsuperscript{132} Includes a spouse, a child and any person who is dependent on the refugee.
\textsuperscript{133} A crime which is not of a political character or a crime, which does not involve opposition to the government of a country on an issue connected with the political control or government of that country; or a crime which is not incidental to or form part of a political upheaval, committed as part of an organised political party or body contending for power or political control of a country;
\textsuperscript{134} Includes any threat to the life or freedom, or serious violation of the human rights of a person on account of various reasons; and as long as a person is threatened with any harm which can reasonably be seen as part of a course of systematic conduct directed against that person as an individual or as a member of a class of persons, on account of race, religion, nationality, sex, political opinion or membership of a particular social group, that person is being persecuted for the purposes of the Act
\textsuperscript{135} A person who has qualified to be granted refugee status under section 4 of this Act and has been granted refugee status by the Eligibility Committee under section 20 (2) of this Act, or is a member of class of persons declared to be refugees under section 25 of this Act;
From this Section, we learn the definition of a refugee as a person who has qualified to be granted refugee status under section 4 of the Act, this status is granted by the Eligibility Committee, or is a member of the class of persons declared to be refugees under section 25 of the Act.

**Qualification for Refugee Status in Uganda**

Under Section 4 of the Refugees Act, a person qualifies to be granted refugee status for six major reasons: one if they have a well-founded fear of being persecuted for various reasons or because of that fear to the person is unwilling to return to or avail himself or herself of the protection of that country. Two, not having a nationality and being outside the country of his or her former habitual residence due to a well-founded fear of being persecuted, three because of external aggression, occupation, foreign domination or events seriously disturbing public order of his or her country of origin or nationality, that person is compelled to leave his or her place of habitual residence to seek refuge in another place outside his or her country of origin or nationality.

Four, being a well-founded fear of persecution for failing to conform to gender discriminating practices, that person is compelled to leave his or her place of habitual residence to seek refuge in another place outside the country of origin or nationality. Five, the person is considered a refugee due to any treaty obligation to which Uganda is a party or any law in force by the time the Act was enacted; six that person is a member of a class of persons declared to be refugees under section 25 of this Act.

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136 race, sex, religion, nationality, membership of a particular social group or political opinion.

137 Under Section 25, the Minister can declare a mass group of people refugees where there is a mass influx of asylum seekers into Uganda. This should be in consultation with the Minister responsible for internal affairs. This would result into an order permitting the asylum seekers to reside in Uganda without requiring their individual status to be determined.
Disqualification from Refugee Status

This is provided for under Section 5 of the Refugee Act of Uganda

1. That person has committed a crime against peace, a war crime or a crime against humanity as defined in any international instrument to which Uganda is a party.

2. That person has committed a serious non-political crime outside Uganda before his or her admission to Uganda as a refugee.

3. That person has been guilty of acts contrary to the purpose or principles of the United Nations Organisation or the OAU.

4. A person has more than one nationality but they have sought the protection of the second country of which they are a national and does not have a well-founded fear of persecution on grounds of race, sex, religion, nationality, membership of a particular social group or political opinion in that second country.

Application for refugee status

Under the 2006 Refugee Act and Regulations, any person who enters Uganda and wants to remain in Uganda as a refugee has to make a written application to the Eligibility Committee for the grant of refugee status within thirty days after the date of his or her entry into Uganda. This application is made to the Commissioner through an officer authorized by the Commissioner OR through the UNHCR representative.\(^{138}\) The authorized officer or the UNHCR representative to whom an application is submitted should as soon as practicable forward this application to the Commissioner.

According to rule 5 of the Refugee Regulations, a person applying for refugee status must present their identification and their fingerprints and photographs taken by the refugee reception officer.

Rule 6 provides for unaccompanied minors whilst rule 7 provides that HIV-positive persons should not be discriminated against in the application process.

If one is not able to apply for Refugee Status within the 30 days prescribed under the law then he or she should present himself or herself to a refugee reception officer as soon as practicable explaining their circumstances.\(^ {139}\)

\(^{138}\) Rule 3 (2) The application under sub regulation for refugee status is provided for under Form A specified in the Third Schedule.

\(^{139}\) Rule 3 (4)
Temporary Pass

Rule 13 of the Refugee Regulations provides a temporary pass. Every applicant who has submitted an application for refugee status in accordance with the law has to be given a temporary pass which is valid for ninety days.

Every member of the family of the applicant is also issued with a similar document. The temporary pass issued under this regulation entitles the applicant and all the members of his or her family to remain in Uganda until his or her application is granted or rejected, and no appeal has been filed with the Appeals Board or until that person has exhausted his or her right of appeal under the Act or these Regulations. A temporary pass is renewable every two months until all rights connected with or incidental to an application for refugee status have been exhausted.

Application for refugee status by a family

Rule 4 of the Refutations provides for instances where members of the same family are seeking refugee status. While adult member of the family can lodge their application for refugee status. While adult members may lodge their applications the rules note that they should not be separated upon arrival in Uganda or after approaching a refugee reception officer.

Office of Refugees

Section 7 talks about the establishment of a public office for refugees and Section 8 discusses the functions of the Office. Some of the key functions include protecting refugees and coordinating the provision of services for their welfare; identifying and initiating projects for refugees and refugee-affected areas; advising and working with the UNHCR and other organisations on refugee programmes and their implementation; implementing national and regional development plans relating to refugees; promoting and participating in inter-state and regional initiatives for voluntary repatriation of refugees.

The legislation and policy environment is quite rich in Uganda which begs the question for both refugees and Ugandans, which percentage of the population is actually aware of all the rights filled policies, laws and frameworks?
Conclusion

The problematic political economy of knowledge access, distribution as shown throughout the citations and references largely account for the continued marginalization in academic, scholarly and policy discourses as many Ugandans who are often the “area study” do not have access to critical scholarship as articulated by David N Tshimba.

“To be sure, the global North remains a domineering site of knowledge production about refugee issues. About 90 per cent of published work on forced migration reportedly originates from researchers/practitioners based in academic and policy institutions in the global North.”

The knowledge production and hoarding isn’t reflective of who hosts the largest number of refugees, yet, according to the UNCHR 2021 global trends report, in forced displacement in 2020, 86 per cent of the world’s forcibly displaced people are hosted in countries in the global South — 38 per cent alone living in sub-Saharan Africa. This disconnect in critical knowledge production is also reflective of disengagement between the Ugandan citizen and the debates, studies of refugees in juxtaposition.

The research raises more questions than answers for example; “how are Ugandan citizens engaged in areas where the government establishes a camp?” Historically that was decided by the British colonial government, and the practice was carried forth by the colonial elite. The second question is “who benefits from accolades and narratives such as “Uganda has the most progressive refugee policies?” Thirdly, in clear dehumanizing practices of deporting African refugees to Africa in cases, such as, Israel in dubious deals between governments as well as contemporary debates in Britain, “what authority do international agencies such as UNHCR have over states especially ‘If indeed state-donor relations take the form of a game over funding and resources, the game may be thrown from the start, because states almost never lose’.”
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