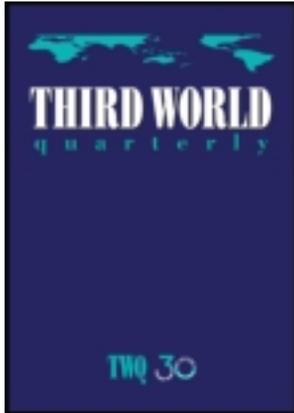


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### Participating in Development? Refugee protection, politics and developmental approaches to refugee management in Uganda

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# Participating in Development? Refugee protection, politics and developmental approaches to refugee management in Uganda

TANIA KAISER

**ABSTRACT** *This article examines an attempt by the government of Uganda and UNHCR to implement a developmental ‘Self Reliance Strategy’ in response to the needs of 188 000 long-term Sudanese refugees and their hosts in Uganda, and analyses some of the conceptual, political and practical issues arising from it. It contends that conditions of extreme insecurity in the north of the country, and the fact that refugees in Uganda do not enjoy freedom of movement, undermine from the outset prospects for a successfully integrative and developmental approach to refugee assistance. It argues that the rights and well-being of refugees in Uganda are subordinated to the government’s wider political objectives in relation to Uganda’s internal conflict, and with respect to its relations with the international donor community. It concludes that, while developmental approaches promise a number of advantages in protracted refugee situations, ways must be found of ensuring that the protection needs, as well as the socioeconomic needs, of refugees are assured.*

Many refugees in sub-Saharan Africa today find themselves in what are described as ‘protracted refugee situations’, meaning that these have lasted for more than five years and have no immediate prospect of a solution.<sup>1</sup> The continued presence of long-term refugee populations in many Southern states reflects the fact that much-vaunted repatriation processes proved not to be a feasible answer, during the 1990s, for the large numbers of people who were either unable to return home during the decade, or who were forced to leave their countries of origin as a result of internal conflict. Infamous examples include the 540 000 Burundi refugees in Tanzania, 300 000 Somali refugees in Djibouti, Ethiopia, Kenya and Yemen and 460 000 Sudanese refugees in Central African Republic (CAR), Chad, DRC, Ethiopia, Kenya and Uganda.<sup>2</sup>

Refugee populations who have been in exile for a number of years may face a number of specific challenges. Not only can they face ongoing

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livelihood or economic difficulties, there are also a myriad of other issues relating to sociocultural, political and developmental questions to contend with over time. Recognition that this is the case, and a host of other concerns regarding the perceived inadequacy and wastefulness of interminable 'care and maintenance' programmes, have led to a reconsideration of the support and assistance provided to long-term refugees in some contexts.

This article considers aspects of one attempt to address these concerns, and some of the conceptual, political and practical issues arising from it. In 1999 the government of Uganda and the UN High Commissioner for Human Rights (UNHCR) began implementing a 'Self-Reliance Strategy' (SRS) for long-term refugees. This article considers some of its developmental objectives and mechanisms, and raises questions regarding the extent to which they are compatible with the conflict situation that currently pertains in northern Uganda, and with the protection of refugee rights.<sup>3</sup> Further, it asks whether the principle of participation which is made explicit in the design of the SRS and conceptualised as a norm in development planning, has been realised in any meaningful way in its delivery. It casts doubt on the extent to which refugees have been accorded any operating space to make efforts to safeguard their own physical and socioeconomic security in this difficult environment.

The fieldwork on which the article is based was carried out during brief research trips in Masindi and Hoima districts in 2002 and 2003 and focused on the refugees of the former Achol-pii settlement of Pader District as well as on the refugees who live in Kiryandongo settlement, Masindi District. It is also informed by previous anthropological research with the same groups between October 1996 and November 1997.

### **Moving beyond 'care and maintenance' support**

Humanitarian donors are increasingly frustrated by the expense and waste associated with long-term 'care and maintenance' programmes for long-term refugees. Such interventions are in any case acknowledged to be an inadequate and unsatisfactory response to the wider or 'essential' needs of refugee populations.<sup>4</sup> They are accused by numerous analysts of themselves representing a debilitating source of stress, and failing to respond to the human and social development needs of refugees.<sup>5</sup> Often entirely neglected by this kind of response are refugees who have settled outside the formal structures of assistance, unless they benefit incidentally from the sometimes limited attention paid to the host population. These factors, among others, have led to increased pressure on governments, UN agencies and ngos to improve their performance in relation to 'joined up aid'. It should be recognised that, while no simple and linear relief–development continuum exists in practice, working with governments to find ways of moving beyond short-term emergency responses and then relying on literally hopeless care and maintenance programmes for refugees is crucial.

Although the advantages to all stakeholders of addressing the broad needs of refugees in relation to their socioeconomic context seem clear, the

inherently political nature of a refugee presence makes the implementation of a more developmental response much more difficult than one might expect.<sup>6</sup> The disappointing results of 'zonal' and other developmental refugee-related initiatives from the 1960s onwards is a reflection of this fact.<sup>7</sup>

One of the key concerns of host states is that any such initiative should not be mistaken for the beginning of any softening towards the idea of 'local integration' rather than repatriation as an ultimate solution to the 'refugee problem'. While some commentators have attempted to reinvigorate debates about the potential advantages of local integration as a solution to the liminal and uncertain situation of refugees in protracted exile recently, host states in sub-Saharan Africa are typically disinclined to take up this particular challenge.<sup>8</sup> Jealous of challenges to their sovereignty, they see pressure in this direction as presumptuous of Northern states, which are meanwhile implementing increasingly restrictive asylum policies at home, and as a form of back-tracking on 'burden sharing' commitments.

Inevitably, some attention has been paid to measures that attempt to bridge the gap between ongoing maintenance and a full 'durable solution' for populations who occupy a liminal zone, stranded in protracted exile, but without the likelihood of a full resolution to their problems in the short or medium term. Advantages of addressing the needs of refugees and their host communities together, as 'refugee affected area' approaches have sought to do, include the avoidance of duplication of structures and services and the minimising of tension between refugees and hosts based on the perception of unequal divisions of aid.

While applying a developmental approach to refugee assistance might seem a self-evidently good idea, offering a more cost-effective way of supporting long-term refugees in the communities that host them via already existing state structures to the benefit of all concerned, it must be acknowledged that there are potential risks. Refugees' needs are not limited to the socioeconomic sphere, but relate also to the protection of their political and legal rights. It is for this reason that a specialised UN agency has been mandated to work with and for refugees since 1951. It is critical that any transformation of refugee assistance processes takes into account all their needs. If host states are to be more clearly in control of defining the modalities of support to refugees in relation to service management and provision, UNHCR must be no less vigilant in continuing to ensure that this is done in such a way that it does not undermine them in other respects. There is no reason to assume that each of the stakeholders involved—government at the local and national levels, multilateral agencies, ngos, civil society organisations, refugee and host populations—will necessarily have compatible goals and expectations. Caution is thus required when operating within a framework which insists on the benefits and advantages of developmental approaches to relief, and which may downplay what can be lost by employing this approach.<sup>9</sup>

The structure of the rest of the article will be as follows. After briefly introducing the situation of long-term Sudanese refugees in Uganda and their conditions of exile, I sketch out the objectives and proposed modalities of the

SRS in relation to the Ugandan national development plan. I analyse some of the contradictions and constraints that have arisen with particular reference to challenges to refugee protection with respect to the related issues of insecurity and freedom of movement, and with respect to levels of participation. Finally, I discuss how and why, despite serious difficulties, the government of Uganda has refused to compromise on implementation of the SRS, and has arguably on occasion sacrificed refugee well-being to the needs of its national and international political agenda.

### **Conditions of exile: the Sudanese refugee context in northern Uganda**

Sudan's second civil war has been underway for two decades, during which millions of people have lost their lives or been displaced. Despite recent peace talks in Kenya over the past two years, which have resulted in the signing of preliminary accords, there are still almost 188 000 Sudanese refugees in Uganda (as well as large numbers of refugees from DRC and Rwanda).<sup>10</sup> Sudan is still considered a pariah state by much of the industrialised world, although its diplomatic relations with Uganda appear to be stronger now than they have been for many years. Uganda, on the other hand, continues to enjoy a comparatively good reputation in the North, despite President Museveni's refusal to submit to pressure to embrace multiparty democracy. Uganda is strongly supported by the international donor community and has met the conditions for participation in the Heavily Indebted Poor Countries (HIPC) initiative<sup>11</sup>.

However, all is not well in Uganda, as the conflict-affected north of the country continues to experience serious insecurity, deprivation and, arguably, political repression.<sup>12</sup> It is widely recognised that the relative marginalisation and under-development of the north of the country is linked to its ongoing experience of insurgency and insecurity.<sup>13</sup> Most of the Sudanese are accommodated in camps and settlements near the Uganda–Sudan border and refugees and hosts alike suffer from frequent brutal attacks by the rebel Lord's Resistance Army (LRA) in particular.

Refugees in Uganda are required by law to register and live in formal camps and settlements and, although an unknown number remains outside the formal structures of assistance, very many do so. Contributory factors to this include the system of participatory local government (the Local Council system), which makes it difficult for refugees to live unregistered in towns and villages without the complicity of local government officials; the generalised insecurity in the north of the country, where there are now 1.6 million internally displaced persons (idps); and the fact that protection and assistance are usually not available to refugees outside the settlement system. In practice, refugees do not enjoy their right to freedom of movement, and this has consequences for their enjoyment of socioeconomic and political rights too.

In 1997 a group was formed to draft a new Refugee Bill (2000), designed to replace Uganda's 1960 Control of Alien Refugees Act.<sup>14</sup> This Bill, which reportedly addresses some of the more restrictive mechanisms of control in

the 1960 Act, including restrictions on freedom of movement, has yet to be approved by parliament. It is widely recognised that the restoration and protection of refugee rights is a prerequisite if the promotion of self-reliance is to lead to the meaningful economic and human development of refugee populations.<sup>15</sup>

Many of the 188 000 Sudanese refugees in Uganda have been present since the late 1980s or early 1990s, having also previously experienced exile in the country during the first Sudanese civil war. During the previous decade voluntary repatriation has seemed unlikely in the short or medium term, and the government of Uganda has rejected outright the notion of the permanent integration of the long-staying Sudanese population. The dangers of exile in northern Uganda have undoubtedly intensified the refugees' interest in peace negotiations for Sudan reaching a positive conclusion.

#### **Assistance responses: the Self-Reliance Strategy**

Despite the government's refusal to consider the permanent integration of refugees, recognition that a more appropriate response was needed to the presence of vast numbers of long-term refugees, has led to co-operation between the government and UNHCR and an agreement to implement a 'Self-Reliance Strategy' (SRS) for them in 1999.<sup>16</sup> 'Its overarching goal was "to integrate the services provided to the refugees into regular government structures and policies" and, in so doing, to move "from relief to development"'.<sup>17</sup> At the time this was written in 1999 it was envisaged that, by 2003, refugees would be able to grow or buy their own food, access and pay for basic services, and maintain self-sustaining community structures. The SRS was designed to be implemented at the district level, with the Office of the Prime Minister (OPM) and UNHCR playing co-ordinating roles, and '[ensuring] harmonisation of policy'.<sup>18</sup> Services to refugee groups would be written into district development plans and implemented as part of the wider administration and service delivery by respective line ministries, rendering unnecessary the parallel structures and 'special treatment' of refugees by UNHCR and NGO implementing partners.

In Uganda, the SRS promised several benefits therefore, including the following. Reduction of expenses associated with increasingly unpopular 'care and maintenance' programmes, an opportunity to contribute to the sustainable development of refugee hosting areas in Uganda and the chance for refugees to 'manage their own lives and share socio-economic services with the nationals' while preparing for an eventual repatriation.<sup>19</sup> It should be emphasised that the SRS aims for the integration of services for refugees into district development and service delivery plans.<sup>20</sup> It is refugee assistance, rather than the refugees themselves, which are to be integrated. A programme of social integration is far from being the objective of the strategy.

The Ugandan developmental framework, into which the SRS was designed to fit, is provided by the Poverty Action Elimination Plan (PEAP). The latter's principle goals relate to rapid and sustainable economic growth and

structural transformation, good governance and security, increased ability of the poor to raise their incomes and increased quality of life of the poor.<sup>21</sup>

Both the SRS proposal and the PEAP emphasise that successful implementation will be predicated on the existence of a sufficient level of physical security in the north of Uganda. The SRS and PEAP emphasise the participation of both the refugee and host populations respectively and the SRS prescribes participatory approaches to planning and implementation, although it appears that until now this has been taken to refer to secondary rather than primary stakeholders. The following section will examine some of the issues arising from attempts to implement the SRS, with a particular focus on the structural conditions in the context of which the attempt has been made.

### **Kiryandongo and Achol-pii refugee settlements**

What follows refers specifically to the experience of refugees from the Kiryandongo (Masindi District) and Achol-pii (Pader District) refugee settlements in northern Uganda.

Although Kiryandongo is not in one of the main SRS districts, because of its location in a safe area south of the Victoria Nile, and its age and degree of establishment, the SRS has been implemented there from an early stage. Refugees in Uganda since 1989, its residents were allocated agricultural plots at Kiryandongo in the early 1990s and most of them are no longer in receipt of food rations from the World Food Programme (WFP). Experiences have been variable, but it is the case that some have managed to reach a stage where they are able to produce a surplus and cater for many of their non-food needs such as primary and, in some cases, secondary school fees, and some medical expenses.

By the late 1990s assistance programming beyond the provision of basic social services in Kiryandongo had largely fizzled out. To a large extent the introduction of the developmental self-reliance strategy here represented a change of service provider rather than a substantial gear change in the kind of interventions offered. Instead of benefiting from UNHCR-funded programmes implemented by international and national ngos, refugees' education, health and other services were provided by government of Uganda personnel. As discussed elsewhere, funding arrangements were slow to change, however, and the refugees were broadly unhappy with the handover.<sup>22</sup>

The inhabitants of Achol-pii have not been so fortunate. The Sudanese population of the former Achol-pii refugee settlement in Pader District are also predominantly Acholi, and the majority arrived in Uganda from Sudan in 1992 or 1993. Many of the Achol-pii population had relations in the settlement at Kiryandongo, to whom some of them fled illegally after the most serious of numerous attacks on their settlement by the LRA in 1996.<sup>23</sup> The Achol-pii refugees continued to receive WFP food rations throughout their stay there since they were never provided with agricultural land to farm. This was partly a function of the situation of insecurity in the district, in the

heartland of the Acholi area and therefore LRA territory, throughout the period.

For those who did manage to reach Kiryandongo in the aftermath of the 1996 attack, the Ugandan government and UNHCR made repeated efforts to return them to what they considered to be the danger of Achol-pii, where they remained registered. Unable to access food rations in Kiryandongo, some were regularly obliged to make the relatively perilous journey back to Achol-pii to collect rations from Pader District. The Kiryandongo population, most of whom fled Sudan in 1989 on the arrival of the government of Sudan forces in the village of Parajok, had themselves experienced attacks by the LRA while in a transit camp in Kitgum District, and were sympathetic to their friends' and relations' desire to move to a safer place.<sup>24</sup> Those who managed to resist being returned to Achol-pii were finally registered at Kiryandongo, despite having previously been told that the settlement was 'full' and could not accommodate any new arrivals, in 1999.

On 5 August 2002 the settlement at Achol-pii was again attacked by LRA forces, who overcame the Ugandan military detachments which had been positioned there to defend the settlement from military attack. As many as 55 people—including many refugees—are reported to have been killed in the attack, which precipitated a general move away from Achol-pii on foot towards Lira.<sup>25</sup> A few days after the attack on Achol-pii, the bulk of its 24 000-strong refugee population, as well as several thousand other people, were transferred by UNHCR lorries to Kiryandongo refugee settlement in Masindi District.

By this time the Kiryandongo refugees were considered to be moving towards self-sufficiency and most were no longer receiving food rations. Unlike the previous occasion in the late 1990s, when Achol-pii refugees had fled to Kiryandongo, this time, on arrival at Kiryandongo, members of the Achol-pii group were encouraged by the authorities to accept the hospitality of their friends and relatives there, and to go and stay with them on already established plots rather than relying on transit facilities where services were, initially at least, chaotic and insufficient. Many people insisted that they were surviving only because they had relations to go to in the camp. In some cases, Kiryandongo households that had previously numbered 10–15 increased to up to 40 under these arrangements (personal communications and observation). As such, only two relatively small transit areas were being occupied during my visit at the end of August 2002.<sup>26</sup> The public health benefits of dispersing the refugees is cited by all the actors as being one of the principal reasons for the adoption of this strategy, and it is certainly the case that no major epidemic has been experienced since the arrival of the new group.

Despite the 'participation' of the Kiryandongo population in hosting the Achol-pii group, there is little evidence that they were invited to be involved in decision making relating to the changes to settlement life. One refugee leader noted ruefully that neither the OPM nor UNHCR consulted the refugees, communicating with their Refugee Welfare Council leadership only when they need information from them, and concluding 'participation costs money'. A relief worker concurred that officials from the OPM were not

willing to listen to refugees, remarking that, even when refugee representatives were present, they barely dared speak for fear of being shouted down by the government official.

In Kiryandongo it appears that there was no involvement of the refugee community in the demarcation of the transit area for the Achol-pii group.<sup>27</sup> The Refugee Welfare Councils of both populations had failed (up to the time of my visit in September 2002) to achieve a meeting with the deputy Settlement Commandant who was too busy to see them. The Achol-pii leadership complained that they had submitted reports and complaints to both OPM and UNHCR about their situation, but had received no response at all from them.

This contrasted markedly with accounts of life in the Pader camp by members of the Achol-pii leadership, who insisted that they had regularly been involved in setting agendas and defining work plans with government officials in relation to their technically *less* developmental camp. They expressed shock at the absence of a dialogue between the Kiryandongo refugees and their Settlement Commandant.

There is a clear relationship between the confidence expressed by the Achol-pii group in their own Settlement Commandant, and their insistence that they were involved in a substantive way with camp management. This points to the importance of the attitude and working style of key individuals, of course, but also to the power wielded by the government in Ugandan refugee camps. The concern, by implication, is for settlements other than Achol-pii, where relations between refugees and the OPM are less positive, and where the advocacy and support so important in that case are not forthcoming for the refugee population.<sup>28</sup>

### **The SRS in Kiryandongo: constraints and contradictions**

#### *Insecurity*

One evident constraint on the successful implementation of the self-reliance strategy in Kiryandongo and Achol-pii, was the degree of physical insecurity in the north of the country. In Achol-pii in Pader District, even the more limited strategy of allocating agricultural land to refugees had not been attempted, partly because of the precarious security situation there over a number of years. It should be noted that during this period the Ugandan government has required vast numbers of its own citizens in the conflict-affected area to move into 'protected villages' or camps, and developmental activities have reportedly all but stopped in the worst affected areas.

The impact of the insecurity experienced by the Achol-pii refugees also extended to the Kiryandongo population. By hosting the co-ethnic Achol-pii refugees, the self-reliance efforts of the Kiryandongo group were undoubtedly undermined, as the settlement struggled to support a population twice as large as it had been designed for. Nevertheless, the Kiryandongo population insisted on their commitment to providing refuge to their kinsfolk and others. The government, however, took another view. As one refugee man asked: 'if

they [ie the Achol-pii population] were receiving food rations in Achol-pii, why can they not continue to receive them here in Kiryandongo, staying with us?'. This question was partly answered by the State Minister for Emergency Preparedness and Refugees when she visited the settlement on 4 September 2002.

In a brief address to the gathered refugee population, the minister insisted that it was not possible for the Achol-pii group to stay at Kiryandongo because of overcrowding and congestion, and the consequent risk of disease. She announced that the government had agreed with UNHCR to move them to districts where there was plenty of land for them to support themselves, namely Hoima, Arua and Yumbe.<sup>29</sup> Emphasising that the refugees were in Uganda 'by choice' and that they also had the 'choice' of voluntary repatriation open to them if they disliked the government's plans, she added: 'The government has already launched a programme for refugees called Self-Reliance Strategy. It is doing very well in the districts of Adjumani and Arua and we want refugees from Achol-pii to benefit from it.' It seems clear that the promotion of the SRS and the government's wider developmental agenda were key factors in their insistence that the refugees should move as decreed by the government, 'one way or another', as the Minister put it. In support of this view another senior government official insisted that the Achol-pii group could not be allowed to remain at Kiryandongo because this would undermine the self-reliance of that population also (personal communication).

Having first heard rumours of their impending relocation on the radio news, refugees now reacted with fear and outrage to confirmation of the fact that they were to be moved to the northwest of the country, close to the Sudanese border and to an area perceived to have been unstable over a long period of time because of rebel activity and Sudanese People's Liberation Army (SPLA) cross-border operations. In a memo to the government written by a group of refugee leaders they asked: 'since the rebel activities are also being carried out in both Yumbe and Arua districts, why should the government not find for us a safer place somewhere else instead of taking us to the above mentioned districts where we may face similar problems like that of Achol-pii'.

Information flows were extremely poor and on several similar occasions refugees were left juggling rumours and hearsay with no clear idea of what was going to happen to them. Far from being invited to participate in planning and implementation processes, the refugees were left in ignorance and confusion about issues that directly affected them. A short account of one incident, in the words of a young, female resident of Kiryandongo illustrates this:

After the incident of Achol-pii [ie the LRA attack], the refugees were brought to Kiryandongo Camp where they were settled in churches here in the camp. On around 22 to 23 August, the Church Ministers asked the Commandant to settle the refugees elsewhere. To the surprise of the refugees, they saw lorries parked near them. The Commandant with his assistant ordered the policemen who were holding guns and sticks in their hands, to force the refugees into the

lorries. The refugees were confused because earlier there were rumours that they would be taken back to Achol-pii. The Commandant and his policemen did not inform the refugees where they are taking them. Instead, the policemen started beating the women and children, kicking their food from the fire, destroying their tents. Is there a difference between the policemen of Uganda and the Kony rebels? <sup>30</sup>

In the event it transpired that the refugees were simply being moved to a newly defined transit area within Kiryandongo. What is remarkable is that no-one thought to inform the refugees that this was what was happening, so that they were left feeling frightened and confused, as force was used to oblige them to move.

One important feature of a willingness to enter into a dialogue with social and professional interlocutors, and extremely important in this cultural context, should be that mutual respect is shown and received by all actors. For the Acholi, as for many African groups, having the opportunity to discuss problems and express an opinion publicly is considered exceedingly important. While it may seem a relatively small thing in the context of complex and pressing operational challenges, it is hard to overestimate the extent to which refugee men, women and children in Kiryandongo resent the way that they have been addressed by senior representatives of the government on their visits to the settlement. During the visit of the state minister described above the refugees were appalled by her lack of courtesy towards them. In the first instance she arrived several hours late for the meeting she had called, which was interpreted as evidence that she cared little about the refugees' own commitments and time, and disrespected their leaders, who were indeed highly embarrassed. Perhaps more importantly, she explained her lateness by saying that she had been consulting on the subject of the meeting with District officials, UNHCR and NGO staff. Not only did she pointedly not invite discussion with the refugees who had waited for several hours to see and hear her, she refused even to take questions on her speech, departing with unseemly haste as soon as she had delivered her message.

Negotiations about the future of the residual Achol-pii group continued for a year, with relations between UNHCR and the government growing increasingly strained, even to the extent that the UNHCR country representative was deported over the issue in April 2003. Eventually UNHCR was unable to resist any longer as the government informed it that the proposed relocation to West Nile would go ahead in mid-September. As UNHCR and its implementing partners worked on preparing reception centres and basic facilities for the multiply displaced refugees, their worst fears were realised when on 1 September the Ugandan military, military police and local defence militias moved into Kiryandongo at dawn, and forcibly rounded up the remaining Achol-pii refugees, herding them at gunpoint into trucks.<sup>31</sup> Accounts of the operation suggest a high level of force was used and that the population was terrorised into submitting. In the process of separating the Kiryandongo and Achol-pii populations, tear gas was used, people were beaten for perceived non-compliance, several refugees were detained and there are even accusations that some refugees were killed.

There was some physical resistance to the round-up, notably by a group calling themselves the 'Baghdad Boys', which was used to some extent by the government to justify its actions. As in the case of the recent and brutal government-sponsored action designed to clear displaced peoples' camps in Sudan's Darfur, however, it seems clear that the degree of force used in this case was disproportionate and excessive to say the least.<sup>32</sup>

*Rights: freedom of movement*

In her speech to the refugees the minister noted that the government was committed to ensuring the human rights of refugees as it was of its own nationals, and indicated that the implementation of the SRS was also intended to promote this objective. The minister was very clear, however, about the fact that refugees were not free to choose where they should stay in Uganda; that this was for the government to decide.

Despite the rhetoric of human rights employed by the government in this case, the refugees listening to the minister had few illusions about the enjoyment of their rights in Uganda. As one young woman put it, 'Refugees are termed as people who don't understand, without rights and as just "mere" refugees'. She went on 'Refugees in Kiryandongo Camp have no rights. They are dictated upon and decided for.' Another man asserted 'there is no safe place in Uganda', and complained that they had no freedom to try to find one. His criticism extended to UNHCR who, he said, treated the refugees like children.

Article 26 of the 1951 UN Refugee Convention provides for freedom of movement for refugees in the country of asylum. Denying refugees freedom of movement and justifying this in terms of the desirability of helping them to achieve self-reliance is contradictory in two main respects. First, the principal self-protection strategy available to poor and marginal populations in situations of insecurity is mobility. It seems nonsensical that people who have been obliged to flee violence in their country of origin should be forced to live in areas they believe to be insecure in their country of asylum. Second, if the ultimate objective is the socioeconomic development of refugee communities and their Ugandan hosts, it makes little sense to deny them access to a range of economic activities. It is clear that these are limited for many in a conflict-affected area. When large numbers of Ugandan nationals were forced to leave their homes because of LRA atrocities in northern Uganda, the poorest and most powerless among them had no option but to relocate to the IDP camps. Those with financial resources, or social and political connections on the other hand, relocated to areas where they could continue their professional or commercial activities. The economic boom in the area around the Kiryandongo refugee settlement is attributed to the recent presence there of Ugandan Acholi businessmen, who have relocated on this basis from Gulu and Kitgum. The refugees from Achol-pii and elsewhere are denied these kinds of opportunities under the current system.

There is a contradiction in that the ethos of the SRS ostensibly supports the notion of the human and social development of affected populations, and

does not restrict itself to a narrow economic agenda. It refers explicitly to the building of capacity and social resources of the population, with a view to the eventual repatriation of the refugees.<sup>33</sup> By refusing to allow the Kiryandongo refugees to continue to host their compatriots, it could be argued that the government is undermining the development of precisely the sort of social networks and structures that would be indispensable in this eventuality. Furthermore, it may be working positively against the local coping strategies, and the building of self-esteem that it purportedly sets out to support.

### **Refugees as ‘agents of development’—but whose development?**

Implementation of the SRS was intended to move refugee assistance from ‘relief to development’. The objective was to move to a situation where services to refugees could be integrated into district development planning and programming. As we have seen in this case study, however, the government has had to take a hard line in the face of contradictory constraining factors, to impose on the other stakeholders a framework within which it was possible to even begin thinking about this kind of integration of services. It has insisted that its interests are in enabling the fulfilment of the material needs of the refugee population, but this has arguably been at the expense of the protection of their legal and political rights. How can the forcible relocation of refugees to an area they consider to be unsafe, in the face of opposition from the UN agency mandated to protect them, be construed as contributing to a developmental refugee assistance process?

UNHCR has been left in an impossible position. Having invested a great deal of effort in supporting the development of the SRS, UNHCR found that the government appeared to be using it as language and a justification for undermining refugee rights with respect to freedom of movement and personal and socioeconomic security, as in this example. Although enormous efforts were made discreetly at the diplomatic level by the country office to defend the refugees’ refusal to relocate to West Nile, UNHCR’s refugee constituency was largely unaware of this and felt betrayed by the organisation.

UNHCR’s position in relation to this contradiction is not inexplicable, neither is it satisfactory in practical terms. In its ExCom conclusions of 1981 it states that ‘the location of asylum seekers should be determined by their safety and well-being as well as by the security needs of the receiving State’. A precedent for moving refugees away from insecure areas exists both in Uganda and elsewhere. While it has employed a range of delaying and blocking tactics against moving the refugees north, it has never come out strongly and publicly against the move. Neither has it justified it in terms of the self-reliance strategy. Its unwillingness or inability to prevent the relocation represents a failure of protection, whatever its cause, that raises again the question of whether assistance and protection activities are always compatible in its work.<sup>34</sup>

To understand why it was so crucial for the government to relocate the Achol-pii refugees, and to identify which developmental concerns were pre-

eminent, it is necessary to turn briefly to the government's wider political agenda. The government's insistence that land pressures and the success of the SRS were its primary motivations are only a partial explanation.

The conflict situation in northern Uganda, for which neither a military nor a negotiated solution has been found in over a decade, has been one of the overriding problems of Yoweri Museveni's presidency. Meanwhile, the economy of the north has remained stagnant, its people have largely not been won over to the National Resistance Movement (NRM), and conflict has been brought to civilians throughout the north. The relocation of a large number of refugees to impoverished and dissatisfied Arua and Yumbe in West Nile offers the prospect of immediate developmental attention for those locations from international donors via UNHCR and its partners. Not only does this imply a rejuvenated infrastructure, employment opportunities and increased markets for the local population, it also consequently promises political advantages for the government.

First, it offers an opportunity to strengthen political links between the NRM and the people of West Nile, the latter having only recently come into the fold of Ugandan politics with the disbanding of their own insurgent movements and the inclusion of their representative, Moses Ali, at a senior level in the cabinet.<sup>35</sup> Second, it allows the state to assert and possibly extend its control over this remote border area; to "harden" its presence there'.<sup>36</sup> This is important both for its own sake and for the strong image it allows the president to project nation-wide. Relocating the refugees to West Nile is clear evidence of his capacity to do so, and this speaks to his wider claims of control over the conflict-affected north more generally.

The insecurity and resulting humanitarian disaster in northern Uganda is a political embarrassment for the government. While Gulu, Kitgum, Pader and parts of other districts are unarguably highly insecure, the government heartily resents any suggestion that the districts of Yumbe and Arua are unsafe and incapable of securely hosting the Achol-pii refugees. While the north generally is, in fact, increasingly militarised, with transport difficult, markets compromised and internally displaced people and refugees isolated, the government appears to want to proceed on the basis that none of this is the case. Its determination to move the Achol-pii population to Yumbe and Arua is both expressive and constructive of what it wants and needs the situation there to be. Acknowledging that this is not viable would be tantamount to admitting that recent developmental initiatives in the north are compromised. This would be a political catastrophe at a time when much development aid to the NRM government is conditional on it demonstrating that resources and attention are being equitably shared between the north and south of the country, and that it is both reducing military spending and bringing the conflict to an end.

President Museveni's international reputation depends on him being seen both to make efforts, and succeeding, to bring the north under control. In 2002 the World Bank entered into an agreement with the government which led to the establishment of the Northern Uganda Social Action Fund. This plans 'to implement activities targeted at alleviating the service delivery issues

in the North, where development has been stifled by both local and international cross-border conflicts as well as inter and intra-tribal conflicts'.<sup>37</sup> The implication is fairly clear; conflict is understood to be both productive of, as well as generated by, poverty and underdevelopment.

### Conclusion

Refugees have been treated in such a way as to lead them to feel that they 'have no rights in Uganda' and that the institution mandated to protect their rights has withdrawn from the fray. The SRS is little discussed in Kiryandongo, being considered a given part of the environment to be negotiated in the endless struggle to achieve the refugees' own objectives: scraping a living, educating children, protecting families, living in dignity and preparing for an eventual return to 'New Sudan'. The SRS is viewed by refugees there as something which has clear benefits for some of the other stakeholders, as well as being a mechanism that will help the international donor community to save money.

The intention of this paper is not to assert that developmental approaches to refugee assistance are not feasible or desirable. On the contrary, it hopes to have shown that what has undermined the credibility and potential of the developmental SRS in this case is the fact that it has been used instrumentally to advance the government's wider goals, at the expense of the refugees' priorities and of protection of their rights. Supporting refugees, already disadvantaged in developmental terms by their status, appears nevertheless not to be a prime objective of the strategy in this case. Developmental programming for refugees needs to include a remedial component that redresses any disadvantages experienced by them by virtue of their refugee status. In effect, development programming in this context needs minimally to incorporate an explicit focus on refugee protection.

While it is clear that the single greatest obstacle to developmental programming for refugees in northern Uganda is the ongoing conflict there, it is the coincidence of these insecure conditions and of refugees' lack of rights, notably to freedom of movement, which undermines their socioeconomic development above all else. The fact that refugees are almost entirely excluded from participating in decision-making processes is indicative of their political exclusion, which in turn relates to the government of Uganda's insistence that they should not be allowed to integrate into Ugandan society, but should rather be ready to repatriate when this becomes a possibility.

What is less clear is whether it is feasible to expect to effect the successful integration of refugee services in the absence of any desire for the integration of the refugees themselves. Socioeconomic development is a complex process, and one which is inherently about the negotiation of power relations. There is a serious question, in this case, about the extent to which refugees are being asked to give up certain goods, dedicated services, resources and attention, while it is unclear what they can expect to gain from the SRS in the absence of a relaxation of the external constraints that define the context in which they live. These questions will remain germane to any future assessment of the

implementation of the new Development Assistance for Refugees (DAR) initiative recently launched globally by UNHCR and much discussed in Uganda recently.

UNHCR may need to reconsider how it can best fulfil its protection mandate as it shifts, in situations of protracted exile, from a relief to a developmental orientation. In this case, the relationship between UNHCR and the government is by now a fragile one. The government has been quick to decry any perceived attempt to usurp its sovereignty, and easily overcame UNHCR's attempts to defend the Achol-pii refugees. Some leverage remains, however, as the government still needs assistance to respond to the daily needs of the thousands of refugees on its territory. In addition, while the government has used the refugees for political purposes, it also needs to ensure that it does not gain a reputation as an abuser of refugee rights among the international donor community.

States have long been exhorted to regard hosting refugee populations as an opportunity rather than a burden. Nevertheless, care is needed to ensure that, in balancing the important needs of their own populations and refugee groups, and in addressing complex and difficult developmental challenges in refugee hosting areas, states do not exploit the refugees to whom they are offering asylum for the sake of local or international political advantage.

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## Notes

- 1 J Crisp, *No Solutions in Sight: The Problem of Protracted Refugee Situations in Africa*, UNHCR New Issues in Refugee Research Working Paper No 75, 2003.
- 2 UNHCR Geneva, *Global Refugee Trends*, 2003.
- 3 As set out in the UN Convention on the Status of Refugees, 1951, and the Protocol Relating to the Status of Refugees, 1967. International human rights instruments relating to non-refugee populations also, of course, apply. Relevant instruments include but are not limited to the Universal Declaration of Human Rights, 1948, the International Covenant on Civil and Political Rights, 1966 and the International Covenant on Economic, Social and Cultural Rights, 1966.
- 4 A Jamal, *Minimum Standards and Essential Needs in a Protracted Refugee Situation: A Review of the UNHCR Programme in Kakuma, Kenya*, UNHCR Evaluation Report, 2000.
- 5 For example, BE Harrell-Bond, *Imposing Aid: Emergency Assistance to Refugees*, Oxford: Oxford University Press, 1986; Harrell-Bond 'The experience of refugees as recipients of aid', in A Ager (ed), *Refugees: Perspectives on the Experience of Forced Migration*, London: Pinter, 1999, pp 136–168; R Black, 'Putting refugees in camps', *Forced Migration Review*, 2, 1998, pp 4–7; and J Hyndman, *Managing Displacement: Refugees and the Politics of Humanitarianism*, Minneapolis, MN: University of Minnesota Press, 2000.
- 6 See, for an earlier example from Uganda, K Neeffes, 'Participatory review in chronic instability: the experience of the Ikafe refugee settlement programme, Uganda', Humanitarian Practice Network Paper 29, Overseas Development Institute, London, 1999; and L Payne, *Rebuilding Communities in a Refugee Settlement: A Casebook from Uganda*, Oxford: Oxfam, 1998.

- 7 J Crisp, *Mind the Gap! UNHCR, Humanitarian Assistance and the Development Process*, UNHCR New Issues in Refugee Research Working Paper No 43, 2001; and R Gorman (ed), *Refugee Aid and Development: Theory and Practice*, Westport, CT: Greenwood, 1993.
- 8 For example, K Jacobsen, *The Forgotten Solution: Local Integration for Refugees in Developing Countries*, New Issues in Refugee Research Working Paper No 45, 2001.
- 9 J Macrae, *Aiding Peace...and War: UNHCR, Returnee Reintegration and the Relief-Development Debate*, UNHCR New Issues in Refugee Research Working Paper No 14, 1999.
- 10 UNHCR, *Global Refugee Trends*.
- 11 World Bank, 'Bank and IMF support additional debt relief for Uganda amounting to \$1.3 billion', at <http://www.worldbank.org/hipc/country-cases/uganda/uganda.html>, accessed 2 May 2002.
- 12 'The humanitarian crisis in Uganda is far from over. Uganda continues to face funding shortfalls because it is widely, but erroneously, perceived as a success story in rehabilitation and recovery. This shifts attention away from the ongoing complex humanitarian crisis.' UN OCHA Geneva, *Consolidated Appeals Process Uganda*, 2003. See also Human Rights Watch, *LRA Conflict in Northern Uganda and Southern Sudan*, 2002, at <http://hrw.org/press/2002/10/uganda1029-bck.htm>.
- 13 International Crisis Group (ICG), *Northern Uganda: Understanding and Solving the Conflict*, ICG Africa Report No 77, Nairobi/Brussels; Refugee Law Project, *Behind the Violence: Causes, Consequences, and the Search for Solutions to the Conflict in Northern Uganda*, Refugee Law Project Working Paper No 11, 2004.
- 14 A Kiapi, 'The legal status of refugees in Uganda: a critical study of legislative instruments', in AGG Gingyera-Pinyawa, *Uganda and the Problem of Refugees*, Kampala: Makerere University Press, 1998.
- 15 Crisp, *No Solutions in Sight*.
- 16 UNHCR Kampala/Office of the Prime Minister, *Self Reliance for Refugee Hosting Areas in Moyo, Arua and Adjumani Districts 1999-2003*, 1999.
- 17 S Dryden-Peterson & Lucy Hovil, *Local Integration as a Durable Solution: Refugees, Host Populations and Education in Uganda*, UNHCR New Issues in Refugee Research Working Paper No 93, 2003.
- 18 *Ibid.*
- 19 UNHCR/Office of the Prime Minister, *Self Reliance for Refugee Hosting Areas*, p 10.
- 20 The proposal refers directly to the districts in which the largest concentrations of refugees are to be found, namely Adjumani, Moyo and Arua. The two settlements which will be discussed below, Acholpii and Kiryandongo, are in Pader and Masindi, respectively. Kiryandongo, as a mature settlement whose inhabitants have been allocated land for farming, has nevertheless been targeted for self-reliance for some time.
- 21 Poverty Action Elimination Plan (PEAP) (Ministry of Finance, Planning and Economic Development), cited in Dryden-Peterson & Hovil, *Local Integration as a Durable Solution*.
- 22 T Kaiser, 'The UNHCR and withdrawal from Kiryandongo: anatomy of a handover', *Refugee Survey Quarterly*, 21 (1&2), 2002, pp 201-227.
- 23 T Kaiser, 'Experience and consequences of insecurity in a refugee populated area in northern Uganda', *Refugee Survey Quarterly*, 19 (1), 2000, pp 38-53.
- 24 Kaiser, 'The UNHCR and withdrawal from Kiryandongo'.
- 25 BBC News online, "'Race against time" for Uganda refugees', at <http://news.bbc.co.uk/1/hi/world/africa/2183311.stm>, accessed 9 August 2002.
- 26 The population of Achol-pii had numbered around 24 000 and UNHCR estimated that it moved up to 31 000 people to Kiryandongo. Some of the refugees fled back to Sudan, while others almost certainly moved to other parts of Uganda. The discrepancy in numbers is explained by the authorities as being a function of 'recycling', the illegal movement of refugees from northern settlements other than Achol-pii and as the fact that large numbers of idps may have taken advantage of the evacuation from Lira to Masindi.
- 27 With the exception of one refugee NGO worker who invited himself along to the site inspection.
- 28 For example, the Settlement Commandant at Kyangwali camp in Hoima gets a much more mixed press from refugees and observers. Not only has he been accused of abusing some refugees, but his management style is reportedly authoritarian and he appears to be antipathetic to the idea of sharing power.
- 29 Such 'agreement' appears to have been news to some of the UNHCR personnel listening to the speech. It was difficult to find anyone in Uganda who disagreed with the refugees' view that Yumbe and Arua were unsuitable for refugee settlement on security grounds. The experience of an earlier refugee population who had been repeatedly attacked by rebel groups at the Ikafe refugee settlement near Yumbe town in 1996-97 was, predictably, recalled with trepidation. See Payne, *Rebuilding Communities in a Refugee Settlement*. In late November 2002 *The New Vision* newspaper reported that 'The Uganda National Rescue Front II (UNRF II) rebels recently held a presidential envoy, Brig Kale Kaihura, at gunpoint at their camp in Bidi-Bidi, Yumbe'. B Mugisha & G Matsiko, 'Brig Kaihura harassed', *The New Vision*, 26 November 2002.

- 30 It seems likely that these were members of local defence militias rather than policemen.
- 31 8000 of the group had already been moved to Hoima district in western Uganda in September 2002, a move that was accepted by the refugee leadership based on its assessment that the area was secure.
- 32 The period immediately following the relocation was a difficult one for the refugees. Adequate reception and infrastructural arrangements were not in place thanks to the haste with which they were transferred, and conditions in the two settlements were reportedly extremely poor. By 2004 the situation had stabilised to a large extent and the refugees relocated to Madi-Okolo were said to be settling in well. The situation in Ikafe was more precarious, with refugees continuing to have security and other concerns. Personal communication, UNHCR officials August 2004.
- 33 UNHCR/Office of the Prime Minister, *Self Reliance for Refugee Hosting Areas*, pp 10, 13.
- 34 G Goodwin-Gill, 'Refugee identity and protection's fading prospect', in F Nicholson & P Twomey (eds), *Refugee Rights and Realities: Evolving International Concepts and Regimes*, Cambridge: Cambridge University Press, 1999.
- 35 Of the two sites selected for refugee settlement, one at Ikafe had previously been used to accommodate refugees but was in a bad state of disrepair by 2003, the other was reportedly entirely undeveloped farmland owned by Moses Ali, Deputy Prime Minister in the NRM government.
- 36 K Jacobsen, 'Can refugees benefit the state? Refugee resources and African statebuilding', *Journal of Modern African Studies*, 40 (4), 2002, pp 577–596.
- 37 World Bank, 'Uganda: World Bank approves second Poverty Reduction Support Credit and Northern Uganda Social Action Fund', at <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS>, accessed 24 July 2002.