

“WE ARE ALL STRANDED HERE TOGETHER”:

THE LOCAL SETTLEMENT SYSTEM, FREEDOM OF MOVEMENT, AND
LIVELIHOOD OPPORTUNITIES IN ARUA AND MOYO DISTRICTS



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The Refugee Law Project (RLP) was established in November 1999 with the aim of protecting and promoting the rights of forced migrants in Uganda. The RLP operates as an autonomous project within the Faculty of Law of Makerere University, and focuses on three main areas: legal assistance, training, and research and advocacy. The Refugee Law Project works towards ensuring that asylum seekers and refugees are, as specified under national and international law, treated with the fairness and consideration due fellow human beings.

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The Refugee Law Project Working Paper Series is a forum for sharing information on issues relating to forced migration in Uganda. All comments are welcome and the RLP reserves the right to revise any Working Paper.

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The following report is based on field research carried out in Arua District between 12th and 25th August 2004. The research team consisted of Tania Kaiser (SOAS, University of London), Peter Iranya (MISR, Makerere University), Jane Akello, Jesse Bernstein, and Elias Lubega, all of the Refugee Law Project. It also draws on two weeks of field research carried out by RLP staff Jane Akello and Emmanuel Bagenda in Moyo District in June 2004. The work was undertaken as part of a larger study funded by the MacArthur Foundation entitled *Questioning the Settlement Policy for Refugees in Uganda: A Socio-Legal Analysis*. This paper was written by Dr. Tania Kaiser, Dr. Lucy Hovil, and Zachary Lomo. The authors are grateful to the National Council for Science and Technology for permission to conduct the study, to Jesse Bernstein for his valuable input into earlier drafts of the paper, and to Kelley James Johnston for production assistance.

COVER: “We are all stranded here together.” Interview with male refugee, Metu Village, 28th May 2004.

GLOSSARY OF ABBREVIATIONS

| | |
|---------|--|
| CARA: | Control of Alien Refugees Act |
| DAR: | Development Assistance to Refugees |
| DED: | Acronym for the German development agency |
| DRC: | Democratic Republic of Congo |
| ExCom: | Executive Committee of UNHCR |
| GoU: | Government of Uganda |
| LC: | Local Council |
| LRA: | Lord's Resistance Army |
| OAU: | Organisation of African Unity |
| OPM: | Office of the Prime Minister |
| PRA: | Participatory Rural Appraisal |
| RLP: | Refugee Law Project |
| RDC: | Resident District Commissioner |
| RWC: | Refugee Welfare Councilor |
| SPLM/A: | Sudan Peoples' Liberation Movement/Army |
| SRRA: | Sudan Relief and Rehabilitation Association |
| SRS: | Self-Reliance Strategy |
| UNHCR: | United Nations High Commissioner for Refugees |
| UNOCHA: | United Nations Office for the Coordination of Humanitarian Affairs |
| UNRF: | Uganda National Rescue Front (I & II) |
| WFP: | World Food Programme |

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REPORT SUMMARY

This paper examines the Government of Uganda's (GoU) local settlement policy which requires refugees to live in formal camps, and examines its implications for refugees' livelihoods and their enjoyment of their legal rights in Uganda. Based on field research in Arua and Moyo districts, findings below explore the relative positions of refugees residing in settlements as well as those who have left or avoided the settlement system altogether. In legal, political, and economic terms, and considering the developmental and protection consequences of the settlement policy in relation to the Self-Reliance Strategy (SRS), our findings raise questions regarding the extent to which the local settlement model ensures the political (security) and socio-economic (development) needs of refugees and their host communities.¹

Our findings indicate the following:

- **Refugees live in settlements because they have no option but to rely on the minimal assistance which is provided to them there, yet conditions in settlements are far from optimal.** The agricultural land on which settlement refugees depend was reported to be inadequate for a number of reasons by many refugees. Developmental opportunities for these long-term refugees are rare and many are unable to generate a sufficient income to meet their needs. Numerous complaints were made regarding the unavailability of adequate health and educational services in settlements, and concerns were expressed regarding the perceived reduction in services under the SRS.

- **In stark opposition to international refugee law, the implementation of the settlement policy in Uganda has effectively redefined the category 'refugee' so that it has come to refer to a person who is in receipt of assistance and living in a physical space defined by the government of Uganda.** This policy is made financially and materially feasible by the office of the United Nations High Commissioner for Refugees (UNHCR). However, after several years of existence, settlements still patently do not provide the conditions for economic survival, and refugees are consequently still heavily reliant on food aid. With settlements located in relatively remote and impoverished areas, employment, and other income-generating opportunities for refugees are largely absent. While services for refugees are ostensibly provided in settlements, in practice delivery is very unreliable and refugees are left facing a shortfall which they cannot remedy.

- **Investigation into the availability and use of land in the settlements found that for many refugees, the agricultural land allocated to them was either too little or too poor in quality to allow them to achieve self-sufficiency.** Environmental problems, soil exhaustion, and increases in family size were represented as some of the most important reasons for its inadequacy. While some refugees are able to access additional land from hosts, they have no security of tenure or use over such holdings. In an important minority of cases, land officially allocated to refugees is even reported to have been 'grabbed' back by nationals, with little evidence that such incidents have been systematically followed up by the authorities.

¹ It should be noted that while it is difficult to generalize about the diverse experience of refugees, important trends were identified by the research. Fewer self-settled than settlement refugees were interviewed, and conclusions relating to the former consequently remain tentative.

○ **Many refugees are worse off than their peasant hosts in that they are prevented from employing diverse ‘coping strategies’ because of their lack of control over where and how they are permitted to live.** This has very serious negative consequences for settlement refugees’ ability to adequately feed their families and access vital social services and developmental opportunities. Under these circumstances, refugees’ non-enjoyment of, for example, adequate healthcare and educational opportunities, becomes a protection issue in which UNHCR ought to interest itself.

○ **The minority of refugees who have access to social or economic resources outside the settlements were found to have taken up the opportunity to relocate to urban, peri-urban or rural areas as and when this became possible.** Here, some are making a significant contribution to the local economy. Others had fled settlements during periods of insecurity and are still struggling to survive independently some years later. Poverty denies many settlement refugees the opportunity of moving to non-settlement areas.

○ **Restrictions on freedom of movement have differentiated impacts on refugees’ lives and livelihoods depending on other environmental factors.** Many more refugees in Moyo than in Arua complained bitterly about restrictions on their freedom of movement and negative consequences for their livelihoods. Refugees in Arua contrastingly often reported that they were largely unable to move due to a lack of financial resources that would allow them to do so. This fact also raises serious questions about the livelihood opportunities available to refugees in settlements.

○ **Service provision has become inextricably linked with the idea of settlements in policy debates, although there is no necessary reason why this should be the case.** The existence and insistence on refugee settlements ensures the creation of a category of people who are excluded altogether from their assumed benefits. Under the current settlement system, refugees living outside settlements, as well as their generous Ugandan hosts, are unconsidered in discussions concerning the sharing of resources, not to mention that such refugees are left entirely without legal protection.

○ **The confinement of refugees to settlements denies them their rights in a number of ways, with negative consequences for their capacity to benefit from developmental initiatives.** UNHCR’s Development Assistance to Refugees (DAR) initiative, which is proposed as a development of the Office of the Prime Minister’s (OPM) Self-Reliance Strategy (SRS) in Uganda, recognizes the need for refugees to enjoy their rights in countries of asylum if developmental approaches are to be successful. Arguably, and with reference to the apparent economic contributions made by self-settled refugees in Arua, Koboko, and Metu municipalities, Ugandan hosts may themselves be disadvantaged in developmental terms by the encampment of refugees. The preliminary findings of the current study indicate that it is possible that providing support to refugees in a non-settlement context could also benefit hosts as local economies are further stimulated by entrepreneurial activity.

○ **Refugees articulated a desire to return to Sudan as soon as a stable peace is achieved.** While some talked negatively about the reasons why they might want to or be forced to leave Uganda prematurely, usually in relation to climate induced crop failure and an absence of educational opportunities, many positively asserted their desire to return home at some point. Significantly, self-settled refugees asserted themselves to be no less keen to

repatriate than their settlement peers², a fact that challenges the received wisdom underpinning states' preference for encamping refugees.

RECOMMENDATIONS

In light of the above findings, we recommend the following:

1. The GoU and UNHCR should maintain the legal status of 'refugee' on the basis of the criteria stipulated in the 1951 UN Refugee Convention and the 1969 OAU Convention. A person is a refugee when s/he satisfies the legal criteria laid out in these instruments, and not when s/he lives in a refugee settlement or camp. Refugees living outside of settlements should be provided with the international protection of UNHCR.
2. Food rations for refugees should not be cut further, as the conditions for self-reliance do not currently exist in the settlements.
3. Remedial measures should be put in place immediately to ensure that settlement service provision reaches minimum standards and that the developmental needs of refugees are not overlooked. If governmental and humanitarian actors require refugees to live in settlements in order to access protection and assistance, they place themselves under moral obligation to enable and support such individuals to live lives of dignity and opportunity.
4. Through the DAR and SRS, UNHCR and OPM should build further on the capacities of and the relationships and networks between refugees and their hosts. Withdrawing and reducing services to settlement refugees under the auspices of a handover of responsibility to district authorities is likely to undermine rather than support the development of positive relationships between the two groups.
5. UNHCR and OPM should be transparent and clear regarding the medium and long-term objectives of DAR and SRS in the Ugandan context. The developmental potential of a strategy that is predicated on the integration of services to refugees without the socio-economic integration of refugee communities themselves into Ugandan society is unclear and may not be conducive to the process of poverty eradication for refugees and hosts.
6. Actors must conduct further research and consultations to establish definitively whether refugees and hosts would benefit in livelihood and other terms from allowing refugees to move and settle freely as required by Article 26 of the 1951 Convention.
7. Refugees should be provided with refugee identity cards as required by Article 27 of the 1951 Convention.
8. Any repatriation process should be carefully planned and involve the meaningful participation of refugees. Whether in settlements or self-settled, this research has shown that most Sudanese refugees anticipate their return to their country but all actors should recognize the need for repatriation to be voluntary and gradual.

² Perceptions on Sudanese repatriation will be examined in a forthcoming RLP working paper.

1 INTRODUCTION

To date, the Government of Uganda (GoU) has had no formal policy on refugees. Rather, what has been accepted as the default policy is that refugees should live in settlements. In recent years, the GoU in co-operation with the office of the United Nations High Commissioner for Refugees (UNHCR) has begun to implement a Self-Reliance Strategy (SRS) for refugees living in Uganda's settlements. In the context of a national programme of decentralization, this developmental strategy is supposed to provide for the integration of services to settlement refugees into district service provision, and is predicated on a move towards self-reliance on the part of refugees, whose access to food rations and other specialized support will be phased out over time.

Questions remain about whether the conditions for refugee self-reliance exist in the context of the current settlement-oriented operational framework. Specifically, concerns have been raised as to the probable sustainability of refugee livelihoods where refugees do not enjoy freedom of movement and when their economic activity is, as we shall argue, constrained. Therefore, the government's recent move to review its collection of ad hoc practices and develop a policy framework comes as a welcome development. Recognising that research is critical in informing such a process, this paper seeks to consider what approaches might best enhance protection for both refugees and host communities, and also fit within the broader development goals of Uganda.

The current protection and assistance of refugees in north-western Uganda should be viewed in the light of two important contextual factors. First, recent months have seen a flurry of renewed interest in the possibility of a repatriation of Sudanese refugees after progress in the Sudanese peace process.³ Second, spurred partly by political pressure from the international donor community, the GoU has committed itself to expediting the social and economic development of the northern districts.⁴

More broadly, recent years have again seen an increased interest in the idea of developmental approaches to refugee assistance, first with the SRS, and then with the UNHCR's recent Development Assistance to Refugees (DAR) initiative, under its Convention Plus Project.⁵ Perhaps related to this, there has also been reconsideration, in some quarters, of the possible advantages of local integration as a durable solution to refugees' problems.⁶

Is the current implementation of the SRS in Uganda a preliminary move towards a policy of full and permanent local integration for refugees in the country? Or is it a strategy designed rather to derive developmental advantage for refugee hosting districts, which neglects to address key questions relating to refugee livelihood, and thus protection, in the short term? There is a distinct lack of conceptual clarity around these and related issues in the discourse regarding the current and future position of refugees and the status of refugee assistance

³ In January 2005, the SPLM/A and the Sudan government signed a comprehensive agreement regarding power sharing, security, the right to self-determination, and oil. In the wake of this agreement, the issue of repatriation has begun to take on a very high profile. For more information see the Intergovernmental Authority on Development's (IGAD) website on the Sudanese peace process, <http://www.igad.org/sudanpress/sudindex.htm>.

⁴ The government's poverty plan has been spearheaded by the Poverty Elimination Action Plan (PEAP). For more information on this plan and its relation to refugees, see Dryden-Peterson and Hovil 2003.

⁵ For information on Convention Plus, see <http://www.unhcr.ch>

⁶ See Jacobsen 2001, Stone & De Vriese 2004.

programmes in Uganda at present. This imprecision has direct consequences on refugee welfare in the short term.

Against a backdrop of a shifting protection and assistance framework for refugees globally, and the increased attention to future prospects for Sudanese refugees in the Ugandan border districts in particular, this study has investigated the GoU's policy of local settlement in Arua and Moyo districts. This it has sought to do with reference both to the internal logic and dynamic of the system as a means of managing refugees, and in relation to related political and developmental questions.

The study set out to examine the GoU's local settlement policy, which requires refugees to live in formal camps and settlements, and to leave these only when equipped with government issued travel permits. In recognition of the fact that significant numbers of refugees nevertheless live outside the formal settlement framework, the study has investigated the relative experience of both groups. The research and its methods are described in more detail in the following sections of the report and in the Appendix. It explores questions relating to refugees' rights to freedom of movement in West Nile, and the ways and extent to which enjoyment of this right is a condition for the enjoyment of other rights for refugees.

2 BACKGROUND: THE WEST NILE REGION

The Ugandan border region, neighbouring both DRC (Democratic Republic of Congo) and Sudan have a long history of forced migration in both directions. Uganda hosted large numbers of Sudanese and Congolese (then Zairean) refugees in the 1960s, while many Ugandans fled West Nile to those countries at the end of the 1970s. Uganda has again hosted Sudanese since the late 1980s, and increased numbers of Congolese refugees since the 1990s, especially following the civil war in that country. It is no exaggeration to say that almost all Ugandans living in the border region have either been refugees themselves, or have hosted refugees at some point in their lives.

In comparison to the south and south-west of the country, which has seen a degree of economic growth over the last decade, the northern and north-western districts of Uganda are a relatively impoverished and marginalized part of the country, whose populations have not equally benefited from recent development successes elsewhere in the country. Developmental questions, whether relating to the presence of refugees or not, are necessarily highly political and politicized in the region.⁷ Interviews conducted for RLP Working Paper No. 12 revealed that the perception of disparities in development was clearly a cause of initiating and sustaining past rebellions in West Nile.⁸

The West Nile region has itself only fairly recently emerged from a turbulent and difficult period in its political history. Arua has experienced peace again only since 2002, while Moyo experienced a lesser degree of insurgency, but was effectively cut off economically from the rest of the country by the UNRF I and II rebellions, as well as by the LRA rebellion

⁷ See Kaiser (forthcoming).

⁸ RLP Working Paper No. 12; Lomo & Hovil, *Negotiating Peace: Resolution of Conflict in Uganda's West Nile Region*, June 2004.

in the neighbouring districts of Northern Uganda.⁹ However, the highly insecure conditions of other parts of the north are no longer to be found in West Nile. On the east of the Nile in the Districts of Gulu, Kitgum, Pader, Apac, Katakwi, Soroti, and Lira, as many as 1.6 million are internally displaced by conflict, approximately 1,150,000 of whom are themselves confined to camp-like ‘protected villages’.¹⁰

For most of the refugees now in Arua and Moyo, exile has been not only repeated, but also protracted. Some have lived in a succession of transit camps, settlements and non-settlement locations, depending on changes in security conditions, government policy, personal circumstances, and the availability of assistance.

Arua currently hosts over 50,000 registered refugees in three refugee settlements; Imvepi, Rhino, and Madi Okollo. Moyo hosts over 30,000 registered refugees in one settlement; Palorinya.¹¹ In addition to these refugees, UNHCR estimates that 40,000 unregistered Sudanese have been living in Ugandan border towns in the north and as far south as Kampala.¹²

2.1 The local settlement policy

The GoU requires that all refugees register with the government authorities on arrival in the country, and that they live in formally organized refugee settlements in locations identified by the government. The GoU’s local settlement policy, which derives its legal basis from the Control of Alien Refugees Act (CARA),¹³ reflects its primary interest in questions of national security, as well as its emphasis on the eventual repatriation of refugees. Established in agricultural settlements, refugees are allocated a plot (or plots) of land for residential and agricultural purposes. Movement out of any settlement is subsequently only allowed with a travel permit issued by the government’s representative in the settlement. Refugees are not permitted to move permanently out of the settlement to which they have been referred, nor are they allowed to transfer from one settlement to another unless they meet specific physical security-related criteria.¹⁴

⁹ RLP Working Paper No. 11; Lomo & Hovil, *Behind the Violence: Causes, Consequences and the Search for Solutions to the War in Northern Uganda*, February 2004.

¹⁰ This is an estimate based on UNOCHA’s November 2004 statistics, modified in light of recent trends showing that numbers have fallen slightly, although some IDPs are also reportedly moving from urban to rural areas at the present time.

¹¹ Exact figures are as follow; in Arua, Imvepi Settlement contains 19,092 refugees, Rhino Camp houses 26,173, and Madi Okollo Settlement accommodates 6,928. In Moyo, Palorinya houses 31,520 refugees. Figures are from the latest Humanitarian Update produced by UNOCHA, Kampala, June 2004.

¹² IRIN, 1st February 2005.

¹³ Section 8 of the CARA specifically requires refugees to live in settlements. The CARA may soon be replaced by the “Refugee Bill, 2003,” which at the time of writing remains to be reviewed and discussed by the Presidential and Foreign Affairs Committee. While the draft version of the new bill grants refugees freedom of movement, the Bill also notes that freedom of movement “is subject to reasonable restrictions specified in the laws of Uganda, or directions issued by the Commissioner” (Section 30). Thus ambiguity exists, and it remains unclear how the new bill, if and when it becomes law, will be practically implemented.

¹⁴ Recently, refugees have been given permission to live in Kampala if they can demonstrate self-sufficiency by proving employment, usually through a letter. This seemingly ad hoc policy will be expanded upon in a forthcoming working paper that follows up RLP Working Paper No. 6; Huff and Kalyango, *Refugees in the City: Status Determination, Resettlement, and the Changing Nature of Forced Migration in Uganda*, July 2002.

There is a vast amount of literature available on the relative advantages and disadvantages of settling refugees in camps and settlements, including those found in Uganda.¹⁵ These works point variously to operational, political, psychological, and social issues arising, as well as the perspectives of a range of possible stakeholders including refugees, host populations, and states, as well as humanitarian and developmental actors. The implied alternative to the encampment of refugees is some form of self-settlement, a phenomenon which for a number of reasons is acknowledged to be drastically under-researched, with some notable exceptions.¹⁶

While the received wisdom is that large numbers of refugees routinely live outside the formal structures of registration and assistance in sub-Saharan African countries, it is very difficult to be precise about figures. Nevertheless, anecdotal and other gathered evidence indicates that significant numbers of refugees have chosen to live outside the settlement system in northern Uganda.¹⁷

While the government asserts the generosity of its citizens in offering land for refugee settlement, critics of the system point to the fact that it contravenes the government's international obligations with reference to the freedom of movement of refugees in their country of exile (article 26).¹⁸ Furthermore, they argue that freedom of movement is a pre-requisite for the enjoyment of a range of other rights, and that with respect to economic and social rights, refugee livelihoods are severely limited in comparison with those of their peasant hosts. In practice, it is evident that significant numbers of refugees in Uganda do evade the settlement framework by avoiding or failing to register their presence as refugees, or by illegally leaving the settlements after they have done so.

The status of self-settled refugees in Uganda is, therefore, uncertain. Unrecognized as refugees by the GoU, neither are they recognized or supported by UNHCR. As 'aliens' rather than refugees, they occupy a precarious and uncertain status, enjoying neither the rights of Ugandan citizens (unless they are able to acquire identity documents and 'pass' as nationals), nor the material support of refugees in settlements. Nevertheless, they participate fully in all but political activities and contribute significantly to the economies of the areas where they live.

2.2 Self-Reliance Strategy

In an attempt to increase the self-reliance of refugees in the context of dwindling resources, the GoU and UNHCR have begun to implement a Self-Reliance Strategy (SRS) for refugees. The programme was formally launched at UNHCR's ExCom 2004 and now fits into UNHCR's wider global strategy of Development Assistance to Refugees (DAR). The SRS, which was originally conceived to assist Sudanese refugees in north-western Uganda, has so far been unevenly implemented. Specifically, Arua District has taken it up relatively more enthusiastically than many other districts, having already integrated services to refugees into development planning in four sectors; health, education, forestry, and community development.

¹⁵ See, for example, Jacobsen & Crisp 1998, Black 1998, Harrell-Bond 2000, Van Damme 1995.

¹⁶ Hansen 1982, Bakewell 2000, Malkki 1995.

¹⁷ For instance, the RLP Legal Aid Clinic handles numerous cases of refugees who have either left or never gone to the settlements.

¹⁸ See, for example, Verdirame 1999, Harrell-Bond & Verdirame 2004.

The SRS is explicitly represented as a developmental response to refugee management, and promises advantages and benefits to both refugee populations and their hosts. It should be stressed that at this point, the SRS seeks to effect the integration of refugee services into district service provision, but not the social integration of the refugee populations into the host society. The key questions in relation to the SRS are whether it is an effective mechanism for enabling the development for both refugees and hosts and whether or not the settlement framework provides the most appropriate management structure for its operation. Previous RLP studies have shown that the settlement system has serious limitations, such as the assumption that the refugees' stay will be temporary, and that the containment of refugees in settlements may restrict precisely the developmental activity that the SRS ostensibly sets out to encourage. The compatibility of the SRS and the settlement framework deserves further attention, not least with respect to the time frame being employed.¹⁹

2.3 Durable solutions

Mechanisms of refugee assistance are generally tied to a long-term vision. In Uganda, as elsewhere, the favoured durable solution for refugees has been voluntary repatriation. This study raises questions regarding the relationship between the local settlement policy and the SRS, and current thinking on durable solutions. The local settlement system remains predicated on a containment model of refugee management, albeit that it includes some developmental components such as the distribution of agricultural land. This question requires further analysis in the light of findings regarding the desires of the Sudanese refugees in particular with respect to repatriation planning at the current time.

2.5 Objectives of research

The study sets out to try to understand:

- Why and how have some refugees come to live in settlements while others have made different choices? What consequences do such choices have for peoples' lives and livelihoods? What are the relative positions of refugees living in and out of settlements in legal, political, economic, and aspirational terms? What are the linkages and interconnections between these groups and what opportunities and constraints are identified by an analysis of settlement and non-settlement life?
- What are the developmental and protection implications of the GoU policy of local settlement for locally and self-settled refugees, as well as for their hosts in rural, urban, or peri-urban environments? To what extent does the local settlement model ensure the political (security) and socio-economic (development) needs of refugees and their host communities?
- Whether, measured against the yardsticks of security and of development, there is empirical justification for de-emphasising the local settlement policy in Uganda and moving towards a policy that encourages the local integration of refugees within the host community.

¹⁹ Dryden-Peterson & Hovil 2003.

2.5 Methodology

This report is based on field research carried out in Arua District between 12th and 25th August 2004. The research team consisted of Tania Kaiser (SOAS, University of London), Peter Iranya (MISR, Makerere University), Jane Akello, Jesse Bernstein, and Elias Lubega, all of the Refugee Law Project. It also draws on two weeks of field research carried out by RLP staff Jane Akello and Emmanuel Bagenda in Moyo District in June 2004. The work was undertaken as part of a larger study funded by the MacArthur Foundation and entitled *Questioning the Settlement Policy for Refugees in Uganda: A Socio-Legal Analysis*. This paper was written by Dr. Tania Kaiser, Dr. Lucy Hovil, and Zachary Lomo. Comments were provided by Jesse Bernstein and production assistance was provided by Kelley James Johnston.

Staff and associates of the RLP have substantial research experience on themes related to this research in Moyo and Arua districts. In June 2004, RLP published Working Paper No. 12 entitled *Negotiating Peace: Resolution of Conflict in Uganda's West Nile Region* on recent political developments in West Nile, and the current study benefits from being informed by its findings and analysis.²⁰

Research was carried out with what were initially taken to be three relatively discrete groups of respondents; refugees living in organized settlements, 'self-settled' refugees (in urban and rural areas), and Ugandan hosts living with or near each of these groups.

During the course of the research trips, the team interviewed over 160 individuals and groups, including Ugandan and expatriate officials, other Ugandan hosts, and members of the predominantly Sudanese and Congolese refugee populations.²¹ Research was carried out in Rhino Camp and Invepi Settlements, Lama, as well as in adjoining areas. Research was not carried out in the two other settlements in the region, Madi-Okollo and Ikafe, as these are relatively new settlements and thus less obviously appropriate for a study interested in issues of livelihood, sustainability, and self-reliance. Research was also carried out in Arua, Koboko, and Moyo municipalities, each of which is home to significant numbers of self-settled refugees. Responding to information gathered during the course of the fieldwork in Arua District about the location of other self-settled refugees, the team also worked in peri-urban and rural areas in Pajulu Sub-County, Arua and in Koboko County. In Moyo District, data was also gathered in Metu, Afoje, and Padiga villages.

The research relied heavily on the use of qualitative research methods while recognizing that, given time and other constraints, these did not allow for extensive coverage and cannot, therefore, claim to have generated 'representative' data for the two Districts. Nevertheless, given the topics and themes under investigation, as well as the fact that the opinions of refugees and hosts are rarely solicited directly on these matters, it was felt that a valuable contribution to the debate could be made by employing this research approach. It offered the opportunity to explore the perceptions of refugees and their hosts, and to investigate the ways in which connections between different dimensions of experience are reportedly understood

²⁰ Other RLP papers focusing on West Nile include Working Paper No. 3; *Refugees in Arua District: a Human Security Analysis*, September 2001; and Working Paper No. 2; *Refugees and the Security Situation in Adjumani District*, June 2001; which document the plight of refugees in Adjumani and Arua districts and the overall climate of insecurity in which they have lived.

²¹ Out of a total of 163 interviews: 45 settlement refugees, 33 self-settled refugees, 49 hosts, 29 officials, and 7 focus group discussions.

and negotiated by them. See the Appendix (below) for further details on the data collection process.

3. SETTLEMENT AND SELF-SETTLED REFUGEES AND HOSTS: WHO LIVES WHERE AND WHY?

This section explores some of the reasons why refugees choose to live in or outside of settlements, and the effects these choices have, if any, on host communities. Subsequent sections problematise the easy opposition between living in a settlement or moving out of one by exploring some of the opportunities, risks, and constraints associated with this decision, and in relation to the different choices available to different categories of people within the refugee communities. This will lead to a discussion of the various choices open to refugees, or the extent to which they either have choices or are forced to react to external circumstances with very little room for manoeuvre.

3.1 Settlement refugees

Not surprisingly, significant numbers of settlement refugees reported that they live in settlements because of the much needed services which are provided to them there. One woman, for example, stated that she would be unable to look after her small children without the food and water she is able to access in Imvepi Settlement,²² while others agreed that the food distributed by World Food Programme (WFP) is what allows them to survive.²³ This support is particularly important, of course, for people with special needs, such as unaccompanied minors, who would find it extremely difficult to cope without a food ration.²⁴ Since food is only made available to refugees in the settlement context, for many people, leaving is difficult to imagine. For those with a particular vulnerability, it is virtually impossible for the same reasons.

Other settlement refugees pointed to the importance of other services and benefits only accessible in the settlements. For example, one student said “To stay in the camp is better because I stand a chance of being sponsored and UNHCR can also sponsor for teachers.”²⁵ Another young woman noted, “At least here in the settlement certain things will be free, but in Koboko and Arua everything costs money...at least here you can get some casual work with the neighbours, you can get some money.”²⁶

Some peoples’ perception is that settlement services have decreased over recent years, and this also influences how they think about remaining in the settlements; “Initially we [did not] have any intention of going somewhere [else]. But now we have a number of problems here, for example, water. The borehole here is faulty so they do share water with many people.”²⁷

The availability of agricultural land in the settlements is also a decisive factor for many people. Given that only a minority of refugees in Imvepi and Rhino Camp Settlements are

²² Focus group discussion with refugee students, Imvepi Settlement, 18th August 2004.

²³ Interview with male refugee, Odoobu, Rhino Camp, 16th August 2004. Interview with male refugee, Trading Centre, Imvepi Settlement, 19th August 2004.

²⁴ Interview with young male refugee, Arua, 24th August 2004.

²⁵ Interview with young refugee, Imvepi Settlement, unknown date.

²⁶ Interview with young female refugee, Tika II, Rhino Camp, 16th August 2004.

²⁷ Interview with male refugee pastor, Tika II, Rhino Camp, 16th August 2004.

currently receiving a full food ration, the accessibility of agricultural land is crucial.²⁸ Almost all the refugees encountered engage in some form of agricultural activity. As food rations are reduced or phased out under the SRS, the amount and quality of land available becomes increasingly important, and this, along with the mechanisms for accessing additional land, are discussed in more detail below.

Concerns about the quality of the agricultural land in the settlements has reportedly led some refugees to leave them and access agricultural land elsewhere when this option has been available to them. As a long time resident of Rhino Camp stated, some people have left the settlement; “they mingle themselves with the nationals in an empty area near the border...they went away from the camps because of the conditions here...that land is a bit different from this one here – they can cultivate things that are different” such as maize, cassava, and tobacco.²⁹ Others point to the difficulty or expense of accessing land outside the settlements, except for the relatively few people who are able to acquire land from co-ethnic hosts in the border area in Koboko County.³⁰

Some refugees indicated that they felt more secure living in a settlement than they would outside of one. This appeared to be partly because they did not know people or have contacts elsewhere in Uganda, and partly because, as one man put it; in the settlements, now “life is safe.”³¹

Attitudes towards living in or outside settlements are not uniform, and are expressed both positively and negatively. On the one hand, there is a certain amount of suspicion about the risks of life outside the settlements. One man asserted that most people stay in the settlements because of their health and education services; “the conditions they are facing there is worse than here; security is a problem; when they fail to produce crops, it is a problem.”³² In this representation, the settlement exists as a safety net and a protective environment. In at least one meeting, there was strong agreement that living in a settlement is not in itself a problem, only their remoteness and distance from markets.

On the other hand, there was also a sense among some residents of Rhino Camp that it is the hardships of life in the settlements, rather than the inherent attractions of life outside them that force people to go; “those people from the urban areas just went from here because of the problems here.”³³ Those who had left the settlements had necessarily had some external support to do so. There was a strong perception that people who had been able to leave were those with personal contacts, resources, or were able to access employment or training.; “Those who could not afford, those are the ones in the settlement”³⁴ and “those who don’t have people in America, we are here.”³⁵ This view was frequently articulated.³⁶ According

²⁸ Interview with OPM Clerk, Imvepi Settlement, 18th August 2004. In Imvepi, ‘old caseload’ refugees who arrived before 2001 receive a half ration while those arriving later still receive a full ration. In Rhino Camp, most people have recently been receiving 40% or 50% rations.

²⁹ Interview with Headmaster, Tika Primary School, Tika II, Rhino Camp, 16th August 2004.

³⁰ Interview with young male refugee, Point E, Imvepi Settlement, 18th August 2004.

³¹ Interview with male refugee, Point E, Imvepi Settlement, 20th August 2004.

³² Male refugee during focus group discussion with members of the RWC III and other leaders, Odubu Centre, Rhino Camp, 15th August 2004.

³³ RWC III Chairman during focus group discussion with members of the RWC III and other leaders, Odubu Centre, Rhino Camp, 15th August 2004.

³⁴ *Ibid.*

³⁵ Member of a refugee cultural group during focus group discussion, Matangacia I, Rhino Camp, 16th August 2004.

to this characterization, bare survival is possible in settlements, but any meaningful developmental activity requires additional support and relocation away from them.

Still other refugees point to the positive advantages of living in or near towns, although it is important not to equate self-settlement with the arguable advantages of urban living. One female group leader in Rhino Camp noted that the transit camp she previously lived in near Koboko was so close to town that it had been easy to transport items such as pumpkin leaves and vegetables to the market to sell there.³⁷ She complained that Rhino Camp is so far from town that it is very difficult to sell produce. She also asserted that health care is better in urban centres. These claims may well be true, but it should be noted that mere presence in a town is insufficient to give people access to business opportunities and services; financial resources are also required.

Not everyone who chooses to leave a settlement does so on a permanent basis. One elder reported that often men go to town for a period of two weeks or a month to get casual work, leaving their families in the settlement.³⁸

While many of the settlement refugees interviewed found it difficult to imagine being able to make an independent decision to leave the settlement without the approval and support of the government or assistance providing organization, they were relatively quick to point out other settlements where they would rather live.³⁹ Not all settlements are the same, and any discussion of the relative merits and disadvantages associated with the settlement system must take into account what makes one or another settlement more or less desirable as far as the refugees who know them are concerned.

One of Imvepi's community workers has never considered leaving there, saying, "what can I do? There is no place to go [and] the government says there is no other place to be given for us...it is government policy, what can we do?"⁴⁰ A youth leader in the same settlement added, "But just alone, how can you survive? Because of the food, you stay."⁴¹

3.2 Self-settled refugees

A significant number of self-settled refugees in Arua indicated that they had previously lived in settlements, but that they had fled from them during times of insecurity and, for one reason or another, had not returned. They had, in an important sense, never 'decided' to leave the settlements, but had fled in the midst of a crisis, and had never returned.^{42 43} Some even

³⁶ Interview with male refugee, Point E, Imvepi Settlement, 18th August 2004. Focus group discussion with members of the RWC III and other leaders, Odubu Centre, Rhino Camp, 15th August 2004.

³⁷ Chairwoman describing Adanga (Koboko transit) during focus group discussion with Babanga Women's Group, Ariwa V, Rhino Camp, 15th August 2004.

³⁸ Refugee elder during focus group discussion with members of the RWC III and other leaders, Odubu Centre, Rhino Camp, 15th August 2004.

³⁹ Focus group discussion with refugee students, Imvepi Settlement, 18th August 2004.

⁴⁰ Interview with Community Facilitator, Point B, Imvepi Settlement, 18th August 2004.

⁴¹ Interview with youth leader, Point B, Imvepi Settlement, 18th August 2004.

⁴² Interview with Kakwa family, Kitimiri village, who bought a piece of land near the border. Interview with female self-settled refugee, Awindiri village, 20th August 2004, whose family left Ikafe after rebel attacks and bought a piece of land in Awindiri village for US\$400,000 and now survives by doing casual labour. Focus group discussion, Oli, Arua, 17th August 2004. Interview with female self-settled refugee, Awindiri village, 20th August 2004.

⁴³ Interview with male refugee, Whkile area, who came from Ikafe to Koboko after insecurity. He then transferred to the rural area so that he could dig to feed himself. He paid US\$50,000 to a Ugandan to access

described their wish to return to the settlements where they would be provided with services.⁴⁴

Others felt differently. One Sudanese, a Baka man, told how he left Ikafe because of insecurity caused by the LRA. On arrival in a border village “I came through the LCs, and they gave me the land [without payment]... Somebody homeless, you can’t demand money from him.” He initially survived by doing casual work for food before setting up as a farmer. “They welcomed me, no problem.” He then added “I faced it rough in the camp [i.e. because of insecurity] so I can’t decide to go back there unless it becomes bad [insecure] here.”⁴⁵

Not all refugees left the settlements as a result of insecurity. Some made positive choices to remain outside or leave settlements in which they had previously resided. One man described how living near the border facilitated his church work in both Uganda and Sudan. This man explained that he paid graduated tax and that this eased his movement between the borders.⁴⁶ Another elderly woman, living in Arua town with a large number of dependants, explained that she could not contemplate taking them to a settlement as this would diminish their educational opportunities. As she acknowledged, it would have been impossible for her to remain in town without the monthly remittances received from a daughter in the USA, whose contributions paid for the rental of a house and food for the family. “We are paying US\$150,000 per month [rent] – it is my daughter – for me I am just sitting here like a refugee. It is very difficult to get a job so we just stay.”⁴⁷

Notably, this same woman did not rule out the possibility of moving to a settlement once her needs had changed. This hints at an important theme which emerged strongly during the research. A significant number of people are not concretely fixed in either a settlement or a non-settlement context, but somehow bridge the gap between the two, deriving different advantages from both. In some cases this means that people once registered in settlements continue to receive a food ration there, only to collect it and bring it to where they actually live in town.⁴⁸ In practice, this is easiest to manage if the family is divided between the settlement and town. Others have never lived in a settlement but are nevertheless registered there and presumably therefore in receipt of food rations.⁴⁹

These kinds of sophistications and combinations give us some hint of the complexity of peoples’ ‘coping strategies’ and suggest that refugees, given the opportunity, would choose to live in a location that both offers security and allows them to meet their basic physical needs. Furthermore, given that resources appear to be an important factor in making decisions about where to live, such findings may teach us some valuable lessons about what support would be most useful for assisting refugees.

land for an unspecified period of time. He had difficulties when a Ugandan neighbour’s cattle destroyed his crops, but claims to have been chased away by the LC when he tried to complain, and told that he could go back to Sudan. He was not compensated for his loss.

⁴⁴ Interview with self-settled Sudanese refugee family, Koboko County, 23rd August 2004. Interview with self-settled Dinka refugee family, Koboko town, 24th August 2004, who had even tried to go to and be registered in Imvepi Settlement but had reportedly been told that they were ‘town refugees’ and should return to Koboko. They believed that they would only be registered if they first returned to Sudan and came back to a settlement with papers proving that they had come direct from there.

⁴⁵ Interview with male Sudanese self-settled refugee, Koboko County, 23rd August 2004.

⁴⁶ Interview with male self-settled refugee, Ombachi, Koboko, 23rd August 2004.

⁴⁷ The rent amount was disputed by the LC-I of the area who later reported that it was US\$75,000.

⁴⁸ Interview with male self-settled refugee, Imvepi Settlement, 19th August 2004.

⁴⁹ Interview with young male self-settled refugee, Ombachi, Koboko, 23rd August 2004.

Self-settled refugees in Koboko municipality are mainly renting *tukuls*, rooms, or houses.⁵⁰ One Sudanese preacher living in Ombachi, Koboko, reported that he had asked for a piece of land from a Ugandan that he knew, and been given it by the man's son. He did pay for the land, but said that it had not cost much since he knew the owners.⁵¹ This indicates that reliance on personal connections is an important strategy in this context. Another old man living in the border area described that he was given land without payment by the LC's uncle, a man he now calls 'uncle'; "he helped because I had nowhere else to go."⁵² This man now survives by doing daily labour for which he is generally paid in kind, occasionally with cash.

A similar story emerged in Moyo, where capitalizing on personal connections was also an important part of everyday survival and a significant factor in making a decision about where to set up. As one self-settled female refugee in rural Moyo District said, "My husband knew many friends here, so we came through them."⁵³ Another explained, "I never went to a camp because my husband was already here in Metu. He used to come here and do business before we fled. I registered to go the camp, but then he told me not to go there since he was running his business here."⁵⁴ Some supportive relationships already existed between Sudanese and Ugandans; "We came through Ayo River and settled here in Kweyo because when these people were in Sudan, they came and stayed with us. So we never thought of going to a camp...It was easy to get land because they were our friends...The Ugandans helped us build huts and also with the essential needs like salt."⁵⁵

3.3 Ugandan hosts

The importance of personal connections amongst Ugandan hosts and refugees is reinforced by the testimony of a Parish Chief near Koboko town and the Sudanese border. A Ugandan Kakwa, previously a refugee in Sudan where he also stayed in a Kakwa area, described how his community is now hosting the people who formerly hosted them. "We call them as our brothers, we have a common historical origin and are the same people, it is only the border which divides us...the children play together, use the same language, go to the same schools, there is no point in saying that this [person] is from a different country – no!" He stated that refugees are given land without payment: "they first go to the camps and then come [here] from there...on finding that the food given is not enough, they resort to coming here to get land for cultivation."⁵⁶ Non-Kakwa refugees generally do not come asking for land. He ended by noting that his community has not benefited from any assistance or development programmes due to the presence of the refugees. Since their presence in the border villages is not formally registered, this is not surprising.

As the above statement by a Ugandan parish chief exemplifies, attitudes towards refugees expressed by nationals are largely accommodating and receptive. Many Ugandans living in urban centres were hardly aware of Aura's refugee settlements, and most had never seen them. While a minority assumed that refugees were sequestered there for security reasons, in general there was little feeling that they should be kept separate from nationals so long as

⁵⁰ Interview with self-settled Dinka refugee family, Koboko town, 24th August 2004.

⁵¹ Interview with male self-settled refugee, Ombachi, Koboko, 23rd August 2004.

⁵² Interview with male self-settled refugee, Koboko sub-county, 23rd August 2004.

⁵³ Interview with female refugee, Metu Village, 28th May 2004.

⁵⁴ *Ibid.*

⁵⁵ Interview with female refugee, Kweyo Village, 29th May 2004.

⁵⁶ Interview with Ugandan Parish Chief, Koboko County, 23rd August 2004.

they did not represent a security threat. As one Ugandan man near Arua town explained, “our place is a very free area...Anyone can come and stay with us, as long as they are not wrong elements...Our neighbours from DRC stay with us. We stay with them. When someone comes to invest in our area, we say ‘you are welcome.’”⁵⁷

Among some of the refugee communities in the settlements there is a clear sense that their presence has brought benefits to their hosts. As one refugee headmaster put it, “These Madi here were very happy to see us, they used to tell us that it was because they had demanded for our coming that we were brought here.”⁵⁸

Even in urban areas, where no direct material advantages in the form of refugee related development or assistance programmes have been derived by Ugandan hosts, there is an awareness of the benefits of a refugee presence. One man described how refugees rent accommodation from them, thus supplementing incomes. He noted that any repatriation would have some negative consequences, therefore, recognizing that it would be more difficult to find money to pay school fees in the absence of this source of profit.⁵⁹

As well as providing access to land in the rural areas, renting accommodation to refugees in town and in some cases, offering casual employment to refugees, nationals also provide support in other important ways. Reference was made several times by both refugees and hosts, for example, to the fact that nationals provide burial space for refugees who have lost a relative, a not inconsiderable commitment.⁶⁰

3.4 Free to move?

3.4.1 Settlement refugees

Article 27 of the 1951 Convention stipulates that refugees are supposed to be issued with identity papers. However, this has only been done selectively in Uganda. As a result, refugees living in settlements are required to apply for a travel permit from the Settlement Commandant in the event that they want to travel outside the settlement in which they are registered.⁶¹ In the absence of the Settlement Commandant or his deputy, refugees are unable to acquire a permit. The time and effort required to apply for a permit was an issue for some refugees. In Rhino Camp, one refugee man pointed out that “in some camps [i.e. settlement areas within Rhino Camp] this asking for permission is a problem for them – because it is 24 kms from Tika to Yoro Base so unless it is a special reason –[e.g.] a funeral in Koboko - it’s difficult.”⁶²

In contrast to previous research conducted in Moyo and Hoima districts,⁶³ very few complaints were made by settlement refugees in Arua regarding the actual process of

⁵⁷ Interview with male Ugandan, Ozuvu Village, near Arua, 14th August 2004.

⁵⁸ Interview with Headmaster, Tika Primary School, Tika II, Rhino Camp, 16th August 2004.

⁵⁹ Interview with Ugandan ‘General Secretary for Youth’, Oli, Arua, 14th August 2004.

⁶⁰ *Ibid.*

⁶¹ In Rhino Camp, permits for travel are regularly issued on Mondays, Wednesdays, and Fridays by the Settlement Commandant, and unusually outside office hours in case of emergency. In Imvepi Settlement, permits are issued daily.

⁶² Interview with Headmaster, Tika Primary School, Tika II, Rhino Camp, 16th August 2004.

⁶³ See RLP Working Papers No. 4; Hovil, *Free to Stay, Free to Go? Movement, Seclusion and Integration of Refugees in Moyo District*, May 2002; and No. 7; Werker, *Refugees in Kyangwali Settlement: Constraints on*

applying for travel permits. Most agreed that the procedure was relatively fast and fair, and that permits were very rarely refused. In some cases, refugees are obliged to apply first to their local refugee leaders before proceeding to the Settlement Commandant.⁶⁴ The only reason for refusal described was the Settlement Commandant's occasional fear that the applicant wanted to travel to a place where security was uncertain.⁶⁵

Settlement refugees in Arua, with some exceptions, appeared to take little exception to the need to apply for a travel permit before they went any distance from the settlement. As one professional man put it, "refugees in Uganda have freedom of movement compared to Kenya, Tanzania...one sometimes takes a permit to travel to the mother country, otherwise one moves freely."⁶⁶ A refugee health worker went so far as to imply that far from perceiving travel permits as a constraint, he was quite comfortable with them, saying "I feel free with a permit."⁶⁷

While permits are not usually necessary for very short or local journeys, as another man said, to go to "Arua, Kampala, Koboko we normally take the permission sheet from the Camp Commandant. People are harassed because of the graduated tax, so we take the permission....If we are caught [by the Ugandan authorities], we give them the sheet and they just let us go."⁶⁸ Several refugees referred to the need to avoid 'being disturbed' by officials or the military while they were travelling, and carrying an official document helped them to do this. It should be noted that in most cases, the need to be able to identify oneself was cited as the prime concern, and refugees who had other forms of identification at their disposal were much less obviously in need of the protection afforded by a travel permit. Secondary or tertiary level students with school IDs, for example, sometimes felt quite comfortable travelling with these documents.⁶⁹ Some refugee business people, who admitted travelling regularly to town without a formal travel permit, noted that they were at risk from officials checking for payment of graduated taxes.⁷⁰ A group of refugees in Rhino Camp asserted that travelling even fairly close to the settlement without a permit put them at risk of arrest in the event that there was a graduated tax check going on. These young men insisted that refugees are relatively frequently arrested and jailed at the sub-county headquarters under these circumstances, and are only released when a letter is sent on their behalf from the settlement.⁷¹

Economic Freedom, November 2002; which clearly suggest that refugees view the need to obtain travel permits as a restricting factor on their freedom of movement.

⁶⁴ Interview with male refugee, Odubu, Rhino Camp, 15th August 2004.

⁶⁵ *Ibid.* Interview with male refugee, Point E, Imvepi Settlement, 18th August 2004. Interview with Camp Commandant, Rhino Camp, 15th August 2004.

⁶⁶ Education supervisor during focus group discussion with members of the RWC III and other leaders, Odubu Centre, Rhino Camp, 15th August 2004. It is interesting to note that this comment reflects the official position of the government with regard to its policy to refugees in Uganda.

⁶⁷ Interview with Secretary to the RWC III, Imvepi Settlement, 17th August 2004. Interview with male youth, Imvepi Settlement, 17th August 2004. "We are free to move, through OPM's permission....you can travel to Koboko, to Arua, to Kampala if you have a special purpose."

⁶⁸ Interview with male refugee pastor, Tika II, Rhino Camp, 16th August 2004.

⁶⁹ Interview with young male refugee, Point E, Imvepi Settlement, 18th August 2004. Interview with young male refugee, Oli, Arua, 24th August 2004. Focus group discussion with Sudanese university students, Odubu, Rhino Camp, 15th August 2004. Other refugees referred to carrying documents issued by the SRRRA and SPLA: Interview with young male refugee, Oli, Arua, 24th August 2004. Interview with refugee chairperson of Sudanese community association, Koboko, 23rd August 2004.

⁷⁰ Interview with young male refugee, Point E, Imvepi Settlement, 18th August 2004.

⁷¹ Focus group discussion, Matangacia I, Rhino Camp, 15th August 2004.

The most positive representation of travel permits is thus as a form of protection for refugees in an uncertain environment. The Arua Deputy Refugee Desk Officer, for example, noted that travel permits are used to monitor the whereabouts of refugees for their own protection and to ensure local security. The argument is that, via this mechanism, refugees can be ruled out from suspicion in the event of insecurity and can be protected from risks such as SPLA recruitment.⁷² However, previous research has demonstrated that, in reality, being in possession of a travel permit does not necessarily guard against forcible recruitment by the SPLA. Indeed, on occasion it has made refugees more vulnerable to such recruitment given that it clearly identifies them as being non-Ugandan.⁷³

It remains uncertain if government personnel working in non-refugee related posts are well versed with respect to rules on refugee movement. One official, for example, stated that “the decentralization programme has helped [the refugees] to move freely, even to settle in town.”⁷⁴

Overwhelmingly, the most serious reported obstacle to freedom of movement for settlement refugees is said to be the lack of the financial resources needed to travel.⁷⁵ This, evidently, has significant implications for livelihood both in terms of what it says about refugees’ capacity to make a living in the settlements, as well as for their capacity for involvement in income generation activities.

3.4.2 Self-settled refugees

Non-Ugandans living outside formal refugee settlements are categorized as ‘aliens’ by the Ugandan state, and are also not recognized as refugees by UNHCR. As such, their freedom to move is limited only to the extent that they may find it problematic to be unable to identify themselves if stopped by the authorities. One of the most common ways for self-settled refugees to overcome this problem, if they are able, is by payment of graduated tax. As one male refugee in Moyo indicated, “My G-tax ticket is my movement permit.”⁷⁶ A male self-settled refugee in the Koboko County border area agreed; “When you pay tax you don’t need permission from anyone.”⁷⁷ Another former refugee leader in Rhino Camp noted of self-settled refugees; “They are forced to pay graduated tax...when that graduated tax ticket is not there, it is difficult to move.”⁷⁸

A male self-settled refugee in one of the border villages concurred, “as you are in this area, you have to have these Ugandan documents [ID, graduated tax card]. You can’t move when you don’t have that one...moving into Sudan is very easy, you just explain where you are and you just move free in the border.”⁷⁹ A refugee who makes a living as a trader in one of Moyo’s border villages directly linked the need for freedom of movement with livelihood opportunities by adding “I have a graduated tax ticket. I pay tax because I stay with the citizens. I very much want freedom of movement. That’s why I pay tax. If I’m in camp, I

⁷² Interview with Deputy Refugee Desk Officer, Arua, 19th August 2004.

⁷³ See RLP Working Paper No. 2.

⁷⁴ Interview with district official, 17th August 2004.

⁷⁵ Interview with male refugee, Point E, Imvepi Settlement, 20th August 2004. Interview with young female refugee, Odubu II, Rhino Camp, 15th August 2004.

⁷⁶ Interview with male refugee, Metu Village, 28th May 2004.

⁷⁷ Interview with male self-settled refugee, Koboko County, 23rd August 2004.

⁷⁸ Advisor to the RWC III during focus group discussion with members of the RWC III and other leaders, Odubu Centre, Rhino Camp, 15th August 2004.

⁷⁹ Interview with male Sudanese self-settled refugee, Koboko County, 23rd August 2004.

have to wait for permission from the Camp Commandant and this would affect my business. So I use my graduated tax ticket to move around.”⁸⁰

Among those self-settled refugees neither willing nor able to pay graduated tax in Arua District, there was a significant amount of confusion with respect to the rules that govern their movement. While some were under the impression that they were required to buy ‘visas’ for long distance travel within Uganda from the Immigration Department, others moved around in Koboko town in particular, using ‘Development tax’ tickets from the Town Council. Longer journeys, including across the border to Sudan, were said to require the purchase of a movement permit from the town’s Migration Department office.⁸¹ In the absence of UNHCR or any other institution’s protection, this category of people is especially vulnerable to exploitation in the context of these transactions.

Overall, freedom of movement was not described as a problem for most self-settled respondents, who felt that they were free to move as they wanted using one of the documents referred to above.⁸² As for the settlement refugees, poverty emerged as the main limiting factor on travel.⁸³ We will return to the economic implications of a lack of bureaucratic restrictions of movement in our discussion of livelihoods later in the report. It should be noted that while numerous Ugandan interviewees also noted the importance of having identity documents to facilitate movement,⁸⁴ poverty and a lack of adequate transport infrastructure also limited travel for nationals.⁸⁵

3.5 Land and the local settlement policy

The local settlement system, and increasingly the SRS are predicated on refugees moving towards a situation where they can feed themselves and meet their other everyday needs largely on the basis of agricultural production. This section discusses the land issues at the heart of this expectation, and reports on the views and interpretations of refugees in settlements with respect to the land that they have been allocated; its size, quality, and capacity, as well as opportunities for the acquisition of additional land and issues arising. The following section considers how land related factors impact livelihood opportunities more broadly.

3.5.1 Plot Size

Opinion varies among refugees in Rhino Camp and Imvepi as to whether the plots of land allocated to them are sufficient in size for their needs. Allocations were made on the basis of family size; with 0.3 hectares (Rhino Camp) and 0.2 hectares (Imvepi) being allocated per person upon arrival. In Rhino Camp, agricultural land was typically allocated away from residential areas, and people commute to and from their plots for agricultural work. In Imvepi, refugees’ plots tend to be closer to their homes, and areas near trading centres are observably fairly congested. This concentration was explained by one interviewee as a result

⁸⁰ Interview with male refugee, Metu Village, 28th May 2004.

⁸¹ Interview with self-settled Dinka refugee family, Koboko town, 24th August 2004.

⁸² Interview with young male self-settled refugee, Osu Village, 20th August 2004. Interview with female self-settled refugee, Awindiri Village, 20th August 2004.

⁸³ Interview with young male self-settled refugee, Osu Village, 20th August 2004. Interview with female self-settled refugee, Awindiri Village, 20th August 2004.

⁸⁴ Interview with Muslim Religious leader, Oli, Arua, 21st August 2004.

⁸⁵ Interview with Ugandan woman, Amiya, 18th August 2004.

of the movement of some refugees towards the centre of the settlement after earlier incidents of insecurity in some of the outlying areas. This has put pressure on land near the central market area.

3.5.2 Climate and quality of settlement land

Size of land allocated is, of course, not the only important factor, and the majority of refugees consulted expressed their opinion about the size of plots in relation to other important variables such as climate and quality. For example, a refugee woman in Imvepi commented, “For me, it is enough, it is a good land but the problem is only that 1st and 2nd season there is no rain – only the 3rd one.”⁸⁶ A refugee man living in another part of Imvepi disagreed, saying that while the land he was allocated was of good quality, it was not sufficient for his needs.⁸⁷

In Rhino Camp, the following complaints expressed by an older refugee man were heard repeatedly, “the problem is that the land is sandy, and not fertile...Sometimes there is long drought, destroying all the crops. Sometimes when it rains, the agric land is flooded...It is not only affecting the refugees, it is also affecting the nationals. Because of that threat of the weather, poor soil, the refugees here find it very difficult to get enough food for household consumption...This is what is forcing refugees to abandon the settlement and stay in Arua...In Arua there is excess of [opportunities for] labour, here there is none.”⁸⁸

Adverse weather conditions were a frequent concern of all refugees consulted. As the words of a community facilitator in Imvepi Settlement show, the absence of conducive conditions for agriculture undermine peoples’ efforts to be productive and self-reliant; “for us, let me say, we are really facing the problem of drought – we really wanted to dig – to cultivate – so we can produce food so we can forget about WFP, but the drought!”⁸⁹

One young man, a father of five, complained that not only was the soil of poor quality, but that his family size had increased from three to seven since he was allocated the plot, and that it was now too small for them to subsist on.⁹⁰ The fact that settlement plots had no built-in capacity to deal with family reproduction or increases was noted as problematic by many interviewees including a young woman in another part of Rhino Camp.⁹¹

Numerous respondents also raised the fact that plots are too small to allow for the refugees’ preferred system of shifting cultivation to be used. As one man explained, there is simply no space to leave any land fallow in a given season.⁹² Another man agreed, asserting that consequently, the land is overused and becomes degraded, dramatically reducing yields.⁹³ This point was also made forcefully by the Refugee Welfare Council Chairman of Rhino Camp who argued that refugees in Rhino Camp are forced to ignore what they know to be good agricultural practices, and subsequently overuse the agricultural land that they have

⁸⁶ Interview with Community Facilitator, Point B, Imvepi Settlement, 18th August 2004.

⁸⁷ Interview with young male refugee, Point E, Imvepi Settlement, 18th August 2004.

⁸⁸ Advisor to the RWC III during focus group discussion with members of the RWC III and other leaders, Odubu Centre, Rhino Camp, 15th August 2004.

⁸⁹ Interview with Community Facilitator, Point B, Imvepi Settlement, 18th August 2004.

⁹⁰ Interview with male refugee, Ariwa V, Rhino Camp, 15th August 2004.

⁹¹ Interview with young female refugee, Odubu II, Rhino Camp, 15th August 2004. Interview with young male refugee, Tika III, Rhino Camp, 16th August 2004.

⁹² Interview with young male refugee, Tika III, Rhino Camp, 16th August 2004.

⁹³ Interview with male refugee, Point E, Imvepi Settlement, 16th August 2004.

been given because of their immediate needs. This practice leads to the exhaustion of the soil which, in combination with the hot, dry climate, means that it is now only, according to him and others, good for the production of simsim and bulrush millet.⁹⁴ The lesson is that the viable plots that were allocated to families several years ago may no longer be capable of meeting their subsistence needs. Family increase and the successive deterioration of soil quality, married to adverse climactic conditions, has led to a situation where even if land allocated was sufficient in size and quality in the early 1990s, this is no longer the case.⁹⁵

3.5.3 Land and coping mechanisms

There are significant differences between the response strategies available to Rhino Camp refugees and their rural hosts. While policy makers often assert that the position of rural refugees in Uganda does not differ greatly from that of their rural Ugandan hosts, refugees routinely explained that the indigenous farmers have divided land holdings, only some of which fall within the band which constitutes the Rhino Camp area. For this reason, they are able to diversify their agricultural activity, and spread risk by mixing cash and subsistence farming in different climactic zones. In this case, for example, Ugandan farmers were sometimes able to grow tobacco for sale in areas further away from the settlement where such a crop would be impossible to grow within Rhino Camp Settlement proper. Restricted to a single plot of land in the settlement, refugees are, of course, unable to do this.

To further complicate matters, refugees have limited ability to increase the amount of land they have been allotted. As one man indicated, “It [i.e. land] was not enough. They gave us measurement, OK, maybe a plot per person – but as we have no other work to do, we wanted extra land so we could sell and make a living – that one is only for living [i.e. eating].” “Because of the integration policy here, you also come to the nationals, they sometimes give you more land...it is humanitarian understanding...I personally got more land, but it’s not all so common because even they themselves don’t have enough land.”⁹⁶

In a minority of cases, refugees described being given additional land freely by their Ugandan hosts. More commonly, they described having negotiated with individual Ugandans directly, and reached an informal agreement on the terms under which they would be allowed to use land on a temporary basis. In some cases, a sum of money is paid for land. In others, part of the harvest produced is returned to the owner of the land. In one example, a young man in Imvepi Settlement described paying either a basin of seeds or US\$ 5,000 for 30m x 60m, or even for an acre depending on his relationship with the host in question.⁹⁷ Even under these circumstances, evidently, personal relationships have an important role to play. As another man put it, “Now we are friends with them so if you ask, ‘will you help me?’, they say ‘yes,’ but they cannot give freely.” He added “there is no proper agreement of understanding [i.e. written agreement] on that land,” and the interaction is characterized by uncertainty for the refugee farmers who may never know how long their negotiated agreement will last.⁹⁸ Numerous refugees, both men and women, noted that their access to land was at the mercy or

⁹⁴ Advisor to the RWC III during focus group discussion with members of the RWC III and other leaders, Odubu Centre, Rhino Camp, 15th August 2004.

⁹⁵ Previous research has shown similar findings in Moyo settlements. See RLP Working Paper No. 4.

⁹⁶ Interview with male refugee teacher, Imvepi SHSS, 18th August 2004.

⁹⁷ Interview with young male refugee, Point E, Imvepi Settlement, 18th August 2004.

⁹⁸ Interview with Secretary to the RWC III, Point E, Imvepi Settlement, 17th August 2004.

whim of the owner, who could reclaim it at any time.⁹⁹ In practice, such agreements tend to last for a couple of years, at which point the refugee has to look elsewhere for land.

Some refugees expressed resentment that they had to struggle to negotiate unequal relationships with Ugandans to access further land, feeling that “The UNHCR has already paid for this place for the refugees.”¹⁰⁰ Others described an informal and unregulated system that broadly worked fairly well, emphasizing their gratitude to those who made land available to them. Serious problems with the system were relatively infrequently but regularly reported. Most concerned nationals demanded the return of their land even before the refugees had harvested their crops, or allowed their animals to encroach on land and damage refugees’ harvests.¹⁰¹ It is, of course, the case that ‘the refugees’ are not a homogenous group, and that their relations with nationals are mediated by a myriad of personal and political factors, including ethnicity. Suspicion of the minority of Dinka refugees was, for example, frequently expressed by hosts. One Ugandan man living at Odubu in Rhino Camp reporting that his community had been warned by Dinka refugees that UNHCR had bought the land for them, and that they should not attempt to usurp them. The same man noted that relations were good with other ethnic groups such as the Kakwa, Kuku, and Zande.¹⁰²

In a few cases, even more worryingly, Ugandan farmers are accused of having encroached on or ‘grabbed’ back land allocated to refugees by UNHCR. In the words of one refugee woman at Imvepi, “Some people here were allocated plots...but the natives came and built on it.” She recounted how she attempted to raise the problem with the Settlement Commandant but has “never heard from him about it, up to now there is nothing done [i.e. from May to August 2004].”¹⁰³ Similarly, another refugee in Rhino Camp complained that nationals had been known to grab land back from the refugees to whom it had been allocated by UNHCR. He himself had complained to the Settlement Commandant through the Refugee Chairman several times since 1995, but nothing had ever been done about the problem, and he stated that refugees tended to farm land as close as possible to their homesteads for this reason.¹⁰⁴ In Moyo, similar cases were described, for example, “It was difficult to get this land and even if you get land from the citizens, they wait for you to finish clearing the field, and without notice they take the land away from you.”¹⁰⁵

In some cases, refugees also recognized how much they had been helped by their hosts since their arrival. Establishing themselves in a new and unfamiliar place was sometimes made easier by the sharing of local know-how; “since we arrived here – with this weather – we really found that they helped us by advising, ‘you just grow here.’ With this advice we were able to crop up.”¹⁰⁶

⁹⁹ Interview with male refugee pastor, Tika II, Rhino Camp, 16th August 2004. Interview with Secretary to the RWC III, Point E, Imvepi Settlement, 17th August 2004. Interview with young male refugee, Point E, Imvepi Settlement, 18th August 2004.

¹⁰⁰ Male refugee university student during focus group discussion with Babanga Women’s Group, Ariwa V, Rhino Camp, 15th August 2004.

¹⁰¹ Refugee woman during focus group discussion with Babanga Women’s Group, Ariwa V, Rhino Camp, 15th August 2004.

¹⁰² Interview with male Ugandan, Odubu II Village, near Rhino Camp, 16th August 2004.

¹⁰³ Interview with Community Facilitator, Point B, Imvepi Settlement, 18th August 2004.

¹⁰⁴ Interview with male refugee, Tika, Rhino Camp, 16th August 2004.

¹⁰⁵ Interview with male refugee, Lama Village, 30th May 2004.

¹⁰⁶ Interview with Headmaster, Tika Primary School, Tika II, Rhino Camp, 16th August 2004

Overall, relations between refugees and hosts in both settlement and non-settlement contexts were usually described as good, albeit that there were regular reports of issues over which there was some tension.¹⁰⁷ Overwhelmingly, the way such conflicts were dealt with in both contexts was via the offices of the respective RWC and LCs (LCs only in non-settlement areas). Few complaints were made about these processes in and of themselves, although in several cases it was noted that the LC's opinion carried more weight than that of the RWC. In cases when the RWC's view was ignored, Rhino Camp refugees described themselves as broadly happy to refer the matter to the Settlement Commandant, who was reportedly usually able to resolve it. Another important finding was that some refugees chose not to pursue cases against nationals who had abused or cheated them, on the grounds that they did not want to cause conflict or trouble. For example, one man in Rhino Camp complained that his wife had been beaten by Ugandan citizens when she went to dig in their field. The couple did not report the attack to the authorities because they felt that they would rather avoid confrontation and conflict, in exile, having suffered it so badly from it at home.¹⁰⁸

3.6 Food and economic insecurity: methods of survival

It is in many respects shocking that several years after arrival in refugee settlements designed to support agricultural activity and with an objective of self-reliance, food security for refugees in some cases remains a serious problem. Settlement refugees are unable to meet all of their families' needs on the basis of the delivery of partial food rations combined with limited agricultural activity. Refugee settlements are failing to provide an environment within which refugees can become satisfactorily self-sufficient on the basis of agricultural activity.

About the smaller sample of self-settled refugees in rural areas, it is harder to generalize. There is some preliminary evidence that when self-settled refugees are able to capitalise on support from co-ethnic or other connections to acquire a sufficient quantity of quality land, that they are able to support themselves adequately. Some of our interviewees had not been able to establish themselves in this way, and remained reliant on casual labour for their survival. This section considers some dimensions of refugee livelihoods in the settlement context and considers their relationship with the settlement system.

3.6.1 Food rations

Most rural refugees in Uganda subsist via a combination of agricultural production and food aid. However, in both settlement and non-settlement contexts, reference was frequently made by farmers to the fact that drought, insect infestation and, in the case of the settlements, exhausted soil, was undermining agricultural production and that families were unable to manage all their needs on this basis. Refugees reported that their yields are low and that they are defeated by the combination of inclement weather, insect infestation, and exhausted soil. "One can work for a whole month but only produce food that cannot last long."¹⁰⁹ "We could

¹⁰⁷ The perspective of self-settled refugees needs further research and will be the focus of the next paper in the MacArthur Foundation series; *Questioning the Settlement Policy for Refugees in Uganda: A Socio-Legal Analysis*.

¹⁰⁸ Interview with male refugee, Tika, Rhino Camp, 16th August 2004.

¹⁰⁹ Chairwoman during focus group discussion with Babanga Women's Group, Ariwa V, Rhino Camp, 15th August 2004.

have used agriculture as a source of income, but the product of agric we use for feeding because the food ration is not enough.”¹¹⁰

Numerous settlement refugees complained that there was never enough food to feed their households properly. As food rations have been incrementally reduced in the settlements (except in the case of ‘new caseload’ refugees in Imvepi), agricultural production has not been successful enough to meet the shortfall with respect to family consumption, as well as helping to meet non-food needs. A Community Facilitator in Imvepi stated, “This food – especially...the old caseload, the food is not enough, it cannot reach up to the end of the month.”¹¹¹

In one home, a refugee man commented that when there is not enough food for all family members to eat more than once a day, the children are fed more frequently while the adults do not eat.¹¹² As one refugee teacher put it, “you starve during the day so that you can eat at least once in the evening.”¹¹³ Numerous refugees in settlements reported that they were only able to eat once a day¹¹⁴ while more often nationals reported eating twice or more daily.¹¹⁵

There is a degree of confusion about the logic of increases and decreases in the food supply. “Why to starve people, to make them die, before you come in [to help]?”¹¹⁶ In Rhino Camp, while appreciative of the school feeding programme, an advisor to the RWC III insisted, “The relief food is too little. They are giving 5.4 kilos per person [per month]...it is a problem because there is no additional food, no supplementary food.”¹¹⁷ Alternatives need to be sought before food is reduced. A contribution from the local sub-county chief is revealing; “In fact it is that small food given to the refugees by UNHCR during the drought [which he says has lasted three years] that helps the nationals too.... The refugees sell some of the food to get money.”¹¹⁸ Even in a period of drought, which affects the nationals as well as the refugees, the refugees are still forced to sell some of their already insufficient food supplies to meet their other needs. This should be viewed as a crisis response on their part. As one refugee indicated, “The only solution to the problems we have identified, including the problem of food, is that we could get access to a good place where the land is fertile and there is water, then we would like to move. If we are to stay here, then at least the food ration should be increased. If it is stopped, then life is stopped.”¹¹⁹

These findings contradict the government’s recent assertion that refugees have not only produced enough food for their own needs, but have been selling their surplus to WFP. This assertion was used as evidence of the success of the SRS, as claimed by Moses Ali, Minister

¹¹⁰ Interview with young female refugee, Tika II Settlement, Rhino Camp, 16th August 2004.

¹¹¹ Interview with Community Facilitator, Point B, Imvepi Settlement, 18th August 2004.

¹¹² Interview with male refugee, Ariwa V, Rhino Camp, 15th August 2004.

¹¹³ Interview with male refugee teacher, Imvepi SHSS, 18th August 2004.

¹¹⁴ Interview with male refugee, Ariwa V, Rhino Camp, 15th August 2004. Interview with young male refugee, Tika III, Rhino Camp, 16th August 2004.

¹¹⁵ Interview with Ugandan teacher, Odubu primary school, Rhino Camp, 15th August 2004. Interview with male Ugandan, Gulubo village, near Matangacia, Rhino Camp, 16th August 2004.

¹¹⁶ Female refugee during focus group discussion with Babanga Women’s Group, Ariwa V, Rhino Camp, 15th August 2004.

¹¹⁷ Advisor to the RWC III during focus group discussion with members of the RWC III and other leaders, Odubu Centre, Rhino Camp, 15th August 2004.

¹¹⁸ Interview with official, Oriama Sub-County, 17th August 2004.

¹¹⁹ Interview with male refugee pastor, Tika II, Rhino Camp, 16th August 2004.

for Disaster Preparedness and Refugees, at the launch of the DAR in Kampala on 17th November 2004.¹²⁰

3.7 Other economic opportunities

When the conditions for agricultural production are not sufficient enough for people to support themselves on the basis of farming, secondary or additional productive activities become crucial. Some of these revolve around small-scale animal husbandry. One young man in Rhino Camp explained that he keeps ducks and goats, selling them off when school fees are due.¹²¹ As he noted, however, keeping animals does not provide a regular source of income for the family, but instead helps occasionally with major expenses. The most common strategy for increasing income in the settlements is for refugees to leave them to look for casual work in the surrounding countryside. Most interviewees in Rhino Camp and Imvepi said that they could hope to earn around US\$ 500 for a day's labour, with a minority suggesting that depending on the size of the plot they might hope to earn US\$ 1,000.

This initiative has its own risks. "We mostly dig for the citizens in most cases. The other problem is that after digging the place – even if it is so big – you are given only US\$ 500. If you protest, this can fall into fighting, so you just abandon....we report to the authorities in the camp, they don't come. If we appeal to the national authorities they just delay – so we become tired and just give up."¹²²

From Rhino Camp, some men go to urban centres for periods of two weeks to a month to get casual work, leaving their families in the settlement.¹²³ Urban refugees seem also to survive mainly by taking casual labour. One group of young men in Arua who had somehow failed to be registered in the settlement after two registration processes there, came to town mainly for education. They explained that they get food from Sudan and bring it to Arua. They also seek employment in town, where they work mainly in construction, earning approximately US\$ 1000 per day.¹²⁴

Some settlement refugees have been able to establish themselves as small scale traders, often travelling to Koboko or Arua to buy commodities from merchants there. While the market in Imvepi is reasonably busy and well stocked with goods for sale, this appeared to be less the case in Rhino Camp. Imvepi is better served by public transport for travel to Koboko than Rhino Camp, which may be significant. The capital required to travel and engage in business is simply not accessible to the majority.

3.7.1 Location of settlements

The geographical remoteness of the Arua refugee settlements has a major impact on refugees' capacity to involve themselves in commercial activities. It has already been argued that the production of a significant agricultural surplus that would allow refugee farmers to sell produce in the marketplace is a faint hope for the majority of refugees. As the testimonies

¹²⁰ Speech given by Moses Ali at the National Launch of the Program for Development Assistance for Refugee-Hosting Areas in Uganda (DAR), Hotel Africana, Kampala, 16th November 2004.

¹²¹ Interview with male refugee, Ariwa V, Rhino Camp, 15th August 2004.

¹²² Interview with young female refugee, Tika II, Rhino Camp, 16th August 2004.

¹²³ Male refugee during focus group discussion with members of the RWC III and other leaders, Odubu Centre, Rhino Camp, 15th August 2004.

¹²⁴ Focus group discussion, Oli, Arua, 22nd August 2004.

above affirm, refugees view the produce that they grow as crucial for helping to feed their families, but are rarely in a position to produce large quantities of cash crops.

While many refugees talk longingly about their desire to establish themselves in business, the absence of any significant market for anything other than basic commodities and services makes this an uncertain prospect in most cases. As indicated here, the vast majority of refugees do not have the purchasing power to sustain substantial business activity, and the remote location of the refugee settlements implies that there is no ready market nearby. Nevertheless, many refugees attribute their lack of success in this area to a lack of capital rather than to any market related obstacles.

3.7.2 Loans

UNHCR's implementing partner DED runs a loan scheme in both Rhino Camp and Imvepi, and while some refugees reported having benefited from it, many others complained about having been excluded. It is outside the scope of this report to evaluate the project and it is not our intention to attempt to do so. What is notable, however, are some of the statements made in explanation for the failure of the scheme for some refugees.

The Chairman of the Rhino Camp RWC III noted that the loan scheme had not always been successful; "the conditions could not allow us...most of the groups could default. There is not any other way of getting money and there is no choice but to use it for the family."¹²⁵ Similarly, a church leader explained, "Our problem here is poverty and hunger. We normally start business but after two to three months the business is finished because the same money which is put in the business is also used for feeding...also the capital is not enough...no other source of income than casual work."¹²⁶

Overwhelmingly, once a small amount of capital is made available to people, they have no choice but to spend it on the extended families' pressing needs, leading to inevitable default on the loan. For this reason, several refugees expressed nervousness about taking out a loan even if they were able. One young man in Imvepi said that he would not dare to take out a loan for fear that he would be unable to repay it.¹²⁷ In both the settlement and non-settlement contexts, access to income-generating loans is said to be limited by a lack of any assets against which to borrow money.¹²⁸ It should be noted that this limitation, of course, also exists for Ugandans.¹²⁹ The refugees face a poverty of opportunity, determined at least partly by the fact that they have no room for economic manoeuvre.

Even professional people miss what few opportunities might be open to them because they do not have resources available to invest or to pursue them. One frustrated health professional described how he was unable to raise enough transport money in order to travel and apply for jobs for which he was well qualified and experienced. "I heard of a job in Sudan, then another in Koboko – I failed to go and apply. Those who had money were the ones taken –

¹²⁵ RWC III Chairman during focus group discussion with members of the RWC III and other leaders, Odubu Centre, Rhino Camp, 15th August 2004.

¹²⁶ Interview with male refugee pastor, Tika II, Rhino Camp, 16th August 2004.

¹²⁷ Interview with young male refugee, Point E, Imvepi Settlement, 18th August 2004.

¹²⁸ Interview with male refugee, Point E, Imvepi Settlement, 16th August 2004. Interview with young male self-settled refugee, Osu Village, 20th August 2004.

¹²⁹ Interview with male Ugandan, Oli, Arua, 22nd August 2004.

they stay in the towns.”¹³⁰ A self-settled refugee in Moyo concurred, “You can’t look for a job when you’re in the camps.”¹³¹ Therefore it is not only the formal restrictions on freedom of movement that limit refugees from leaving the settlements or engaging on a commercial basis outside of them. In practice, lack of resources and the limitations on economic development for individuals in the settlements place an additional restriction.

3.8 Comparison with hosts’ livelihoods

In some respects, Ugandan citizens living in the same environmental zones as the refugees are faced with similar problems. As the same health professional averred, “Their problem is the same – even they are buying food from the refugees. What they have is the animals, they used to sell [them] and come and buy food in the market. Their problem is genuine...these people around here, they just got employed when we were here but formerly were not employed.”¹³²

Access to refugee related employment is one clear way in which the arrival of refugees in the sub-counties has benefited nationals who live in them. They also have other advantages; “The nationals have cattle and goats and enough land for grazing. They have access to businesses, and to loans.”¹³³ “They talked of comparing us with the nationals – but the nationals have animals there – we don’t have. If they want us to join SRS they should give us loans so we can get other things as well.”¹³⁴ “The national is a *landowner*,”¹³⁵ emphasized one refugee leader, distinguishing between having the use of land and actually owning land, and the freedom of choice that this implies. There are also some specific economic activities which are not open to refugees. In Rhino Camp, for example, it was made clear that refugees were not entitled to catch fish in the Nile; “The nationals are better off because they can get money from the river.”¹³⁶ Indeed, the River Nile is known locally as ‘the World Bank.’

3.8.1 Monetary needs and strains

Refugees in settlements do not live in a cash-free economy. While they are technically entitled to receive health care without payment, the frequent absence of drugs in many of the dispensaries means that many are often unable to do so. At the time of our visit, the grade two health centre at Odubu, Rhino Camp, had no drugs at all and was in fact closed for this reason.¹³⁷ In addition, refugee children are increasingly finding it impossible to access secondary education and insist that the number of scholarships available has decreased significantly over the last few years. This has left people feeling that “School now-days is not for poor people.”¹³⁸ Refugee parents struggle to understand why “Our children get good passes but very few are taken for scholarship and the remaining ones have got to go to the

¹³⁰ Interview with Secretary to the RWC III, Imvepi Settlement, 17th August 2004.

¹³¹ Interview with male refugee, Moyo town, 1st June 2004.

¹³² Interview with Secretary to the RWC III, Imvepi Settlement, 17th August 2004.

¹³³ Advisor to RWC III during focus group discussion with members of the RWC III and other leaders, Odubu Centre, Rhino Camp, 15th August 2004.

¹³⁴ Interview with male refugee teacher, Imvepi SHSS, 18th August 2004.

¹³⁵ Advisor to RWC III during focus group discussion with members of the RWC III and other leaders, Odubu Centre, Rhino Camp, 15th August 2004.

¹³⁶ Interview with Headmaster, Tika Primary School, Tika II, Rhino Camp, 16th August 2004.

¹³⁷ Focus group discussion with RWC III and other leaders, Odubu Centre, Rhino Camp, 15th August 2004.

¹³⁸ Interview with young male refugee, Tika III, Rhino Camp, 16th August 2004.

garden with us....This has forced early marriage out of frustrations.”¹³⁹ The absence of sufficiently supported educational opportunities at secondary and tertiary level leaves parents struggling desperately to find additional resources so that they can educate at least some of their children. Such situations mean that either refugees forfeit medical care and educational opportunities or they find other resources to access them privately.

Such expenses are ‘hidden’ in that no provision is made for refugees to spend money on medical or educational needs, as these services are supposedly made available within the assistance framework. The fact that they are in practice unavailable means that refugees have to raise additional resources to overcome the failures of promised but undelivered assistance. If refugees are to be maintained in settlements, there must be a moral obligation on those whose purposes this serves to sustain them there.

Constant pressure on families in these and other ways may have a range of negative consequences. The need to respond to the challenges of living in a refugee settlement has led to a transformation of social norms in some areas, and these sometimes prove hard to manage. It is worth noting that members of a women’s group in Rhino Camp attributed their consequent failures to fulfil ‘traditional’ domestic responsibilities to their frequent absence from home (in the course of income-generating activities). Furthermore, the relative underemployment of their husbands was said to increase domestic violence in the refugee settlement context.¹⁴⁰ There are important links between livelihood challenges and responses to these and the internal social dynamics of families and communities. In the context of recent thinking about the advantages of developmental approaches to refugee assistance, it may be worth considering whether maintaining refugees in a situation of ongoing deprivation and frustration will not mitigate against any successes in this important respect.

3.9 Is self-reliance feasible?

Moves on the part of GoU and UNHCR towards a developmental ‘Self Reliance Strategy’ for refugees implies strongly that something more than meeting subsistence needs is envisaged. The clear findings of the current research show that refugees do not feel this is within their reach given the resources currently available.

Many refugees living in settlements in Arua have themselves previously hosted Ugandan refugees in Sudan, and are aware that their hosts expect to derive some compensatory benefit from their presence. They broadly feel that this is not an unreasonable expectation, not least because they themselves benefited in this way in the 1980s in Sudan. “Do the development here, when our time comes [to return home] we have to leave this place OK, as they did [when they were refugees] in Sudan...[at the moment] we are leaving this area bush.”¹⁴¹ Despite the fact that the developmental Self Reliance Strategy has begun implementation in Arua, with four operational sectors already handed over to district management and control (Forestry, Community Services, Education and Health), a number of refugees expressed scepticism about the benefits it was delivering to refugees and their hosts. For example, “This handover is under the SRS. The budget given to the refugees under the SRS has done nothing – even the nationals cannot see what development has been done here – it is only the

¹³⁹ Female refugee during focus group discussion with the Babanga Women’s Group, Ariwa V, Rhino Camp, 15th August 2004.

¹⁴⁰ Focus group discussion with Babanga Women’s Group, Ariwa V, Rhino Camp, 15th August 2004.

¹⁴¹ Interview with Secretary to the RWC III, Imvepi Settlement, 17th August 2004.

base camp.”¹⁴² Not everyone would agree with this statement. A Ugandan official based near Rhino Camp insisted, for example, “Our place was bushy, the area has really improved. There were no roads, also due to the presence of the refugees the roads have improved, the water points, the construction of schools, they have planted trees, they have really brought development.”¹⁴³ It should be noted that the benefits he refers to pre-date the introduction of the SRS.

There are some complaints that the presence of self-settled refugees does not lead to benefits under the SRS, since non-settlement refugees are not recognized by either the GoU or UNHCR. One district official in Moyo explained:

Our bone of contention we have had with UNHCR concerns self-settled refugees. Our reason for wanting UNHCR to take on self-settled refugees is that we don't want a situation where we construct projects based on a refugee presence and then refugees go back and leave a project wasted. So we try to get UNHCR to invest in these areas while we focus on others involving Ugandans. UNHCR structures are temporary and therefore more suited to refugees. But UNHCR have refused because they said that a refugee who is outside the camps is outside their mandate.¹⁴⁴

Some refugees interpret the SRS as a way for UNHCR to disengage from the refugees arguing that there is nothing fundamentally new about the approach; “We grew through self reliance- in Sudan we were not living from hand-outs, just here...Self reliance is not something new...When self reliance came in, we found a lot of problems.”¹⁴⁵ In this characterization, the handover of services from UNHCR and its implementing partners to the district authorities represents a mechanism for the reduction of services for refugees and a cost saving strategy. One former refugee leader commented that we are “fully aware of SRS as a strategy, but the conditions could not promote it.”¹⁴⁶ He directly associated the introduction of the SRS with the much discussed reduction of funding for education and other services in the settlements. A group of refugee men in Imvepi expressed their frustration at the apparent unwillingness of UNHCR to consult or discuss such important issues with refugees, saying, “There is no time to talk to the cow - just give him grass and walk away.”¹⁴⁷

In relation to the likelihood of settlement refugees reaching ‘self sufficiency’ under the SRS, the mood was gloomy. “We have three seasons in Sudan, from end of February to December we dig three times. In Sudan we don't know what is SRS, there we are free. But not here, the weather is very bad, so SRS doesn't work.” Finally, “Yes, we have agreed to be under SRS since 1999, but what about our development?”¹⁴⁸ It is perhaps not surprising, given the relative scarcity of information sharing and direct communication between refugees, UNHCR, and OPM that refugees are not well-versed in the details of the SRS policy. It is reasonably clear, however, that on the basis of what they do understand about new strategy, that they are pessimistic about the prospects for any improvement in their own situation in the short or long term.

¹⁴² *Ibid.*

¹⁴³ Interview with official, Oriama Sub-County, 17th August 2004.

¹⁴⁴ Interview with Assistant CAO in charge of SRS, Moyo District, 25th May 2004.

¹⁴⁵ RWC III chair during focus group discussion with members of the RWC III and other leaders, Odubu Centre, Rhino Camp, 15th August 2004.

¹⁴⁶ Advisor to RWCIII during focus group discussion with members of the RWC III and other leaders, Odubu Centre, Rhino Camp, 15th August 2004.

¹⁴⁷ Focus group discussion with male Congolese refugees, Imvepi Settlement, 18th August 2004.

¹⁴⁸ Interview with Secretary to the RWC III, Imvepi Settlement, 17 August 2004.

3.10 The future

In general, refugees living in and out of settlements articulated a desire to return to Sudan whenever a stable peace allows this to happen.¹⁴⁹ While some talked negatively about the reasons why they might want to or be forced to leave Uganda prematurely, usually in relation to climate induced crop failure and an absence of educational opportunities, many positively asserted their desire to return home at some point.¹⁵⁰

Notably, many expressed reservations about the possibility of any imminent repatriation, and several points were made about the conditions that refugees would require to see met in Sudan before they would be ready to leave. Firstly and unsurprisingly, all refugees to whom we spoke insisted that they would need to be persuaded that any peace agreement signed would lead to a sustainable peace. Secondly, they insisted that material conditions in Sudan would need to improve significantly before they would consider taking their families home with them. As one man put it, “So long as there is no genuine peace in Sudan, I would prefer to stay here with these plans [to make business or study]. If there is a real peace in Sudan, I would like to go there and plan for what I can do.” “What I want to ensure that should be there; health services, roads, schools, food security, land mines [cleared], and water. If all those things are already secured, that’s when I’ll think of coming.”¹⁵¹

Significantly, self-settled refugees asserted themselves to be no less keen to repatriate than their settlement peers, a fact that challenges the received wisdom underpinning states’ preference for encamping refugees. Members of the host community in both settlement and non-settlement locations also expressed their opinion that the refugees would mainly want to repatriate when conditions changed in their country of origin.¹⁵² A Ugandan elder in Oli, Arua, noted that if the self-settled refugees were to repatriate, there would be a drop in income for those Ugandans who are currently renting them houses and rooms. He also speculated that some might repatriate and then return to Uganda to work.¹⁵³ Some Ugandans feel nervous about the departure of refugees from their areas, particularly in locations densely concentrated with refugees. “Here in Koboko we have freely welcomed [the refugees].” If they were to repatriate, “it would reduce the number of people in Uganda, and the businesses also – customers will be very few. Houses will be vacant, and those who build houses to rent, there will be no rent now, unless other Sudanese decide [to come].”¹⁵⁴

Interestingly, little nervousness or opposition was heard with respect to the possibility that some of the Sudanese (about whom debates about repatriation are most frequently heard at this time) might decide to remain in Uganda. As one government official noted, “Since this is going to be a voluntary repatriation, those who decide to stay here will not stay in the settlement but move freely and settle in the sub-county, and pay graduated tax and

¹⁴⁹ Interview with young female refugee, Odubu II, Rhino Camp, 15th August 2004. Interview with young male self-settled refugee, Osu Village, 20th August 2004.

¹⁵⁰ Advisor to RWC III during focus group discussion with members of the RWC III and other leaders, Odubu Centre, Rhino Camp, 15th August 2004. “The worst thing that will force us to move is if our children don’t have opportunity for education” and “we are now looking forward to seeing peace, we are ready to go home.”

¹⁵¹ Interview with male refugee pastor, Tika II, Rhino Camp, 16th August 2004.

¹⁵² Interview with Ugandan ‘General Secretary for Youth’, Oli, Arua, 14th August 2004. Interview with male Ugandan, Gulubo village, near Rhino Camp, 16th August 2004.

¹⁵³ Interview with male Ugandan, Oli, Arua, 21st August 2004.

¹⁵⁴ Interview with female Ugandan church elder, Koboko Town, 24th August 2004.

everything.”¹⁵⁵ This view was reinforced by the Assistant Refugee Desk Officer, Arua, who also maintained that the government would be perfectly happy with the idea of local integration as a durable solution for those Sudanese wanting to remain in Uganda. This seems a significant departure from previous government policy, and it is not entirely clear whether such positive views are shared at the Kampala level.

4 PROBLEM ANALYSIS

In practice, it is clear that the majority of refugees have little choice as to whether or not they live in settlements. Not only are they required to do so by the GoU, but most also lack the additional support required to make a different choice. In effect, the fact that assistance is available to refugees only in settlements means that most have no option but to remain there, however imperfect they are.

One could argue that the implementation of the settlement policy in Uganda has effectively redefined the category of ‘refugee’ to refer exclusively to a person in receipt of assistance and living in a physical space defined by the GoU. There is a clear contradiction in the fact that those ‘aliens’ living independently outside the settlement system are eligible for refugee status, but are not granted this because of their refusal to live in settlements. This results in their exclusion from receiving international protection from both GoU and UNHCR in this case.

An empirical problem exists in that there is currently no way of knowing how life could be for refugees living in a non-settlement context supported by UNHCR and the GoU. Our present and limited understanding of self-settled refugees does not constitute a research ‘control’ in this sense, as they are disproportionately advantaged and disadvantaged in different ways. More research leading to a better understanding of the dynamics of self-settlement and the ‘protection gap’ resulting from UNHCR’s inability or unwillingness to cater for non-settlement refugee populations are certainly required. Nevertheless, what is known about the deficiencies of the settlement model and the findings of the present study provide the basis for a reconsideration of current thinking on responses to refugees in Uganda.

It may be assuming too much to insist on an opposition between those who do and those who do not live in settlements. As the previous sections have shown, legally and formally there patently is a sharp distinction between the constraints and opportunities experienced by refugees living in and out of settlements. However, settlements are not necessarily conceptualized as completely cut off from the outside world by the people who live in them, even when many such individuals rarely have the opportunity to leave them in practice. As we have noted, there are important links between some self-settled and settlement refugees, whether these are social, familial, or economic. An individual or family may live in and out of settlements at different times during their period of exile, depending on their needs, resources, and personal circumstances. This fact leads us to an important consideration.

It may be that some refugees’ needs are best served by a combination of the characteristics of settlement and non-settlement life as they are currently constructed. This allows them to minimize the disadvantages of a settlement existence and make the most of the opportunities

¹⁵⁵ Interview with official, Oriama Sub-County, 17th August 2004.

that each environment has to offer. This might apply to a refugee who is registered in a settlement and receiving rations, but living on land provided by a co-ethnic contact in the border, or to another living in a settlement and ‘commuting’ for a few weeks at a time, either to an urban or rural area to work. This kind of combination grants access to the services and opportunities associated with the settlements, but without all the limitations in terms of land availability and quality, and with greater access to markets, opportunities for cash cropping, and so on.

Under the current regulations, of course, this creative maximizing of opportunities by refugees takes place outside the official system of registration, recognition, and response. It is notable that many of the ‘coping’ or ‘survival’ strategies employed by refugees, which demonstrate initiative, entrepreneurial skills, and innovativeness, remain unlawful in the context of the settlement system. If refugees were free to reside outside settlements, and were offered appropriate supportive assistance there, their capacity for developmental progress might be expected to increase. It must be recognized that not all refugees will have the same developmental capacities and that meeting the needs of those with particular disadvantages would have to remain a priority. Nevertheless, there are grounds for exploring further the proposition that in relation to refugee livelihoods and developmental approaches to refugee assistance, these kinds of (currently illegal) refugee coping strategies may be the most fertile area to explore if we are serious about facilitating the development of refugees and their hosts. The following section elaborates on the research findings and provides an alternative vision. It raises questions and invites dialogue and debate among stakeholders in Uganda’s refugee situation.

4.1 Freedom of movement

Any critique of the Ugandan settlement system is frequently met with an insistence that refugees are free to move in Uganda as long as they carry the appropriate documentation. This research indeed found that refugees are able to move relatively freely in Arua and Moyo, as long as they are in possession of credible documentation, which can take many forms. Refugees in Arua rarely complained about being unable to acquire a travel document.

These findings are specific to Arua district and previous findings among settlement refugees in Moyo and Hoima districts show that obtaining travel documents are, indeed, considered a limiting factor to freedom of movement. The discrepancy in these findings suggests the extent to which refugees are vulnerable to changes in camp leadership, and reinforces the underlying fact that refugees should have been issued with formal ID documents in the first place, and should have no need for travel permits. Secondly, and more importantly, attention should be focused less on whether refugees are able to leave the settlements occasionally for short periods of time, and more on whether they are able to move out of them if this is what is required for them to live lives of dignity and opportunity.

The majority of refugees remain severely restricted from relocating out of settlements altogether. Firstly, because they feel that they would be unable, in the current climate, to access agricultural land without help. Secondly, because they positively need the food aid and other ‘free’ services provided in settlements. In other words, they are not constrained by the legal requirement that they should live in settlements, because whether required to or not, many would have no option but to do so given the prevailing conditions of their economic existence.

It is not simply a neutral fact that refugees tend to be impoverished and that, needing assistance, they go and stay in settlements where this is provided for them. Rather, the structure of political and institutional response to refugees in Uganda constructs a situation where refugees' own capacities, potential, and comparative advantages may effectively be stripped away from them, and that serviced settlements are represented as the answer to their problems.

The concern is that their 'problem' has been very narrowly defined, and the settlement solution is an insufficiently subtle mechanism to meet the diverse and wide-ranging needs of populations differentiated by experience, aspiration, and capacity.

4.2 Why and how is the settlement response not working?

After several years of existence, settlements still patently do not provide the conditions for economic survival, and refugees are consequently still heavily reliant on food aid. With respect to agricultural capacity, the research found that according to refugees and others; plots are now too small to support families that have increased in size over time, the land has become exhausted through overuse (a function of the protracted nature of the refugee situation), some settlements are located in areas where soil quality is poor and do not allow refugees to respond creatively by rotating different crops to overcome this problem, and there has consequently been environmental degradation, leading to poor yields in the short term and possible negative consequences for nationals in the long term.¹⁵⁶

The research also found that, located in relatively remote and impoverished areas, employment and other income-generating opportunities for refugees are largely absent. This also makes refugees unable to meet their non-food needs. While services for refugees are ostensibly provided in settlements, in practice delivery is very unreliable and refugees are left facing a shortfall which they cannot remedy.

In reality, the much lauded provision of services to refugees in settlements is not the only service delivery option open to the GoU and UNHCR. Service provision has become inextricably linked with the idea of settlements in policy debates, although there is no necessary reason why this should be the case. A further consideration of this important point might re-invigorate the policy framework. Finally on this point, the existence and insistence on refugee settlements ensures the creation of a category of people who are excluded altogether from their assumed benefits. Under the current settlement system, refugees living outside settlements, as well as their generous Ugandan hosts, are unconsidered in discussions concerning the sharing of resources, not to mention that such refugees are left entirely without legal protection.

At the time of writing, there had been no security incidents in refugee settlements in Arua and Moyo for some time. This should not be taken as read, however, since both locations have experienced serious insecurity in the past, and the question of whether refugees enjoy physical and political security in settlements is an important one.¹⁵⁷

¹⁵⁶ Many of these claims are supported by detailed research carried out by IRD and UNHCR published in 2003.

¹⁵⁷ RLP Working Papers No. 2 and No. 3.

4.3 Why does the GoU insist on the settlement system?

In view of the findings discussed above, it becomes difficult to understand the currently implemented settlement system as beneficial for refugees or hosts. Paradoxically, neither is it clear that the standard explanations for the maintenance of a policy of settlement are borne out from the point of view of the host state.

In other contexts, refugees have often been regarded as a security risk with a policy of containment conceptualized as a response to this. In this case, it is interesting to note that when explicitly asked during the course of research if refugees pose a security threat, officials including security personnel, police, and prison staff did not cite refugees as a security concern in the districts. Arguably, containing large numbers of people in conditions of impoverishment could be seen increasing rather than decreasing the risk of insecurity. As one prison official commented with reference to refugee prisoners brought from settlements; they have committed “the kinds of crimes that take place in places where people are kept in one place.”¹⁵⁸

While it is recognized that refugee settlements maintain a visible refugee presence which is helpful for keeping the attention of the international donor community and international organizations, UNHCR’s own global ‘Development Assistance for Refugees (DAR)’ initiative, which has been linked to the government’s own SRS, raises questions as to the need for such a strategy in this case.

Finally, experience from other countries has taught us that states are often keen to keep control of large refugee populations for eventual ease of repatriation. Again, in this case the evidence suggests that both settlement and self-settled refugees are keen to repatriate to Sudan when this becomes possible. Furthermore, government officials in West Nile appear unconcerned about the possibility that any of them might opt for the durable solution of local integration in Uganda.

4.4 Self-Reliance Strategy

As noted above, there is a considerable lack of clarity about the long-term vision of the GoU in relation to refugees and refugee hosting areas. This raises several questions about the objectives of the SRS in this context. It remains unclear whether it is intended, implicitly or explicitly, to lead to the durable solution of local integration of refugees in Uganda. If this is indeed the case, there seems little reason to maintain the settlement policy in the short term, if the eventual socio-economic integration of the refugee populations is the goal. If the government does not, in fact, desire the integration of refugees and intends to maintain the SRS as a new, government led form of service delivery to refugee settlements, other questions arise. Perhaps most importantly, from the point of view of the refugees with whom this issue was discussed, will the full implementation of the SRS lead to a reduction in services in the settlements without any corresponding support to enable them to cover any shortfall? Are there, in reality, any measures that could be implemented alongside the SRS to mitigate the negative consequences of being restricted to settlements as described above?

¹⁵⁸ Interview with Officer-in-Charge (OC), Koboko Prison, 24th August 2004. Also note that of 142 prisoners in Koboko prison, 19 were refugees, all of whom were being held for failing to carry valid papers.

If the prime purpose of the SRS is to facilitate the socio-economic development of both refugees and their hosts for the present and for the future, there appear to be some unconsidered contradictions at play. Refugees, as noted above, often characterise the SRS as a means for UNHCR to reduce the (food) aid delivered to refugees in settlements. Their broad view was that the conditions for self-reliance do not exist in the Arua settlements. While these views were not articulated in relation to the settlement system, important questions remain as to whether the SRS might not be more successfully implemented without the constraints represented by the local settlement framework. Perhaps most importantly, the current policy neither desires nor facilitates the integration of refugees into Ugandan society. It remains unclear whether a successful developmental initiative can be delivered on this basis. With refugees maintained apart from host communities, the interconnections, relationships, and networks on which successful development programming might be assumed to be based, are absent. With refugees restricted to agricultural activity on exhausted and insufficient landholdings and excluded from meaningful alternative income-generating activity, the question of whether scaled down support in settlements is provided by UNHCR or GoU may not be of critical importance.

In relation to the education sector, for example, refugees' perceptions are that support and opportunities have fallen in recent years. The social, economic, and security implications of failing to provide adequate educational access to refugees in northern Uganda in the short term must be clear. But equally importantly, any eventual repatriation will be hampered if educated and qualified people are not available to facilitate the process and contribute to the peaceful development of post-conflict Sudan. If the SRS genuinely aspires to support the development of refugee populations in northern Uganda, failing to meet the educational needs of refugees is an inexplicable choice.

UNHCR's DAR initiative, which it proposed to implement in Uganda as a development of the SRS, recognizes the need for refugees to enjoy their rights in countries of asylum if developmental approaches are to be successful. It is argued that the confinement of refugees to settlements denies them their rights in a number of ways, with negative consequences for their capacity to benefit from developmental initiatives. Arguably, and with reference to the apparent economic contributions made by illegally self-settled refugees in Arua and Koboko municipalities, Ugandan hosts may themselves be disadvantaged in developmental terms by the encampment of refugees. The findings of the current study indicate that it is possible that providing support to refugees in a non-settlement context could also benefit hosts as local economies are further stimulated by entrepreneurial activity.

CONCLUSION

What might a refugee protection and assistance strategy look like in Uganda, if it no longer relied on the establishment of settlements?

It is already the case that, albeit illegally, refugees in Arua have proved themselves able – in some cases at least – to negotiate access to land and economic opportunities even without the benefit of a supportive and enabling assistance and protection environment. Refugees have joined Ugandan communities, living peacefully under the administration of LCs, interacting freely with hosts, and managing their lives and livelihoods in a positive way. Some have done this by exploiting local relationships and connections, others with external support.

While host communities around refugee settlements have benefited from a refugee presence, further developmental opportunities may have been missed. The hosts of self-settled refugees have, thus far, not enjoyed any of the benefits typically associated with a refugee presence, and subsistence and developmental challenges are faced by both refugees and hosts. The cost of establishing and maintaining a refugee settlement is necessarily extremely high, perhaps too high for the creation of what can only be an artificial and temporary institution that may not be best placed to meet the needs of its residents and their hosts, whatever its political advantages.

Further research is undoubtedly required, but this study has learnt that there may be some benefit from considering the possibility of supporting refugees in a non-settlement context. The fact that some Ugandan hosts have been willing and able to respond to the needs of refugees without external support, even if these communities have been motivated by social norms which cannot be quantified or expected, there is some indication that with appropriate inputs, others may well be ready to do the same. Arguably, this need not be a controversial step. As noted above, GoU's own SRS and UNHCR's DAR strategy could easily be understood as a step in this direction. The possibility exists, under these circumstances, that developmental advantages could be derived equally by refugees and hosts, with the specific and particular needs of refugees met in conjunction with these.

RECOMMENDATIONS TO GOU AND UNHCR:

1. The GoU and UNHCR should maintain the legal status of 'refugee' on the basis of the criteria stipulated in the 1951 UN Refugee Convention and the 1969 OAU Convention. A person is a refugee when s/he satisfies the legal criteria laid out in these instruments, and not when s/he lives in a refugee settlement or camp. Refugees living outside of settlements should be provided with the international protection of UNHCR.
2. Food rations for refugees should not be cut further, as the conditions for self-reliance do not currently exist in the settlements.
3. Remedial measures should be put in place immediately to ensure that settlement service provision reaches minimum standards and that the developmental needs of refugees are not overlooked. If governmental and humanitarian actors require refugees to live in settlements in order to access protection and assistance, they place themselves under moral obligation to enable and support such individuals to live lives of dignity and opportunity.
4. Through the DAR and SRS, UNHCR and OPM should build further on the capacities of and the relationships and networks between refugees and their hosts. Withdrawing and reducing services to settlement refugees under the auspices of a handover of responsibility to district authorities is likely to undermine rather than support the development of positive relationships between the two groups.
5. UNHCR and OPM should be transparent and clear regarding the medium and long-term objectives of DAR and SRS in the Ugandan context. The developmental potential of a strategy that is predicated on the integration of services to refugees without the socio-economic integration of refugee communities themselves into Ugandan society is unclear and may not be conducive to the process of poverty eradication for refugees and hosts.

6. Actors must conduct further research and consultations to establish definitively whether refugees and hosts would benefit in livelihood and other terms from allowing refugees to move and settle freely as required by Article 26 of the 1951 Convention.
7. Refugees should be provided with refugee identity cards as required by Article 27 of the 1951 Convention.
8. Any repatriation process should be carefully planned and involve the meaningful participation of refugees. Whether in settlements or self-settled, this research has shown that most Sudanese refugees anticipate their return to their country but all actors should recognize the need for repatriation to be voluntary and gradual.

APPENDIX

Data Collection; process and issues

Much of the data gathering activity centred on the use of structured and semi-structured interviews. In addition, discussion meetings were held with members of various groups and associations, and with community members 'mobilized' by community leaders for the purpose. A smaller number of impromptu focus group discussions were also held. Informal and observational approaches were also valued, with team members encouraged to take the initiative in following up casual encounters and gathering contextual information opportunistically. Such encounters were also recorded and documented in field notes, although all names have been omitted from this report for purposes of security and confidentiality. Members of communities in which the research team worked were generally extremely generous with their time, and were often willing to take researchers on 'transect walks,' escort them to market places, and so on. For confidentiality and security purposes, the names of informants have been omitted from this report.

At an early stage of the research, it was envisaged that some PRA techniques might be used selectively; namely social mapping and the production of time-lines. Since the research was carried out at a period of intense agricultural activity (the rain having started, people were committed to planting and weeding), this proved not to be feasible on this occasion. Experience shows that it may be more realistic to use such relatively time consuming approaches in rural settings during the dry seasons, when people are less occupied with productive activity.

Formal interviews were also carried out with governmental and non-governmental officials, policy makers, humanitarian, and development workers. The structure of the research was as follows. Having obtained research permission from the Uganda National Council for Science and Technology and clearance from the Office of the Prime Minister, the team proceeded to Arua and presented their documents to the RDC, the LC-V, the Police, the Mayor, and the Refugee Desk Officer (RDO). The LC-V in turn provided letters of introduction to the LC-IIIs of the Sub-Counties in which the team expected to work. The RDO provided letters of introduction to the Settlement Commandants.

In each of the refugee settlements visited, contact was first made with the Settlement Commandant (Office of the Prime Minister), and then with the Refugee Welfare Council III leadership before any research activity commenced. In non-settlement locations, formal meetings were held with parish Local Council I chairmen (LC-I), introductions made, and permission granted at the community level before any research was carried out. The team was careful to ensure that in every case, respondents were clearly informed about the purpose and nature of the research, and that consent was gained before interviews were carried out. The process was open, transparent, and no covert research activity was carried out.

As implied above, access to communities was closely controlled by gatekeepers such as the Settlement Commandants, LC-Is, and Refugee Welfare Councillors (RWC). Given the need to recognize the authority of and respect these bodies, and the relatively brief period of time available for fieldwork, freedom to select respondents without reference to these key actors was limited. However, and with reference to the fact that the research team was also keen to capture their perspectives, this did not represent an overwhelming problem. While it was clear that in some cases, personal or political agendas were being expressed in the guidance

offered to the team, a variety of strategies allowed us, largely, to learn from such attempts and to some extent, to mitigate them. In some cases there was little option but to interview individuals who we were well aware had been ‘planted’ for a particular reason. In such cases, we went ahead with the interview, being sure to document the circumstances of the case in field notes. In other cases, we were able to identify interviewees with a less obvious personal agenda, and side-step what looked likely to be relatively less interesting encounters.

In only one or two cases was our work in a single location limited to one visit. This was helpful in that once the formal business of acquiring permission and being introduced to communities had taken place on the first visit, the team was often freer to move around independently on subsequent visits. Under these circumstances, it became possible to identify potential interviewees on the basis of a fairly rough and ready snowball sampling process. While this is clearly less ‘scientific’ than many sampling techniques, it gave us the flexibility to respond to the situation as we found it, and to use our judgement to follow up what appeared to be relevant or productive lines of enquiry, guided by our new village contacts. Regular de-briefing sessions allowed us to interrogate our findings together, and gave us the opportunity to cross check and triangulate findings within the group.

Advantage was also derived from the fact that we were a relatively sizeable team. If one or two of us were occupied with holding formal meetings with community leaders who it was felt had the desire and the right to present the team with their own analysis of their situation, the remainder were free to move around the community, carrying out interviews that were often less pressured and more open.

Attention was paid to the need to capture the views of differentiated communities. At a basic level, this meant making an effort to engage with roughly equal numbers of men and women (although men did eventually somewhat outnumber female interviewees), and to ensure that the opinions of members of different generational, ethnic, and religious groups were also solicited. In addition, the team was careful not to restrict its attention to the educated and relatively cosmopolitan formal leaders or opinion leaders, but deliberately sought out the views of less visible sub-groups within the communities in question. In refugee settlements, for example, this meant moving away from trading centres and market areas, and meeting people without a public role in the homesteads or gardens.

The research team employed ‘interview maps’ in order to ensure some degree of consistency and comparability between interviews. These were produced on the basis of previous field experience, as well as substantial and repeated discussions between field researchers and others in the RLP office in Kampala. They were also refined after a brief piloting period during the early days of fieldwork. In the event, the team felt that the use of the interview maps was a useful strategy, but that they would have benefited from being shortened. This constraint was to some extent overcome by using them selectively, depending on the interviewee and his or her interests and expertise. In all cases the interview maps were used as a guide rather than in a proscriptive way, and in some cases only key sections were employed. Nevertheless, it was felt that they did help to frame the discussions usefully, and that broadly speaking they had been designed carefully enough that they did not lead respondents in any particular direction, nor make it impossible for them to introduce new themes or topics.

Arua district, like many other districts in Uganda, is multi-ethnic and multi-lingual. While the majority of the indigenous population speak either Lugbara or Kakwa, several other

languages are also spoken. Kakwa is also spoken by both Congolese and Sudanese from contiguous areas across the border. Among the Sudanese population, numerous other languages are spoken including Dinka, Kuku, Madi, and Acholi. Many if not most of the Sudanese speak Juba Arabic as a lingua franca, while most educated males and some females also speak some English. The Congolese, of course, may be French speakers in addition to speaking their respective vernacular languages. A good number of Ugandans also speak English. The research team included people who, between them, spoke six relevant languages and some of the interviews were therefore carried out in the interviewee's first language. In some cases, one team member asked questions and translated, while another recorded the interview in note form. Where possible, direct quotations were transcribed. In other cases, the team was obliged to draw on occasional translation assistance from community members identified during the course of the research. This was a variably satisfactory solution to a common research problem, and while the team was able to have full confidence in some of the translators on whom we relied, other cases were more problematic. In these cases we have, regrettably, had to resort to using data only for comparative purposes and have not relied directly on it in our analysis.

One final issue important enough to warrant brief discussion here is the question of managing the expectations raised by the arrival of a research team in an impoverished community. Two issues stand out. First, it quickly became clear that many of our interviewees were unable or unwilling to distinguish between our role as researchers, and the role played by a needs assessment team. This is in many respects entirely reasonable, since many of the topics on which we engaged must have overlapped with questions that they had previously been asked by operational actors. Our only recourse was to be as clear as possible, throughout our conversations and visits, of the true purpose of our research and about our university affiliation. Recognition that we were not, in fact, attached to any assistance providing organization led to a minority of respondents being unwilling to share information with us. This, we felt, was entirely in their right to do. Second, and this is a point that is as important for other organizations as it is for the RLP, there was significant irritation with the fact that research teams often visit communities, inviting them to invest their time in interviews and discussions, and then fail to provide any feedback on the research. It is imperative that research teams meet their ethical obligations in this respect, and redouble their efforts to ensure that any report produced on the basis of fieldwork is also shared with the people who have made it possible at every level. Carrying out feedback seminars or workshops in the various field locations is another possibility. This has the advantage that it does not exclude those who are unable to access paper reports, or who do not speak the language in which they are written.

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