

FREE TO STAY, FREE TO GO?  
MOVEMENT, SECLUSION AND INTEGRATION  
OF REFUGEES IN MOYO DISTRICT



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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.

## REPORT SUMMARY

**This report is the third in a series of four on conditions for Sudanese refugees living in Uganda's northern settlements. Working Paper 4 concentrates on Moyo district and investigates the dynamics that influence the movement patterns of refugees living in the area. The report illustrates the contrast between those refugees who are living in settlements—and, therefore, within the official assistance structures—and those who have chosen to be self-settled. The former are shown to be restricted in their movement, heavily reliant on the refugee assistance structures, and to lack the empowerment necessary to be able to improve their situation. Self-settled refugees, on the other hand, move freely within the district, travel to and from Sudan, and show creativity in the way in which they confront their current circumstances.**

**The report is based on field research conducted in Moyo District by Winifred Agabo, Lucy Hovil, Kirk Huff and Alex Moorehead from 3<sup>rd</sup>—13<sup>th</sup> February 2002. The report was written by Dr. Lucy Hovil, Senior Research and Advocacy Officer, Refugee Law Project. The author is grateful to the Ugandan National Council for Science and Technology and the Office of the Prime Minister, Directorate of Refugees, for permission to conduct the research. Comments from Zachary Lomo and Dr. Joe Oloka-Onyango have been invaluable in the writing of the report.**

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**GLOSSARY OF ABBREVIATIONS**

AAH: Aktion Afrika Hilfe

ADEO: Africa Development and Emergency Organisation

DCC: Deputy Camp Commandant

DPC: Deputy Police Commander

GoU: Government of Uganda

JRS: Jesuit Refugee Services

LC: Local Council

LRA: Lord's Resistance Army

NRM: National Resistance Movement

OPM: Office of the Prime Minister

RDC: Resident District Commissioner

RWC: Refugee Welfare Committee

SPLA: Sudan People's Liberation Army

UN: United Nations

UNHCR: United Nations High Commissioner for Refugees

UNRF II: Ugandan National Rescue Front II

WFP: World Food Programme

WNBF: West Nile Bank Front

## 1 INTRODUCTION

The primary concern of this study is to investigate the movement patterns of refugees living in Moyo district. The study focuses on the dynamics relating to the location of refugees that either place restrictions on their movements, or generate movement: it explores the extent to which refugees are both *permitted* to move and are *able* to move within the wider area. The findings show that settlement refugees tend to move from their location far less than self-settled refugees, a discrepancy that reflects the amount of control refugees have over their lives and circumstances regardless of limitations of resources and opportunities. Although this is not always the case, it reflects the general trend in patterns of mobility amongst refugees living within the district. As such, the implications for both the law and policy on refugees in Uganda are significant. Indeed, there are wider questions concerning development, such as relations with host communities, and the wider background of physical security and stability.

Four major dynamics, which are broad in scope and therefore do not necessarily incorporate the numerous variations within each category, have been identified as having an impact on the mobility of refugees:

- First, arriving in Uganda and becoming a refugee
- Second, the implications of living in a settlement or being self-settled
- Third, living in proximity to the Sudan border
- Fourth, the impact of differing forms of insecurity

Each dynamic is considered in turn in order to assess the effect they have on refugees' mobility, implicit in which is their ability to play an active role in the decision-making processes that have a direct impact on their own lives. The research findings suggest that these four dynamics cover some of the most significant factors that impact the mobility and location of refugees in this area of Uganda.

## 2 BACKGROUND

### 2.1 Background to the region

Mass movements have been a common phenomenon in the borderlands of northern Uganda and southern Sudan—an area that has witnessed a complex series of overlapping migrations over recent years. Before the creation of national boundaries there were regular migrations caused, in part, by violent incursions by Muslim raiders, slave and ivory traders, Turco-Egyptian forces and, finally, British and Belgian troops.<sup>1</sup> It was only following the boundary agreement of 1914 between the British Protectorate of Uganda and the Anglo-

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<sup>1</sup> T. Allen, "A Flight from Refuge" in T. Allen (ed.), *In Search of Cool Ground: War, Flight and Homecoming in the Northeast Africa*. London: James Currey, 1996, p. 222.

Egyptian Condominium of Sudan that a process of restricting movement began in the region.

However, civil conflicts have ensured that population movements have continued despite the creation of national boundaries. Shortly after Sudan's independence in 1956, Sudanese began to move from southern Sudan to northern Uganda, fleeing fighting in Sudan's first civil war. Although this influx was temporarily halted by an agreement signed in Addis Ababa in 1972,<sup>2</sup> events in Uganda, including the seizure of power by Idi Amin in 1971, led to the flight of Ugandans to southern Sudan, many to escape reprisals after the fall of both the Milton Obote, and the Amin, regimes. By the early 1980s, there were 93,000 Ugandan refugees in southern Sudan.<sup>3</sup>

Ugandan refugees were eventually forced to return to northern Uganda in the late 1980s as fighting in southern Sudan intensified and refugee settlements were systematically attacked by the SPLA between 1986 and 1988. Most Ugandans remained refugees as long as they could, and only returned to Uganda when life became impossible in Sudan due to the civil war.<sup>4</sup> They returned to a country that was trying to recover from years of civil strife, and a volatile security situation. Thus repatriation for Ugandan returnees was seriously compromised by poor infrastructure, the alienation—both political and economic—of the north, and the insecurity that has debilitated the region since the rise to power of the National Resistance Movement (NRM) in 1986. In addition to various rebel groups disaffected with the new government attacking the civilian population, communities have been affected by numerous incursions from Sudan, as the civil conflict between the Khartoum government and those Sudanese who are disaffected with it, has spilled over into northern Uganda.<sup>5</sup> Such threats have continued into the 1990s, exacerbating perceptions of insecurity for the population.

The return of nationals to northern Uganda occurred simultaneously with a massive influx of Sudanese refugees fleeing from the renewed civil war in their own country. By July 1996, Uganda was providing a temporary home to 244,780 refugees, the vast majority of whom were from southern Sudan and were living in northern Uganda.<sup>6</sup>

## 2.2 Background to Moyo district

Moyo district lies in Uganda's West Nile region, with the White Nile along the southern border flowing to the northeast.<sup>7</sup> To the south and southeast is Adjumani, to the west is the newly created district of Yumbe, and to the north is Sudan. Moyo town is the

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<sup>2</sup> One World website. Dunstan M. Wai, One World Special Report, *Independence for Southern Sudan?* www.oneworld.net. Accessed 16<sup>th</sup> April 2002.

<sup>3</sup> Allen 1996, p. 225.

<sup>4</sup> Allen 1996, p. 222.

<sup>5</sup> For instance in December 1989, a large section of the SPLA crossed over into Moyo District. At the same time, the Sudan government bombed Moyo town in 1989 and 1990 in retaliation for alleged support within Uganda for the SPLA. Kaiser, 2000, p.39.

<sup>6</sup> T. Kaiser, "The Experience and Consequences of Insecurity in a Refugee Populated Area in Northern Uganda 1996 – 97." In *Refugee Survey Quarterly*, Vol. 19, No. 1., 2000, p. 38.

<sup>7</sup> The district used to be called Madi district, due to the fact that the majority of people living in the area speak Madi as their first language. However, there are also groups who speak languages such as Lugbara and Bari.

administrative headquarters for the district and is situated 15 kilometres from the border with Sudan. The district is in a semi-arid area and has experienced increasingly erratic rainfall since 1998. The disruptions within the region, and the consequent influx of returnees and refugees arriving in the district from the late 1980s, have created communities struggling to achieve cohesion. With a state weakened by years of civil strife, and a harsh agricultural environment, the standard of living has been, and continues to be, low for those living in the district. It is cut off from major trade routes<sup>8</sup> and suffers, furthermore, from political isolation. In addition to such pressures, Moyo hosts approximately 23,000 registered refugees, and an unknown number of self-settled refugees.

### 2.3 Background to refugees in Moyo

The Palorinya Refugee Settlement cluster is located predominantly in Obongi County, Moyo district, approximately 18kms from the border with Sudan,<sup>9</sup> and clustered along the banks of the Nile. The southernmost settlements, Doembele and Angaliyachini, are just south of the town of Itula. To the west are the five Kaali settlements and to the north is Munu. Easternmost along the road to Laropi is Lama, near Moyo town. The transit camp of Loreje was dismantled in the late 1990s, and incoming refugees now go directly to settlements. As a result of attacks by the West Nile Bank Front (WNBF) in 1996-7, the settlement of Waka located south of Kaali 1 was dismantled and its population dispersed to other settlements. The newest settlement in Palorinya is Morobi which was established in 2001 on the location of the old settlement of Waka. Following recent unrest within the settlement, identified by the Deputy Camp Commandant (DCC) as a tribal struggle between the Dinka and Bari, Morobi was divided into two settlements. Each settlement in Palorinya has its own 'status' in terms of the amount of assistance received per household. This differential is the result of the Self-Reliance Strategy (SRS), initiated by UNHCR, in which assistance is gradually phased out as the communities are, in theory, supposed to become independent of aid over time.<sup>10</sup>

The Government of Uganda (GoU) requires that refugees live in allocated camps and settlements within the country. Although many have registered and continue to live in settlements, there are many others who have not and are normally referred to as self-settled refugees.<sup>11</sup> Self-settled refugees appear to be living throughout the district, although with

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<sup>8</sup> The continued threat of attacks along the Adjumani-Pabbo road diminishes trade along the most convenient route to Kampala, and trade across the border is limited to Kajokeji. This is in clear contrast to Koboko, for instance, which has been able to capitalise on its strategic trading position at the crossroads of Arua, Ingbokolo in Congo and Yei in Sudan.

<sup>9</sup> Speaking administratively, a refugee settlement is composed of a number of 'villages'. However, it is common in practice to refer to villages as 'settlements' or 'camps'. This paper uses the common usage of 'settlement' as an administratively distinct village under Palorinya Refugee Settlement.

<sup>10</sup> The way in which this was the aim from the outset is outlined in the original design. See "UN Designs Self-Sufficiency Programme For Refugees", Peter Owuor, IPS, 30<sup>th</sup> December 1999, InterPress Third World News Agency (IPS), 1999.

<sup>11</sup> It is impossible to make an accurate estimate of how many self-settled refugees there are in the district. Estimates range from 15,000 to 23,000 or above. This information was gained from meetings with the Deputy Police Commander and the Deputy Camp Commander (5<sup>th</sup> February 2002), the Moyo RDC (7<sup>th</sup> February 2002), and the Lefori sub-county LCIII Chairperson (10<sup>th</sup> February 2002). In addition, there is a third category

greater concentration in Moyo town, Lefori sub-county, and along the border with Sudan.<sup>12</sup> The significance of their status lies in the fact that they do not receive any assistance from UNHCR. This is due to the fact that the legal status of self-settled refugees is highly ambiguous: Ugandan policy does not recognise them as refugees since they do not live in settlements, despite the fact that international law does not limit the definition of who a refugee is depending on where they are located. However, in practice they operate freely within local government structures. Thus from an administrative point of view, self-settled refugees seem to be treated similarly to nationals—their presence is accepted by the local councils, and many have graduated poll tax tickets that act as a means of official identification. The main difference lies in the fact that they are not allowed to vote in local or national elections. Furthermore, within the self-settled population, a distinction needs to be made between the wealthier self-settled in Moyo town or other trading centres, and self-settled agriculturalists. Such distinctions reflect similar disparities within the national population.

### 3 METHODOLOGY

The field research was carried out in Moyo district from 3<sup>rd</sup>—13<sup>th</sup> February 2002. The main approach was an ethnographic one in which we sought to learn the story of each refugee with regard to how they came to be living where they are, and, subsequently, their current movements as refugees. The intention was to determine the extent to which refugees had had some choice in where they were living, whether or not they were considering alternatives, and whether or not they felt safe. The research sought to draw comparisons between those refugees who are self-settled, and those who are living in the settlements: out of a total of 140 interviews conducted, 85 were with settlement refugees, and 40 with self-settled refugees. It is acknowledged that the self-settled population is far more diverse—incorporating greater discrepancies in terms of locality and occupation, for instance—and, as a result, it is harder to draw conclusions from such interviews. However, such diversity is significant in and of itself, and enhances the impact of the comparison with settlement refugees. Additional interviews were conducted with nationals, government officials (both within OPM and local government structures), and the staff of UNHCR and implementing partners.

The most problematic dimension to the fieldwork interviews was the question of security, a subject that is sensitive at best. During the course of the field research it became clear that in some of the settlements the Refugee Welfare Committee (RWC) Chairpersons were censoring interviews. This was indicated by the fact that those interviews conducted in their presence (having insisted on acting as translator) generated no information on security issues, compared to those interviews conducted privately in the same settlements, but without their presence, in which refugees expressed serious concerns about security. As a result, the findings on the security situation are inconclusive and ambiguous, and are treated as such.

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comprising those who are not living in the settlements—in other words ‘self-settled’—but who registered in a settlement when they first arrived. Many have left as a result of the problems discussed below.

<sup>12</sup> This appeared to be the case, in particular, along the roads to Kajokeji (in Sudan) from Moyo town, and Lefori in Afoji and Bari.



## 4 BECOMING A REFUGEE

### 4.1 Fleeing from war

Not surprisingly, all the refugees interviewed identified the war in Sudan as being the direct reason for leaving their homes in Sudan. Many fled during a specific attack, either by the southern Sudanese rebel groups or government forces, and ran in panic. In most instances people ran with other family members or members of their communities, but there were numerous stories of families being split up, not only through death but also as a result of the chaos generated by such attacks. One woman described the situation that led to her flight in this way:

I fled when rebels were attacking people, killing and burning homes. I don't know whether they were SPLA or Sudan government, but I just saw them killing my father, uncle, brothers. They only left the women and children. . . Our neighbours, my mother, my three brothers and sisters, we left on foot and slept in the bushes.<sup>13</sup>

Another described events as follows:

I was 13 years old, and I can remember people were beaten, killed, girls defiled, women were raped, homes were burned. My home was attacked and my father was shot dead. My mother was wounded and I ran with my brother through the bush to Kajokeji where we rested before moving to Uganda. My mother was being carried all along to the border and a certain kind man carried her on a bicycle to Moyo hospital. During that time we refugees came in large numbers.<sup>14</sup>

Others described how they had fled alone. For instance one young woman talked of how she had come alone when the government bombed her home and killed the rest of her family.<sup>15</sup>

Very few of those interviewed had considered any other option than coming to Uganda: once the situation in Sudan had proved to be untenable, either in their homes or as internally displaced, they moved into Uganda. As one refugee put it, "if there is war, you have to run to another country. You have no choice."<sup>16</sup> Arriving in Uganda often followed a long, complicated and dangerous journey through Sudan. Thus the vast majority of refugees interviewed identified Uganda as their choice of destination because it was the only realistic option: they recognised the need to leave Sudan, and they lacked the resources to travel any further. As the interviewee who had fled alone went on to say, "I didn't know the way, I didn't know where I was going. I just kept following in the footsteps of others. I got lost and entered an SPLA group in Kajokeji where I was grinding maize for them and became a wife. But then I escaped and came to Uganda. I had no other option, otherwise I would just wait to die."<sup>17</sup> This is supported by the fact that very few of those interviewed said that they had crossed into any of the other countries bordering Sudan prior to their arrival in Uganda.

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<sup>13</sup> Female refugee, Self-settled in Moyo, 6<sup>th</sup> February 2002

<sup>14</sup> Female refugee, Self-settled in Moyo, 6<sup>th</sup> February 2002.

<sup>15</sup> Female refugee, Kaali 2, 5<sup>th</sup> February 2002.

<sup>16</sup> Female refugee, Kaali 2, 5<sup>th</sup> February 2002.

<sup>17</sup> Female refugee, Kaali 2, 5<sup>th</sup> February 2002.

Some refugees appeared to have had no prior knowledge of Uganda, and were not even aware that they were in Uganda when they first arrived. As one refugee said, “I just found myself crossing into Uganda because I was in shock. . . I didn’t know where I was going,”<sup>18</sup> while another said, “I just got into a vehicle at Bibia. I didn’t even know I was in Uganda.”<sup>19</sup> Others talked of being confused and feeling helpless, showing the general disorientation of people who had been forced to leave their homes without warning and without knowing which way to go.<sup>20</sup>

#### 4.2 Becoming a refugee: settlement or self-settled?

This lack of information is reflected in what happened to asylum seekers once they had entered Uganda and, effectively, become refugees. Those who came with little prior knowledge were forced to rely solely on the refugee assistance structure to make decisions for them. Comments such as, “UNHCR chose that I come to the settlement”,<sup>21</sup> “I knew nothing of this place”<sup>22</sup> and “we are just refugees, we don’t have the choice to settle ourselves, it is UNHCR that just chooses for us, they are the ones taking responsibility,”<sup>23</sup> were typical of the answers given to questions about how they reached their current location, in the case of those living in the settlements. As another put it, “we were told by UNHCR to go to a settlement. We didn’t know where. Each person was allocated land. We didn’t know Moyo at all.”<sup>24</sup> Both UNHCR and the Deputy Camp Commandant were identified as the primary decision makers: “The camp commander came and collected us . . . we were brought here because he wanted us to come here and dig.”<sup>25</sup> Or, as another put it succinctly, “they are the ones that just chose for us—they just said this group go here, this group go here. . . .”<sup>26</sup>

Such reliance on the refugee assistance structures to make decisions about their lives was in contrast to many of the self-settled refugees who showed that they had taken an active part in choosing their current location, implicit in which is the assumption that they had some prior knowledge of Uganda. They revealed the extent to which they took an active part in choosing, albeit from a limited number of options, whether or not they were going to go to a settlement or become self-settled and, in the case of the latter, where they were going to settle. Comments such as, “I decided to be self-settled here . . . because this was a silent place, somewhere you could find land to dig,”<sup>27</sup> and “I came [to Lefori] because my father had a friend here—we had a big land in Sudan,”<sup>28</sup> are in direct contrast to the comments of many of the settlement refugees. In addition, many of the self-settled talked of how they

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<sup>18</sup> Male refugee, Pasu, 7<sup>th</sup> February 2002.

<sup>19</sup> Female refugee, Kaali 2, 5<sup>th</sup> February 2002.

<sup>20</sup> Of course those interviewed were, by the nature of the study, all in Uganda. To build up a more complete picture of such locational dynamics it would be necessary to talk to those still in Sudan.

<sup>21</sup> Male refugee, Doembele, 15<sup>th</sup> February 2002.

<sup>22</sup> Male refugee, Doembele, 6<sup>th</sup> February 2002.

<sup>23</sup> Male refugee, Pasu, 7<sup>th</sup> February 2002.

<sup>24</sup> Male refugee, Kaali 2, 5<sup>th</sup> February 2002.

<sup>25</sup> Female refugee, Morobi 1, 9<sup>th</sup> February 2002.

<sup>26</sup> Young male refugee, Pasu, 7<sup>th</sup> February 2002.

<sup>27</sup> Male refugee, self-settled in Lefori, 10<sup>th</sup> February 2002.

<sup>28</sup> Female refugee, self-settled in Lefori, 10<sup>th</sup> February 2002.

had arrived with some goods, which helped them support themselves from the beginning. As one young man said, “When I fled Sudan I brought one full sack of g-nuts. I used it to get a small bit of capital to start. By doing so, my family had one meal in the evening so we could start.”<sup>29</sup> Others, particularly those currently living right by the border in Afoji, arrived with nothing but found land vacant which they cleared. They were now living off the land and paying tax for it.

Although life was clearly hard for the majority of self-settled—particularly on first arrival—many had chosen not to go to the settlements for various reasons.<sup>30</sup> As one man said, “the LC said we should go to the camp, but it is difficult because we have animals we brought from Sudan.”<sup>31</sup> Another man talked of how he had made his decision, “because I heard that in the camp people died because of diseases. In the camps there is always a shortage of food.”<sup>32</sup> The extent to which the self-settled refugees exemplified an ability to make decisions and choices for themselves, and with prior knowledge, is illustrated by a woman who spoke of how she moved to Uganda:

First I would go back to Kajokeji, get food from my shamba and then come back and dig for food. I dug with my husband here, and I went back to Kajokeji. As it became more and more dangerous to go back, and we had some food here by then, we went back less and less.<sup>33</sup>

Another refugee spoke of how he came and started a business, and then returned to fetch his family.<sup>34</sup>

Such control and creativity is a luxury that is not illustrated by the majority of those in the settlements, who had neither the power nor the resources to consider, let alone pursue, alternative locations. It reveals a contrast—although by no means universal—between those in the settlements who showed that they had played no active role in reaching where they were, and those who are self-settled, who had had the means to make some choice, however limited, and to act on that choice.

However, it is also important to note that having the choice to be self-settled is becoming increasingly problematic. For those who fled in the 1960s, it was relatively easy to become self-settled as many refugees had family or friends on whom they could rely until reaching self-sufficiency. However, by the late 1980s such an option was becoming increasingly unlikely as Sudanese who arrived more recently in Uganda had fewer connections and, therefore, less choice about living in a settlement. For instance, Sudanese Acholi could no

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<sup>29</sup> Young male refugee, self-settled near Afoji trading centre, 8<sup>th</sup> February 2002.

<sup>30</sup> No doubt there are also refugees who register, collect their set-up assistance, and then leave. However, this category of refugees was impossible to document within the scope of the study.

<sup>31</sup> Male refugee, self-settled in Afoji, 8<sup>th</sup> February 2002. (The reason why the refugee did not want to take his animals into the settlement was because there was not adequate land to graze them.)

<sup>32</sup> Male refugee, self-settled in Afoji, 8<sup>th</sup> February 2002.

<sup>33</sup> Female refugee, self-settled in Afoji, 8<sup>th</sup> February 2002. Showing the decision-making processes of self-settled refugees does not mean to imply that those refugees in settlements are not moving back and forth between Sudan and Uganda. The main difference lies in the extent to which such movement was possible.

<sup>34</sup> Male refugee, self-settled in Moyo town, 5<sup>th</sup> February 2002.

longer assume that they would receive support from their fellow Ugandan co-ethnics.<sup>35</sup> In addition, by the late 1980s there were better mechanisms in place—both on the part of the government (through the Local Council system) and by UNHCR—to register and regulate forced migrants entering Uganda. Thus there was a stronger adoption of the settlement system.

## **5 REFUGEE STATUS: SETTLEMENT OR SELF-SETTLED?**

The second dynamic relating to the mobility of refugees was whether or not they were currently living in a refugee settlement. In the following section, the two groupings are considered in turn, looking at the extent to which their movement is restricted, and what factors enable them or force them to move.

### **5.1 Settlement refugees—restricted mobility**

Although refugees living within the settlements do travel between settlements and in and out of Palorinya settlement, on the whole such movement is driven by necessity and is infrequent. In the first instance, a refugee is required to request official permission to move and, although it was apparent that many—in particular those who had been in the settlement for a number of years—did not always adhere to this procedure, it still places a heavy restriction on the lives of settlement refugees. In addition, what becomes clear through the interviews is that refugees are seriously restrained in their ability to move due to their over-dependence on the refugee assistance structures, a dependence that is exacerbated by the extent to which they were isolated and marginalized from the population around them.

#### **5.1.1 *Dependency on the refugee assistance structure***

The greatest factor that seemed to restrict movement, and one that only affected settlement refugees, was the refugee assistance structure itself. Overwhelmingly, refugees revealed the extent to which the greatest restriction to improving their situation, implicit in which is the need for greater mobility, was the heavy dependency that they have on those who are taking responsibility for them, (in other words, the GoU personified to the refugees as the Deputy Camp Commandant, and UNHCR, often in the form of implementing partners, although these were very rarely mentioned by name). Thus, in the eyes of most refugees interviewed, those who were seen as being responsible for making decisions about their lives were not themselves, but the Deputy Camp Commandant and UNHCR.

Such handing over of responsibility showed the extent to which many refugees had lost any power over their own lives and were no longer able to make decisions for themselves. This became particularly pertinent for those refugees who were no longer receiving any assistance and, as a result, were struggling to survive. The implementation of the policy in which assistance is gradually withdrawn in order to move the situation from the category of complex emergency to long-term development,<sup>36</sup> was resented enormously by the refugees. To a certain extent this comes as no surprise—dependence on assistance is not a new phenomenon—but the main issue here is the extent to which refugees, rather than feeling

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<sup>35</sup> Kaiser 2000, p. 39.

<sup>36</sup> Leopold 2001, p. 94.

empowered by such a shift, felt powerless and overwhelmed by the demands placed on them in order to survive, after years within the system.

The beginnings of such over-reliance came through clearly in interviews with those refugees who were still receiving assistance. As one woman said, "I like staying here because the Camp Commander gives us food so I can eat."<sup>37</sup> Another woman, when asked if she wanted to stay where she was, said, "Yes, I want to stay here . . . because I am given food by UNHCR and my children are fed and happy."<sup>38</sup> Such dependency can be seen clearly in a comment from another refugee:

I like it here. The Camp Commander is bringing me food. There is no other place I could go to. I am just like a child now. I don't know where I am, I don't know where to go.<sup>39</sup>

Although refugees who still received considerable assistance showed acceptance of the situation, most refugees in the settlements expressed the extent to which they felt helpless in their present circumstances and were waiting for someone to help them. One young woman voiced her helplessness in this way:

The land is now exhausted, the sun's heat is destroying everything. I just suffer here because I am a refugee, just a foreigner. What can I do? It is the job of UNHCR to help. Unless Sudan becomes safe I fear I will die here. I have nobody to tell me where a good place is to go.<sup>40</sup>

This level of reliance is illustrated by comments such as, "I am like a blind person who doesn't know what will happen in the future,"<sup>41</sup> or "we refugees are like small children, we only follow what the Camp Commander says and orders,"<sup>42</sup> and "I don't want to stay here, but Sudan is not safe and I don't have any idea of where to go,"<sup>43</sup> which were typical responses when questioned why, if their circumstances were so bad, they stayed. Another refugee said, "I am an old man. . . Now there is no place for me to go. When [food] is over, I look for trees to survive from. . . As I am under the umbrella of UNHCR it is impossible for me to move of my own accord. It is up to them. They choose our life."<sup>44</sup> Or, as another refugee put it, "We don't have any suggestions as refugees, it is UNHCR who have all the suggestions."<sup>45</sup> Such dependence was summed up by one woman whose child was very sick and did not know what to do, "I know nothing, unless people like you take me. I am like a monkey of the bush. I know nothing that I can do."<sup>46</sup>

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<sup>37</sup> Female refugee, Morobi 1, 7<sup>th</sup> February 2002.

<sup>38</sup> Female refugee, Morobi 2, 10<sup>th</sup> February 2002.

<sup>39</sup> Female refugee, Morobi 1, 9<sup>th</sup> February 2002.

<sup>40</sup> Female refugee, Kaali 2, 5<sup>th</sup> February 2002.

<sup>41</sup> Male refugee, Pasu, 7<sup>th</sup> February 2002.

<sup>42</sup> Female refugee, Kaali 2, 9<sup>th</sup> February 2002.

<sup>43</sup> Female refugee, Pasu, 7<sup>th</sup> February 2002.

<sup>44</sup> Male refugee, Kaali 2, 5<sup>th</sup> February 2002.

<sup>45</sup> Male refugee, Cinyi, 12<sup>th</sup> February 2002.

<sup>46</sup> Female refugee, Doembele, 6<sup>th</sup> February 2002.

### 5.1.2 *Living in isolation*

Such overt dependence on the settlement structures was exacerbated by the extent to which refugees were unable to conceive of alternatives. Given the shortcomings within the settlements themselves, refugees are challenged by the need to look beyond the settlements in order to improve their lives, and yet are unable to do so. This is due, in part, to the extent to which they appeared to be living in isolation from those around them—both nationals and other refugees. Although, clearly, people do receive visitors from outside the settlements, and sometimes move around themselves, this movement is seriously limited. Even within Palorinya, there was limited interaction between the different settlements. This isolation was due to both the inability to move due to a lack of resources, and the restrictions placed on movement by the government.<sup>47</sup> Thus refugees were unable to travel to markets with ease, visit relatives in other locations and, most importantly, decide if there might be alternative places to try to live. As one young refugee said, “I cannot find a good place to study, I have to stay here . . . If I go somewhere else, who will permit me to go there? I want to go, but there is no means for me to go.”<sup>48</sup> Another refugee put it this way: “As I am a refugee I am not travelling. There is no power for me to go. To cross the Nile I need money, and I can’t get that money.”<sup>49</sup> Such isolation was summed up by one woman who, although she had visited her sister once the previous year, did not move from her settlement on a regular basis: “Here in Palorinya I have no other place to go. . . I cannot get any information. I am here in Pasu and I don’t go anywhere.”<sup>50</sup> Another talked of how she had not left the settlement since she arrived in 1997:

Since I came to Uganda I have never gone back to Sudan or gone anywhere in Uganda, and I don’t have relatives there any more. My brother-in-law works with the SPLA as a soldier, and he sent me a letter informing me that he is in the frontline and has no time to come and see me.<sup>51</sup>

One old woman, who arrived in the late 1980s, claimed she had never travelled out of Palorinya since then.<sup>52</sup> A few refugees did suggest places they want to move to, but acknowledged the impossibility of such a move. For instance one of those interviewed referred to the possibility of resettlement to a third country: “If I am to choose, I feel I should be resettled in Canada or America so that I can rest there.”<sup>53</sup> However, she clearly realised just how unlikely such a move was. Another woman summed up this lack of realistic alternatives:

This place is bad, but what can I do? It is hard to stay here, but how can I move? I don’t like to stay here, but it’s just a waste of time to think of moving. I have lost

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<sup>47</sup> Refugees have to seek permission and a travel document from the Deputy Camp Commandant in order to move out of the settlement.

<sup>48</sup> Young refugee, Pasu, 7<sup>th</sup> February 2002.

<sup>49</sup> Male refugee, Pasu, 7<sup>th</sup> February 2002.

<sup>50</sup> Female refugee, Pasu, 7<sup>th</sup> February 2002.

<sup>51</sup> Female refugee, Kaali 2, 5<sup>th</sup> February 2002.

<sup>52</sup> Female refugee, Kaali 2, 5<sup>th</sup> February 2002.

<sup>53</sup> Female refugee, Dongo, 12<sup>th</sup> February 2002.

morale. Here there is hunger, there is no rain, there is insecurity, I am digging but there is no food. But there is no place to go.<sup>54</sup>

Thus life for settlement refugees appears to be enclosed and limited to the settlement territory despite the hardships that they were enduring. The extent to which many of the refugees interviewed were unable to conceive of creative alternatives to their lives was striking, given the fact that most—and certainly all those no longer on rations—expressed desperation in the face of their present circumstances. Such feelings were summed up in the words of one refugee: “I feel like I’m detained here. If they want to detain me here they should give me the necessary things to live on.”<sup>55</sup> The settlement structure is set up to create a distinct unit that is supposed to allow for self-sufficiency for those refugees living within it: the move from transit camp to settlement is meant to mark the beginning of a transition from emergency relief to long-term development. In so doing, refugees should, in theory, be able to eventually support themselves off the plot of land allotted to them. However, our interviews revealed the extent to which such self-sufficiency—assuming that it means more than mere survival—was almost impossible to achieve given the psychological impact of the restrictions placed on their lives, and the limited resources and choices available to them. They are confined to having as their highest ambition the position of subsistence farmer, and even that option is flawed.

Thus it is not the assistance itself that is at issue: it is the context in which that assistance is given (whether in the form of continued rations, or in the form of allocated land) that is problematic. It is the extent to which settlement refugees are living in an isolated and marginalized area with little ability or freedom to move, and have become totally dependent on the refugee structures to make decisions for them. Such dependence has made them unable to move, a factor which is constantly underscored by an absence of viable alternatives. Partly this is the result of being forced to flee from their homeland, but mainly it is created by the wider context of national policies and international decisions that dictate and restrict the lives of the refugees. Such restrictions have turned settlement refugees into passive victims who are dissatisfied by their current circumstances, yet are constrained in their ability to move. Its impact on the future of the refugees is also ominous: not only do such restrictions undermine the SRS, the consequent disempowerment has implications for their ability to restructure their own lives when they are finally able to return to their homes.

## **5.2 Self-settled: free to move?**

While dependency was the primary factor restricting movement for settlement refugees—with lack of resources being an intrinsic component to that dependency—self-settled refugees, by contrast, were not looking to an outside source to make decisions for them, but were much more reliant on their own initiative. Some were clearly living in relatively comfortable circumstances, but many were struggling, along with their national counterparts, to make ends meet. For such refugees, if movement was limited it was primarily a matter of economics rather than restrictions placed on them by the refugee

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<sup>54</sup> Female refugee, Kaali 2, 5<sup>th</sup> February 2002.

<sup>55</sup> Male refugee, Pasu, 7<sup>th</sup> February 2002.

assistance structures. As one man said, “I just have to travel when I can. I like to go to the markets, but if I have no money then I just stay here.”<sup>56</sup>

Thus the majority of self-settled refugees were moving freely within the area on a regular basis. Although many of the self-settled refugees interviewed were clearly struggling to meet their basic needs—particularly those living on less fertile or available land—they presented a striking contrast to settlement refugees in how they responded to the situation. One young girl, referring to how she moves around the area in order to secure income for her family, said

Since I have been here, I have come to know people in Moyo and have some good friendships here . . . there are some nationals who have given me land so I can grow cassava and beans. I also work in a restaurant and at times as a housegirl. The money I get I assist my mother who is now old, and my three brothers.<sup>57</sup>

Although there are greater variables within the self-settled population in terms of their social circumstances, there was an overall impression that self-settled refugees were clearly taking responsibility for their own lives. It could be argued that this was purely a matter of necessity, having opted out of the main assistance structures, but it is more likely that, given their ability to move freely and make decisions for themselves, they feel they have greater control over their lives.

What the interviews showed, therefore, was that while the mobility of those within the settlements was limited, the majority of self-settled refugees were moving around freely within the constructs of the local government systems.<sup>58</sup> The fact that they were able to get recognised forms of identity—generally graduated tax tickets—meant that they were able to move around the area freely. In other words, for self-settled refugees, their freedom to move appeared to be the same as that of the national population, and, furthermore, enabled them to contribute constructively, and in diverse ways, to the economy and society around them. Although some were limited in their ability to move due to a lack of resources, they showed themselves to be less isolated and more aware of their surroundings than their counterparts in the settlements.

## 6 PROXIMITY TO SUDAN

Other than moving within Uganda and participating within the local economy, a major factor that generated movement for self-settled refugees was the specific dynamic created by Moyo district’s proximity to the Sudan border. Although some of those living in settlements talked of how they had returned to Sudan and, furthermore, referred to irregular visits from friends and relatives in Sudan, they were in the minority. By contrast, many of the self-settled talked of the extent to which they moved in and out of Sudan on a regular basis.<sup>59</sup> Such movement was generated for two reasons: the potential of Sudan as both a

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<sup>56</sup> Male refugee, self-settled in Lefori, 10<sup>th</sup> February 2002.

<sup>57</sup> Young female refugee, self-settled in Moyo, 6<sup>th</sup> February 2002.

<sup>58</sup> It is important to note that such refugees were not seeking the permission of the refugee structures in order to travel, but were getting permission from the Local Council, in the same way as a national would.

<sup>59</sup> The lower number of settlement refugees who discussed cross border movement was undoubtedly affected by the awareness of interviewees that such movement may affect their claim to refugee status.



market and a source of goods, and the ability to ascertain the security situation within Sudan with a view to return. Despite the potential hazards of living close to the border, a number of self-settled refugees had clearly chosen to remain close to their homeland.<sup>60</sup>

### 6.1 Sudan as an extension of the economic lives of self-settled refugees

Self-settled refugees talked of Sudan as an extension of their socio-economic network, made possible by its accessibility. The mechanics of such cross-border movement is described by one woman in this way:

Many times I have gone to Sudan to buy maize, beans, simsim. I get official permission from the UPDF at the border. They give me a letter allowing me to go and shop. I pay UgSh200 for the letter. We usually go together with the nationals to Sudan to buy food. . . Also our relatives in Sudan come and visit us here. . . they come once a year. When they come they get an official letter from SPLA.<sup>61</sup>

Other refugees talked of how they crossed over into Sudan to pick mangos. One boy crosses the border twice a week during the mango season, and returns to sell the fruit in Uganda, generating enough income to enable him to attend school.<sup>62</sup> Another man talked of how some refugees manage to maintain two homes—one in Uganda and one in Sudan:

If things go bad in one place, they can run back . . . They are even planting in Sudan, but it is not always safe. A man can leave his family here and his wife digs. He can cross over and dig in Sudan and then come back to help the wife. It helps them to settle in their minds, because if things get bad in Sudan, they can be here . . . There are many doing that, but only those this side of the Nile.<sup>63</sup>

### 6.2 Interacting with their homeland

Not only did refugees use Sudan as an additional market or resource, they talked about how they went to Sudan to visit their land, to attend burials, or to assess the security situation there. Such movement is intrinsically linked to the fact that the majority of the refugees saw their present circumstances as temporary, and expressed a desire to return to Sudan should such a move become possible. For instance many self-settled refugees commented on how they did not own the land on which they lived. As one man said, “Staying in somebody’s land is not good. To stay in someone else’s home you can be mistreated, you cannot do whatever you want.”<sup>64</sup> Another talked of how the land issue differentiated their situation from nationals around them: “We stay like citizens but are considered refugees by nationality. The problem with permanently staying is it’s hard to build a permanent

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<sup>60</sup> The proximity of refugee *settlements* to the border, however, raises more security concerns as the concentration of refugees makes them an easily identifiable target. This issue is discussed below in section 7 in relation to the vulnerability created by SPLA activity within the settlements. Self-settled, on the other hand, are less visible.

<sup>61</sup> Female refugee, self settled in Lefori, 10<sup>th</sup> February 2002.

<sup>62</sup> Young male refugee, self-settled in Moyo town, 6<sup>th</sup> February 2002.

<sup>63</sup> Young male refugee, self-settled, Afoji trading centre, 8<sup>th</sup> February 2002.

<sup>64</sup> Male refugee, self settled in Moyo town, 11<sup>th</sup> February 2002.

house.”<sup>65</sup> Or, as the RDC in Moyo said, “when they go back, they can’t take the land with them.”<sup>66</sup>

This knowledge generates a corresponding desire to maintain a link with home. As one refugee said,

I had to leave my land in Sudan, but nobody is looking after it. . . when we went back we found the place is forest now. My father goes to check on it. He gets permission from UPDF and also Garang. We want to know if it’s safe to return. Also we have relatives from Sudan who come to buy salt, sugar and soap in Moyo. But I only travel if I have money.<sup>67</sup>

Assuming that most of the refugees acknowledge the impermanence of their situation, the ability to go to Sudan and see whether or not it is safe to return is clearly an important component in the lives of many refugees. As the LC3 chairman in Moyo town said, “they feel homesick. Their source of life is in Sudan. To remain in exile permanently is difficult, so some of them go.”<sup>68</sup> Such interaction with their homeland allows them to make decisions about when or if they might be able to return, as well as allowing them to check on the status of their land. As one man said, “if I could go back to Sudan I would as my land is still there, but I have seen that it is still unsafe. If conditions are like that, I will not go.”<sup>69</sup>

Clearly returning for short visits is an impractical option for many Sudanese whose land is further into Sudan, but the fact that such mechanisms are in place, no matter that they contravene tidy international categories,<sup>70</sup> shows the extent to which refugees are being creative about providing for their families and thinking about the future. As one man said, “I chose to be self-settled because I faced a problem when I was not self-settled. When you are self-settled you are free to come and go. Then I could get a little to serve my life.”<sup>71</sup> Thus the benefits of being outside the restrictions of the settlement were seen to outweigh the potential danger of living so close to the conflict from which they had fled. The implications of this on their security, however, are discussed in more detail in the following section.

## **7. THE IMPACT OF PHYSICAL INSECURITY ON THE LIVES OF REFUGEES**

The final dynamic impacting the mobility of refugees is generated by the fact that they are living in an area of past and potential conflict. Although the region is considerably more stable now than it was in the late 1990s, attacks, or the fear of attacks, are still a component of many people’s lives.<sup>72</sup> Unidentified assailants, possibly remnants of guerrilla groups,

<sup>65</sup> Male refugee, self settled in Moyo town, 6<sup>th</sup> February 2002.

<sup>66</sup> RDC Moyo, 7<sup>th</sup> February 2002.

<sup>67</sup> Female refugee, self-settled in Afoji, 8<sup>th</sup> February 2002.

<sup>68</sup> LC3, Moyo town, 11<sup>th</sup> February 2002.

<sup>69</sup> Male refugee, self-settled, Lefori, 10<sup>th</sup> February 2002.

<sup>70</sup> International law states that if a refugee re-avails him or herself of the protection of their country of origin, by returning, refugee status may be withdrawn.

<sup>71</sup> Male refugee, self-settled in Lefori, 10<sup>th</sup> February 2002.

<sup>72</sup> According to Hannah Garry, similar security concerns were expressed by refugees in 1998. See Hannah Garry, Field Notes, Palorinya Settlement, 17/02/98—13/03/98, from the research project, “The Enjoyment of

continue to carry out sporadic attacks; proximity to the Sudanese war creates vulnerability; and general lawlessness continues to play a role in the lives of refugees and nationals alike.<sup>73</sup> According to some informants, for instance, rebel activity still continues. In some cases this was just an expectation of attack and interviewees had not heard of any recent attacks, but in other interviews refugees referred to recent attacks. As a refugee woman stated:

I am not safe here at all. In December last year rebels came and attacked us here. They took food and clothes and other properties. We in this camp ran and slept in the bush. We only came to cook food and eat by 6pm. We all ran to hide . . . this happened for many days. They did not beat us here, but they beat refugees in Kaali 1. . . I also heard that rebels went to Morobi and attacked the camp, beat people and robbed money, food, clothes.<sup>74</sup>

In other settlements refugees said that they felt unthreatened by such attacks, but acknowledged the existence of attacks in other settlements, such as Kaali 2.

However, the nature of such attacks was also clouded with ambiguity: most of those, when questioned about the identity of the attackers, were not able to say with any certainty that they were rebels. In addition, almost all showed a clear and understandable reluctance to discuss security issues, creating a strong impression of the ambiguous nature of the issue. Such ambiguity was summed up by one woman when asked if she had any concerns about security, "I can't see. Once I enter my hut, I don't know what happens outside my hut. Nobody has ever told me anything."<sup>75</sup> As one refugee explained, "The people who attack Morobi and Kaali 1 are not known to us because they speak Kiswahili. We don't know who they are."<sup>76</sup> A man who described a recent attack by unidentified assailants echoed this uncertainty:

In December last year I had trauma of the gun here in Uganda . . . they looted and killed one person. I don't know who these people are. I don't know where they're from. We fear a lot here.<sup>77</sup>

Such attacks by unknown assailants are characteristic of violence within the region which has been weakened by years of insecurity, and in which banditry is now thriving. Whether or not such attacks can be attributable to 'rebels'—a label that implies that the perpetrators have a purpose other than purely criminal in attacking—or are devoid of such content, the impact is the same. As was the case in Adjumani,<sup>78</sup> refugee settlements provide easy and identifiable targets due to their remote location and concentrated population. Regardless of

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Human Rights by Refugees in Uganda: A Socio-legal study." Principle Investigator, Dr. Barbara Harrell-Bond.

<sup>73</sup> For some of the issues and problems encountered in gaining material on issues of security, see the Methodology above. In addition, it must be mentioned, that rumour and lack of information play a role in perceptions of insecurity, both between settlements and from without.

<sup>74</sup> Female refugee, Kaali 2, 9<sup>th</sup> February 2002

<sup>75</sup> Female refugee, Morobi 1, 9<sup>th</sup> February 2002.

<sup>76</sup> Female refugee, Kaali 2, 9<sup>th</sup> February 2002.

<sup>77</sup> Male refugee, Morobi 2, 10<sup>th</sup> February 2002.

<sup>78</sup> L. Hovil, "Refugees and the Security Situation in Adjumani District," Refugee Law Project, Working Paper 2, June 2001.

the motivation behind such attacks, there was clearly a fear expressed by some of the refugees that such attacks were likely to happen again. This is supported by the fact that similar references were much less common amongst interviews with self-settled refugees. Although many referred to the attacks of the early 1990s, only a small number mentioned current attacks that are attributable to comparable assailants as a potential threat. However, a number did refer to the settlements as being more dangerous, so showed an awareness of such violence taking place.

### 7.1 Displaced because of insecurity

Such exposure and vulnerability to violence varied according to the specific location of refugees and, in some cases, has a major impact on their movement patterns. As outlined above, it was the war in Sudan that caused people to leave their homes and seek refuge in Uganda in the first instance. It is also the continuation of the war, according to those interviewed, which is preventing them from returning. Having arrived in Uganda, however, issues of insecurity have continued to play a significant part in the lives of refugees, and have forced many to move elsewhere.<sup>79</sup> In fact our findings show that insecurity, or the perception of insecurity, within the settlements was the primary cause of permanent movement within and from the settlements. For instance, in the late 1990s, activities by the WNBF rebel group resulted in major displacement of refugees from the settlements, and the actual abandonment of some settlements.<sup>80</sup> It is hard to ascertain exactly what happened to those who were displaced. It is known that the majority were re-settled elsewhere in Palorinya, but there was also evidence that some chose to become self-settled. As one refugee explained:

In 1997 there were guerrillas who came and chased us away. . . they killed some, others had to carry things. We ran to Kaali . . . where we stayed long, almost 3 years. Only in 2000 they allocated us land. . . before we only had rations. That is how I was transferred here.<sup>81</sup>

Another referred to an attack in 2001 in Morobi 2, in which “many people ran away and are still out. Others are now coming back but they are still fearing insecurity. About half of the people left. Two families are still gone.”<sup>82</sup>

Others living in Morobi settlements, which were located on the same site as Waka settlement (which was closed due to insecurity) talked of how they still did not feel safe. As one young man said,

This place was Waka, but now it is Morobi. They just changed the name, but the place is the same. They killed so many refugees here. Now the ones of UNHCR brought us here, but won't we be killed, too? . . . My mother has very small children. When the rebels come maybe they won't be able to run. . . By now we are still fearing because of

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<sup>79</sup> It is also quite possible that insecurity within Moyo has convinced some refugees to return to Sudan. However, it was impossible to document this, and can therefore be no more than speculation.

<sup>80</sup> Waka settlement is an example of this. It was closed in 1998 after rebel attacks.

<sup>81</sup> Male refugee, Dongo, 12<sup>th</sup> February 2002.

<sup>82</sup> Male refugee, Morobi 2, 10<sup>th</sup> February 2002.

insecurity. We don't know who will protect us. The last attack was in December last year, and half the people left after that, although now most are back.<sup>83</sup>

In addition, a number of self-settled refugees interviewed referred to the fact that they had once been in a settlement, but had left due to insecurity. One young woman, now living in Afoji, talked of how she had left the settlement:

In [the settlement] there were many disturbances. There were many rebel attacks. I am not sure where the rebels were coming from. From there we decided to walk and came here. We felt this place was more peaceful . . . there have been no disturbances here.<sup>84</sup>

Another woman talked of how she had first been taken to Waka settlement, where her husband was killed, and then decided it was safer to leave the settlement. She described the displacement caused by rebel attacks: "Some went to Afoji, some went to Kaali, some went back to Sudan. I left because of this."<sup>85</sup> Other comments, such as, "The rebels were disturbing us and that's why we made a home here,"<sup>86</sup> and "we decided to leave the camp and look for peace . . . we came here because it was peaceful"<sup>87</sup> all exemplify the impact that insecurity within the settlements had on their lives.

That is not to say that all refugees living in the settlements feel unsafe. Several stated that they felt secure where they were living—in particular those in the settlements that have not experienced recent attacks—and believed they were well protected. As one refugee said, "for us in Cinyi we are safe. We are not disturbed. But I have heard in Waka and Kaali, refugees have been attacked, killed and looted."<sup>88</sup>

## 7.2 Powerless to move

Other refugees, however, showed that they felt unsafe and yet were unable to move from the settlement. This reinforces the notion of over-dependency outlined above, showing the inherent powerlessness among many settlement refugees. As one refugee said, "We have been running from the death in Sudan. We are under UNHCR. If UNCHR sees that there is insecurity here, they should transfer us to another camp. If not, we will just die here, I think. . . For myself, I still sleep in the bush. I'm still fearing such attacks."<sup>89</sup> Another summarised the lack of choices they felt was available to them:

We are just staying within this area because if we go further we shall get killed by unknown persons. But I will not move. If the rebels want to kill me, let them kill me and UNHCR will bear the responsibility . . . I am now under UN. Now in Sudan people are still dying. There is no good death. There is no bad death. It is all only death. I

<sup>83</sup> Young male refugee, Morobi 2, 10<sup>th</sup> February 2002.

<sup>84</sup> Young female refugee, self-settled in Afoji, 8<sup>th</sup> February 2002.

<sup>85</sup> Female refugee, self-settled in Afoji, 8<sup>th</sup> February 2002.

<sup>86</sup> Female refugee, self-settled in Afoji, 8<sup>th</sup> February 2002.

<sup>87</sup> Male refugee, self-settled in Afoji, 8<sup>th</sup> February 2002.

<sup>88</sup> Female refugee, Cinyi, 12<sup>th</sup> February 2002.

<sup>89</sup> Male refugee, Morobi 2, 10<sup>th</sup> February 2002.

was running from Sudan because of death. So if the rebels come here, they can kill me because I will not run any more.<sup>90</sup>

Or, as another said, “in Sudan we ran from insecurity and here there is insecurity. You go anywhere and you will lose your life. We have been suffering in Sudan. People were killed and we ran and were welcomed by UNHCR. And then they took us to a bad place. . . the insecurity [here], food, and war in Sudan is giving us a psychology problem. . . I will not go anywhere because we are under UNHCR. If we are killed, we are under UNHCR.”<sup>91</sup>

What such attitudes reveal is that some refugees do not feel safe living where they live, but do not want to return to Sudan. Consequently they have handed over responsibility for their safety to UNHCR, even though they believe that UNHCR is unable to fully protect them. It suggests the extent to which the restrictions and isolation imposed on them by the settlement system have caused the loss of ability to make the decision to flee a dangerous place (perceived or otherwise), a decision that perhaps initially saved their lives and led them to become refugees in the first place. It creates a dichotomy that shows both the misconceptions that the refugees have about UNHCR, and the extent to which fear compounds dependency and helplessness amongst the settlement population.

### 7.3 Self-settled refugees

At the same time, some self-settled refugees also expressed fear for their safety. There were occasional references to attacks by unidentified men, particularly along the border with Sudan, that have resulted in a number of self-settled refugees moving elsewhere in Moyo district. As one young woman said, “People sometimes come and disturb us. We don’t know who they are. They come at night and sometimes speak Swahili. They make whooping noises and fire guns.”<sup>92</sup>

In addition to such unidentified attacks, two further potential threats were identified by self-settled refugees: ‘criminal’ activity and, in a few cases, tension between nationals and refugees. In the case of the former, there was nothing to suggest that self-settled refugees were at any more risk than the national population within the area. The latter is an issue which is clearly a potential problem, reflected in the fact that an implementing partner has initiated a project seeking to build capacity for conflict resolution and peace building in Obongi County.<sup>93</sup>

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<sup>90</sup> Male refugee, Morobi 2, 10<sup>th</sup> February 2002.

<sup>91</sup> Male refugee, Morobi 2, 10<sup>th</sup> February 2002.

<sup>92</sup> Young female refugee, self-settled in Afoji, 8<sup>th</sup> February 2002.

<sup>93</sup> The project was initiated as a result of AAH identifying the need for building local capacity for peace at grass roots for both refugees and nationals. It highlights the need for the communities to have the capacity to resolve conflicts that might arise given the specific nature of a county in which there are a high percentage of refugees. It identifies cultural incompatibility, shared use of resources and access to any form of relief and development as specific potential causes of conflict. Aktion Afrika Hilfe workshop report, *Conflict Mitigation and Prevention in Obongi*, Stakeholders Workshop, November 2001.

#### 7.4 SPLA activities

A further source of potential threat that was mentioned in a few interviews, was that of the SPLA. Although there appears to have been a mass forced recruitment of young Sudanese refugees in 1999, there was nothing in our findings to suggest that forced recruitment was still taking place on a large scale. Many refugees referred to the presence of the SPLA—although they did not view this as threatening. As one self-settled refugee said, “the SPLA come here, but they don’t come in uniform. They come to buy things and see their relatives, but they come just as civilians.”<sup>94</sup>

However, there were a few refugees, both settlement and self-settled, who claimed that they had had to move due to the risk of forced recruitment. According to one young woman,

SPLA have been coming to Lama [settlement] to look for former soldiers but my father goes to the mountains to hide himself. The SPLA usually come at night. They send a message that they are coming. It is not only my father who was SPLA. There are about 40 SPLA deserters here, and they all go and hide in the mountains. Normally they stay for one week and then go back to Sudan. . . . When they come, [an individual] escorts them from house to house to check for the deserters. There are some deserters who are tired of suffering in Uganda and prefer to return to go and fight for SPLA. So they remain in their houses waiting to be taken. . . . and sometimes they forcefully take young boys with them to go and fight.<sup>95</sup>

Likewise a self-settled man talked of how he had left the settlement because he felt vulnerable to such recruitment: “In September 2001 they took so many people back. . . . About 50 men. They forced them with guns, went straight across the border and none came back. They took them from Kaali [settlement]. They don’t come looking for me here.”<sup>96</sup> Likewise, an LC official talked of forced recruitment and the movement it generated:

It is called *cassia* in their language, meaning forced recruitment. If there is *cassia* in Sudan, youth go to the settlements. The same thing follows them to the settlements, and then they come here. They go back to the settlement or Sudan after *cassia*, maybe one week.<sup>97</sup>

Although similar stories emerged, they were in the minority and, due to the sensitive nature of the subject, it was hard to verify actual events with any certainty. What can be surmised, however, is that there are individuals who have either been forced to move due to fear of the SPLA, or who are unable to move but are living in fear as a result of their location. Some have not moved because they are unable to—for instance those living in settlements who are restricted in their ability to move. Others have chosen to remain near the border for reasons outlined above, but rely on their ability, as self-settled, to move temporarily if they feel threatened.

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<sup>94</sup> Male refugee, self-settled in Afoji, 8<sup>th</sup> February 2002.

<sup>95</sup> Female refugee, Lama, 11<sup>th</sup> February 2002.

<sup>96</sup> Male refugee, self-settled in Afoji, 8<sup>th</sup> February 2002.

<sup>97</sup> A Moyo LC official, February 2002.

## 8 Conclusion

This study has sought to explore some of the dynamics that impact upon the mobility of refugees and, consequently, upon their ability to participate actively in changing the conditions that adversely affect their lives. The most striking contrast between those refugees living in settlements and those who are self-settled is not the difference in relative standards of living, but the response they have to their predicament. The feeling of powerlessness pervading the interviews with settlement refugees stands in direct contrast to those who had opted out of the refugee assistance structures and were taking responsibility for their lives. There is obviously a danger of over-romanticising the lives of self-settled refugees. By no means are their circumstances easy—not least of all because they are not recognised by the refugee assistance structures in operation.<sup>98</sup> However, the fact remains that their ability to move freely has a positive impact on their lives, allowing them to utilise fully the resources around them and make choices based on where they exist. The restrictions placed on settlement refugees, by contrast, have created a culture of over-dependence that ensures that many have become spectators rather than active participants in the decision-making processes of their own lives. As Kaiser comments with regard to refugee policy in Uganda,

Residence in a formal camp or settlement is compulsory, participation in any political activity is effectively banned and freedom of movement is seriously restricted, with implications for the capacity of refugees to . . . engage in any but the smallest scale economic activities.<sup>99</sup>

The Self-Reliance Strategy as a means of moving refugees towards long-term development is good in theory, especially given the fact that the prolonged nature of the Sudan war has created an enduring problem. However, in practice the SRS is problematic due to the restrictive context in which it is being implemented, a context that conspires against sustainable development and does not allow refugees to break free of the over-dependence created by years of external assistance. In addition, as Merckx comments in relation to this issue, “integration and interaction with the hosts becomes difficult if refugees are kept in isolated, well-run settlements (‘islands’) that maintain parallel systems for service delivery. UNHCR is still maintaining the terminology of ‘local settlement’ as one of the ‘durable solutions’ and prefers not to talk about integration, since this might have connotations for assimilation and permanency.”<sup>100</sup> This brings into question the extent to which the settlement system—implicitly characterised by control over the mobility of refugees—can spur the transition from relief to development: over-dependent refugees are being forced to

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<sup>98</sup> Section 8 of the Control of Alien Refugees Act states that the Minister responsible can specify who is a refugee and restrict those refugees to settlements. Thus ‘self-settled refugees’ are not refugees eligible for assistance under current Ugandan law. However, according to international refugee law—specifically, the 1951 Refugee Convention and the 1969 OAU Convention—to which Uganda is a signatory, governments and others may not *grant* refugee status, but only *recognise* the fact that someone is a refugee. Thus, many self-settled refugees undoubtedly fall under the legal definition of a refugee, but are not officially recognised.

<sup>99</sup> Kaiser, 2000, p. 40.

<sup>100</sup> Jozef, Merckx, *Refugee identities and relief in an African borderland: a study of northern Uganda and southern Sudan*. Working Paper No. 19, UNHCR Switzerland, June 2000, p.28.



live in relative isolation with limited choices, undermining their ability to sustain and improve their own lives.<sup>101</sup>

Furthermore, the study suggests the extent to which the settlement structure is also flawed as a means for the protection of refugees. Lomo sums up the impact on the enjoyment of human rights created by such restrictions:

The Ugandan policy has been to isolate refugees in agricultural settlements or 'camps' whether or not they have the ability to support themselves through farming. This provision results in the spatial isolation of refugees from the nationals and limits their right to freedom of movement. Article 26 of the 1951 UN Convention, however, provides that Contracting States shall accord to refugees lawfully in their territories the right to choose their place of residence. It further provides that Contracting States shall guarantee the right of refugees lawfully in their territories the right to move freely within their territories, subject to any regulations applicable to aliens generally in the same circumstances.<sup>102</sup>

Self-settled refugees, however, offer an alternative approach to being a refugee in Uganda. Although technically they do not exist, they are living, working, paying taxes, and contributing to the local economy in the district. These refugees have voted with their feet against the settlement system, and are looking for creative alternatives to improving their lives. Of course, this is not to say that they do not have other specific problems that need to be overcome. Issues of land ownership, sporadic tension with the national population, and all the humanitarian problems associated with being in a marginalized region are an intrinsic part of their lives. However, rather than being a burden to the country, they have the opportunity to participate and contribute to its development.

This alternative approach indicates that the opportunity to turn the presence of refugees to the advantage of the district has been impeded by the settlement policy. As a result of their seclusion, settlement refugees remain an untapped resource and, instead, continue to be a drain on resources in an already challenging environment. It suggests that the settlement system is not necessarily the most efficient system for those providing assistance.

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<sup>101</sup> Research conducted in the West African country of Guinea, for example, shows how those refugees from Sierra Leone and Liberia who moved out of the official camps and integrated themselves into the local communities, enjoyed a higher degree of self-sufficiency and were able to participate fully in the rural subsistence economy, thus making them less reliant on assistance. (From Wim Van Damme, "Do refugees belong in camps? Experiences from Goma and Guinea." *The Lancet*, August 1995, vol. 346.) Another example comes from Cyprus, where the government took an active decision to utilise the influx of refugees as an impetus to develop a medium-long term economic plan. This involved the vigorous integration of refugees predominantly into the construction industry, and had a positive affect on the national economy. While the author acknowledges the major economic, social and political discrepancies between Cyprus and Uganda, this serves as an example of a country that is looking for creative alternatives to viewing refugees as a burden. (See R. Zetter, "Refugees and Forced migrants as Development Resources: The Greek-Cypriot Refugees from 1974". *The Cyprus Review*, Volume 4, Spring 1992, Number 1.)

<sup>102</sup> Zachary Lomo, "The role of legislation in promoting 'recovery'. A critical analysis of refugee law and policy in Uganda." Paper presented at the International Conference, "Refugees and the Transformation of Society: Loss and Recovery." InDRA, University of Amsterdam, 21—24 April 1999. Uganda is a signatory to the 1951 Convention.

Thus it is encouraging to see that NGOs and UNHCR are beginning to build capacity within the district as a whole, benefiting refugees and nationals alike. For instance, UNHCR recently stated that, “working in collaboration with the Government, UNHCR is pursuing a strategy for the gradual integration of refugee services into district structures. This includes the hand-over to district authorities of activities in some sectors e.g. health, education and forestry. UNHCR wishes to remain responsible for ensuring international protection, monitoring, co-ordination and capacity-building.”<sup>103</sup> Such a move is to be encouraged as it is through sharing resources in this way that both refugees and the host communities can benefit together from international assistance: instead of being a burden, refugees can inject capital into the local economy and be a catalyst in spurring development. However, while refugees continue to be required to live in camps they will continue to be a burden on the country: they only become a potential human resource when they are free to move and make choices for themselves.

In light of these findings, and taking into account the economic and political context, the Refugee Law Project makes the following recommendations:

- That refugees, who are expected to reach independence through the SRS, have those restrictions that impede such independence removed. In particular, it is vital that the right to freedom of movement be incorporated into future refugee legislation, so that refugees are able to take responsibility for their own lives without the current restrictions placed on them.
- That the settlement policy be re-examined as a solution to long term development not only for the reasons outlined above, but because of the way in which it promotes isolation from the national population, and hence fosters feelings of xenophobia.
- That the creative and informal approaches used by self-settled refugees be recognised as a possible alternative to the settlement structure, and that self-settled refugees be incorporated formally into the assistance structures.
- Overall, that policies relating to refugees recognise them as a potential asset rather than reflect the currently prevailing view that labels them a burden to society.

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<sup>103</sup> UNHCR 2002 Global Appeal for Uganda.

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