



Refugee Law Project

Faculty of Law, Makerere University



**BRIEFING PAPER ON THE REPATRIATION EXERCISE IN
RHINO CAMP REFUGEE SETTLEMENT, ARUA DISTRICT**

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Refugee Law Project

Vision

Human rights for all people in Uganda irrespective of their legal status. This vision is informed by relevant international laws as well as the Constitution of Uganda.

Mission

To empower asylum seekers, refugees, deportees, IDPs and host communities in Uganda to enjoy their human rights and lead dignified lives.

Mandate

- **To promote the protection, well-being and dignity of forced migrants and their hosts.**
- **To empower forced migrants, communities and all associated actors to challenge and combat injustices in policy, law and practice.**
- **To influence national and international debate on matters of forced migration, and justice and peace, in Uganda.**
- **To be a resource for forced migrants and relevant actors.**

All of the above is achieved through a combination of activities broadly categorized under legal aid and counseling, research and advocacy, and training and education.

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INTRODUCTION

The Refugee Law Project (RLP) Legal Aid and Counseling (LAC) Department conducted in-depth interviews in Mid March 2007 with refugees living in the Camp, with the neighbouring host community local leaders, government and UN officials and NGO staff working in the settlement.

The purpose of the field trip places emphasis on the welfare and/or well being of refugees and the host community in the wake of repatriation. During the course of the study, the LAC team had a second chance¹ of witnessing the ongoing repatriation of Sudanese refugees and investigate conclusively the perceptions of the Sudanese refugees for return and reintegration. The settlement is gradually becoming vacant.

The following represents findings related to the most salient issues that emerged from the visit to Rhino Refugee Settlement Camp, Arua and will be followed by a more in-depth analysis in a report form. This document is circulated so as to inform the key stakeholders of the effects of repatriation on the ground. Comments in this regard are welcome.

1. The repatriation exercise in general

Summary of Findings

From a middle-of-the road perspective, this time round the exercise is smooth and clearance at the landing site² takes a much shorter time yet the number per trip has risen. It is pertinent to note that at the earlier visit, the repatriation exercise did have loop holes and might have been unavoidable as it was a first time. The UN indeed has done a very commendable job in improving on the process. Instead of one trip per week as was the case in July and August 2006 and about 150 refugees per trip, the UN now does two trips in a week of 300³ refugees per trip and it was on its 5th Convoy so far. Other issues closely related with repatriation as observed:

- Refugees who had registered and those who had not yet registered for one reason or another clearly stated that the process was purely voluntary in nature and that it was their duty to exercise the willingness to register for the same.
 - The UN was very liberal in allowing the refugees load their properties of unlimited kilogrammes of food items on the trucks bearing in mind the food situation in Sudan. It was also aware of the refugees' syndicate and did encourage those who had more than five small animals⁴ (in this case goats and sheep) to give to their friends or relatives to hold as their own for clearance and transit purposes. The refugees however have to deal with the transportation of

¹ Some of the LAC members on the team had been to the Rhino Camp in late July and early August 2006 and had witnessed the repatriation exercise at the time.

² Also known as repatriation centre where refugees due for repatriation are gathered and cleared for the journey the following day.

³ From an interview with the UN official, 300 is always the target but the same can shoot up and is allowable depending on the availability of space.

⁴ The UN policy allows for transportation of only small animals restricted to a small number of 5.

the big animals (cows) on their own in view of the economic sense which has been a constraint in the repatriation exercise on the part of the UN⁵.

- Complaints were few and centered mostly on unregistered new born, family members that missed out on the verification process. However complaints were diligently handled and some cleared on a benefit of doubt basis.
- The refugees were still skeptical about the spontaneous return process and all opted for the voluntary repatriation mainly because of the financial constraints.
- Basic information for those returning home was posted at the notice boards by NRC.
- Mine Risk Education is no longer conducted at the landing site but on the way station by ARC

Recommendations:

- Apart from the use of the notice boards which are in particular centres, adopt the process of going from village to village so as to reach most of the refugees registered and those contemplating to register as the centres may not be accessed by all considering the distance, health conditions and age⁶.

2. Security in the wake of repatriation

Summary of findings

From the interviews conducted, the refugees did express a concern for their security. Cases of reported thefts from the host community were formerly reported. This arose from the isolations created by the repatriation exercise. Mechanisms to handle the complaints seem to die out as the persons responsible are registering for repatriation and others have left, again leaving these posts vacant. As the numbers of refugees lessen owing to the ongoing repatriation exercise, those left behind become an easy target for the host community to plunder and yet no redress is accorded.

Recommendations to the government & all actors:

- Start and speed up the re-clustering process
- Inform the neighbouring host communities of the consequences of their acts and punish any offenders for the commission of such acts.
- Put in place mechanisms to handle the said complaints in the interim by increasing the number of police officers in the settlement.
- Facilitate the Refugee Welfare Council in recruiting persons to fill the vacancies.

⁵ Sometime earlier at the very start of the repatriation exercise, the UN did face a transportation problem as a result of a limited number of trucks. It did appeal to the public however; the response was not encouraging thus the restrictions.

⁶ The elderly in this case did mention that when information is posted on the boards, they do not have the strength to walk to the centres where the information is posted and by the time the message reaches them through other sources, the same is distorted. The pregnant women and the sick as well should be considered.

3. Unregistered cases in the wake of repatriation

Summary of findings

Many a number of interviewees did express a concern of unregistered cases⁷ in the settlement that is to say, Sudanese that came in Uganda in 2003 to 2006 and are unregistered and without status as well. There are different circumstances under which they came to Uganda not to mention the Ugandan education system as a major pull factor for the teenagers. However, there are genuine refugee claims that are not registered and do not know their fate to date. This category of persons does not receive any kind of assistance from the UN and NGOs working in the camp because they are unregistered. From the previous visit and discussion with the UN, it is said that the government intends to constitute an emergency Refugee Eligibility Committee in the settlement to handle this problem.

Recommendations to the government

- To constitute the REC as soon as possible to look into this problem and issue status to those that deserve it.
- Inform the unregistered undeserving cases the consequences of their stay in Uganda and reasons for denial of status as well.

4. Inter-marriages⁸ in the wake of repatriation

Summary of findings

This area is not clear amongst the refugees and the nationals who are in the union. A host of interviews conducted with both nationals and refugees did indicate that this has been a problematic area in the face of repatriation. Whereas nationals do not know what to do in such circumstances, the Sudanese have managed to repatriate with children of the said union with or without the knowledge of the other spouse. The refugees claim that their national spouses in most cases have been turned away from the landing site because repatriation is meant for only Sudanese. Others claim that when the dowry has not been completed, the Sudanese spouses' parents decide to repatriate with their children and grandchildren threatening the Ugandan spouse at the same time for failure to complete the dowry. On the other hand, the nationals expressed fear of completion of dowry because of the repatriation exercise which takes away their spouses. In such cases the family is divided and the parents end up fighting for the children or in case of a

⁷ Some of the cases are family members of those registered for repatriation and are facing problems getting them registered for repatriation. In certain cases, some families have decided to stay back as a result in the hope that their unregistered family members get registered soon. They also mistake any drop in organizations as those registering the unregistered.

⁸ There are so many cases of intermarriages which cut across all the nationalities in the settlement that is to say Ugandans marrying Sudanese, Sudanese marrying Kenyans, Sudanese marrying Congolese.

⁸ Most of the residents of Tika missed out on the vaccination especially the elderly, pregnant women and the young children. The LAC visited the centre which is at Olujobo and confirmed that the allegation was true wherein the medical personnel admitted that it was largely due to the distance. However they said that the health centre had drugs (tablet form) as the situation was controlled and the vaccination was out of stock. They also said that this information had not been disseminated to the concerned persons.

Sudanese spouse, escaping with the issues. Those that have agreed to settle in Uganda are doing so without legalizing their stay.

Recommendations to the government & all actors

- Put in place proper procedure for handling cases of intermarriage at the time of registration for repatriation
- The government should pass the Refugee Act 2006 to enable the legalization process of those in the union and are willing to stay in Uganda.
- Create an awareness program on the same.

5. Cases unwilling to repatriate

Summary of findings

There are categories of Sudanese refugees who are unwilling to repatriate because the reason for flight still exists in their country of origin. This category of people when talked to seemed unsure of a durable solution available to them. They also have a host of refugee claims which need to be looked into. Whereas others are willing to be relocated to other camps as the settlement is falling vacant, others do not know what should be done to them. The refugees in a particular village in the settlement expressed their unwillingness to register for repatriation because most of the residents had missed out on the meningitis vaccination owing to the distance of the nearest health centre⁹. They also stated that they are not sure of what the health situation is like back in Sudan as they believe meningitis started from Sudan

Recommendations to the government and UN:

- Identify such cases and act upon them
- Those who wish to integrate; the government should pass the Refugee Act 2006 to initialize the legalization of their stay.
- Those who have protection needs to be looked at by the UN for alternative protection mechanisms.

6. Effect of repatriation on other nationalities in the settlement

Summary of findings

Rhino camp apart from Sudanese refugees which constitute the majority hosts Kenyan, Congolese, Nigerian and Ethiopian refugees. As Sudanese are being repatriated, the other nationalities are sad that their friends are leaving but are also unaware of what is in store for them. Some of them want to be repatriated as well as the settlement gradually becomes vacant for fear of insecurity problems anticipated from the nationals neighbouring the settlement. Others wish to be relocated to other camps as a security measure.

Recommendations to the government & UN:

- Speed up the re-clustering process
 - Inform on what steps are to be taken in regard to their cases.
 - For the Kenyans in particular, initiate a dialogue with the Kenyan government for their return home.
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CONCLUSION:

By and large, the repatriation exercise was smooth and the refugees expressed a great deal of understanding of the voluntary nature of the process. The government however, does need to find a solution to the looming insecurity problems faced in the camp in the face of repatriation and also a durable solution that is pegged to the passing of the Refugee Act 2006 for those who are not willing to repatriate owing to genuine claims, besides, no one can be forced to return.