



Refugee Law Project

Faculty of Law, Makerere University



**Remarks on the occasion of the Launch of the Refugees Act
2006 Uganda National Museum
18 Jun. 09**

Dr Chris Dolan, Director, Refugee Law Project

Rt. Honourable Prime Minister, Prof. Apollo Nsibambi
Honourable Minister for Relief, Disaster Preparedness and
Refugees, Prof. Tarsis Kabwegyere
Excellencies, Ambassadors, Country Representatives, Members
of Parliament, Refugee Representatives
Ladies and Gentlemen:

It is a great honour to be asked to speak at an occasion as significant as this, the launch of the Refugees Act, 2006. The previous act lasted for nearly fifty years, so this is probably truly a once in a lifetime occasion. It is also an honour to be asked when representing an organisation such as Refugee Law Project, which, as the previous commissioner has pointed out, has at times felt like a thorn in the side of OPM and UNHCR. It signals the fact that, despite our occasional differences of opinion, we share a commitment to maximising the enjoyment of rights by asylum seekers and refugees in Uganda.

It is also a great pleasure to follow on from Mr Bayisa Wakwoya, with whom we had many important discussions during his time as head of protection in the Kampala office.

I shall restrict my remarks on the Refugees Act to just a few brief comments. Firstly, we warmly welcome the launch of the Refugees Act and were ourselves involved in its development at different points. I shall not go into many of the details of it because that has been very ably done by previous speakers. What seems to me to be of central importance is the overall thrust of the act: if we just consider the title of the old legislation



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– Control of Alien Refugees Act – we know what it was all about: control. The new Refugees Act, in sharp contrast, makes far greater move towards promoting the enjoyment of rights by refugees. It is in many respects ground-breaking in this regard when compared with other pieces of domestic refugee legislation.

Secondly, we are very aware of the time-delay between legislation being approved and even launched, as we are doing today, and its full operationalisation.

At one level this is a matter of ensuring that the various regulations are finalised and put in place. For example, establishing an appeal committee for asylum seekers whose claim of status has been rejected.

At another level it is about ensuring that people know about the new act; when we consider the various actors who need to know about the provisions of the act, starting from obvious ones like the immigration and police, through judiciary and all the way down to the LC1s of areas hosting refugees, we realise that awareness raising is a huge task. We also recognise that it is an important one if we are to ensure that the provisions of this act are to have meaning to refugees who have sought and been granted asylum in this country.

We also know that knowledge and attitudes can at times diverge. So we may know that a certain group has rights, but our attitude towards them may not reflect this knowledge. When a group has been seen as an object primarily of control for half a century, as was the case under the Control of Alien Refugees Act, certain control-oriented attitudes are likely to be deeply entrenched.



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Attitudes are linked to practice; without increasing knowledge and shifting attitudes accordingly, practice towards refugees is unlikely to change (one of the practices we would particularly like to see shift is the practice of tying material assistance to living in rural refugee camps – whether that is where a person fits best or not!)

In short, the launch of the Act is the important milestone in developing an appropriate legislative framework, and an equally important first step in what will be a relatively long and complex process of shifting knowledge, attitudes and practice towards refugees in Uganda.

At refugee law project we are concerned that this process should begin without undue delays, indeed, at the request of the police commissioners we have already been holding some training workshops on the new act at key police stations in and around Kampala, focused on stations which have large populations of refugees they deal with on a regular basis. What is clear from these is that there is considerable interest by police officers to know more, and that where refugee rights have not been respected it is generally due to lack of knowledge rather than any deliberate intention to abuse.

We are also concerned that some of the key issues affecting refugees require further work. We recently held an information session for refugees on the complex resettlement process, and one of our clients tried to argue, to much applause, that resettlement was a right. I had the unpleasant task of clarifying to him, in front of all his fellow-refugees, that there is no such thing in law as the right to resettlement, and that this remains a highly discretionary durable solution.



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The other two durable solutions, namely repatriation and local integration, are also not without their problems, as the recent call for voluntary repatriation of Rwandans has highlighted yet again. Many refugees do not understand exactly how voluntary repatriation operates. The burden is upon us all, whether OPM or UNHCR or organisations such as RLP, to clarify to refugees that voluntary repatriation is just that, *voluntary*, and that those who choose not to go back do not automatically lose their refugee status. The cessation of status has not been invoked and that needs to be made clear again and again.

Local integration is also not yet an option, even under the new Refugees Act. Indeed, the years which a refugee spends in this country do not count towards him or her acquiring Ugandan citizenship. When we consider that there are refugees in Uganda who have been here for three or even four decades, whose children and grandchildren have been born and brought up in a condition of near statelessness, this really requires further thought. Bayisa used to talk of these as ‘vintage case-loads’; what we know about vintage wine is that it can either get better and better or, alternatively, it turns to vinegar in the bottle.

It remains the case that, internationally, just as no one has the right to resettlement, there is as yet no right to a durable solution, and as a result, many refugees spend whole lifetimes in a state of suspended animation, unable to advance in any of the areas that give us a sense of a life worth living, whether in terms of establishing a family, pursuing an education, or developing a career. To get refugees to be seen as ‘real people with real needs’ (the theme of this year’s World Refugee Day) still needs a lot of work.

The lack of a right to a durable solution is not peculiar to Uganda; it does not yet exist anywhere in the world. However, it



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is important, that as we celebrate the launch of this act, with all the important steps that it takes towards improving the enjoyment of rights of refugees in this country, we do not lose sight of the larger goal which also still needs to be pursued, namely to ensure that refugees do not just enjoy their right to life, but are also able, as we say in the UK, to ‘get a life’.

It also remains to be seen what the implications of an ever stronger East African Community will be on the institution of asylum within the region. Are the different presidents of Rwanda, Burundi, Tanzania, Uganda and Kenya as tightly bound together as the play we have just seen suggests? If so, what will this do for refugees?

I thank you very much for your attention and for the opportunity to highlight some of the new frontiers which need to be considered now that this legislation is safely in place.