



# *Refugee Law Project*

*Faculty of Law, Makerere University*



## **KENYAN REFUGEES HERE TO STAY**

With fresh violence erupting throughout Kenya in the wake of failed government negotiations, the worries of many Kenyan refugees who fear persecution upon returning home have been confirmed. Having fled their country to escape the bloodshed that ensued after December's presidential elections, hundreds of Kenyans are now seeking asylum in Uganda, and most have no intention of going back in the near future.

While some may hold hopes that the power-sharing agreement between President Mwai Kibaki and opposition leader Raila Odinga will eventually be finalised and restore stability, many refugees living in the Mulanda transit centre in eastern Uganda do not believe that the political compromise would bring peace on the ground. Indeed, in a UNHCR survey conducted in the transit centre, more than 60% of the refugees said that even with the agreement they would not return because that was only for the government and not for the people. As one refugee noted, "The agreement is between the leaders and not between the villagers, and it is the villagers who are doing the killing." Thus the main reason people do not want to return is because they fear persecution. In light of renewed violence, such fears are further substantiated.

It is therefore necessary for the Government of Uganda (GoU), UNHCR and other service providers to recognise that this refugee situation is not temporary and to develop sustainable solutions. Aside from the fact that hundreds have expressed their intention to seek asylum in Uganda, officials must also respond to the inadequate living conditions in the Mulanda transit centre where all of the Kenyan refugees are currently being housed.

Based on interviews conducted during a field visit to Mulanda, the Refugee Law Project found that the majority of the refugees who have decided to stay in Uganda wish to be relocated to a more permanent location, citing a myriad of reasons. Firstly, the tents given to each family do not provide enough shelter in bad weather. In addition, unlike refugees living in permanent settlements, the Kenyans have no access to land for farming and are therefore dependent on food aid. Moreover, many refugees find themselves idle and would prefer to move to a place where they can engage in agricultural or other business activities.

Refugee families are also greatly concerned that there is no access to formal education. Informal primary education is available, but it is neither sufficient nor sustainable due to a lack of facilities. In addition, there is no secondary school in the transit centre. Healthcare is also limited, mostly owing to inadequate drug supplies. Psychosocial services are also severely restricted. Despite the need for such care among a great number of refugees, psychosocial counseling is by and large only available to HIV/AIDS patients.

### **Recommendations**

In light of this situation, GoU must formalise the Kenyan refugees' status, issue them with identification and consider more permanent solutions, including relocation to an established refugee settlement.



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Looking forward to the refugees' eventual return home, the Government of Kenya and the East African Community must strive to address the fundamental issues behind the conflict in Kenya. UNHCR must also fulfill its role as the international protector of refugees and ensure that Kenyan refugees in Uganda live in safety and dignity.

Meanwhile, donors and service providers must ensure continued support to the refugees in the Mulanda transit centre as well as in border towns for those who are still entering the country. While the humanitarian community is to be commended for providing unprecedented amounts of aid to the Kenyan refugees, it must be ensured that assistance will be provided as long as necessary. In addition, improvements must be made to the transit centre's health and psychosocial services and education programmes.