



# ***Refugee Law Project***

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## **‘STANDING WITH REFUGEES’ REQUIRES BOLD AND PRACTICAL ACTIONS – NOT EMPTY RHETORIC**

Every June 20 Refugee Law Project joins the international community in honouring the determination, strength, and courage of the millions of people who, for various reasons, have been uprooted from their countries of origin and forced to dare long and perilous journeys to ‘safety’, often leaving their loved ones and hard-earned assets behind. This year, well guided by the theme ***“Uganda Stands with Refugees”***, we join with fellow citizens, government and partners in this noble, painful, and yet necessary commemoration.

The current wave of displacements and migration is breath-taking. More than 65 million people have been forcefully displaced – 40 million internally displaced, and over 22 million seeking solace outside their own country. Such refugee numbers, more than half under the age of 18 years, have not been seen since the Second World War, and far surpass what was envisaged during the creation of UNHCR. The sacrifices refugees make in the face of inhumane and degrading treatment resulting from conflict, persecution, violent extremism, social exclusion, and other severe conditions cannot go unnoticed on this day.

While the figures show a serious crisis to be addressed, when the refugee number is unpacked, we find a more complex story. Attitudes towards asylum have hardened, and rising anti-refugee sentiment – especially in Europe and America – is forcing more refugees to seek sanctuary in low income countries such as Uganda that are already struggling to sustain the economic wellbeing of their own citizens.

Following the unprecedented influx, 2015 was described as “a year of crisis for refugees” as central Europe and the western Balkans tightened their border controls. The problem stretched through to 2016 with an explosion of refugees on the global scene making it the “Deadliest year ever for refugees trying to reach Europe”. 2017 was no better. The mass exodus of especially South Sudanese refugees and largest in the east African region since the 1994 Rwandan genocide. In 2018 humanitarian and development workers are still confronted with funding challenges. The problem is likely to worsen in the years to come as more people continue to trek to safety, but only a handful leave their country of first asylum. Durable solutions for refugees remain empty rhetoric: Voluntary repatriation is not feasible due to the protracted nature of conflicts; local integration is politically unsupported in many countries including Uganda; resettlement to a third country as the ‘preferred’ durable solution of most

refugees is highly politicised and bureaucratic, and has dramatically shrunk under the Trump administration.

Notwithstanding the crisis, Uganda continues to be destination for millions of forced migrants from across the Great Lakes region, East and Horn of Africa and elsewhere. More than ever, the unprecedented influx from 2016 and 2017 has left Uganda hosting one of the largest refugee populations on the planet. As of 6 April 2018, Uganda has 1,385,026 registered refugees, and 72,714 in 10 gazetted transit/reception centres. The majority (over 1 million) are from South Sudan, a country in its fifth year of crisis and with the largest exodus on the African continent. For refugees from South Sudan, this number is projected to surpass 1,380,000 by Dec 31, 2018 (South Sudan Regional Refugee Response Plan 2018). Of the estimated 1.4 million refugees currently in Uganda, 82 percent are women and children, with the latter comprising over 61 percent.

Uganda's post-independence history shows a strong political commitment to supporting refugees from its neighbouring countries. Positive strides towards fulfilling its international obligation on refugee protection include The Refugees Act 2006, The Refugee Regulations 2010, The Settlement Transformative Agenda, The Refugee Protection Strategy, the Refugee and Host Population Empowerment Strategy (ReHoPE), and the Uganda Protection and Solutions Strategy 2016-2020 – all of which have elevated Uganda to the status of a 'role-model' when it comes to refugee protection.

As we commemorate this very important day, and affirm our desire to **“Stand with Refugees”**, we ask Government of Uganda, UNHCR, Diplomats, Civil Society actors, National and International Non-Governmental Organisations, Community Based Organisations, Academics, Faith-based institutions, Donor communities, and the private sector to;

– **Address mental health and psychosocial wellbeing needs of refugees and hosts**

The struggle for safety is very costly. When refugees arrive, their needs go far beyond food and shelter. Despite the 'new-found' safety, refugees grapple with psychological challenges resulting from experiences prior to and during flight, upon arrival and in their new settlements. Many have lost loved ones to wars, persecution, and violent extremism, and perilous journeys to safety, while many more have suffered heinous forms of torture and sexual violence. Studies have shown that at least half of the refugee population grapple with psychological distress and mental illness resulting from trauma, one third exhibit signs of significant depression, and one fifth of refugee children suffer from Post-Traumatic Stress Disorder including suicidal tendencies. Refugees' mental health challenges affect coping and adjustment while in country of asylum, which in turn impact on peaceful co-existence between refugees and host. We should not forget that some of the hosts are themselves still recovering from over two decades of armed conflict.

Early identification and treatment of the mental health concerns among the refugee and host population is necessary. Currently, national and international response

strategies appear to focus mainly on opening borders and welcoming asylum seekers, but with limited proactive interventions on addressing the mental health challenges that refugees present with, and how that interplays in their co-existence with the hosts communities. Therefore, standing with refugees requires that their mental health needs and those of the host are addressed in a timely and professional manner.

– **Promote and uphold accountability in refugee work**

Despite being lauded as a ‘role-model’ country on refugee protection, Uganda’s reputation and its refugee regime are under scrutiny, being tested to breaking point by reports that some of the very institutions mandated to protect refugees are involved in abuse of food and non-food items, as well as sexual exploitation. Since January, barely a week has passed without multiple media reports mentioning scandals relating to refugee management. Such allegations into the illegal economy surrounding refugees have also been highlighted in several more academic studies and reports including Andersson (2013) and Transparency International (2016).

While the ongoing investigations raise a question mark over the mantra of Uganda’s progressive refugee policies, they also prepare the ground for comprehensive measures to strengthen the refugee regime and institute stronger controls and accountability systems to ensure non-repetition. Unfortunately, uncomfortable media reports depict some political lethargy in addressing the challenges raised especially from Parliament; the motion to institute a parliamentary committee to investigate the alleged scandal has never been brought to fruition. More than ever, Government and UNHCR need to embrace consultative mechanisms with communities at village level on issues relating to refugee and host protection, and more so, on their peaceful co-existence.

The successful 2017 Solidarity Summit on Refugees convened in Kampala and graced by the President of Uganda and the United Nations Secretary General, drew over 800 delegates from government, UN, NGOs, and Private sector. Whilst the summit demonstrated and strengthened Uganda’s long-held progressive policies and position on refugee management, it also exposed Uganda to rigorous scrutiny of what happens behind the doors on refugee protection. To-date, several officials of the Office of the Prime Minister, UNHCR, and its implementing partners have not been spared the outcomes of investigations.

– **Promote and support initiatives towards strengthening Refugee-Host Relations**

Promoting social cohesion between refugees and host communities continues to be a core agenda for humanitarian and development programming on refugees in Uganda, both in national and regional plans 2017 and 2018. Contemporary conflicts and the nature of protracted displacements shows that refugees are likely to remain in protracted displacement for 15-20 years. With conflict-drivers still alive and well in

their countries of origin, refugees are unlikely to return to their home countries in the near future. A significant part of their lives will be spent in countries of asylum.

– **Address land-related tensions in and around gazetted refugee settlements**

Whilst there are numerous land-related tensions reported across the country, prior to the late 2000s few of these related to refugee settlements. However, currently, there are several land-related conflicts that require urgent and professional intervention for example in Lamwo district where refugees are hosted entirely on private land generously offered by host communities. Landowners who offered approximately 50 square kilometres of land have yet to see their arrangements with government formalised through a Memorandum of Understanding (MoU). The delay in finalising these raises concerns and worries over possible loss of land in the future.

Communities sharing already limited resources and stretched services require a listening ear to their concerns. Alongside pressuring stakeholders to hold duty bearers accountable on the promised infrastructures and services, government, civil society actors, community leaders, and community members need to dialogue on sustainable means of addressing land-related problems in the refugee settlements given that the refugees therein are not about to return to their home country.

– **Support and strengthen environmental protection initiatives**

There is growing evidence that there is strong nexus between global warming and migration. Indeed, climate change is among the array of factors that forces a critical mass out of their country of origin. Somalia and the Pacific Islands provide compelling examples of ‘environmental’ refugees seeking sanctuary in foreign countries due to extreme climatic conditions. Whilst the world is taking bold measures to protect the environment – demonstrated also during the recent commemoration of the World Forest Day and World Environment Day, environmental degradation continues on a massive scale and the available measures appear to only scratch the surface of the solutions required. In Uganda, the sudden and massive influx of refugees from South Sudan continues to pose serious threats to the above ground biomass in pursuit for fuelwood, shelter, and livelihood. This among other factors are key conflict drivers in and around refugee hosting areas.

However, Uganda is yet to strengthen its strategies and priorities on environmental protection in and around refugee hosting areas. Initiatives aimed at reversing the rapid degradation resulting from population pressures related to refugee flows are yet to be strengthened. In 2016, environmental protection and mitigation measures in refugee hosting areas were listed as priority in the Ugandan Response Plan for South Sudan Refugee Situation. However, they dropped out in the Plan for 2017 and 2018. Whilst the President issued a ban on cutting of some endangered tree species, their logging has since continued apace - including inside refugee settlements. As we commemorate this year, perhaps the passing of the Climate Change Bill could

demonstrate a renewed political and legislative commitment to addressing climate change issues in the country.

– **Strengthen protection for Urban refugees**

Contemporary displacement is increasingly an urban phenomenon. Cities are not only magnets for the world's top talents, they too are destinations for over 60 percent of refugees globally. There are more forced migrants in urban areas in Uganda than reported in official UNHCR and OPM figures. Official statistics for urban refugees exclude all towns save for Kampala yet there is a critical mass of forced migrants residing in Gulu, Mbarara and other major towns. In Uganda the majority end up in slums with unspeakable living conditions, and have yet to enjoy the protection of progressive policies such as UNHCR's Urban Refugee Protection Strategy and Alternatives to Camps Policy.

Notwithstanding the above, Kampala is the 6th largest refugee hosting area in Uganda with 103,639 registered refugees, and with the most diverse multi-national representation. This number could be more if government did not halt registration of new urban refugees a year and half ago. Internationally, urban considerations are steadily gaining prominence including at the UN level through *The New Urban Agenda* agreed at the Third UN Conference on Housing and Sustainable Development (Habitat III) in 2016. In the latter, the contributions of displaced populations were explicitly recognised, and the need to facilitate refugee inclusion into cities was underscored. The UN High Commissioner for Refugees Filippo Grandi himself recognises that cities are indeed frontline players in dealing with refugees, and continue to influence global migration flows. Given that there are to date only a handful of institutions working with urban refugees in Kampala, it is rather urgent therefore, that government and its partners explore how best to implement UNHCR's Urban Refugee and Alternative to Camps Policies. Failure to do so risks undermining Uganda's reputation for progressive refugee policies.

– **Address legal ambiguities relating to refugees**

Uganda's legal regime relating to refugees is ambiguous. Whilst the Refugees Act (2006) provides for freedom of employment, and adds that refugees are free to seek jobs like nationals, The Citizenship and Immigration Control Act calls for the possession of a Work Permit after acquiring a Convention Travel Document (CTD) which are obtained at fee-nil basis. Similarly, the Constitution of the Republic of Uganda states that refugees can obtain citizenship by registration upon staying in Uganda for a minimum of ten years. However, the Citizenship and Immigration Control Act states that this does not apply if one of the parents or grandparents is or has been a refugee. Whereas concerned civil society organisations lost a constitutional petition

to the same and on behalf of refugees, Government needs to reconsider evoking a dialogue on the same if local integration is to be a genuine option for refugees.

This year's commemoration reminds us not only to stand with refugees, but to practically advance protection for all forced migrants within our borders. It demands that empathy to refugees be translated into actual measures towards addressing the daily struggles that refugees go through. To genuinely Stand #WithRefugees also requires that we go beyond consulting refugees and actually involve them in matters that concern them. For Uganda, the struggle to realise a safe haven for refugees has and continues to awaken our conscience towards our international obligations but also reminds us of the violent and war-ridden history of our own country – and the fact that many of our nationals remain in foreign countries as refugees.

More than ever, now is the time for Uganda to step up its interventions on refugee protection. Progressive legislative and policy frameworks can help to address the complex nature of displacement and challenges facing Uganda's refugee regime. The bio-metric registration, verification and other initiatives are good and welcomed. However, more innovative measures are required to tackle the migration crisis head-on. Relevant stakeholders must consult and involve refugees and hosts, and their leaders, leadership of faith-based institutions, donor communities, political and technical arms of government, academic institutions, and the private sector.

The refugee crisis is symptomatic of global issues requiring collective actions. We urge everyone on this day to take part and Stand #WithRefugees. Engaging in debates, discussions, physical gifts/donations, and other things directed towards helping refugees is not just a drop in the ocean – it significantly contributes to global change. There is no better time than now for all to realise that life on planet is increasingly projecting enormous challenges to mankind, and that calls for solidarity, togetherness, love, and care for each other – be it a to a refugee or host.

As Refugee Law Project, we believe it all begins with a step, and this statement hopefully will ignite the zeal in every reader, and remind each one of us to do something positive as we Stand #WithRefugees. To refugee men, women, and children, may this day rekindle your stamina to boldly speak up and challenge injustices and hold duty bearers accountable. To persons and institutions working with refugees and hosts, we urge you to do more to realise a sea-change in the lives of refugees in Uganda and elsewhere. May our relative successes be preserved and above all strengthened and accelerated.

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