“Resettled but not settled”


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This dissertation is submitted in partial fulfilment of the requirements for the Degree of Master of Arts in Development and Emergency Practice, Oxford Brookes University.
Abstract
Governments have ultimate responsibility for refugees and internally displaced persons within their borders. In Uganda, government policy moved 600 internally displaced families 400 kilometres away from their homes when landslides destroyed their village. Government policy also dictated that over 8,000 Congolese seeking asylum were kept on minimum survival standards so that they would not remain in the border area, but be encouraged to move to a rural settlement. It was then discovered that government policy was not effectively providing protection and welfare services to the refugees who arrived at the settlement. Understandably, the three displaced groups were “Resettled but not settled”.

Against a backdrop of this experience and literature frequently critical of government policies, this dissertation seeks to explore the dilemmas of implementing laws that best serve displaced populations. The primary aim is to better understand a host government’s responsibility towards refugees and IDPs, and the political context in which policy choices are made. Surrounded by a number of conflictive influencing factors, the government’s dilemma is to choose between collective rights of the host and displaced populations, which proves to be a difficult trade-off between competing goods.

As the dissertation identifies key principles within legal frameworks and the wider political and humanitarian context that creates the trade-offs, the national law of Uganda and three current case studies are explored to bring a realistic foundation to the research. Information for the debate was collected from primary field data, a literature review and interviews with staff of organisations and government ministries present in the three settlements. Interviews with Roger Zetter and Barbara Harrell-Bond bring experience from further afield to complement and redefine the emerging themes.
National security, bureaucratic policy, regional pressure from neighbouring countries, international pressure often linked to funding and concerns of overwhelming the host population are highlighted as continuing and dominant factors that influence policy.

Knowing this, it is discovered that Uganda has aspirational and progressive policies, but is yet to fully implement its national laws. It is clear that resettlement policies, continued from an outdated legacy, are not working. Naturalization processes for refugees are not in place. What also emerges from the failing policy is an exacerbated division between the mandated roles of local authorities, international organisations and humanitarian agencies. Because of this, and the fact that the intended audience is development practitioners, the research concludes by reflecting upon key principles that agencies and practitioners working with displaced populations should remember. These include understanding the government’s position, communicating with local authorities and avoiding parallel service provision. This may ignite a new appreciation in some practitioners or, for others, simply be a reminder on how to improve their programme response. It serves to look at a way forward, moving away from the negative discourse aimed at governments.

As the number of displaced populations increase, better understanding by development practitioners of the host governments’ role and responsibilities could prove vital in ensuring more refugees and IDPs find a durable solution.
Statement of Originality

This thesis is the result of my own independent work/investigation, except where otherwise stated. Other sources are acknowledged by explicit references.

Signed  Date

I hereby give consent for my thesis, if accepted, to be available for photocopying and for inter-library loan, and for the title and summary to be made available to outside organisations.

Signed  Date
Ethics Form

Faculty Of Technology, Design & Environment, Oxford Brookes University
ARCHITECTURE / PLANNING / REAL ESTATE & CONSTRUCTION

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Please read the Guidance Notes at www.brookes.ac.uk/yes/ethics/forms

Section A - You & your project
What is your name?
First name: Elise
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What is your supervisor’s name?
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Surname: Slim

What is your supervisor’s email address?
Hugo.slim@politics.oxford.ac.uk

In which Department are you studying?
Architectural
Planning
REC

What course are you taking?
Development and Emergency Practice

What is the topic area of your research?
Refugees and their Host Governments

On what kinds of topics will you be collecting data from the participants in the research?
Role of government
Best practice in working with refugees/IDPs
Relationship between host government, refugees and other agencies

Section B - Your participants
What kind of participants will be involved in your research? (Please tick one - if more than one, then complete a separate form)

- Professional/management group
- Members of the general public
- Vulnerable individuals

Briefly describe these participants

NGO Practitioners
Local Government workers
IDPs

How many participants will be involved?

Approx. 60

Number of people

How will the participants be selected?
- Professionals selected through contacts
- IDPs selected carefully through NGO targeted by case study selection

Section C - Your data collection
When is your data collection likely to start?
01/07/2012

What will be your method of data collection?
- In-depth interviews
- Telephone
- Face-to-face surveys
- Email
- Direct observation
- Post

Other, please specify

Literature review

What kind of data will you be collecting?
- Quantitative/qualitative/numerical
- Qualitative/quantitative/numerical

- Images/drawings/maps

Will it be possible to avoid asking for personal data from the participants?

Yes
No

Will it be possible to ensure the participants are not being deceived in any way?

Yes
No

Will it be possible to ensure the participants remain completely anonymous?

Yes
No

Will it be possible to ensure the participants do not suffer any negative consequences?

Yes
No

Section D - Declaration
I declare that I will
- give all participants an Information sheet
- conforming to university guidelines
- not contact any participant until my supervisor has approved my Information sheet, research questions and methodology
- be sufficiently well-trained in necessary methods of data collection and analysis

Student signature
Date

You may only start fieldwork when this form has been signed by your supervisor & your Module Leader
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I would like to sincerely my supervisor, Hugo Slim, for all his guidance and the initial help of Richard Carver as I was beginning to understand the ideas presented in this dissertation. My gratitude is also extended to all the participants and interviewees who were willing to share with me.

Thank you to Mum, Dad and Ruth. Your love, support and encouragement is invaluable. And to my friends who are still my friends despite me always having “to do uni work”.

Thank you to my colleagues at The Salvation Army who were happy for this research to be undertaken, especially to improve our operational programmes with refugees and IDPs. I am proud to work for an organisation that honestly works towards its vision of “meeting needs in His name without discrimination”.

“You must see that justice is done, and must show kindness and mercy to one another. Do not oppress widows, orphans, foreigners who live among you, or anyone else in need.” Zechariah 7:9-10
### Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>AU</td>
<td>African Union</td>
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<tr>
<td>CARA</td>
<td>Control of Alien Refugees Act</td>
</tr>
<tr>
<td>CDMR</td>
<td>Commissioner for Disaster Management and Refugees (Uganda)</td>
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<tr>
<td>DDPM</td>
<td>Department of Disaster Preparedness and Management</td>
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<td>DDPR</td>
<td>Department of Disaster Preparedness and Refugees</td>
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<tr>
<td>DoR</td>
<td>Department of Refugees</td>
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<tr>
<td>DRC</td>
<td>The Democratic Republic of Congo</td>
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<td>ICRC</td>
<td>International Committee of the Red Cross</td>
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<tr>
<td>IDP</td>
<td>Internally Displaced Person</td>
</tr>
<tr>
<td>IATC</td>
<td>Inter-Agency Technical Committee (Uganda)</td>
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<td>IMPC</td>
<td>Inter-Ministerial Policy Committee (Uganda)</td>
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<tr>
<td>LRA</td>
<td>Lord’s Resistance Army</td>
</tr>
<tr>
<td>M23</td>
<td>Congolese rebel group, formed on March 23rd 2012</td>
</tr>
<tr>
<td>MSF</td>
<td>Médecins Sans Frontières/Doctors Without Borders</td>
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<tr>
<td>NFI</td>
<td>Non Food Item</td>
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<tr>
<td>NGO</td>
<td>Non-Governmental Organisation</td>
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<tr>
<td>NRM</td>
<td>National Resistance Movement</td>
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<tr>
<td>OAU</td>
<td>Organisation of African Unity</td>
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<tr>
<td>OCHA</td>
<td>United Nations Office for Coordination of Humanitarian Affairs</td>
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<td>OPM</td>
<td>Office of the Prime Minister (Uganda)</td>
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<td>REC</td>
<td>Refugee Eligibility Committee</td>
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<td>UN</td>
<td>United Nations</td>
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<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
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<td>UPDF</td>
<td>Uganda People’s Defence Force</td>
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<td>URCS</td>
<td>Uganda Red Cross Society</td>
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<td>WFP</td>
<td>World Food Programme</td>
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Chapter One: Introduction

I had just spent an afternoon with a group of Internally Displaced Persons (IDPs). Aside from this technical label, they were fathers, mothers, grandparents and children relocated from their home in Eastern Uganda. In March 2010, landslides killed over 350 people as boulders destroyed homes and villages after heavy rain in Bududa District. The IDPs were rebuilding their lives in a government scheme. Moving to Kiryandongo Resettlement Area 400 kilometres away from home, it was hoped that, in a safer environment, their livelihoods would recover.

As I listened to their stories, it was clear that the initial food distribution given by the organisation that I was working for had served their immediate need but, 18 months on from arrival, life was still extremely difficult. In part, this was due to the unfulfilled promise of the Government of the Republic of Uganda to give each family who moved to the settlement a two-bedroomed house and access to services. At the end of the meeting, my colleague said, “If you think life will be better because the government will build you a house, you are wrong. Don’t keep waiting for them, they will always disappoint you.”

In its full context, my colleague’s speech was to encourage the community to continue building on their own strengths, skills and resources. He wanted to

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1 Taddeo Bwambale and Cecilia Okoth, “300,000 homeless after landslides”, New Vision Online Archives, [http://www.newvision.co.ug/D/8/12/712310, 9th March 2010]
empower them to grasp the opportunities they did have and continue working together to forge new livelihoods. However, an alarm bell sounded in my mind.

Displacement and forced migration affects over 42 million people around the world.\(^2\) According to international law, host governments are responsible for the welfare and protection of people who are forced to leave their homes. In the case of IDPs, this protection should be delivered by their government. For this reason, displacement affects the policies and practices of every government in the world.\(^3\)

However, in too many cases the relationship between displaced populations and the supporting government is weak. Experience in Kiryandongo, and other refugee settlements in Uganda, has highlighted an emerging research problem: organisations who assist displaced populations are not always working in a way which opens dialogue between the two parties but instead makes the relationship gap wider. As the number of displaced populations increase,\(^4\) better understanding of the host governments’ role and responsibilities could prove vital in ensuring more refugees and IDPs find a durable solution.\(^5\)

\(^2\) Secretary General News and Media Department, “With 42 Million Forcibly Displaced around World, Secretary-General Says Refugees Leave Because They Have No Choice, but “We Must Chose to Help””, United Nations Website, (http://www.un.org/News/Press/docs/2012/sgsm14353.doc.htm, 18 June 2012)


\(^5\) Howard Adelman, “Modernity, globalization, refugees and displacement” in Alastair Ager, Perspectives on the Experience of Forced Migration, (London and New York: Pinter, 1999) 95
Aims and Objectives

The primary aim of this dissertation is to better understand a host government’s responsibility towards refugees and IDPs and the political context in which it makes choices to implement these responsibilities. This may ignite a new appreciation in some practitioners or, for others, simply be a reminder of the government’s role. Nevertheless, it is hoped that they will be able to improve their own programming response as a result.

In order to achieve this aim, this dissertation has four key objectives:

- To explore the role and responsibility of host governments toward refugees and IDPs as set out in both international and national law.
- To identify the choices governments make and analyse their impact. The choices are a trade-off between competing rights, thereby creating the political and operational context.
- By analysing three case studies from Uganda, to better understand the realities of current practice through gaps identified.
- By collating all the research undertaken, reflect upon key principles that agencies and practitioners working with displaced populations should remember.

Methodology

After exploring the topic through a literature review, primary field research was conducted to develop case studies to portray a realistic picture of the trade-offs and power struggles affecting the implementation of government policy. Interviews with professionals were used to reflect upon the debates that emerged, concluding the methodology by further validating understanding of current practice and removing bias from conclusions.
**Literature Review**
The literature review presents qualitative and quantitative data from secondary sources. The literature used was selected from commentary on displaced populations as well as documents and reports from the Office of the Prime Minister (OPM), United Nations High Commissioner for Refugees (UNHCR) and other key agencies.

**Case Study**
Case studies are used to illustrate the way that the dilemmas arise through anecdotal evidence. Knowing that, within its own unique history, any case is a complex entity operating within a number of contexts.\(^6\) Three were chosen to give a holistic examination of the complexities of the Ugandan government’s policy and practice. They were selected as my organisation, The Salvation Army, was an actor in each of them during 2012. Through primary research, I was able to observe practice, interview staff from the government’s local authorities, international organisations and humanitarian agencies. In two cases, involving discussions with IDPs and refugees, I gained an insight into their lives. This provided a basis to reflect on the current reality of factors that influence how law is put into practice. In discovering the choices, dilemmas and opportunities faced in the scenarios, it was possible to better understand the influence and power of government policy.

**Interviews**
Interviews were conducted with practitioners either directly related to the situation or with wider experience of similar situation. Barbara Harrell-Bond and Roger Zetter were key informants in this wider group. They provided a rigorous analysis tool to consider alternative perceptions on my initial judgements and helped me understand the opinions and priorities of different actors involved.

“The spoken or written word has always a residue of ambiguity, no matter how carefully we word the questions and how carefully we report or code the answers.” Knowing this, the interviews with displaced populations were unstructured. They provided an opportunity to listen to those affected by policy without shaping the context of their answer by the choice of question. Priorities came to the forefront of the discussion because it was the interviewee’s choice to raise the issue. In the second phase of interviews, professionals were presented with the initial analysis of key themes emerging and asked to respond. This was a successful method as themes were continually redefined to validate their accuracy.

Ethics
Circumstantial evidence is emerging of exploitative research undertaken amongst displaced groups. Due to their recent trauma, many are in extremely vulnerable situations and, in many respects, at the mercy of others. By recognising this concern, prior planning in the methodology mitigated potential future harm.

I chose to abide by four guidelines, cited by Stake. They were informed consent, non-deceit, privacy and confidentiality, and accuracy. I received consent from my university as well as those involved, who understood the scope of the study and its aims. The quotes by displaced persons presented

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are anonymous, where requested, and photographs were taken with permission. Informants were identified as those already in contact with The Salvation Army. Participants understood the context of the research before it began.

Alongside ethical considerations, it must be noted that ‘Action Research’ is a common scenario in refugee studies whereby the researcher seems to take on the role of the participant’s advocate. This can lead to biased conclusions. It is hoped that the facts are presented not to intentionally criticise or make political statements, but explore all the factors surrounding the choices between collective and individual rights that the government has to make.

Through the literature review, case study analysis and reflective interviews, this triangulation of sources served to clarify meanings and identify the different ways in which any given situation can be interpreted. The research aims to link law, politics and humanitarian theory in a way that deepens the understanding of the realities that displaced populations face.

**Structure**

Following from this introductory chapter, Chapter Two analyses the role of governments in protecting the rights and welfare of displaced persons as set out in international law. This includes understanding key universal protocol and regional policy. Chapter Three continues this understanding by focusing on contextual factors that become apparent in a wider literature review.

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11 For example, “There is no doubt that our data collection, and our findings, were coloured by the role of advocates that we chose to assume.” Guglielmo Verdirame and Barbara Harrell-Bond, *Rights in Exile: Janus Faced Humanitarianism*, (New York and Oxford: Berghahn Books, 2005), 13

12 Robert E Stake, “Case Studies”, 444
Chapter Four considers the national law of Uganda before outlining the contextual environment in which their national law is operating. Chapter Five focuses upon three Ugandan case studies. They highlight some of the efforts that the government and agencies are making towards protecting and providing for IDPs and refugees, giving a critical and current assessment of policy and practice.

Finally, Chapter Six concludes the research by reflecting upon the situation, drawing out key principles that those working with displaced populations should remember.

**Scope**
The research only gave scope to study one country in order to understand the host government in depth. Uganda was chosen because Verdirame and Harrell-Bond’s research states that the Ugandan government have violated the rights of refugees in the country. However, their research leaves gaps in deciphering positive solutions for change. The country was also selected as information was readily available through the author’s professional experience and desk-based research.

As an external actor, it was difficult to ascertain to what extent interpretations made were valid. An added difficulty is the intensely political theme of the research. However, whilst internal dynamics cannot be fully understood, it is hoped that fair judgement has been granted. Recommendations to change the policy outcomes cannot be made in the dissertation, but concluding reflections may be beneficial to the audience’s work.

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14 The Salvation Army works through its local church and the author is not part of the Ugandan staff team.
This dissertation focusses upon rural settlements. Due to the case study selection, it was difficult to include self-settled or urban refugee populations which, with their own unique dynamics, would have added further insight into the outcomes of government policy.

**Audience**
The audience for this dissertation is primarily current development and emergency practitioners. It is hoped that they will be able to relate their own experience to the circumstances outlined. Further, the dissertation is to act as a reminder or initiator of some key principles for them. It is hoped that their relationship with the host government will be strengthened, which could positively impact upon their work.

**Assumptions**
Refugees and IDPs present different dilemmas and are separate population groups. However, it is assumed that by analysing both groups together, a better understanding of the focal point, government practice, will be a valid learning process.

Because rights protection encompasses both general human rights and refugee specific rights\(^\text{15}\), it is assumed that the audience are already familiar with the overarching human rights principles. The rights of displaced persons are indivisible from human rights.

\(^{15}\) Guglielmo Verdirame and Barbara Harrell-Bond, *Rights in Exile*, 7
Chapter Two: The Role of Government in International Law

The aim of this chapter is to understand international law that directs the governments in relation to refugees and IDPs. Frameworks from the United Nations (UN) and African Union (AU) have been analysed.

1951 Convention

The 1951 Convention Relating to the Status of Refugees was the first international law to legally recognise refugees and set universal standards for their protection, dignity and equality. A refugee is an individual who has a well-founded fear of persecution and leaves the protection of his country and is unable to return, due to that fear.17

Governments are central to legal policy regarding refugees. Highlighting an intensely political arena, the Convention starts by expressing that;

“All States, recognizing the social and humanitarian nature of the problem of refugees, will do everything within their power to prevent this problem from becoming a cause of tension between States.”18

16 All reference to international law are cited in full in the Annexes.
18 Preamble, 1951 Convention, page 13
Signing the 1951 Convention demonstrates a country’s commitment to treating refugees in accordance with international standards, recognising their responsibility for the refugees’ protection and welfare. These include non-refoulement, access to status-determination procedures, and freedom of movement, family reunion, and access to education or facilitation to work.

Adelman argues that this signature surrenders the control a nation-state has over the most sensitive and central aspect of its sovereignty, the right to determine who can and cannot become members. This is at the heart of the tensions arising between government, agencies and refugees. When refugees are seen to be forced upon their hosts in overwhelming numbers or for long periods of time, their legal responsibility becomes a harder expectation to meet.

The hope that refugees will not be treated differently to other foreigners is evident. In some cases, for example the right to practice religion, they should be treated the same as nationals. However, as agencies’ roles are further considered, it is possible that in some ways refugees are treated more favourably than nationals. They are in fact receiving more access to land and services to meet their needs than their Ugandan counterparts.

Refugees are required to abide by the laws and regulations of their country of asylum and any measures for the maintenance of public order. Cessation of refugee status takes place when the refugee voluntarily returns home, acquires a new nationality through the host state or third country or the situation giving rise to refugee status has been eradicated.

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19 UNHCR, “Signing Could Make All The Difference”, 6
20 Verdirame and Harrell-Bond, Rights in Exile, 7
21 Howard Adelman, “Modernity, Globalization, Refugees and Displacement”, 95
22 United Nations, Convention Relating to the Status of Refugees, Article 13
23 United Nations, Convention Relating to the Status of Refugees, Article 4
24 United Nations, Convention Relating to the Status of Refugees, Article 2
Article 34 intends for a ‘naturalization’ process to take place once the status of a refugee has been determined stating, “The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees.” The process should restore dignity to their lives and lead to integration within the host society. “Indeed the Convention uses the word, assimilation, which implies the disappearance of differences between refugees and their hosts as well as permanence within the host society.” This should begin to happen once the refugees are given their status.

However, governments do not always want to naturalise refugees. Often due to the influx across the border, local integration also “carries with it a connotation of permanence as well as security problems and resource burdens.” There is a lack of clarity in status determination procedures and standards for fair trial which are not commented upon in the Convention. Inconsistency of treatment in different countries is apparent.

Whilst States sign to implement the Convention’s principles, there are several Articles which undermine this intention. For example, Article 33 is one of the most important principles in the Convention prohibiting the expulsion or return of refugees to their home country. However, the second paragraph of the article states that if reasonable grounds of security emerge, they could be sent back. This is a dangerous get-out clause allowing states to forcibly send refugees home. However, for the vast majority of cases, is interpreted in its most limited way yet national security is a theme that begins to develop from this point.

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26 United Nations, Convention Relating to the Status of Refugees, Article 34
28 Sarah Dryden-Peterson and Lucy Hovil, “Local Integration as a Durable Solution”, 2
29 United Nations, Convention Relating to the Status of Refugees, Article 36
30 United Nations, Convention Relating to the Status of Refugees, Article 33.2
UNHCR are mandated within the Convention. States are to co-operate with the agency “in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of this Convention.”

UNHCR see their own role as the guardian of the Convention, taking the lead in coordinating the response of the international community, promoting implementation of standards, ensuring refugees are granted asylum and given durable solutions.

The effectiveness of UNHCR is often questioned because their operations have increased beyond their mandate. UNHCR have been included in this literature review to examine the potential power an international organisation and its partners can have in limiting states duties and responsibilities.

“The international community has created an elaborate legal and institutional structure in which UNHCR is the servant to the world’s humanitarian conscience. This allows individual states – both host governments and those that generate forced displacement – to abdicate fundamental responsibility for structural and proactive responses to this global problem.”

UNHCR’s intention of being an advocate for refugees and strictly non-political is nearly impossible to accomplish. For example, protecting refugees from repression requires a direct challenge to a government’s authority, resulting in a contentious relationship. Alternatively, they accept the host state’s methods in order not to become redundant. Both scenarios seem to limit

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31 United Nations, Convention Relating to the Status of Refugees, Article 35.1
32 UNHCR, Signing Could Make All the Difference, 3
34 Roger Zetter, “International Perspectives on Refugee Assistance”, 60
UNHCR’s effectiveness as well as impacting the ability of a state to adhere to its full responsibility.

1969 African Charter
The 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa was developed to address a growing refugee flow in Africa. “Convinced that all the problems of our continent must be solved in the spirit of ... the African Context”, it provides a regional incentive for African countries to comply with international agreements. Its intention was largely to compliment the 1951 Convention and, overall, it does this successfully.

The strength of this Charter is its authority. There has been a sense of ownership and wide compliance amongst African states because it was predominantly designed by them, although UNHCR’s involvement has been questioned. Because political tension between states rises when refugees are accepted, the Charter outlines that “the grant of asylum to refugees is a peaceful and humanitarian act and shall not be regarded as an unfriendly act by any Member State.” This encourages states to implement the Charter with mutual agreement that it should not affect international relations.

The definition of a refugee is expanded in the Charter because it outlines ‘group determination status’. This allows displaced populations to be considered as refugees, even if they do not individually face persecution, but disruption of public order has forced them to flee. This portrays the situation arising to refugee flight more realistically than the 1951 Convention. However, a negative consequence is that it dilutes the definition of a refugee.

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37 Organisation of African Unity, Convention Governing the Specific Aspects of Refugee Problems in Africa, Article 2.2
38 Organisation of African Unity, Convention Governing the Specific Aspects of Refugee Problems in Africa, Article 1.2
Instead of the naturalisation process, that is more successful in individual cases, the group status of refugees pushes countries to create camps and settlements whose residents often remain foreigners until they return home. As well as having severe limits on the rights of refugees, the chance of those living in camps and settlements being able to integrate into the host society and build a sustainable livelihood is unlikely.

National security is an overriding theme throughout the Charter. As their numbers increase and they do not go home, the fear of security risks that refugees bring grows. Countries are known not to admit refugees to avoid, amongst other things, accusation that it may be supporting refugees in mounting insurrections against the sending government. Thus, the Charter states, “For reasons of security, countries of asylum shall, as far as possible, settle refugees at a reasonable distance from the frontier of their country of origin.” However, as well as a ‘reasonable distance’ being an arbitrary decision, security fears have rarely proven to become real. What is instead apparent is the negative impact of separation from the host community and a growing dependence on aid by those living in the camps.

**Guiding Principles on Internal Displacement**

Refugees are not the only type of displaced population. Internally Displaced Persons (IDPs) may flee their home for reasons similar to the definitions of persecution defined in the 1951 Convention or the 1969 Charter. Reasons also include environmental disaster or developmental displacement. An IDP does not leave the jurisdiction of their own state, remaining within its borders. International agencies cannot provide any assistance or protection

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40 Organisation of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa*, Article 2.6
during displacement or return unless invited to do so by the national government.  

It was not until 1998 that IDPs were formally recognised through ‘The Guiding Principles on Internal Displacement’, as there was a need for specific support in an often tense relationship with their own government. The Principle’s purpose is to be “a critical tool...providing an advocacy and monitoring framework for the assistance and protection needs of the internally displaced”.  

The Principles are not binding, but state that national authorities have the primary duty and responsibility to provide protection and humanitarian assistance to IDPs. A handful of countries have outlined IDP circumstances in their national laws. In most of these, the International Committee of the Red Cross (ICRC) takes the lead as the designated authority in IDP situations. Alternatively this is passed to UNHCR.  

Crucially, IDPs “shall enjoy, in full quality, the same rights and freedoms under international and domestic laws as do other persons in their country.” Non-discrimination is key in their treatment and connection with their government. Communication between the two parties is encouraged. “Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether.”  

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Throughout the document, conflict is focused upon as it is the main reason that leads to displacement. It is the result of a state not protecting its citizens. However, this leaves the treatment for those who are displaced for development or environmental reasons less authoritative if based on The Guiding Principles alone.

The strength of The Principles, if directly compared with the preceding international law, is that they give clearer guidance on procedure. Welfare standards, guidance on decision-making, information availability, consent and involvement of the IDPs in the planning of their relocation are all highlighted and essential in strengthening a government’s response.

The right to liberty is indicated through the statement, “They shall not be interned or defined to a camp.” However, in several cases of displacement planned settlements are a common option if communities are to stay together. There is no stated definition of what constitutes a camp.

**Kampala Convention**
Africa hosts 11.6 million IDPs in 21 countries. As such, the AU has become the first continental organisation in the world to adopt a legally binding instrument to protect the rights of IDPs. Member states ratified ‘The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa’ in October 2009. Reflecting the vulnerability of IDPs and

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their increasing number, it sets out to make the Guiding Principles legally recognised by giving African states a legal framework to abide by.

States are given full responsibility for IDPs\textsuperscript{51} and The Kampala Convention can be separated into four thematic areas. The first major focus is on prevention of displacement. The preamble declares that states should eradicate its root causes by prioritising the adoption of The Kampala Convention into domestic law.\textsuperscript{52} This delivers a foundation from which the rest of the policy is delivered.

Practical ways of achieving prevention are given. These include creating early warning systems, involving society in discussions regarding development projects that may cause displacement, and ensuring the rights of citizens are respected without discrimination. Forced movement should only happen if the population’s health and safety depends on it.

Secondly, protocol during displacement is outlined. State Parties shall ensure IDPs “are received, without discrimination... and live in satisfactory conditions of safety, dignity and security.”\textsuperscript{53} Their assistance should meet basic needs, allow access to IDPs by humanitarian organisations and promote sustainable livelihoods.\textsuperscript{54} This should be provided with the least possible delay and guarantee freedom of movement and choice of residence.

Interestingly, the AU draws upon agency policy to ensure high standards. For example, guidance on assessment, monitoring and evaluation is given. The

\textsuperscript{51} African Union, \textit{African Union Convention for the Protection and Assistance of Internally Placed Persons in Africa: Kampala Convention}, (Adopted on 23\textsuperscript{rd} October 2009) Article 5.1-12
\textsuperscript{52} African Union, \textit{African Union Convention for the Protection and Assistance of Internally Placed Persons in Africa: Kampala Convention}, Preamble
\textsuperscript{53} African Union, \textit{African Union Convention for the Protection and Assistance of Internally Placed Persons in Africa: Kampala Convention}, Article 9.2.A
\textsuperscript{54} African Union, \textit{African Union Convention for the Protection and Assistance of Internally Placed Persons in Africa: Kampala Convention}, Article 3.I-J
Sphere Standards are explicitly mentioned.\textsuperscript{55} This shows that the policy is intent on being user-friendly and that it has learnt from past dilemmas, such as parallel service provision, unintentionally created by previous policy.

The Kampala Convention mandates the work of the AU and UN when state resources are inadequate to support IDPs themselves.\textsuperscript{56} However, it goes further by instructing any agencies taking part in the programming to abide by international law and humanitarian codes of conduct.\textsuperscript{57} This accountability process has not been seen in the other international law reviewed and is welcomed as agencies must act within the specific remit given to them.

Thirdly, states should seek solutions to bring displacement to an end through voluntary return, local integration or relocation on a sustainable basis.\textsuperscript{58} The concluding processes should allow IDPs to participate and make free and informed choices on their preferred solution. This is another example of policy drawing upon best practice of development work. However, what is not explained is when an IDP should lose their status. In circumstances where new homes are found, the IDP label tends to remain because they are still ‘foreign’ to the new area.

The final thematic area regards application.\textsuperscript{59} Judging an internally displaced population to be outside the jurisdiction of the state’s welfare provision and protection is wrong. Application takes place through domestic law. Only 11 out of 53 states have done this. The task of preventing internal displacement

\textsuperscript{55} African Union, \textit{African Union Convention for the Protection and Assistance of Internally Placed Persons in Africa: Kampala Convention}, Article 9.M
\textsuperscript{56} African Union, \textit{African Union Convention for the Protection and Assistance of Internally Placed Persons in Africa: Kampala Convention}, Article 5.2,5.3,5.9
\textsuperscript{57} African Union, \textit{African Union Convention for the Protection and Assistance of Internally Placed Persons in Africa: Kampala Convention}, Article 6.1-3
\textsuperscript{58} African Union, \textit{African Union Convention for the Protection and Assistance of Internally Placed Persons in Africa: Kampala Convention}, Article 11.1
\textsuperscript{59} African Union, \textit{African Union Convention for the Protection and Assistance of Internally Placed Persons in Africa: Kampala Convention}, Article 15.1
is a huge commitment. As well as respecting the rights of citizens, the state will go further to protect citizens in the place they call home, even if this is a place of conflict or disaster that has initially arisen from threats to or weaknesses in their governance. It is almost as if states are signing up to say that such violations are within their power which they would not want to admit to. The IDP label seems to indicate that the government could not protect them. Further, compensation to be provided by the state admits fault which is an extremely brave political move.

Outlining individual responsibility and ensuring the accountability of non-State actors, there is no comment on punishment for States if they fail to abide by the Kampala Convention. The AU has the ability to intervene and states shall monitor and review each other. However, its effectiveness is questioned because no state adheres perfectly to all the regulations set out in the Convention.

**Sphere Standards**

As this dissertation aims to indicate principles organisations and practitioners can adopt in their work, the Sphere Standards are included in this review. The Sphere Standards set principles for delivery. This includes direction to effectively respond through coordination with government authorities. Through this collaboration, their response should maximise efficiency, coverage and effectiveness in serving beneficiaries. Therefore, it is key for

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agencies to “be informed of the responsibilities, objectives and coordination role of the state.”  

However, highlighting the potential power of international organisations and humanitarian agencies, Sphere suggests that alternative coordination mechanisms may be appropriate if;

“State authorities are themselves responsible for abuse and violations, their assistance is not impartial or the state lacks capacity to play a coordination role. In these situations coordination meetings may be separately or jointly led by the local authorities with the UN or NGO.”

What is not detailed is who should make this decision or the steps necessary to ensure governments return to their responsibility when appropriate.

A guide for setting welfare standards, Sphere is clearly is dominated by an agency mind-set. As external actors they should “Assist people to claim their rights, access available remedies and recover from the effects of abuse.”

Whilst the government are responsible for rights, the focus here is on humanitarian agencies ensuring the population can claim those rights. Such discourse immediately presupposes that rights are not being respected by government. This underestimates their role and places achievement upon agencies reversing the situation.

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64 The Sphere Project, *Humanitarian Charter and Minimum Standards in Humanitarian Response*, 58
65 The Sphere Project, *Humanitarian Charter and Minimum Standards in Humanitarian Response*, 60
Conclusion
This analysis of international law has shown that the policies relating to displaced populations have improved, as more recent efforts present a more realistic reflection of the situation. For example, wider definitions of a refugee are formalised in the 1969 Charter to encompass the vast number of people forced to leave their home without an individual fear of persecution. As IDPs are recognised much later, the policies surrounding their protection bring a much more practical discourse including attempts at standardisation of service provision. Not only do they bring the roles of humanitarian agencies into account, but also attempt to outline ways of assessing the situation, involving the displaced in decisions and communication, and helping to hold both states and agencies to account for their actions. If the 1951 Convention were to be rewritten, it could learn a lot from the Kampala Convention.

Adelman criticises the 1951 Convention for not working effectively. It had to react to the fact that refugees were not solely within the geographical jurisdiction of Europe, nor was their flight linked to the aftermath of World War Two. The 1967 Protocol allowed refugees who were, until that point, classed as ‘humanitarian refugees’ not ‘Convention refugees.’ His argument that the policy does not meet refugees real needs is continuing. The legacy of the 1951 Convention continues to prevail as groups of displaced people continually get lost in arguments of national security, and led to the 1969 Charter leading policy towards camps and settlements. What needs to be further explored are how real these concerns are, and to what extent this continues to hinder the naturalisation of refugees who are seemingly choosing self-settlement and their own durable solutions that are not scripted in policy.

67 Howard Adelman, “Modernity, Globalization, Refugees and Displacement”, 94
It was right to bring agencies into the debate. Whilst Sphere Standards and regional law recognise the need to coordinate with government, by setting their own standards for service delivery, the continual power struggle between the two parties continues.

State responsibility is clear and cannot be doubted. However, the policies continually repeat statements that reinforce sovereignty. These include statements regarding the non-political nature of support, that non-discriminating actions will not be judged and should not create tension between states. This is for both refugees and IDPs and highlights the continued vulnerability that states are facing as they sign the protocol. Further examination outside the legal frameworks is crucial to build the research.
Chapter Three: Factors of Influence Affecting Governments

After considering the legal frameworks that direct a state, wider literature has been reviewed to understand influential factors impacting the effectiveness of governments in displaced population policy and implementation. The ability of compliance to international law is not limited to a signature, the context of its operational response is fundamental to success. The aim of this chapter is to explore the influences on government practice in order to conceptualise the dilemmas involved.

Despite a growing body of research, much of the literature discusses the individuals involved. Zetter argues against this stating, “The danger of modernity is that it places individual freedom and rights on an abstract pedestal, and forgets that they are exercised within a historical context and by governments to which the individuals belong.”\(^{68}\) As such, this dissertation intends to highlight possible perceptions forged by a government seeking to protect *collective* rights and thus having to make choices or trade-offs between competing concerns.

It needs to be stated that there is a discourse portraying governments negatively. Reference to what has gone wrong is used more often than what has gone right. Blame, evidence of inaction and the assumption that host

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\(^{68}\) Howard Adelman, “Modernity, Globalization, Refugees and Displacement”, 103
governments are unable or unwilling to deliver adequate relief are all common. This following quote perhaps highlights this;

“Camps are invariably under the de facto control of the United Nations High Commissioner for Refugees (UNHCR), since host states lack the resources to act in a manner that would bring their international legal responsibilities into meaningful effect...”

**Government Policy**

In the midst of accusations that states have abdicated their responsibility, activities, intention and trade-offs do not get rightful exposure. For example, Kuhlman discusses a welcoming Ivorian government to Liberian refugees, whose policy did not succeed due to UNHCR’s policy of parallel services and focus on ‘care and maintenance’. However, his recommendations suggest UNHCR implement mid-term strategies of local integration, but fail to mention how the government’s policies could be used and developed. This is too common an occurrence, especially when considering the statement made by Pearse in 1979 that:

“Aid imposed from the outside not only usurps the roles of the host, suppresses the creative energy of the refugee who could have been helped to help himself, but provokes responses which are hostile and unproductive for all concerned.”

Positive reference to government policy, if now dated, was found in the policy of Guinea and Malawi. Refugees were encouraged to settle

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70 Verdirame and Harrell-Bond, *Rights in Exile*, 15
spontaneously. Although critics could site the political intention of these policies, they are examples of government-led response which initially eliminated division between hosts and displaced, and the consequence of refugees becoming dependent on external actors.

The Political Context
Meyer states that social and cultural factors influence government in their actions. These include historical and cultural ties, ethnicity and kinship, or the general belief about refugees. However a fourth factor of ‘political influence’ is perhaps missing from his debate. Exploration of the political arena proves influences that underline and affect all the other factors. In Jacobsen’s opinion, the decision-making process of the host government, their current international relations status, capacity of local absorption and the cultural meaning of refugees are all inherently political and all need consideration. This includes the perceived costs and benefits of accepting international assistance, relations with the sending country, a national security agenda, political calculations about the local community’s absorption capacity and power struggles between government ministries and personnel.

Bureaucratic Procedure
Bureaucratic procedure highlights the political factors involved. The position of where those responsible for refugees or IDPs work within the parliamentary structure matters. Personnel in departments related specifically to displaced populations tend to have a more vested interest in the matters arising, shown through more positive policy. If the department is allocated to the responsibility of another ministry, such as defence or

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immigration, the displaced are more likely to be seen as a burden on an existing workload. This results in more negative policies.  

**Overwhelming the Host Population**

A common problem emerging from literature is that displaced populations overwhelm the host state. In the context of Africa, their arrival is in a country where the government are struggling to meet the needs of their own citizens. When numbers are manageable local integration is often used as a solution.

“However, when numbers run into hundreds of thousands, when resources are constrained, and when social and political tensions are exacerbated by the refugee presence, opposition to local integration both by local populations and political forces mandate that other options be forcefully explored.”  

The number of displaced people is a factor that can force governments to place them in organised settlements to mitigate the burden on the local community.

However, too often this creates a barrier between the local population and the displaced. An island of paradise in a sea of poverty has been used to describe the appearance of camps and settlements to those struggling to meet their needs, exacerbating tensions.  

**Overwhelming the Environment**

Environmental concerns influence the government’s reaction and subsequent policy. Degradation of resources includes the amount of land available and therefore granted, and the use of firewood, soil, water and other infrastructure. However, recent studies show that economic benefits are to

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78 John R Rogge, “Repatriation of Refugees”, 20  
be gained by an influx of the displaced, if they are able to work and actively contribute to society.\textsuperscript{80} Such research indicates that this happens over a longer period of time, not the shorter-term response indicators that international organisations and governments often base assessments upon.

**National Security**

The safety concern for the local population makes national security a sensitive focal point. The movement of large numbers of people suggests that a country may be losing control of its borders, or in the case of IDPs, its own population is making the state appear vulnerable. The arrival of both refugee and IDP populations could spread the conflict that they are fleeing from.

“Refugees create new security threats or aggravate existing ones. Refugee camps frequently harbour guerrillas – either by assisting them directly or by assisting their families so that the guerrillas are free to fight. The refugees themselves may constitute real or perceived threats to the host government.”\textsuperscript{81}

The government then acts by moving the displaced from border or conflict areas, trying to ensure that camps are exclusively ‘civilian’. However, research shows that this is not necessarily the case and confining displaced populations to encampment only makes a potential problem worse.\textsuperscript{82}

**Advocacy for Displaced Populations**

De Waal states that “When aid goes wrong or there is militarisation in their surroundings, the weak or undeveloped civil society and infrastructure leaves

\textsuperscript{80} For example, Martin Enghoff et al, “In Search of Protection and Livelihoods: Socio-economic and Environmental Impacts of Dadaab Refugee Camps on Host Communities” on Relief Web Website (http://reliefweb.int/sites/reliefweb.int/files/resources/C477129C7D41DCFB852577B3006B2 818-Full_Report.pdf, August 2010, accessed 27th July 2012)
\textsuperscript{81} Karen Jacobsen, “Factors Influencing the Policy Responses of Host Governments to Mass Refugee Influxes”, 672
\textsuperscript{82} Richard Black, “Putting Refugees in Camps”, Forced Migration Review, Volume 2 (August 1998) 7
refugees unable to protest against the situation." Pressure from refugees or IDPs themselves, depending on their situation and resources, can directly influence host governments and other factors that play a role in policymaking. Opportunities dependent on the agencies involved also need to be considered. The triangle of influence between government, displaced populations and agencies is beginning to form – and all three actors have their own set of influencing factors.

**Regional Pressure**

The final factors of influence are within the international community. Sending and receiving countries can manipulate refugee flows so as to embarrass or pressure each other. The sending countries create or condone refugee recognition, “to destabilize the receiving country, to force recognition of the sending country, or to stop interference by the receiving country in a sending country’s affairs.” In the same way, a host government can adopt policies toward refugees that are intended to embarrass unfriendly sending countries or prevent embarrassment to friendly sending countries.

**International Pressure**

Further afield, donor countries encourage favourable treatment of refugees through their financial power. The provision of assistance, or threat of reducing it, means donors carry influence over the host government. The threat of negative media coverage and publicity, diplomatic pressure and sanctions are real in countries that are dependent on international aid; but this dependence can usurp their overriding authority. For example, UNHCR staff were quoted as saying, “Let’s face it. Sudan can’t close her border to refugees...if she did, she will be shitting out millions of dollars in foreign

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83 Rakiya Omaar and Alex De Waal, “Imposing Empowerment? Aid and Civil Institutions in Southern Sudan”, 3
The prevailing attitude is that the agencies control the money and therefore they can control the policy. A dilemma faced by governments is how to balance receiving funds with the ability to control policy. In the worst case scenario, aid could be rejected to prove sovereignty at the expense of the displaced population.

Conclusion
What is certain is that the trade-offs highlighted in this chapter are very much part of the political arena. Remembering the vulnerable discourse that legal frameworks were indicating, this chapter aimed to further understand the political context in which choices are made.

As factors are examined outside the legal frameworks, sympathy toward a government’s choice process increases. The dilemma of choosing between the collective rights of the host and displaced populations highlights the sometimes impossible task of ‘doing what is right’. When the pressure to be as beneficial as possible to each individual surpasses what is realistically achievable, choices made between competing ‘goods’ must be given appropriate recognition.

The exploration of factors has also shown the daily routines that play out in order to achieve policy. Bureaucratic and diplomatic procedure, whilst intended for accountability and strong international relations, can as much hinder a process as it could achieve it.

As international organisations and humanitarian agencies are working to achieve their own mandates, problems of tension between agency and government are aggravated. If international organisations either do not

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85 Barbara Harrell-Bond, *Imposing Aid*, 16
recognise or ignore the sensitivities, and consequential implementation choice, a working relationship is destroyed at the cost of the beneficiaries.

The research will continue by exploring how the conclusions of Chapters Two and Three have affected Uganda’s domestic law and subsequent implementation. It will be made evident that the political rhetoric surrounding displaced populations is not invisible either in policy or implementation.
Chapter Four: National Law and Influencing Factors in Uganda

Knowing the role of the state and factors that influence policy, this chapter will consider ways that international law has become effective in national implementation. The legal parameters in Uganda, as well as local factors shaping its context, will be reviewed.

Uganda has had a long history of receiving immigrants, forced migrants and refugees. During the 1920s the country hosted Rwandese and Burundians as they fled state-imposed forced labour requirements and physical abuse. In the last decade, conflict in Rwanda, Burundi, The Democratic Republic of Congo (DRC), Kenya, Sudan and Somalia have led to hundreds of thousands of people living within her borders. Uganda currently hosts 585,000 ‘persons of concern’ including IDPs from internal conflict and disasters.

The Refugees Act 2006
In May 2006, The Refugees Act was signed. Its opening paragraph outlines the intent to work alongside the 1951 Convention. Its definitions of a refugee further build upon the Convention and the 1969 Charter.

86 Verdirame and Harrell-Bond, Rights in Exile, 3
The Act outlines that, “The Government of Uganda has the sovereign right to grant or deny asylum or refugee status to any person.”\(^8^8\) In a positive response to the weaknesses in the 1951 Convention, status determination processes are documented in The Act. Beginning with a written application within thirty days of arriving in the country, the asylum seeker can seek refugee status from either the Commissioner’s Representative or UNHCR (who then submit it to the Commissioner). Investigations or further information may be sought by the Refugee Eligibility Committee (REC). They are tasked to grant status or reject applications within ninety days. This decision is to be communicated to the asylum seeker within fourteen days of the decision, through the body that made the initial application.\(^8^9\) There is provision for special cases and room to appeal the decision.\(^9^0\) Whilst the process is documented, it is questionable how much information the refugees have themselves on the process and what happens to status-granting for those who do not submit a letter within thirty days of entering the country.

Office of the Prime Minister (OPM) is the ministry that manages the Department of Disaster Preparedness and Refugees (DDPR, See Annexe One & Two). The Department for Refugees (DoR) sits within this latter department. Its functions and the roles of other ministries are set out in law (Annexe Three & Four). Whilst those directly responsible for refugees have their own department, thus would potentially deliver more positive policies as Jacobsen assumes, DoR is based within a bureaucratic minefield of several other ministries. For example, members of the REC are from eight Ministries or special departments. Several sub-committees can be developed if requested and other actors, such as UNHCR, play a dominate role. This situation builds negative bureaucracy impact into implementation.

\(^{89}\) The Republic of Uganda, *The Refugees Act 2006*, Sections 19 & 20
\(^{90}\) The Republic of Uganda, *The Refugees Act 2006*, Section 21
In the midst of this, DoR has several duties to perform. The sheer burden of the workload, and the bureaucratic setting behind it, perhaps causes some implementation gaps as will be seen in the case studies.

UNHCR are members of the REC and are able to directly advocate the Appeals Board, which is an independent authority to ensure fair status determination. This directly challenges their aim to be apolitical in their service delivery. Further, they are given legal authority to liaise with the DoR, the Commissioner for Refugees, the Refugee Appeal Board and REC. This is essential for their role, and the other actors mentioned also communicate with one another, however the fact that this ability to liaise is expressly stated shows the potential power that UNHCR have been given to shape refugee policy.

Interestingly, the term ‘integration’ is used throughout the law. It is defined as “a process of interaction and peaceful co-existence and the sharing of available services between refugees and nationals”. The indication of naturalisation is given through the cessation of refugee status by becoming Ugandan or acquiring citizenship elsewhere.

However, the biggest gap in implementation is the difference between becoming a refugee and achieving naturalisation. Many refugees have been in the country for several decades. The refugees have been granted a status, but have not become Ugandan. This is perhaps the lasting legacy of the Control of Alien Refugees Act (CARA). Enacted in 1960, 16 years before signing the 1951 Convention, CARA did not recognise international standards for the treatment of refugees. Crucially absent was the objective of citizenship or naturalisation.

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91 The Republic of Uganda, *The Refugees Act 2006*, Section 8
It was not a goal of the long term strategy. Subsequently, the attitude remaining is that refugees will be kept in settlements until they return home. Section 45 states that, “The Constitution and any other law in force in Uganda regulating naturalisation shall apply to the naturalisation of a recognised refugee”. It does not state how this will happen.

On the 20th June 2012, Uganda’s Minister for DDPR announced that the government have set up a committee that includes refugees and humanitarian agencies to discuss the mechanisms for naturalisation.

“These are refugees who have lost touch with their countries of origin...Naturalisation of these cases is one possible solution and will mean their stay in Uganda will not be illegal. They will be Ugandans who are entitled to live and work in Uganda and have a productive life.”

It is intriguing that refugees currently are considered by the Government Minister as illegal, despite what The Act states. This statement also indicates an admission that refugees currently do not have a ‘productive life’, in other words a durable solution within the country. It perhaps is a consequence of the fact that The Act gives roles predominantly surrounding status determination measures within the REC yet much less description is given to then supporting refugees whilst they remain.

CARA also regulated assistance delivered to refugees through isolated and rural settlements in order to facilitate self-sufficiency. This has continued into The Act with designated places for temporarily accommodating persons or more permanently siting them once refugee status is granted. This is

94 Verdirame and Harrell-Bond, Rights in Exile, 41
95 The Republic of Uganda, The Refugees Act 2006, Section 45
97 Sarah Dryden-Peterson and Lucy Hovil, “Local Integration as a Durable Solution” 5
intended to give government control of peoples’ movement, especially as permission must be requested from a refugee to live anywhere other than the designated place. By continuing to separate refugees who have been granted leave to remain from the Ugandans living and working with them, legal limitations such as reasonable restrictions on the freedom of movement\textsuperscript{99} appear very real. With the naturalisation committee, perhaps this is beginning to change.

Once again, national security directs The Act. The majority of REC members serve in ministries regarding security or controlling borders. Further, whilst refugee status is granted, expulsion is allowed “if the Minister considers the expulsion to be necessary or desirable in the interest of national security or public order.”\textsuperscript{100} Echoing the 1951 Convention, this gives a dangerous get out clause to send refugees home. Refugees will need to trust the government’s judgement for safe return, yet other factors of influence may instead prevail.

**The National Policy for Internally Displaced Persons**

It is a major strength of the Government of Uganda that a legal document to protect IDPs has been put in place. This is rare throughout the world and they are only one of five African countries to do so.\textsuperscript{101} Signed in August 2004 and building on existing international law, the government commits itself to:

“Protecting citizens against arbitrary displacement; promoting the search for durable solutions to causes of displacement; facilitating voluntary return, resettlement, integration and re-integration of the

\textsuperscript{99} The Republic of Uganda, *The Refugees Act 2006*, Section 30.2
\textsuperscript{100} The Republic of Uganda, *The Refugees Act 2006*, Section 40.1
\textsuperscript{101} Economic, Social and Cultural Council of the African Union and Internal Displacement Monitoring Centre, *Making the Kampala Convention Work for IDPs*, 9
IDPs, ensuring that every person, internally displaced or otherwise receives information relating to this policy”.  

Importantly, “the government shall ensure that every person in Uganda is protected against being arbitrarily and/or compulsorily displaced from his or her home of habitual residence”. It also means the government has a responsibility to avoid development projects that will displace populations unjustly.

Written during the war against the Lord’s Resistance Army (LRA), the Policy has security at its centre with a large role for the Uganda People’s Defence Force (UPDF), the government’s armed forces. They exist to ensure security of people and property, alongside the Ugandan Police.

The Policy states that the lead agency is OPM who will ensure coordination and protection, overall responsibility, supervising activities of other agencies and government institutions. Increasing upon the bureaucratic complexity of The Refugees Act, even more ministries are involved in the Policy to include service providers and the local government (Annexe Five, Six and Seven). The inter-ministerial policy committee and the inter-agency technical committee are in place to define policy and then ensure implementation. This is right in its intention but when added to the decentralised system of incorporating local actors, it would perhaps be more helpful of the inter-agency technical committee focussed their role directly to the local context, rather than adding another forum of discussion at the national level. This argument should not take away from the positive involvement of local authorities. It is interesting

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103 The Republic of Uganda, *The National Policy for Internally Displaced Persons*, Section 3.3
104 The Republic of Uganda, *The National Policy for Internally Displaced Persons*, Section 2.1.1
that human rights groups and individual IDPs are also given a legitimate role within the system. This has not been the case for refugees.

Freedom of movement, in contrast to the limits placed upon refugees, is guaranteed “to ensure that all displaced persons have the freedom to move and have access to all areas where various economic and social activities take place”\textsuperscript{105}. Further, IDPs are to choose their place of residence and involve in land identification and distribution. Other considerations such as access to the markets, the space between dwellings constructed and special protection measures for the most vulnerable should be made.\textsuperscript{106} The case study will show how the activities mentioned were implemented, but their success is questionable.

The policy indicates that the welfare of the population will be supported through access to land, food security, shelter, clothing, education, water, sanitation, resettlement kits to support construction and self-employment, and rehabilitation of infrastructure. Involving several ministries and committees, it is confusing as to who should be responsible for the actual delivery of items. Further, there is confusion on the standard of what should be delivered. For example, “Supporting the IDPs who have been denied access to their land, measures should continue throughout the resettlement phase until the returnees are sufficiently integrated and are food secure…”\textsuperscript{107} is not the same as the requirement that food support is given until “they harvest their first crop.”\textsuperscript{108} It is not clear from the policy when the IDP ‘emergency’ shall be declared over, and when they should be once again treated the same as Ugandan citizens without a special label. With no “naturalisation” process after relocation, it will take a long time to lose the IDP label.

\textsuperscript{105} The Republic of Uganda, \textit{The National Policy for Internally Displaced Persons}, Section 3.2
\textsuperscript{106} The Republic of Uganda, \textit{The National Policy for Internally Displaced Persons}, Section 3.6
\textsuperscript{107} The Republic of Uganda, \textit{The National Policy for Internally Displaced Persons}, Section 3.8
\textsuperscript{108} The Republic of Uganda, \textit{The National Policy for Internally Displaced Persons}, Section 3.8.4
There is a dedicated role for National and International Humanitarian and Development Agencies, specifically the Uganda Red Cross Society (URCS), and UN Agencies and partners. Whilst the government is still to take the lead through OPM, monitoring activities and coordinating relief, the agencies are requested to support IDPs through all the activities mentioned. There is clearly a place for agencies to operate. It is interesting that, even in law, external agencies are relied upon for practical implementation and support.

**Factors influencing Ugandan Policy**

As noted in Chapter Three, several factors impact upon the type of experience displaced populations have. It is therefore important to briefly highlight some of the factors influencing Uganda’s policies.

**Political Insecurity**

President Museveni and the National Resistance Movement (NRM), the ruling political party, have been in power since 1986. Museveni achieved his position through winning a civil war. He was not elected as President until 1996. The strength of his time in power is said to be through his ability to control of the armed forces and by winning the favour of the general public through liberation. He has now been elected four times. However, political insecurity lies in the fact that the threats to national security, if escalated, could overthrow him in the same way he became President. Further, nerves are evident when consideration of who could take power when he leaves is debated. The maximum term-length of a Presidential candidate has been increased in order for him to stay in power. Electoral violence has not weakened the stay in Office, with opposition protests allowed to take place but, as of yet with no immediate impact.
**National Security**

National security is a concern for Uganda, but the threat of loss of sovereignty and control of borders seems to remain as just a threat. For several years the LRA wreaked havoc in northern Uganda, with 1.8 million being displaced internally and internationally at the height of the conflict.\(^{109}\) Despite criticism of the policy that handled the conflict, including forcing populations to stay in IDP camps that did little to protect civilians from the war or fully support them as they returned home\(^ {110}\), NRM were applauded by the general public as they signed a peace deal with the rebels. They have since fled to DRC and further afield.

More recently, on July 11\(^{th}\) 2010, two bombs exploded in Kampala whilst crowds were enjoying the World Cup final. El Shabab claimed responsibility for the attacks at a rugby club and restaurant citing Ugandan troops serving the AU’s peace force in Somalia as the reason. Although disturbing public order in the capital, UPDF continue to fight in Mogadishu highlighting Uganda’s ability to prove herself as a strong, sovereign figure on the African stage. The situation also gives favour to having so many security figures within refugee and IDP policy.

**Regional Relations**

International relations have remained largely peaceful, despite conflict enveloping neighbouring countries. Uganda has opened up her borders to refugees, repaying the favour that its population received from Sudan and other countries. However, complex dynamics are at play, especially in relations with Rwanda. Museveni and President Kagame of Rwanda fought together for NRM in the 1980s. Whilst considered ‘brothers’, receiving

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refugees from post-genocide Rwanda could be seen as disloyal. Receiving refugees from DRC may also be politically dangerous as the international community have accused Kagame of supporting the M23 rebels with weaponry.\textsuperscript{111} This proves to be a sensitive policy issue that could damage relations if not carefully managed.

The subject of tension directly with DRC is limited to the competition of natural and economic resources or small border disputes. However, given that the LRA have moved into the north of the country and several Rwandese continue to live in DRC, the Ugandan government continue to monitor the situation very carefully.

**International Relations**

Further afield, the international community seem to favour Uganda by being generous in their financial support. Purposefully staying away from contentious policies, such as Gadhafi or Mugabe, their central politics have been welcomed. Further, they have taken the lead on several issues which has elevated the government’s recognition around the world. For example, Uganda was the first country to ratify the Kampala Convention after hosting its international conference.\textsuperscript{112} However, it is hard to decipher to what extent these generally positive displacement policies result from external pressure or domestic progression.

The donor relationship in service delivery for refugees has been tested. The government acknowledged that, “donor agencies had ‘an upper hand in the control of activities which they sponsor’ but added, perhaps portraying some insecurity on the matter, ‘This...does not mean that they control the

\textsuperscript{111} BBC Africa, “Rwanda Military Aid Cut By US Over DR M23 Rebels” on BBC News Website, (http://www.bbc.co.uk/news/world-africa-18944299, 22\textsuperscript{nd} July 2012)

\textsuperscript{112} Internal Displacement Monitoring Centre, “Making the Kampala Convention Real: From Paper to Action”
commandments”. The fallout of parallel service provision created by UNHCR was halted as their expenditure was reduced, and the government were forced to react and integrate services. This decentralisation leap was dramatic as local actors took over responsibility. Although still very much reliant on aid, Uganda is not abdicating responsibility but aiming to prove its control over policy and implementation.

Conclusion
The focus on Uganda has shown that national security poses a real threat. The legacy of international law provides the backdrop for a resettlement process that does not integrate or nationalise, but instead isolates and controls the livelihood opportunities of displaced populations.

The policy does seem very aspirational. For example, “the Government shall establish and maintain adequate grain stores for IDPs and other emergencies...” yet there are none in the country. The ideal must be set out as it would be political suicide not to be legalising the absolute best service and protection for those who need it. However, when the government does not deliver these high standards they are putting themselves in an extremely vulnerable position. Perhaps this is why dedicated roles have been given to agencies in both the Refugee Act and National Policy for IDPs. In the next chapter, research intends to portray whether Uganda has abdicated its authority to the agencies or if a working relationship for both parties, that is beneficial to the displaced, is apparent. And, more importantly, how these stakeholders are meeting the expectations created by law.

However, in the midst of this, Uganda has proven its governmental authority. There is a lot of legal documentation in place to support the welfare of

113 Verdirame and Harrell-Bond, Rights in Exile, 38
114 Verdirame and Harrell-Bond, Rights in Exile, 42
115 The Republic of Uganda, The National Policy for Internally Displaced Persons, Section 3.8
displaced populations. This is an improvement upon the situation stated by Verdirame and Harrell-Bond. However, the policy is surrounded by an intensely bureaucratic arena. The number of actors involved makes it hard to fully comprehend the operation of the system. Whilst it is right to involve different ministries and include committees for checks and balances, the scale of the task of implementation leans towards displaced populations becoming a burden. Where the displaced are added to workloads, policy implementation is not as positive as it could be. The challenge for OPM to make a positive impact in its field operations will be explored in the case studies presented in Chapter Five.

116 Verdirame and Harrell-Bond, Rights in Exile, 49
Chapter Five: Case Studies from Uganda

Map One: Case Study Overview

Three case studies portray an IDP settlement, the control of newly arrived refugees and those living in a more permanent refugee settlement. Each case study is presented by revealing the situation reflecting the context surrounding their displacement, conditions in the settlements from their perspective and, lastly, the implementation and consequence of government policy. Reflecting trade-offs, the conclusion highlights possible agency response for effective policy implementation.
Kiryandongo IDP Resettlement Programme

Situation
On 3rd March 2010, Bududa District in eastern Uganda experienced devastating landslides. Eighty bodies were recovered and over 300 people remained missing. As a result the fertile slopes of Mt Elgon were declared by OPM as unsafe.

Map Two: Relocating from Bududa (Point A) to Kiryandongo (Point B)

The government’s Kiryandongo IDP Resettlement Programme voluntarily resettled 602 affected families over 400 kilometres away. The area was

formerly occupied by Kenyan and Sudanese refugees and a small number remain. The government gave the IDPs a 2.5 acre plot with one acre ploughed, and distributed seeds and construction materials for temporary homes. The acre plots are grouped into six zones and the government has promised a home to each IDP family with access to health and education services within their new village.

Situated on a site used to settle refugees, many of whom have returned home, the area is 15 kilometres from the nearest town and has no infrastructure, including roads. The only agency to have played a role was The Salvation Army who gave an initial food distribution upon arrival.

**Life as an IDP**
The 4,000 IDPs have faced three food shortages due to failed crops since arrival. Although the local community have not had harvesting problems, the IDPs have blamed late rains, drought, planting the wrong crops and late planting. One lady said,

“**The sunshine has been too much this season...we don’t expect to harvest this season. We don’t have ripe mangoes because we ate them early. We are grateful that there have been no deaths and the children have so far survived... We were not given hoes and the land is harder than we are used to.**”

Food security is worsening. An IDP and a refugee fought over mangoes and were taken to hospital both suffering from panga cuts. Although described by police as a one-off, frustration shown through violence has become one consequence of hunger. Further proof of livelihoods taken away, men said they searched for work by walking to Kiryandongo town. “**If I go every day in one week, I will be lucky if I find paid work once.**”
The local population in the wider district have not experienced food insecurity. A local official said, “They don’t know how to manage their food. They have wasted maize three times. They sell it for matooke\textsuperscript{118} which is much more expensive and doesn’t last long...then they become hungry later.”

The resettlement site did not boast adequate infrastructure before the IDPs were moved. Of seven boreholes, one has been condemned, three are broken and one works intermittently. The two remaining serve the IDPs, who are used to collecting water freely in streams, and their refugee neighbours. One man told of how he accompanied his wife to collect water at night because it was quicker than waiting during the day. He provided safety and prevented her being overtaken in the queue.

The local health centre only operates three days per week because inadequate housing prevented staff living in the resettlement area themselves. A government primary school has 1280 pupils with more than 80 in each class. Youth explained that the need for a secondary school was also pressing. “We need a secondary school, but there is none. The closest secondary school is 15 kilometres away. I went to school in Bududa, I was in S2. Education stopped when I moved here.”

Shelter was identified by the community as their most pressing need. “When you move deep in our villages, you will see that temporary shelters stopped being distributed in July 2011. What is left is wearing thin and we are starting to use grass to thatch our homes.” The government representative said the ‘global economic meltdown’ was the reason for only building 130, belonging to those who arrived first, of the total 603 houses promised. The OPM Representative projected 100 houses per year would be built over the

\textsuperscript{118} Local banana crop used in cooking meals and part of the staple diet in Eastern Uganda
next five years to assist the remaining families. On a site map, further infrastructure such as schools, shops and more clinics were also planned. However, the OPM’s ‘Plan of Action for the financial period 2010-2012’, places the “completion of resettlement of Bududa survivors in Kiryandongo” as its top priority.\footnote{OPM, “Plan of Action for the financial period 2010-2012” on Office of The Prime Minister Website, (http://www.opm.go.ug/assets/media/resources/9/Plan_of_Action_for_the_financial_period_2010-2012.pdf, accessed 31st August 2012) 1}{119}

### Dynamics of Response

The initial aims of the resettlement programme were to protect the IDPs from possible death if the landslides reoccurred. The National Policy does allow this as a protection mechanism is necessary and the move was ‘voluntary’ if survivors had other options.\footnote{African Union, African Union Convention for the Protection and Assistance of Internally Placed Persons in Africa: Kampala Convention, Article 4.4.F}{120} However, the government should have remembered that “state parties shall endeavour to protect communities with...
special attachment to, and dependency, on land.” Struggles to maintain livelihoods were due to the change of environment.

In speaking to government representatives, they were quite honest in noting that the plans have not worked thus far.

“This first phase was part of the evacuation and relief stage whereby lifesaving assistance was essential. Now government are in the development stage but the challenge is that there are some unresolved relief issues.”

No longer an emergency or priority for the government, IDPs have been left in a precarious and uncomfortable position. Their Chairman said;

“I went to the Minister for Disaster Preparedness. They have been promising us an assessment but it has all been in vain. A new disaster in Bududa is disorganising the government to come and help us. They have funds but say there is nothing that they can do. I don’t know, we are resettled but not settled.”

IDPs are not yet able to forge their own livelihoods and trust in the government is weakening. This goes against the Kampala Convention that promotes the participation and cooperation of IDPs in the situation they find themselves. However, because Kiryandongo was viewed as a permanent solution, the IDPs are no longer treated as priority and are unable to seek the special assistance necessary, highlighting the contradictions and confusions of ‘naturalisation’ stated in the literature review.

With no external agency invited to cooperate in the relief on a permanent basis, OPM suggested the IDPs should lean on the refugees’ services including water, food, schooling and health, supplied by international organisations and humanitarian agencies. It is questionable why this type of coordination had not already been made. With a prominent role in the national policy, it seems

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as though the government are putting additional pressure on themselves to achieve results for the IDPs and cement their position as a country able to effectively handle IDP situations as they arise. Indeed, if humanitarian agencies did intervene, the strong position of the government surrounding this policy would mean they would undermine the government’s authority. This could hamper the relationship with a government or their own reputation if they were then expected to continue to deliver beyond their means.

Further, it conjures up an interesting dilemma whereby refugees are being given access to a lot more services and supporting agencies than a Ugandan population who find themselves in the same living conditions. There should be no differential treatment between local populations and refugees yet, in this instance, refugees have fuller protection and welfare services than the IDPs.

The solution of the OPM was for the IDPs to continue to integrate with the local population. “Let them go and buy more plots of land...” They were said to be too enclosed within their resettlement area, seen as closely knit with their own language and culture, and not accessing full opportunities that presented themselves within the wider district. IDPs recognised that the neighbouring community had been supportive as they sometimes supplied food to the vulnerable or allowed others to work for food. However, integration was not seen. The IDPs priority was to manage the plot of land, Kiryandongo town was not providing many job opportunities and the IDPs were geographically isolated. As research has highlighted, forced settlements deliver a perpetual dependency on food aid, and rarely achieve sustainability through agriculture. The government should be criticised for

\[122\] For example, Harrell-Bond, *Imposing Aid*
taking citizens 400 kilometres away from home to resettle, instead of finding a solution closer to the livelihood and land they were familiar with.

There was a second landslide on 25th June 2012. More people lost their lives and homes. Government press releases were quick to state, “They will not be moved to Kiryandongo.”¹²³ This speaks volumes about the success of the programme. With space remaining for nearly 400 more families, and the perceived need for families in Bududa to move to safer environments, the government quickly ruled out their own resettlement solution.

¹²³ Dr Stephen Mallinga, Minister for Disaster Preparedness and Refugees, National Television News Interview, NTV, Broadcast June 28th 2012
Nyakabande Transit Camp, Kisoro District

Situation
Nyakabande Transit Centre has been used as a temporary refugee coordination centre for many years. Between January and June 2012, over 25,700 Congolese refugees crossed the Bunagana border into Uganda. The continually increasing influx began in April 2012 after a new Congolese rebel group, M23, began fighting DRC government troops. Upon arrival, the asylum seekers were directed by police and immigration officials to Nyakabande Transit Centre to receive basic shelter, food, hygiene, protection and emergency health services only.

URCS monitored and counted new refugees taking basic information and allocating them to a tent or community shelter. They would then register officially as a refugee with UNHCR, which included medical screening and family reunification if possible. OPM were also registering but it was hard to understand the reason for this duplicate system. MSF, WFP and local NGOs were also involved.

After staying at Nyakabande for an intended maximum of two weeks, they were relocated to a settlement. There they would be given land, shelter, education and livelihood opportunities.

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124 Uganda Red Cross and UNGCR, Nyakabande Transit Centre Statistics, July 1st 2012
Life as an Asylum Seeker:

Nyakabande was loosely organised into five sections, each with their own communal kitchen overseen by URCS volunteers who arranged the allocation of 307 available tents. Most tents were shared by up to three families and whenever one family moved on, another would move in. Those waiting were sheltered in communal tents.

There was a clear sense that delivery of services was not in line with the asylum seekers’ own wishes and needs. For example, some families opted to set up their own makeshift shelters to avoid the overcrowded tents and cling to some sense of independency and family life. Also, whilst food was distributed regularly to meet minimum standards, the firewood was not enough to cook it communally resulting in time delays and a low quality of food. Mothers wanted to cook for themselves and said their children were hungry because cooked food was shared without consideration of how many people were in one family. This was evident as children were left to last in the collection queue and were not served if they had pans instead of cups, even though no non-food items (NFIs) were distributed so families had only what they fled with. The maize, salt and beans were said to be causing diarrhoea so many did not want to eat it anyway.

Conditions in the centre were basic. Although the three water points were limited in number, refugees stated there was enough for their needs as long as they waited patiently to collect it and could rely on using someone else’s jerry can. Many were sharing so had far less than the standard of 20 litres of water per person per day. Sanitation was a great concern with one of the five sections allocated solely for families who were suspected to have cholera. Health concerns were increasing as the influx increased. A child died on the day research took place from diarrhoea.
As well as this, protection was a challenge. Children wandered the site unsupervised. Women’s safety was a challenge not only because they were few in number compared to men\textsuperscript{126} but because ex-combatants were amongst the asylum seekers fleeing a conflict that has used sexual violence as a weapon. In June 2012, 600 Congolese soldiers gave up their arms upon crossing the border after being forced out of DRC by M23 Rebels.\textsuperscript{127}

\textbf{Dynamics of Response}

The transit centre was not designed for long-term stay. Because the government was offering more support in their preferred settlements, conditions at the transit centre can only be described as survival mode. This was openly expressed by OPM, \textit{“Our intention is a short-term intervention. What we offer is just a supplement to their needs before long-term relief is given in the resettlement areas.”} Whatever the reasons, international standards were not being met.

\textsuperscript{126} For example, on Saturday 30\textsuperscript{th} June, 74 new arrivals were recorded. 50 were male and 24 female, and this was described as an average day.

\textsuperscript{127} BBC Africa, “DR Congo Troops ‘Flee into Uganda’ After Rebel Clashes” on BBC News Website, (http://www.bbc.co.uk/news/world-africa-18736142, 6\textsuperscript{th} July 2012)
The Refugees Act states refugees should be placed away from the border area for the protection of the local population and themselves, and national security was clearly an overriding concern in the camp. The soldiers fleeing DRC show how close the fighting was to Uganda’s borders and, further, the Rwandan government has been accused of supplying M23 rebels.\textsuperscript{128} It was implicitly feared, although not stated, that Uganda’s close relationship with Rwanda would encourage the conflict to cross the border. As of publication of this document, security fears have been unfounded.

Further, the influx was not wanted. \textit{“We don’t want to create a pull factor...”} was a regular phrase used by both OPM and UNHCR. The fear of OPM in making the transit centre anything more than the bare minimum meant that more IDPs within DRC would make the decision to move to Uganda to receive better services. One civil servant even said, \textit{“Non-refugees will also soon start seeking these services. I’m sure the Rwandese will come to take advantage.”}

In their own response to the entire situation, many refugees travelled back and forth across the border, some after registration with UNHCR. Some were using the camp’s services but also choosing to go elsewhere for food, work and shelter. As of 28\textsuperscript{th} June, 8897 refugees were registered to be living at the transit centre yet only 4,150 were physically counted.\textsuperscript{129} UNHCR said over 2,500 refugees were reluctant to leave Nyakabande for resettlement. Their wish was to return to harvest planted crops, wait for family members, remain in an area where they had similar language and cultural ties, familiar trading opportunities and easily return home when they felt it was safe to do so. Referring to the tough living conditions of the camp, one refugee said, \textit{“In one month, I will not stay here any longer. I won’t go to a camp, I will go home.”}

Policy was not achieving the desired results.

\textsuperscript{128} BBC Africa, “Rwanda Military Aid Cut By US Over DR M23 Rebels”
\textsuperscript{129} Uganda Red Cross and UNGCR, Nyakabande Transit Centre Statistics, July 1\textsuperscript{st} 2012
The situation was beginning to overwhelm the host community. Local officials stated that up to 10,000 refugees were living in Kisoro and this was becoming a problem. One UNHCR official said, “The (national) government is complaining the transit centre is not sufficient and encroaching the local population...” This perhaps sparked panic in the OPM who began to pass blame elsewhere. The Commissioner for Refugees was quoted as saying, “The total influx has come at a time when the UNHCR has inadequate resources to manage the crisis.” Thus the tensions arising from policy implementation and clashes of lead agencies are highlighted. After all, it was government policy backed by UNHCR that was dictating the process.

The dilemma faced by agencies was that, “The Transit centre has got transit refugees and settled refugees now.” Knowing how to help the refugees, who desperately needed it and wished to stay, yet being respectful of the powerful OPM presence halting facilities that were not absolutely necessary, was challenging. The local official was clearly under a lot of pressure from Kampala to deliver policy and resettle the refugees. As humanitarian agencies were trying to involve refugees in discussions about possible solutions, one government official said, “Even survival standards aren’t enough to encourage relocation.”

The case study highlights that authority of the OPM was present, yet no one was really taking the lead in coordination and ensuring that needs were met. For example, both OPM and UNHCR were registering new arrivals to determine their status, yet no one could explain the reasons for the duplication. A national security panic and the sudden influx clearly highlighted that agencies and government were not prepared for the influx, despite policy stating they would provide.

130 Henry Mukasa, Goodluck Musinguzi and Attractor Kamahoro “PM assures tourists of safety as Congolese refugees double”
The biggest challenge was that refugees were not able to influence policy. Both daily activities and the proposed resettlement programme did not meet their needs. As they were kept in survival mode, their right to adequate welfare and protection was not being met.
Rwamwanja Resettlement Area, Kamwenge District

**Situation**
To move them further away from the border area, 15,250 Congolese refugees had been transferred from Nyakabande Transit Centre to Rwamwanja Resettlement Area by July 2012. Over 300 kilometres away, and 100 kilometres from a more northern DRC border crossing, it is estimated that the seventy square kilometres of land will slowly become home to its full capacity of 40,000 inhabitants.

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131 Salvation Army International Emergency Services, Needs Assessment, 10th July 2012
On arrival, refugees were to be given NFIs, land, education, general health services and livelihood opportunities. These were not available in Nyakabande due to its temporary nature. It was observed that the government was reliant on several international organisations and humanitarian agencies to deliver services and implement policy in Rwamwanja.

The government promised that they could live there until voluntary repatriation was an option, and the government would then facilitate their journey home.

**Life as a Refugee**

An NGO worker said, “Rwamwanja is more chaotic than the transit centre.” The promise of NFIs, schools and health centre was not fulfilled as agency staff and NGOs tried to work out the best way to deliver. Temporary health facilities were in place, but understaffed. The refugees said that the primary schools were too far away to attend, highlighting the size and individual isolation of the settlement. Many refugees were still in the clothes that they fled in.

In a similar picture to Kiryandongo IDP settlement, the shelters observed were a mixture of grass, mud and tarpaulin constructions made by the refugees to the standard and design that they were personally able to achieve. There was no promise of construction and tarpaulin distribution seemed to be sporadic. Adequate sanitation was yet to be built. Whilst the refugees were given land, this was not allocated in a carefully planned manner as seen in Kiryandongo. Refugees were able to select where they wanted to build their homes, yet this could be contentious in the future as new refugees arrive.
The most common health concern was malnutrition, as dependency for food increased. Initial attempts to grow crops had begun whilst the World Food Programme had distributed food. However, this was only a half ration because they did not have enough funds to give a full ration to everyone. The access to food was as bad, or even worse, than that in the transit centre. Of twelve boreholes, six were not working but the refugees were managing to collect water each day.

UNHCR identified protection challenges at the settlement as many of the young people were unaccompanied when they had been transferred. They were requesting for assistance to address issues of sexual violence that were already prevalent despite the relatively short length of time the settlement had been in operation.

Most alarming was the relationship with the local community. Unlike the other case studies, tensions with the local population swiftly escalated upon the refugees’ arrival. The national press stated,

“Tension is high in Rwamwanja Refugee Settlement...When Rwandese returned home, locals occupied the land. When government needed the land for refugees again, the residents rose up in arms and threatened to spill blood if any evictions were made. On April 12, the High Court halted the eviction of over 30,000 people, who the government said had encroached on about 40 square miles of land... By Thursday, some residents were seen relocating away from the land. Ronald Muhwezi ... packed his family off saying he did not want to lose his family and animals in case of a clash.”

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The OPM stated his predecessor had been killed in the dispute over the land and, alongside the geographical isolation of the refugees, the relationship with their host community seemed already beyond repair.

**Dynamics of Response**
The government had assured refugees that voluntary repatriation will be facilitated when it is safe to go home. This gave the resettlement area a temporary status. However, the generous distribution of land encourages the establishment of permanent livelihoods. Whilst there was a heavy agency presence, this will no doubt decrease as refugees are expected to become self-sustainable and new emergencies take priority. This is an interesting dynamic to be surrounded by. A UNHCR Official stated their operational concerns, “Rwamwanja is not your usual refugee situation. It is a long-term community development problem. It would be easier for us if it was a camp, we could just grid it!” The realisation of naturalisation for the refugees would perhaps aid policy to deliver long-term goals that the relief agencies were not used to delivering upon. This was not yet in sight.

The initial operation to provide services had challenges. It is hoped that, in time, the refugees’ expectations will be met. However, glimpses of parallel service delivery were beginning to show. It was stated that the Ministry of Water and Sanitation and the Ministry of Health were beginning to prepare assessments, but this may not be enough to fully integrated services with the local community to ensure the programme’s wider sustainability and to decrease divisions between hosts and refugees.

**Conclusion**
Rwamwanja closes the more detailed study of government strategy. To bring the lessons learnt in the previous case studies together, what is seen in Rwamwanja is a worrying pattern of service delivery to Uganda’s displaced
populations. Perhaps too early to predict, similar circumstances of isolation and a failed programme of self-sufficiency through agricultural plots bear the markings of what unfortunately may become another failed policy. In time, the humanitarian agencies and even OPM will have new emergencies to deal with and whether or not the refugees will have found their durable solution in life in Rwamwanja, or naturalised as Ugandan citizens, remains to be seen.

What is most worrying regarding all three case studies is that none delivered upon any of the standards set by international law, national policy or agency accountability through Sphere. Despite Uganda taking the lead in showing the international stage its control and support of displaced populations, services are not reaching the displaced, food is constantly in short supply and the environment in which they live is not conducive to a durable solution.

Interestingly, threats to national security were never realised in any of the case studies. Even the arrival of 600 Congolese soldiers did not bring conflict. However, the individual protection concerns towards women and children remains a high priority that needs to be addressed. In line with arguments highlighted in the literature review, it is questionable why the government continues to insist on resettlement as the favoured policy, instead of exploring other policy options that other states have used.

OPM were part of each case study. This is the first step in respecting the state’s responsibility as defined in international law. However, the department’s ability to deliver is questionable. A lack of funds often caused a failure to deliver, as well as overwhelming pressure put on one individual. A single figure in the office represented delivery of the government’s policy. However, these men were far away from ministry support and the government were far away from a realistic view of the situation.
Agencies were supporting the refugees, but it remains unclear as to why the IDPs were only continually supported by OPM. Whether it be the government’s wish to remain dominant or the permanence of their situation versus that of the refugees who might go home, careful consideration of the scenario surrounding IDPs is needed. Most surprising from the case studies was that, whilst the government could be accused of not delivering, the international organisations and humanitarian agencies were not overtly critical of policy or performance. Linked to the repeated notion that displaced populations were not being heard, or even listened to, a gap in Uganda’s implementation was the need for advocacy to better the service provision.

In all of this, it can be stated that, whilst Uganda’s policies are progressive, they do not deliver the expected results.

The next chapter will conclude this study by reflecting upon lessons learnt during this exploration of a government’s policy towards displaced populations. As practitioners face similar challenges, they will be able to use the principles presented that may help their own programme design.
Chapter Six: Reflection on lessons learnt

As the three cases studies have highlighted, the reality of current practice in Uganda towards refugees and internally displaced people does not match legal policy. The scope of the research has not allowed for making recommendations to change either policy or practice in Uganda. However, in accordance with the fourth objective of this dissertation, this chapter will suggest key principles that should be adhered to by agencies and practitioners working with displaced populations. They have been separated into explicit and implicit lessons, as some reflections were not directly related to the case studies presented.

Explicit Lessons from case studies

The government’s responsibility
The government is the ultimate authority that signs to abide by international law, adopt these laws in the domestic legal frameworks, and then implements the resulting policy. When international organisations are mandated to deliver services, competition for power and funds often ensues. Whilst literature on international relations is beginning to place more emphasis on governments rather than individuals or organisations, there is still apprehension in allowing the government to take the full lead. For example, in Nyakabande both UNHCR and OPM were registering asylum seekers to
determine their status. When services were not being delivered, blame passed between government and agencies.

Perhaps the time is right for donor agencies to allow governments to be responsible. Policy can be determined by governments and therefore full funding should pass through governments to allow agencies to become involved in service delivery, rather than controlling the scenario. This would aid the government’s capacity to deliver to a population that has given them the authority to govern, instead of the current situation that leaves governments vulnerable when they cannot provide.

**Understand the government position**
Separate from the government’s responsibility is their contextual position. The government will always have to balance the rights of the displaced with the rights of the host population. There is an inherent tension between their domestic responsibilities and priorities, and the emergent priorities of supporting international law. Legitimate concerns from the host population will involve land, access, infrastructure, economy and security. An understanding of the context the government are working in will go a long way to help develop NGO policy in line with state authority.

For example, in Kiryandongo, if it is understood that financial constraints and new disasters have delayed house construction, what can the NGO do to support the government in delivering their promises, rather than simply highlighting the fact that the government have not delivered? Similarly, as aspirational policies have been noted, agencies should support the government in delivering of services rather than highlighting gaps. This is a way to remain apolitical in a displacement situation.
Understand the agency position
What has become apparent is that practitioners need to be aware of the dynamics of their own international organisation, with a mandate governed by law, or self-mandated humanitarian agency. Their actions will often have an impact on refugee programming which is wider than the initial beneficiaries and perhaps lasts long after they have left. It is necessary to reflect upon their own vision or mandate to consider its own place in the complexity of governance and displaced populations.

For example, an NGO worker in Uganda said, “Choose your battles; do you want to advocate loudly or be a quiet diplomat?” Initially advocating for refugees in a forceful manner, the NGO realised they were receiving international acclaim but becoming isolated within Uganda. The NGO thus resolved to speak with government officials in appropriate forums, without forgetting the end-goal, and have since seen positive changes. Even if the NGO makes criticisms, it is now more likely to receive a response from governing authorities.

There is a necessary and legitimate place for both advocacy and diplomacy, and perhaps this research has highlighted that there was a lack of agencies willing to speak out about the standard of care being delivered. However, it should be considered if they are achieving their mandate in a way that both respects government authority and meets the needs of the displaced population.

Special attention should be given to IDPs
IDPs develop a unique dilemma in that they seem to fall within the agency gaps who deliver to refugees and also that of the general development policy of a country. Funding is constrained because, as seen through the case of
Kiryandongo, they have been treated with a development mind-set when their problems are perhaps still an emergency.

As well as their rights not being addressed, political resistance develops as they begin to legitimately question the government’s provision. This is a vicious circle as it may then aggravate the government who could choose to further distance themselves from the problem. Perhaps a change of mind-set of both donor and governments is needed, to ensure that their right to life is met in these special circumstances.

Avoid parallel service provision
In Rwamwanja, the initial tensions will undoubtedly increase if the local community feel isolated from potential service benefits that the refugee agencies can offer. In Kiryandongo, services were planned but not implemented and the resulting suggestion from OPM was for them to share services with the refugees. Parallel service provision should always be criticised as it is not in the best interest of the host, or indeed the displaced, when funding is cut. Governments will continue to face the tension of duality; able to host hundreds of thousands of refugees, yet unable to provide quality or regular welfare for its citizens.

Therefore programmes should always benefit the hosts and the displaced. In the case of Uganda, perhaps reversing the trend of geographical isolation is the first step to ensuring a more durable solution for all, whether citizen, IDP or refugee.

National security
As clearly shown by the factors influencing government and the case studies, national security is a priority for governments. They have a collective duty to protect the citizens within their borders, and an inherent wish for their
borders to remain sovereign to their jurisdiction. It will take precedence, as shown in the discourse of national and international law, as well as the examples in Uganda. Acceptance of this by agencies is essential. They need to be aware of the political sensitivities surrounding displaced populations.

**Understand the displaced**
Zetter argues that policy constructs an image of what it means to be a displaced person, and then any programme for assistance is developed from this.\(^{133}\) If refugees are assumed to be a burden, policy will always work on this assumption and this negatively impacts services.

What was clear in the research was that beneficiaries were not fully involved in the policy decision-making as they should have been according to national law. By allowing processes of naturalisation, resettlement within the host community, not separate from it, it seems evident that the potential of the refugee to seek their own durable solution may be more successful than current approaches.

**Implicit Lessons from the research**

**Know the law**
During this research, The Salvation Army waited for five hours to enter Rwamwanja because we did not have the correct documentation to proceed with our needs assessment. As I began to analyse legal documents, I realised how little I knew about the situation I was working in.

Practitioners should be aware of the law and what sections apply to them or their programmes, taking time to fully understand the legal boundaries that they are working in. Knowing this, will hopefully mitigate potential

frustrations of the government, point you in the direction of the officials you should work with, and better prepare the agency for accountability in their implementation.

The role of the local authority
The government workers interviewed for this research were local representatives. With the weight of policy from Kampala on their shoulders, they had to ensure it made sense within the remit of displaced that they were responsible for. As the research has shown, it has been the policy that is disconnected from implementation. The pressures on single OPM figures were great. Just as the practitioner should understand the context of the government, the governance role is not homogenous. The context of the local authority needs to be understood and, from this, the civil servants should be involved in making decisions and communicated with.

Communication
It is impossible for this dissertation to make policy recommendations. Perhaps the best recommendation to make is to maintain an open dialogue and share information. It was a positive step that OPM were present in all three case studies. This should be used as an opportunity, not a challenge. For example, in Nyakabande, practitioners could feel that programming suggestions were frequently halted by OPM. However, the opportunity is in the fact that a representative of the law is present and through relationship building and involvement in implementation, this is the first step to achieving positive results for the beneficiaries, however long it may take. Their presence is better for the displaced in the longer-term, than none at all.

Attending coordination meetings or holding regular meetings with government officials is essential. Working relationships built in the local context will achieve a great deal. It will, in these meetings, be possible to
hold the government accountable for their unfounded promises, as well as discussing future ways forward.

**Building government capacity**
As the self-aspirational policies are set out, and the Ugandan government has then proved unable to deliver, it is questionable that we are expecting too much of governments. The usual arguments of a lack of good governance, transparency or accountability begin to reappear. However, this line of thinking is exactly what has been challenged at the core of the research and undermines the very authority set out in international law. Therefore, capacity should be built and funding delivered through the government.

Recommendations to work with governments have been made, and seem to have been initially successful in areas such as training local authorities, police officers or immigration officials to better work with displaced populations. This was seen in the literature and interviews as one of the best ways to build up partnerships with those governing the local area.

**Prepare for long-term strategies**
It must be remembered in all of this that systematic change will be a slow process. A government should not be criticised when the situation on the ground does not change as quickly as, often donor-set goals, would like. UNHCR admitted that serving in Rwamwanja was on the boundaries of their abilities because it was potentially turning into a long-term community development situation rather than an emergency relief effort. Influencing government for better displaced action is difficult, and engaging wider civil society can often be difficult in this process as well. However, continued advocacy and partnership will slowly build policies that are effective in implementation.
Conclusion

“Human rights are not real unless human institutions (whether people, government or agencies) make them so. Universal declarations are issued but they mean nothing unless those ideals are embodied in social structures which can uphold them and give people protection.”  

It has been made quite clear that standards to deliver appropriate protection and welfare services to the three displaced populations studied have not been met. Despite aspirational and progressive policies by the Ugandan government, the human institutions acting in this situation have been unable to show that they are being achieved. It is clear that the resettlement policies, continued from an outdated legacy, are not working. This is perhaps a first policy change that the government needs to reconsider because of the poor living conditions, mixed reactions from the host community, lack of access to markets and agricultural plots that fail to meet expectation of food supply. As refugees live in settlements, with the underlying hope that one day they will ‘go home’, naturalization or integration do not take place. The IDP resettlement of Kiryandongo was found to have similar dynamics. However, their stay was permanent and the recovery strategy was carried out far too quickly and remains unfinished. They are left in the hope conditions will improve and they will be ‘resettled and settled’.

This failing of policy exacerbates division between the mandated role of local authorities, international organisations and humanitarian agencies. Although policies are progressive in the country, more needs to be done to deliver them. This will not be achieved by simply adding more bureaucracy levels, but ensuring clear systems within what is already established and adhere to contingency plans for successful programme implementation.

134 Rakiya Omaar and Alex De Waal, “Imposing Empowerment? Aid and Civil Institutions in Southern Sudan”, 2
From this exploration, the primary aim of the dissertation has been met through a contribution to literature that allows the audience to better understand the roles and responsibility of governments. Alongside the review of international and regional law, insight into the political context that shapes policy implementation is clear to see. The dilemma of choosing between collective rights of the host and displaced populations has been proven as an extremely challenging task that governments are faced with. National security, bureaucratic policy, regional pressure from neighbouring countries, international pressure most often linked to funding and concerns of overwhelming the host population are continuing and dominant factors influencing policy. It would not be surprising if dominant factors mentioned were found to be influencing policy in several other African countries. Therefore, the exploration of resettlement policies in Uganda has shown that simply criticising policies or practices does not lead to better services for the displaced, but it is necessary to fully understand the government’s position before challenging it or making new recommendations.

The scope of this dissertation is unable to go further in recommending solutions for change in Uganda. Perhaps it has faced the same barrier as other literature where these recommendations have been lacking; because political considerations have an inherently complex nature, any suggestions of specific improvement can be harder to achieve than first thought. Further study on the topic could add depth to the Uganda situation, for example including more on self-settled or urban refugees and IDPs displaced in different circumstances than environmental disaster. Alternatively comparative analysis between policy and practices in different countries could be made. Both scenarios would make valid contributions to wider research with displaced populations.
Therefore, the third aim of making recommendations for development practitioners provided a logical conclusion. Throughout the literature and case studies, duplication of roles, misunderstanding of mandate and struggles to work together to achieve the best scenario for host and displaced populations were all evident. Basic guidance on how agencies can successfully deliver within the government’s remit contributes to the wider goal of ensuring durable solutions. Whilst the reflective recommendations given may be challenged as to the extent that they would directly ensure durable solutions for the displaced, they are a first step in a better working environment between agencies and the ‘lead-agency’ - the government.

By bringing the government’s role to the forefront of the debate, it is hoped that development practitioners will increase their understanding of the institutions and people they must work alongside to make human rights ‘real’.
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Annexes

Annexe One: Staff Diagram of The Office of The Prime Minister
Annexe Two: Organisational Diagram for the Departmental Structure for Office of the Prime Minister (as interpreted by author) Source: Office of the Prime Minister Website, www(opm.ug

Key for subsequent diagrams:

- Ministry /Agency
- Staff/Position
- Department of Ministry
- Committee/Sub-Committee
- Staff Appointment
- Department Structure
- Liaison Role
- Sub-Dept Structure

Office of the Prime Minister

- Administration and Support Services
- Department of Disaster Preparedness
- Department of Disaster Preparedness and Refugees
- Department for Refugees
- Management of Special Programs
- Department of Pacification and Development
- Policy Coordination and Monitoring and

Northern Uganda

Karamoja

Luwero & Rwenzori

Northern Uganda Data Centre
Annexe Three: Organisational Diagram according to The Refugees Act 2006, Parts 7-18. (as understood by author)
Annexe Four: Functional Diagram according to The Refugees Act 2006, Parts 7-18. (as understood by author: Functions are not mentioned if not explicitly

**Department of Refugees**
- All administration matters
- Coordinate inter-ministerial and non-governmental activities
- Secretariat of the Eligibility Committee
- Advisory Role
- Protection of Refugees
- Coordinate provision of service for the welfare of refugees
- Identify and initiate projects
- Advise and work in liaison with UNHCR
- Implement development plans and initiatives
- Gather ‘Country of Origin’ information
- Issue Identity Cards
- Maintenance of law and order in settlements

**Public Service Commission**
- Advisory role to the Commissioner

**UNHCR**
- Attends Refugee Eligibility Committee
- Sends applications for status to Committee

**Commissioner for Refugees**
- Reports to Minister
- Heads Department of Refugees
- Manages Daily Operations
- Advises Eligibility Committee
- Sends and receives applications
- Liaison with UNHCR

**Subcommittees of Eligibility Committee**
- Make enquiries, advise Eligibility Committee, exercise powers and perform duties of eligibility committee

**Minister and Permanent Secretary of the Ministry**
- Chairs Refugee Eligibility Committee

**President**
- Appoints Minister and Permanent Secretary

**Refugee Eligibility Committee**
- Consider applications
- Review or revise cases
- Advise the Minister
- Recommend actions of cessation, expulsion or where person needs to seek alternative country of asylum
- Chairman, One member of each Ministry mentioned Representative of UNHCR

**Refugees Appeals Board**
- Independent to Eligibility Committee
Annexe Five: Organisational Diagram according to The National Policy for Internally Displaced Persons 2004, Chapter 2 & 3 (as understood by author)
Department of Disaster Preparedness and Management

Overall responsibility: Coordinate and supervise all activities of all ministries and agencies.

Commissioner for Disaster Management & Refugees

Empowered to coordinate and supervise related activities of Government Institutions; Negotiate the use of property on behalf of the Government; Chair Inter-Ministerial Policy Committee.


(Functions are not mentioned if not explicitly stated)

Senior Officer

In charge of protection and assistance and all other matters.

Uganda People’s Defence Forces, Uganda Police Force & specialised units of national security agencies

Provide protection and security to settlements
Consult with Ministry of Defence

Office of the Prime Minister

Permanent Secretary shall chair the Inter-Agency Technical Committee

Department of Disaster Preparedness and Management

Overall responsibility
Coordinate and supervise all activities of all ministries and agencies.

Inter-Ministerial Policy Committee

Uganda Human Rights Commission

Advisory role to the Commissioner

Sub County Disaster Committee

District Human Rights and Protection Sub-Committee

Human Rights and Protection Sub-Committee

Disaster Preparedness and Management Committee

Inter-Agency Technical Committee

Private Sector, INGO, NGO, Donor technical groups, Amnesty Commission

Can be invited to attend Inter-Ministerial Policy Committee

UN Agencies

Attend Inter-Ministerial Policy Committee
Serve on local committees

Officials and Institutions of Local Authorities

Attend sub-committees as required (see Annexe 7)

“The various committees will develop an integrated approach to managing and mitigating the effects of internal displacement.”

Uganda People’s Defence Forces, Uganda Police Force & specialised units of national security agencies

Provide protection and security to settlements
Consult with Ministry of Defence
### District Human Rights and Protection Sub-Committee
Representatives of religious institutions, NGOS, agencies, UHRC, Police, Amnesty Commission

### Human Rights and Protection Sub-Committee
Monitor and ensure protection of rights; Ensure planning processes of other committees meet human rights standards; Collaborate with UHRC; Act at the community level to breaches of Policy; Search for ways to promote respect for human rights; With support from Government, channel resources for legal aid to individuals; Oversee independent reporting

### Disaster Preparedness and Management Committee
**Resident District Commissioner, Male IDP, Female IDP, District Probation and Welfare Officer, District Disaster Preparedness Coordinator**
Take lead for protection and assistance; Mobilise local resources; Take measures to strengthen response; Day to Day Protection; Reporting as required; Invite UN agencies, NGOs and other humanitarian organisations to participate; Ensure full participation of IDPs, in particular women; Ensure that women and youth are consulted on matters relating to their welfare; May form sub-committees; Implement a relief plan; Monitor human rights; Liaise with ministries of Defence and Internal Affairs; Ensure registration of IDPs; Prepare and implement plans for safe return and resettlement; Verify the voluntary nature of return; Ascertain need for transportation; Ensure family reunification; Establish district disaster management fund; Perform any other functions

### Inter-Agency Technical Committee
Planning and coordinating activities of the Ministries, Government Departments, private sector, UN, IO, NGO
Ensuring planning, resource mobilisation and various committees respond; Coordinate and ensure response fits within the National Development Plan; Monitor and mitigate human rights violations; Prepare national rehabilitation and reconstruction plan during emergencies; Establish disaster preparedness and management committees for local level response; Assist in the establishment of a national relief plan; Oversee the allocation of funds for the relief programme; Ensure emergency grain reserves are established and stocked; Assist in mobilising internal resources and external assistance; Assess and advise on human resource and capacity building needs for disaster management at national and district level; Translate and disseminate National Policy Commission research and assessments; Submit periodic reports and recommendations; Create sub-committees; Establish early warning mechanisms; Perform any other functions

### Inter-Ministerial Policy Committee
Established by The Prime Minister
Responsible for policy formulation and overseeing of matters

### Sub County Disaster Committee
**Sub-County Chief, Local Council Chairperson, heads of government at sub-county level, Male IDP, Female IDP, humanitarian and development agencies, private sector**
Lead agency for protection and assistance; Involve departments at sub-county level; Ensure quick response; Day to day protection; Reporting; In charge of security; Participate in emergency interventions and assist return and reintegration

### Annexe Seven: Functions of Committees as outlined in The National Policy for Internally Displaced Persons, Section 2.
(Functions are not mentioned if not explicitly stated)
The following Annexes cite in full the text of legal policy referred to in the main text.

**Annexe Eight: Convention Relating to the Status of Refugees, 1951**

**Preamble**

The high contracting parties,

**considering** that the Charter of the United Nations and the Universal Declaration of Human Rights approved on 10 December 1948 by the General Assembly have affirmed the principle that human beings shall enjoy fundamental rights and freedoms without discrimination,

**considering** that the United Nations has, on various occasions, manifested its profound concern for refugees and endeavoured to assure refugees the widest possible exercise of these fundamental rights and freedoms,

**considering** that it is desirable to revise and consolidate previous international agreements relating to the status of refugees and to extend the scope of and protection accorded by such instruments by means of a new agreement,

**considering** that the grant of asylum may place unduly heavy burdens on certain countries, and that a satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot therefore be achieved without international co-operation,

**expressing** the wish that all States, recognizing the social and humanitarian nature of the problem of refugees, will do everything within their power to prevent this problem from becoming a cause of tension between States,

**noting** that the United Nations High Commissioner for Refugees is charged with the task of supervising international conventions providing for the protection of refugees, and recognizing that the effective co-ordination of measures taken to deal with this problem will depend upon the co-operation of States with the High Commissioner,

**have agreed** as follows:

**Article One: Definition of the term ‘Refugee’**

A. For the purposes of the present Convention, the term “refugee” shall apply to any person who:

(1) Has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10
February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization; Decisions of non-eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph 2 of this section;

(2) As a result of events occurring before 1 January 1951 and owing to wellfounded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. In the case of a person who has more than one nationality, the term “the country of his nationality” shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

B. (1) For the purposes of this Convention, the words “events occurring before 1 January 1951” in article 1, section A, shall be understood to mean either:
(a) “events occurring in Europe before 1 January 1951”; or
(b) “events occurring in Europe or elsewhere before 1 January 1951”, and each Contracting State shall make a declaration at the time of signature, ratification or accession, specifying which of these meanings it applies for the purpose of its obligations under this Convention.

(2) Any Contracting State which has adopted alternative (a) may at any time extend its obligations by adopting alternative (b) by means of a notification addressed to the Secretary-General of the United Nations.

C. This Convention shall cease to apply to any person falling under the terms of section A if:

(1) He has voluntarily re-availed himself of the protection of the country of his nationality; or

(2) Having lost his nationality, he has voluntarily re-acquired it; or

(3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or

(4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or
(5) He can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality; Provided that this paragraph shall not apply to a refugee falling under section A(1) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of nationality;

(6) Being a person who has no nationality he is, because of the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, able to return to the country of his former habitual residence; Provided that this paragraph shall not apply to a refugee falling under section A (1) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to return to the country of his former habitual residence.

D. This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance. When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall ipso facto be entitled to the benefits of this Convention.

E. This Convention shall not apply to a person who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country.

F. The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:
   (a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
   (b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;
   (c) he has been guilty of acts contrary to the purposes and principles of the United Nations.

Article Two: General Obligations

Every refugee has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulation as well as to measures taken for the maintenance of public order.
Article Four: Religion

The Contracting States shall accord to refugees within their territories treatment at least as favourable as that accorded to their nationals with respect to freedom to practice their religion and freedom as regards the religious education of their children.

Article Thirteen: Moveable and Immoveable Property

The Contracting States shall accord to a refugee treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the acquisition of movable and immovable property and other rights pertaining thereto, and to leases and other contracts relating to movable and immovable property.

Article Thirty-Three: Prohibition of expulsion or return ("refoulement")

1. No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.

Article Thirty-Four: Naturalization

The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

Article Thirty-Five: Cooperation of the national authorities with the United Nations

1. The Contracting States undertake to co-operate with the Office of the United Nations High Commissioner for Refugees, or any other agency of the United Nations which may succeed it, in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of this Convention.
2. In order to enable the Office of the High Commissioner or any other agency of the United Nations which may succeed it, to make reports to the competent organs of the United Nations, the Contracting States undertake to provide them in the appropriate form with information and statistical data requested concerning:
(a) The condition of refugees,
(b) The implementation of this Convention, and;
(c) Laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.

Article Thirty-Six: Information on national legislation

The Contracting States shall communicate to the Secretary-General of the United Nations the laws and regulations which they may adopt to ensure the application of this Convention.

Annexe Nine: Convention Governing the Specific Aspects of Refugee Problems in Africa

Preamble

We, the Heads of State and Government assembled in the city of Addis Ababa, from 6-10 September 1969,

1. Noting with concern the constantly increasing numbers of refugees in Africa and desirous of finding ways and means of alleviating their misery and suffering as well as providing them with a better life and future,

2. Recognizing the need for and essentially humanitarian approach towards solving the problems of refugees,

3. Aware, however, that refugee problems are a source of friction among many Member States, and desirous of eliminating the source of such discord,

4. Anxious to make a distinction between a refugee who seeks a peaceful and normal life and a person fleeing his country for the sole purpose of fomenting subversion from outside,

5. Determined that the activities of such subversive elements should be discouraged, in accordance with the Declaration on the Problem of Subversion and Resolution on the Problem of Refugees adopted at Accra in 1965,
6. Bearing in mind that the Charter of the United Nations and the Universal Declaration of Human Rights have affirmed the principle that human beings shall enjoy fundamental rights and freedoms without discrimination,

7. Recalling Resolution 2312 (XXII) of 14 December 1967 of the United Nations General Assembly, relating to the Declaration on Territorial Asylum,

8. Convinced that all the problems of our continent must be solved in the spirit of the Charter of the Organization of African Unity and in the African context,

9. Recognizing that the United Nations Convention of 28 July 1951, as modified by the Protocol of 31 January 1967, constitutes the basic and universal instrument relating to the status of refugees and reflects the deep concern of States for refugees and their desire to establish common standards for their treatment,

10. Recalling Resolutions 26 and 104 of the OAU Assemblies of Heads of State and Government, calling upon Member States of the Organization who had not already done so to accede to the United Nations Convention of 1951 and to the Protocol of 1967 relating to the Status of Refugees, and meanwhile to apply their provisions to refugees in Africa,

11. Convinced that the efficiency of the measures recommended by the present Convention to solve the problem of refugees in Africa necessitates close and continuous collaboration between the Organization of African Unity and the Office of the United Nations High Commissioner for Refugees,

Article One: Definition of the term “Refugee”

1. For the purposes of this Convention, the term "refugee" shall mean every person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events is unable or, owing to such fear, is unwilling to return to it.

2. The term "refugee" shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.

3. In the case of a person who has several nationalities, the term "a country of which he is a national" shall mean each of the countries of which he is a
national, and a person shall not be deemed to be lacking the protection of the country of which he is a national if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

4. This Convention shall cease to apply to any refugee if: (a) he has voluntarily re-availed himself of the protection of the country of his nationality, or, (b) having lost his nationality, he has voluntarily reacquired it, or, (c) he has acquired a new nationality, and enjoys the protection of the country of his new nationality, or, (d) he has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution, or, (e) he can no longer, because the circumstances in connection with which he was recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality, or, (f) he has committed a serious non-political crime outside his country of refuge after his admission to that country as a refugee, or, (g) he has seriously infringed the purposes and objectives of this Convention.

5. The provisions of this Convention shall not apply to any person with respect to whom the country of asylum has serious reasons for considering that: (a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes; (b) he committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee; (c) he has been guilty of acts contrary to the purposes and principles of the Organization of African Unity; (d) he has been guilty of acts contrary to the purposes and principles of the United Nations.

6. For the purposes of this Convention, the Contracting State of Asylum shall determine whether an applicant is a refugee.

**Article Two: Asylum**

1. Member States of the OAU shall use their best endeavours consistent with their respective legislations to receive refugees and to secure the settlement of those refugees who, for well-founded reasons, are unable or unwilling to return to their country of origin or nationality.

2. The grant of asylum to refugees is a peaceful and humanitarian act and shall not be regarded as an unfriendly act by any Member State.

3. No person shall be subjected by a Member State to measures such as rejection at the frontier, return or expulsion, which would compel him to
return to or remain in a territory where his life, physical integrity or liberty would be threatened for the reasons set out in Article I, paragraphs 1 and 2.

4. Where a Member State finds difficulty in continuing to grant asylum to refugees, such Member State may appeal directly to other Member States and through the OAU, and such other Member States shall in the spirit of African solidarity and international cooperation take appropriate measures to lighten the burden of the Member State granting asylum.

5. Where a refugee has not received the right to reside in any country of asylum, he may be granted temporary residence in any country of asylum in which he first presented himself as a refugee pending arrangement for his resettlement in accordance with the preceding paragraph.

6. For reasons of security, countries of asylum shall, as far as possible, settle refugees at a reasonable distance from the frontier of their country of origin.

Article Four: Non-Discrimination

Member States undertake to apply the provisions of this Convention to all refugees without discrimination as to race, religion, nationality, membership of a particular social group or political opinions.

Annexe Ten: Guiding Principles on Internal Displacement

Principle One

1. Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.

2. These Principles are without prejudice to individual criminal responsibility under international law, in particular relating to genocide, crimes against humanity and war crimes.

Principle Three

1. National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.
2. Internally displaced persons have the right to request and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request.

**Principle Seven**

1. Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimise displacement and its adverse effects.

2. The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated.

3. If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with:
   
   (a) A specific decision shall be taken by a State authority empowered by law to order such measures;
   (b) Adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation;
   (c) The free and informed consent of those to be displaced shall be sought;
   (d) The authorities concerned shall endeavor to involve those affected, particularly women, in the planning and management of their relocation;
   (e) Law enforcement measures, where required, shall be carried out by competent legal authorities; and
   (f) The right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected.

**Principle Twelve**

1. Every human being has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.

2. To give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp. If in exceptional circumstances such internment or confinement is absolutely necessary, it shall not last longer than required by the circumstances.
3. Internally displaced persons shall be protected from discriminatory arrest and detention as a result of their displacement.

4. In no case shall internally displaced persons be taken hostage.

**Principle Eighteen**

1. All internally displaced persons have the right to an adequate standard of living.

2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:
   (a) Essential food and potable water;
   (b) Basic shelter and housing;
   (c) Appropriate clothing; and
   (d) Essential medical services and sanitation.

3. Special efforts should be made to ensure the full participation of women in the planning and distribution of these basic supplies.

**Principle Nineteen**

1. All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services.

2. Special attention should be paid to the health needs of women, including access to female health care providers and services, such as reproductive health care, as well as appropriate counseling for victims of sexual and other abuses.

3. Special attention should also be given to the prevention of contagious and infectious diseases, including AIDS, among internally displaced persons.
Annexe Eleven: African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)

Article Three: General Obligations Relating to States Parties

1. States Parties undertake to respect and ensure respect for the present Convention. In particular, States Parties shall:

   a. Refrain from, prohibit and prevent arbitrary displacement of populations;
   b. Prevent political, social, cultural and economic exclusion and marginalisation, that are likely to cause displacement of populations or persons by virtue of their social identity, religion or political opinion;
   c. Respect and ensure respect for the principles of humanity and human dignity of internally displaced persons;
   d. Respect and ensure respect and protection of the human rights of internally displaced persons, including humane treatment, non-discrimination, equality and equal protection of law;
   e. Respect and ensure respect for international humanitarian law regarding the protection of internally displaced persons;
   f. Respect and ensure respect for the humanitarian and civilian character of the protection of and assistance to internally displaced persons, including ensuring that such persons do not engage in subversive activities;
   g. Ensure individual responsibility for acts of arbitrary displacement, in accordance with applicable domestic and international criminal law;
   h. Ensure the accountability of non-State actors concerned, including multinational companies and private military or security companies, for acts of arbitrary displacement or complicity in such acts;
   i. Ensure the accountability of non-State actors involved in the exploration and exploitation of economic and natural resources leading to displacement;
   j. Ensure assistance to internally displaced persons by meeting their basic needs as well as allowing and facilitating rapid and unimpeded access by humanitarian organizations and personnel;
   k. Promote self-reliance and sustainable livelihoods amongst internally displaced persons, provided that such measures shall not be used as a basis for neglecting the protection of and assistance to
internally displaced persons, without prejudice to other means of assistance;

2. States Parties shall:
Incorporate their obligations under this Convention into domestic law by enacting or amending relevant legislation on the protection of, and assistance to, internally displaced persons in conformity with their obligations under international law;

   a. Designate an authority or body, where needed, responsible for coordinating activities aimed at protecting and assisting internally displaced persons and assign responsibilities to appropriate organs for protection and assistance, and for cooperating with relevant international organizations or agencies, and civil society organizations, where no such authority or body exists;
   b. Adopt other measures as appropriate, including strategies and policies on internal displacement at national and local levels, taking into account the needs of host communities;
   c. Provide, to the extent possible, the necessary funds for protection and assistance without prejudice to receiving international support;
   d. Endeavour to incorporate the relevant principles contained in this Convention into peace negotiations and agreements for the purpose of finding sustainable solutions to the problem of internal displacement.

Article Five: Obligations of States Parties relating to Protection and Assistance

1. States Parties shall bear the primary duty and responsibility for providing protection of and humanitarian assistance to internally displaced persons within their territory or jurisdiction without discrimination of any kind.

2. States Parties shall cooperate with each other upon the request of the concerned State Party or the Conference of State Parties in protecting and assisting internally displaced persons.

3. States Parties shall respect the mandates of the African Union and the United Nations, as well as the roles of international humanitarian organizations in providing protection and assistance to internally displaced persons, in accordance with international law.

4. States Parties shall take measures to protect and assist persons who have been internally displaced due to natural or human made disasters, including climate change.
5. States Parties shall assess or facilitate the assessment of the needs and vulnerabilities of internally displaced persons and of host communities, in cooperation with international organizations or agencies.

6. States Parties shall provide sufficient protection and assistance to internally displaced persons, and where available resources are inadequate to enable them to do so, they shall cooperate in seeking the assistance of international organizations and humanitarian agencies, civil society organizations and other relevant actors. Such organizations may offer their services to all those in need.

7. States Parties shall take necessary steps to effectively organize, relief action that is humanitarian, and impartial in character, and guarantee security. States Parties shall allow rapid and unimpeded passage of all relief consignments, equipment and personnel to internally displaced persons. States Parties shall also enable and facilitate the role of local and international organizations and humanitarian agencies, civil society organizations and other relevant actors, to provide protection and assistance to internally displaced persons. States Parties shall have the right to prescribe the technical arrangements under which such passage is permitted.

8. States Parties shall uphold and ensure respect for the humanitarian principles of humanity, neutrality, impartiality and independence of humanitarian actors.

9. States Parties shall respect the right of internally displaced persons to peacefully request or seek protection and assistance, in accordance with relevant national and international laws, a right for which they shall not be persecuted, prosecuted or punished.

10. States Parties shall respect, protect and not attack or otherwise harm humanitarian personnel and resources or other materials deployed for the assistance or benefit of internally displaced persons.

11. States Parties shall take measures aimed at ensuring that armed groups act in conformity with their obligations under Article 7.

12. Nothing in this Article shall prejudice the principles of sovereignty and territorial integrity of states.
Article Six: Obligations Relating to International Organizations and Humanitarian Agencies

1. International organizations and humanitarian agencies shall discharge their obligations under this Convention in conformity with international law and the laws of the country in which they operate.

2. In providing protection and assistance to Internally Displaced Persons, international organizations and humanitarian agencies shall respect the rights of such persons in accordance with international law.

International organizations and humanitarian agencies shall be bound by the principles of humanity, neutrality, impartiality and independence of humanitarian actors, and ensure respect for relevant international standards and codes of conduct.

Article Eight: Obligations relating to the African Union

1. The African Union shall have the right to intervene in a Member State pursuant to a decision of the Assembly in accordance with Article 4(h) of the Constitutive Act in respect of grave circumstances, namely: war crimes, genocide, and crimes against humanity;

2. The African Union shall respect the right of States Parties to request intervention from the Union in order to restore peace and security in accordance with Article 4(j) of the Constitutive Act and thus contribute to the creation of favourable conditions for finding durable solutions to the problem of internal displacement;

3. The African Union shall support the efforts of the States Parties to protect and assist internally displaced persons under this Convention. In particular, the Union shall:
   a. Strengthen the institutional framework and capacity of the African Union with respect to protection and assistance to internally displaced persons;
   b. Coordinate the mobilisation of resources for protection and assistance to internally displaced persons;
   c. Collaborate with international organizations and humanitarian agencies, civil society organizations and other relevant actors in accordance with their mandates, to support measures taken by States Parties to protect and assist internally displaced persons.
   d. Cooperate directly with African States and international organizations and humanitarian agencies, civil society organizations and other relevant actors, with respect to
appropriate measures to be taken in relation to the protection of and assistance to internally displaced persons;

e. Share information with the African Commission on Human and Peoples’ Rights on the situation of displacement, and the protection and assistance accorded to internally displaced persons in Africa; and,

f. Cooperate with the Special Rapporteur of the African Commission on Human and Peoples’ Rights for Refugees, Returnees, IDPs and Asylum Seekers in addressing issues of internally displaced persons.

**Article Nine: Obligations of States Parties Relating to Protection and Assistance During Internal Displacement**

1. States Parties shall protect the rights of internally displaced persons regardless of the cause of displacement by refraining from, and preventing, the following acts, amongst others:

   a. Discrimination against such persons in the enjoyment of any rights or freedoms on the grounds that they are internally displaced persons;

   b. Genocide, crimes against humanity, war crimes and other violations of international humanitarian law against internally displaced persons;

   c. Arbitrary killing, summary execution, arbitrary detention, abduction, enforced disappearance or torture and other forms of cruel, inhuman or degrading treatment or punishment;

   d. Sexual and gender based violence in all its forms, notably rape, enforced prostitution, sexual exploitation and harmful practices, slavery, recruitment of children and their use in hostilities, forced labour and human trafficking and smuggling; and

   e. Starvation.

2. States Parties shall:

   a. Take necessary measures to ensure that internally displaced persons are received, without discrimination of any kind and live in satisfactory conditions of safety, dignity and security;

   b. Provide internally displaced persons to the fullest extent practicable and with the least possible delay, with adequate humanitarian assistance, which shall include food, water, shelter, medical care and other health services, sanitation, education, and any other necessary social services, and where appropriate, extend such assistance to local and host communities;
c. Provide special protection for and assistance to internally displaced persons with special needs, including separated and unaccompanied children, female heads of households, expectant mothers, mothers with young children, the elderly, and persons with disabilities or with communicable diseases;

d. Take special measures to protect and provide for the reproductive and sexual health of internally displaced women as well as appropriate psycho-social support for victims of sexual and other related abuses;

e. Respect and ensure the right to seek safety in another part of the State and to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk;

f. Guarantee the freedom of movement and choice of residence of internally displaced persons, except where restrictions on such movement and residence are necessary, justified and proportionate to the requirements of ensuring security for internally displaced persons or maintaining public security, public order and public health;

g. Respect and maintain the civilian and humanitarian character of the places where internally displaced persons are sheltered and safeguard such locations against infiltration by armed groups or elements and disarm and separate such groups or elements from internally displaced persons;

h. Take necessary measures, including the establishment of specialized mechanisms, to trace and reunify families separated during displacement and otherwise facilitate the re-establishment of family ties;

i. Take necessary measures to protect individual, collective and cultural property left behind by displaced persons as well as in areas where internally displaced persons are located, either within the jurisdiction of the State Parties, or in areas under their effective control;

j. Take necessary measures to safeguard against environmental degradation in areas where internally displaced persons are located, either within the jurisdiction of the State Parties, or in areas under their effective control;

k. States Parties shall consult internally displaced persons and allow them to participate in decisions relating to their protection and assistance;

l. Take necessary measures to ensure that internally displaced persons who are citizens in their country of nationality can enjoy their civic and political rights, particularly public participation, the right to vote and to be elected to public office; and
m. Put in place measures for monitoring and evaluating the effectiveness and impact of the humanitarian assistance delivered to internally displaced persons in accordance with relevant practice, including the Sphere Standards.

3. States Parties shall discharge these obligations, where appropriate, with assistance from international organizations and humanitarian agencies, civil society organizations, and other relevant actors.

**Article Eleven: Obligations of States Parties relating to Sustainable Returns, Local Integration or Relocation**

1. States Parties shall seek lasting solutions to the problem of displacement by promoting and creating satisfactory conditions for voluntary return, local integration or relocation on a sustainable basis and in circumstances of safety and dignity.

2. States Parties shall enable internally displaced persons to make a free and informed choice on whether to return, integrate locally or relocate by consulting them on these and other options and ensuring their participation in finding sustainable solutions.

3. States Parties shall cooperate, where appropriate, with the African Union and international organizations or humanitarian agencies and civil society organizations, in providing protection and assistance in the course of finding and implementing solutions for sustainable return, local integration or relocation and long-term reconstruction.

4. States Parties shall establish appropriate mechanisms providing for simplified procedures where necessary, for resolving disputes relating to the property of internally displaced persons.

5. States Parties shall take all appropriate measures, whenever possible, to restore the lands of communities with special dependency and attachment to such lands upon the communities’ return, reintegration, and reinsertion.

**Article Twelve: Compensation**

1. States Parties shall provide persons affected by displacement with effective remedies.

2. States Parties shall establish an effective legal framework to provide just and fair compensation and other forms of reparations, where
appropriate, to internally displaced persons for damage incurred as a result of displacement, in accordance with international standards.

3. A State Party shall be liable to make reparation to internally displaced persons for damage when such a State Party refrains from protecting and assisting internally displaced persons in the event of natural disasters.

**Article Fourteen: Monitoring Compliance**

1. States Parties agree to establish a Conference of States Parties to this Convention to monitor and review the implementation of the objectives of this Convention.

2. States Parties shall enhance their capacity for cooperation and mutual support under the auspices of the Conference of the States Parties.

3. States Parties agree that the Conference of the States Parties shall be convened regularly and facilitated by the African Union.

4. States Parties shall, when presenting their reports under Article 62 of the African Charter on Human and Peoples’ Rights as well as, where applicable, under the African Peer Review Mechanism indicate the legislative and other measures that have been taken to give effect to this Convention.

**Article Fifteen: Application**

1. States Parties agree that except where expressly stated in this Convention, its provisions apply to all situations of internal displacement regardless of its causes.

2. States Parties agree that nothing in this Convention shall be construed as affording legal status or legitimizing or recognizing armed groups and that its provisions are without prejudice to the individual criminal responsibility of their members under domestic or international criminal law.
3. Granting of refugee status a humanitarian act

(1) Subject to subsection 2 of this section, and for the avoidance doubt, the granting of refugee status under this Act does not imply any judgment of, or may not be construed as an unfriendly act towards, the country of origin of the person granted refugee status, but must be regarded as a peaceful and humanitarian act extended to that person as part of his or her human rights.

(2) The Government of Uganda has the sovereign right to grant or deny asylum status to any person.

6. Cessation of refugee status

(1) A person shall cease to be a refugee if-

(a) That person voluntarily re-avails himself of herself of the protection of the country of his or her nationality, or voluntarily re-establishes himself or herself in the country of origin;
(b) That person surrenders his or her refugee status;
(c) Having lost his or her nationality, he or she acquires it again;
(d) That person becomes a citizen of Uganda or acquires the nationality of some other country and enjoys the protection of the country of his or her new nationality; or
(e) The circumstances in connection with which that person was recognized as a refugee have ceased to exist, but he or she without compelling reasons arising out of previous persecution-

(i) Continues to refuse to avail himself or herself of the protection of the country of origin or nationality; or
(ii) Continues to refuse to return to the country of former habitual residence or to take on another available nationality;
(f) Being of a class of persons declared to be refugees in accordance with section 25 of this Act-

(i) That person has committed a serious non-political crime outside Uganda after admission to Uganda as a refugee; or
(ii) That person has seriously infringed the purposes and objectives of the Geneva Convention or OAU Convention

(2) The procedure laid down in section 39 of this Act shall apply in relation to a person who ceases to be a refugee in terms of this section.
8. Functions of Office

(1) The Office shall be responsible for all administrative matters concerning refugees in Uganda and shall, in that capacity, coordinate inter-ministerial and non-Governmental activities and programmes relating to refugees.

(2) Without prejudice to the generality of subsection (1), the Office shall-

(a) Be the Secretariat of the Eligibility Committee
(b) Advise the Government and Eligibility Committee on policy and other matters relating to refugees;
(c) Advise the government on international and regional conventions and Government’s obligations relating to refugees;
(d) Protect refugees and coordinate the provision of services for their welfare;
(e) Identify and initiate projects for refugees and refugee-affected areas;
(f) Advise and work in liaison with the UNHCR and other organisations on refugees programmes and their implementation;
(g) Implement national and regional development plans relating to refugees, in line with current international refugee practices;
(h) Promote and participate in inter-state and regional initiatives for voluntary repatriation of refugees;
(i) Promote Uganda’s regional and international cooperation on refugee matters with other countries and international organisations;
(j) Obtain country of origin information about applications of asylum seekers;
(k) Be the custodian of government properties in refugee settlements;
(l) Issue identity cards and recommendations for travel documents to refugees; and
(m) Ensure the maintenance of law and order in refugee settlements.

19. Application for refugee status

(1) Any person who enters Uganda and wishes to remain in Uganda as a refugee shall make a written application to the Eligibility Committee.
for the grant of refugee status within thirty days after the date of his or her entry into Uganda.

(2) An application made under subsection (1) of this section maybe submitted to the Commissioner through an authorised officer or to the UNHCR representative.

(3) An authorised officers or UNHCR representative to whom an application is submitted under subsection (2) of this section shall, as soon as is practicable, forward the application to the Commissioner.

20. Grant of Refugee Status

(1) The Commissioner shall, as soon as is practicable, process the application for presentation before the Eligibility Committee and may-
   (a) Require such further information from the applicant as maybe necessary to support the application; and
   (b) Carry out any enquiry or investigations as he or she may think fit.

(2) The Eligibility Committee shall, within ninety days after the date of receipt of the application by the Commissioner, consider the and determine the refugees status of the applicant and may, after making any enquiry or investigations as the Committee may consider necessary-
   (a) Reject the application; or
   (b) Grant refugee status to the applicant

(3) The Commissioner shall, within fourteen days after the date of the decision of the Eligibility Committee, inform the applicant in writing of the decision of the Committee.

(4) Where an application is rejected under subsection (2) of this section, the Eligibility Committee shall state the reasons for its decision in writing and the applicant shall be provided with a copy of the statement.

(5) For the avoidance of doubt, the period of ninety days referred to in subsection (2) of this section shall commence on the day following the date on which the applicant submitted the application to-
   (a) The Commissioner;
   (b) The authorized officer; or
   (c) The UNHCR representative.

(6) Where the Eligibility Committee finds that an application before it is a clearly abusive or manifestly unfounded application, the Committee
shall take appropriate measures for deportation of the applicant in accordance with the applicable law

21. Appeal by aggrieved party

(1) An applicant aggrieved by the decision Eligibility Committee may appeal to the Appeals Board within thirty days after receipt of the notice of the decision of the Eligibility Committee.

(2) Notwithstanding subsection (1) of this section, the appeals board may hear an appeal filed after the expiry of thirty days if appellant has justifiable cause for having filed a late appeal.

(3) At the hearing of an appeal under this section, the appellant may appear before the Appeals Board in person or may be presented by an advocate at his or her expense.

(4) A decision of the Appeals Board shall be final.

30. Freedom of Movement

(1) Subject to subsection (2) of this section, recognised refugee entitled to free movement in Uganda

(2) The free movement of a recognised refugees in Uganda is subject to reasonable restrictions specified in the laws of Uganda, or directions issued by the Commissioner, which apply to aliens generally in the same circumstances, especially on grounds of national security, public order, public health, public morals or the protection of the rights and freedoms of others;

40. Expulsion of refugees

(1) The Minister may, after consultation, with the Minister responsible for internal affairs, order the expulsion of any recognised refugee from Uganda if the Minister considers the expulsion to be necessary or desirable in the interest of national security or public order.

(2) Before ordering the expulsion of a recognised refugee in subsection (1) of this section, the Minister shall give due consideration to any representation made by the refugee concerned or his or her representative or the representative of the UNHCR.

44. Settlements and transit centres

(1) The Minister may, in accordance with the Constitution and any other law by notice published in The Gazette, designate places or areas on public land to be transit centres or refugee settlements for the purposes of-
(a) Temporarily accommodating persons who have applied for grant of
refugee status pending the processing and consideration of their
applications by the Eligibility Committee; and

(b) local settlement and integration of refugees whose applications for
refugee status have been granted.

(2) An applicant or refugee who may wish to stay in a place other than the
designated places or areas may apply to the Commissioner for permission to
reside in any other part of Uganda.

(3) A refugee who is authorised to stay in a place other than a designated
place or area under subsection (2) of this section, may be required to report
to the local or urban council of the area or to an authorized officer from time
to time.

(4) The Commissioner shall, in collaboration with, and the support of non-
governmental organisations, UNHCR, international organisations and the
international community-

(a) Where there is need, give relief and assistance to persons whose
applications are pending before the Eligibility Committee; and

(b) Promote self-reliance among refugees and sustainable
development in the affected areas

45. Naturalisation of recognised refugee

The Constitution and any other law in force in Uganda regulating
naturalisation shall apply to the naturalisation of a recognised refugee.

Annexe Thirteen: The National Policy for Internally Displaced Persons

Preamble

This policy establishes the principles which will serve as a guide to
Government institutions, humanitarian and development agencies while
providing assistance and protection to Internally Displaced Persons in Uganda.
This Policy the roles and responsibilities of Government institutions,
humanitarian and development agencies, donors and the displaced
community and other stakeholders.
Fundamental to this Policy is the recognition that Internally Displaced Persons shall enjoy, in full equality, the same rights and freedoms under the Constitution and all other laws, as do all other persons in Uganda. They shall not be discriminated against in the fulfilment of any rights and freedoms on the grounds that they are internally displaced.

Internally Displaced Persons have the right to request and receive protection and humanitarian assistance from national and district authorities.

In this policy, Government commits itself to:

i. Protecting its citizens against arbitrary displacement
ii. Promoting the search for durable solutions to causes of displacement
iii. Facilitating the voluntary return, resettlement, integration and re-integration of the IDPs
iv. Ensuring that every person, internally displaced or otherwise, receives information relating to this policy

Chapter Three: General Provisions

3.1 Security

Security of person and property is one of the fundamental entitlements of internally displaced persons.

Objective:

To ensure security of IDPs and their property through all phases of displacement and maintenance of law and order in camps or areas inhabited by internally displaced persons.

Strategies:

The Uganda People’s Defence Forces (UPDF), the Uganda Police Force and other specialised national security agencies hold the primary responsibility of providing security for IDPs.

The Ministry of Internal Affairs, in consultation with the Ministry of Defence shall provide protection to IDPs camps and places of resettlement. The police will be responsible for maintaining law and order among the displaced communities and communities where the displaced persons are returning or resettling including night commuters.
They UPDF shall ensure protection of the perimeters and areas surrounding IDPs’ sites and during return and resettlement, deployed to deter and halt armed attacks on the former internally displaced until such a time when their security is ensured.

The UPDF, the Uganda Police and specialized units of other national security agencies shall ensure the security of the personnel of humanitarian and development agencies.

The UPDF, the Uganda Police and specialized units of other national security agencies shall allow the internally displaced, humanitarian and development agencies to analyse conditions of IDPs including security independently in the resettlement and return sites.

The UPDF, the Uganda Police and specialised units of other national security agencies will coordinate their activities with the DDMC to ensure that the guidelines spelt out in this Policy are adhered to.

The UPDF, the Uganda Police and specialised units of other national security agencies and the MoH shall ensure that the areas of return and resettlement are mapped for mines and unexploded ordnances (UXO).

The UPDF, the Uganda Police and specialised units of other national security agencies and the Ministry of Health shall ensure that all resettlement and return sites are free of mines and Un Exploded Ordinances (UXO) and conduct Mine Risk Education (MRE) in affected communities.

The UPDF, the Uganda Police and specialised units of other national security agencies shall ensure that no IDP child under eighteen is recruited and takes direct part in hostilities or any activity of the armed forces.

The DDPR, the UHRC and humanitarian and development agencies shall sensitise the Police and other armed forces on the provisions of this Policy, the Guiding Principles on Internal Displacement, Child Rights, Regional and International Human Rights Law and International Humanitarian Law.

Government with the support of humanitarian and development agencies shall put in place special measures to prevent sexual violence, early marriage and other forms of exploitation of the most vulnerable IDPs.

3.2 Freedom

Freedom of movement is a fundamental human right of all Ugandans, including internally displaced persons. It is vital not only for the physical but
also the economic and social survival of all persons. Free movement ensures that the internally displaced can take part in various subsistence activities and should, therefore, not be curtailed.

Objective

To ensure that the effects of internal displacement do not result in the curtailment of the right of the displaced persons to move freely.

Strategies

1. Ensure that all displaced persons have the freedom to move and have access to all areas where various economic and social activities take place.
2. Ensure that all IDPs (men and women) freely choose their place of residence.
3. Ensure that IDPs move freely in and out of camps, other settlement or any other part of the country.
4. Provide security in areas inhabited by internally displaced persons to allow freedom of movement.

3.3 Protection against Arbitrary Displacement

Government shall ensure that every person in Uganda is protected against being arbitrarily and/or compulsorily displaced from his or her home or place of habitual residence.

Objective

To ensure that persons are not uprooted from their habitual places of residence.

Strategies

Develop mechanisms to guard against factors that lead to internal displacement.

Integrate into the planning functions of all relevant institutions deterrents to factors that lead to internal displacement.

Prohibition of arbitrary displacement resulting from any of the following:

i. Policies or practices aimed at altering the ethnic, religious or racial composition of the affected population;
ii. In situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand;

iii. Large-scale development projects which are not justified by compelling and overriding public interests;

iv. Unless the safety and health of those affected requires their evacuation

v. When used as a collective punishment; and

vi. Displacement shall last no longer than required by the circumstances

3.4 Voluntary return and resettlement

1. The Government commits itself to promote the right of IDPs to return voluntarily, in safety and dignity, to their homes or places of habitual residence or to resettle voluntarily in another part of the country. In so doing the Government recognizes the right of IDPs against forcible return and resettlement in any place where their life, safety, liberty and health would be at risk.

2. In order for IDPs to be able to make the decision to return with full knowledge of the facts and freedom of choice, the Government shall use appropriate means to provide Internally Displaced Persons with objective and accurate information relevant to their return and reintegration to their homes or areas of habitual residence, or to resettle voluntarily in another part of the country.

3. To foster family unity, the relevant Government institutions in cooperation with humanitarian and development agencies shall make every effort to ensure that internally displaced families are returned or resettled together when they so desire. Where such efforts fail, a mechanism shall be established for their reunification.

4. The DDMCs together with other local authorities and representatives of the IDPs shall ensure that the return resettlement of the internally displaced is voluntary.

5. The DDMCs must include representatives of the IDPs in the planning and management of their return and resettlement.

6. Local authorities shall ensure that IDPs who have returned to their homes or places of habitual residence or have resettled in another part of the country are not discriminated against as a result of their having been
displaced. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services.

7. Government institutions and local authorities shall recognize as a matter of principle that all assurances and guarantees and all provisions set out in this Policy apply equally to IDPs who may return spontaneously by their own means.

3.5 Legal status, identification and registration

1. Local Governments shall issue to IDPs all necessary documents to enable them to realise full enjoyment and exercise of their rights. In particular, the authorities shall facilitate issuance of new documents or replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one’s area of habitual residence, payment of fines or extra costs in order to obtain these or other required documents.

2. Women and men shall have equal rights to obtain identification documents and shall have the right to have such documentation issued in their own names.

3.6 Property rights

1. Ensure that IDPs are not arbitrarily or compulsorily deprived of property or any interest in or right over property except as provided for in article 26(2) of the Constitution.

2. Local Governments shall to the extent possible, endeavour to protect property and possessions left behind by IDPs against pillage, destruction, arbitrary and illegal appropriate, or occupation or use.

3. Local Governments shall endeavour to assist IDPs to return, resettle and reintegrate, by acquiring or recovering their land in accordance with the provisions of the Land Act of 1998. Where the recovery of land is not possible, Local Governments shall endeavour to acquire and allocate land to the displaced families.

4. In the acquisitions and allocation of land in paragraph (3), Local Government shall ensure that:

   a. The community is involved in land identification and distribution;

   b. There is secure access to the nearest market;
c. There is sufficient space between dwellings constructed;

d. Special protection and support is given to children especially unaccompanied minors, expectant mothers, mother with young children, female-headed households, persons with disabilities and elderly persons.

5. Local Governments shall assist IDPs, especially women to acquire legal interests or certificates of customary ownership in the land they have recovered or been allocated.

6. Sensitisation on land rights should be part of the education program carried out by the HRPP Sub Committee.

3.7 Family unification

1. Families, which are separated by displacement, should be reunited as quickly as possible. All appropriate steps shall be taken by the authorities to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with humanitarian and development agencies engaged in the task of family reunification.

2. In cases where children fail to reunite with their families, all necessary action shall be taken to ensure that their rights to food, shelter, clothing, medical care and education are respected and provided. The responsible Ministries or Local Governments will seek suitable placement in homes or other community-based facilities for homeless children.

3.8 Food security

1. Government through the OPM/DDPR shall establish and maintain adequate grain stores for IDPs and other emergencies. Donor and humanitarian and development agencies are encouraged to assist at the initial stages.

2. The measures in (1) are particularly necessary for IDPs who, as a result of prolonged insecurity and displacement, have been denied access to their land, and marginalized from markets, service extension and other facilities and resources required for food production and fulfilling minimum daily nutritional and caloric intake requirements. Such measures should continue throughout the resettlement phase until the returnees are sufficiently integrated and are food secure.
3. The Ministry of Agricultural, Animal Industry and Fisheries and the Local Governments shall take measures including specific programmes, needed to improve methods of production, conservation, and distribution of food by making full use of available technical and scientific knowledge, disseminating knowledge of principles of nutrition by developing or reforming agrarian systems in such a way as to achieve the most efficient and sustainable development and utilisation of natural resources by the IDPs through all the phases of displacement.

4. During displacement and at the initial stage of any return and resettlement process, the OPM/DDP shall provide food stuffs and non-food relief to displaced persons for a period to be determined from the time when the IDPs return and harvest their first crop. Government shall endeavour to invite humanitarian and development agencies to provide support with relief for;

   a. Daily subsistence needs until the internally displaced their productive capacities;
   
   b. support for food-for-asset programmes aimed at preparing land, rehabilitating social infrastructure and other activities necessary for community stability; and
   
   c. Maintaining attendance rates and enhancing cognitive performance of displaced school children.

3.9 Shelter

1. The OPM/DDP and the Local Governments with the support of humanitarian and development agencies shall provide basic shelter and housing to IDPs. In providing shelter, the Government shall to ensure that:

   a. Physical and primary social needs of individuals, families and communities for safety, security and privacy are sufficiently met;
   
   b. Shelter and housing facilities are within proximity to local infrastructure and strategically placed for IDPs for easy access to food, water, firewood, medical facilities and other basic necessities;
   
   c. IDPs and host communities, especially women, are involved in shelter programmes through consultations;
   
   d. Any negative impact on the host community or environment is avoided or minimised
3.1.0 Clothing

2. The OPM/DDP and Local Governments with the support of the United Nations Agencies, humanitarian and development partners and donors shall endeavour;

   a. To provide sufficient blankets and clothing to Internally Displaced Persons especially during displacement but also during return, resettlement and reintegration as circumstances may require.

   b. Children up to the age of five should have at least one full set of clothing and hygiene materials while women and girls should have at least one full set of clothing and a regular supply of sanitary protection.

3.1.1 Education

1. The Ministry of Education and Sports (MoES) and the Local Governments shall ensure that Internally Displaced Persons, particularly displaced children, have the same access to education as children elsewhere in Uganda. Recognizing the lower economic base of Internally Displaced Persons and the inadequacies of the education provided in the displaced camps, Government will create affirmative action schemes for the displaced persons to enable them have access to and attain the same education standards, as do other students elsewhere in the country.

2. Special efforts shall be made by responsible authorities to ensure full and equal participation of women and girls in education programmes.

3. The MoES and the Local Governments will ensure special provision of scholastic materials, teachers, staff and incentives in the overall operation of education programmes.

4. United Nations agencies, humanitarian and development agencies and donors may be invited to render support in this area.

3.1.2 Health

1. The Ministry of Health (MoH) and the Local Governments shall ensure that all wounded and sick Internally Displaced Persons or reintegrating Internally Displaced Persons receive to the fullest extent and with the least possible delay, the required medical care and attention without discrimination on any grounds other than medical ones. Where necessary, Internally Displaced
Persons should have access to psychosocial and post-traumatic stress treatment.

2. Special attention will be paid to the health needs of women, including access to female health care providers, services such as reproductive health care, as well as appropriate counselling for victims of sexual abuse and other abuses.

3. Special attention will also be given to the prevention of and protection against contagious and infectious diseases, including HIV/AIDS, among Internally Displaced Persons.

   a. Responsible ministries and Local Governments will determine and provide special support to health personnel at the return or resettlement sites and will ensure that essential medicines are supplied, without prejudice to the other parts of this policy.

   b. Extra-budgetary allocations or reallocations will be considered for the purpose mentioned in paragraph (a) and in advance of any planned return and resettlement.

4. United Nations agencies, humanitarian and development partners and donors may be invited to render support in this area.

3.1.3 Water and Sanitation

1. The Ministry of Water, Lands and Environment (MWLE) and the Local Government shall provide clean and safe water to displaced persons.

2. The MWLE through District Water Officers shall prioritise return or resettlement areas in regard to providing clean and safe water sources based on the SPHERE Minimum Standards and shall encourage returnees to construct household pit latrines.

3. The MoH and the Director of District Health Services shall community hygiene promoters to propagate good hygiene behaviours in return and resettlement areas or communities.

4. In carrying out its obligations in this section, the responsible ministries and Local Government shall work with Internally Displaced Persons and host communities.

5. United Nations Agencies, humanitarian and development partners and donors may be invited to render support in this area.
3.14 Resettlement Kits

1. The OPM/DDP, Local Governments and humanitarian and development partners shall provide resettlement inputs and tools to returned and resettled families, as well as tool kits to support construction and self-employment. Displaced persons shall be consulted on the most appropriate inputs to meet their food security needs under prevailing conditions.

2. Seeds and tools and other inputs may be made available through regular commercial channels, details of which will be developed by the DDMCs.

3. United Nations Agencies, humanitarian and development partners and donors may be invited to render support in this area.

3.15 Rehabilitation of Infrastructure

1. Government and Local Governments shall rehabilitate social and economic infrastructure including health posts and health centres as well as market access roads and schools and camps, return and resettlement areas in full consultation with and participation of Internally Displaced Persons.

2. United Nations Agencies, humanitarian and development partners and donors may be invited to render support in this area.

3.16 Graduated Tax

1. Internally Displaced Persons shall be exempted from paying graduated tax except where it is proved after an assessment by a Tax Assessment Committee that an Internally Displaced Person has sufficient means of income to pay graduated tax.

2. Local Governments shall ensure that Internally Displaced Persons exempted from paying graduated tax are issued with a certificate of exemption.

3.17 Environment

1. The MLWE, the National Environment Management Authority and Local Governments, shall endeavour to educate Internally Displaced Persons and their host communities on environmental conservation resource management and use.

2. United Nations Agencies, humanitarian and development partners and donors may be invited to render support in this area.
Annexe Fourteen: Research Conclusion

The following displaced populations were interviewed:

1. IDPs at Kiryandongo Resettlement Area
2. Asylum Seekers at Nyakabande Transit Centre

Staff of the following government ministries, international organisations, humanitarian agencies and NGOs were interviewed:

1. UNHCR Uganda
2. Uganda Red Cross Society
3. The Salvation Army
4. Samaritan’s Purse Uganda
5. Refugee Law Project
6. Office of the Prime Minister
7. Ministry of Finance, Planning and Economic Development
8. The Salvation Army International Emergency Services
9. The Salvation Army Uganda

The following researcher in the refugee studies’ field were interviewed:

1. Barbara Harrell-Bond
2. Roger Zetter
Annexe Fifteen: What happened next?

Kiryandongo IDP Resettlement Programme

Following an initial food and seed distribution to Kiryandongo when the IDPs arrived, The Salvation Army distributed food and seeds for a second time in July 2012. It was hoped that the food would support the community until the expected harvest in August 2012, although some feared that some of their efforts would be wasted for a third harvest. The seeds were to be kept for planting in September 2012. All 603 households were given flour, oil, beans, salt, sugar and seeds. Links to The Salvation Army’s agricultural committee in Kigumba, 20 kilometres from Kiryandongo Town, were forged in the hope that the host population could work with the IDPs to improve agricultural yield.

The OPM Representative of Kiryandongo requested that The Salvation Army also repair the damaged boreholes. This was done by paying the District Water Engineer to complete the work. By September 2012, six out of the seven boreholes were working once again.

Supporting the government to meet the need of shelter or education was not delivered by The Salvation Army, deciding that the programmes were not within their capacity and it was strongly felt that the government themselves needed to deliver on their promise of two-bedroomed houses and more schools.

Nyakabande Transit Centre

In May 2012, The Salvation Army gave sacks of rice and peas to Uganda Red Cross Society. These were welcomed by URCS who distributed them on alternate days to the regular poscho and beans meal to improve nutritional support to the refugees. Bottles of water were also given to the refugees who faced a long bus journey to Rwamwanja. Unable to continue distributing food on an on-going basis, ideas of distributing NFIs or starting a basic education/supervision programme for children were discussed as a way to meet the most urgent needs. However, the OPM requested that these programmes did not go ahead.

Instead, a request from UNHCR to provide energy saving stoves in the transit centre was seriously considered. Although the refugees wanted to cook within individual families, it was thought that it may improve the quality of
food served in the communal kitchens, and decrease the impact on the environment and cost upon UNHCR to purchase firewood. However, decisions on whether the idea was workable, how it would change the ‘temporary status’ of the centre and how UNHCR would deliver the work on behalf of The Salvation Army (who had no previous experience in building the stoves) were not finalised by publication of this dissertation.

**Rwamwanja Refugee Resettlement Area**

The Salvation Army were able to provide soap, sanitary items and some items of clothing to the refugees. These were purchased with the amount of funding available and given to OPM and the agencies permanently based at the resettlement area to use and distribute in a way that would best compliment their work. It was decided that this was a simple way to meet a gap.