

# **Self-settled Refugees in Uganda: An Alternative Approach to Displacement?**

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This paper investigates the complex security and economic dynamics that influence the lives and opportunities of self-settled refugees living in Uganda. It focuses on the opportunities and problems faced by self-settled refugees, and questions the assumption that Uganda's current local settlement policy is best suited to the country's social, economic and political realities. It suggests that far from being passive victims, self-settled refugees are taking control of their lives without any additional external assistance and are planning for the day they can return to their homeland. Consequently, the paper argues that there is reason to believe that local integration is likely to succeed where other models have failed.

Keywords: self-settlement, settlements, encampment, government policy, international structures, Uganda

## **Introduction**

Uganda is currently host to approximately 230,000 officially-registered refugees, many of whom have lived in exile for well over a decade. Although progress has been made towards ensuring stability within the region, particularly in Sudan, the situation continues to be highly precarious, and conflicts that have been generating refugees could continue for many years to come. Indeed, despite the fact that the Sudan peace deal signed in January 2005 was heralded as an opportunity for widespread repatriation, Sudanese refugees continued to arrive in Uganda over the course of the year.

Durable solutions continue to remain elusive for the vast majority of refugees in Uganda. Repatriation remains both uncertain and problematic; and the United Nations High Commissioner for Refugees (UNHCR) and the Government of Uganda (GoU) are reluctant to allow refugees to integrate within the country, thus ensuring that their lives are permanently 'on hold' (see Goodwin-Gill 1996). Indeed, the centrepiece of Uganda's refugee management approach, the 'local settlement', is a departure from the policy of local integration, which allows refugees to settle among their hosts. Thus while, to date, the government has had no official policy on refugees,

the *de facto* policy has been based on the encampment of refugees, leaving them heavily reliant on aid that is 'completely undependable, erratic and inadequate' (Harrell-Bond 2000: 4; see also Verdirame and Harrell-Bond 2005). In consequence this paper deliberately uses the terms 'settlement' and 'camp' interchangeably to illustrate the fact that both are essentially the same: they represent the maintenance of refugees within confined spaces.

The legal framework further entrenches this position. For example Uganda's Refugees Bill 2003, which is due to replace the archaic Control of Alien Refugees Act (CARA) 1960, Cap 62, retains the settlement structure as the basis for refugee management. Therefore, with the exception of the approximately 200 on UNHCR's urban caseload, refugees officially recognized as such are limited to living in designated and enclosed geographical locations, all located in rural areas of the country (see Bernstein 2005). Receiving assistance is dependent upon living in such a settlement and no refugee is allowed to leave except after obtaining a temporary permit from the Camp Commandant, who is the administrative head of the settlement (Hovil 2002).

In addition, the Self Reliance Strategy (SRS) for refugees continues to uphold the settlement structure (see Dryden-Peterson and Hovil 2003). The SRS fits into UNHCR's wider global strategy of Development Assistance to Refugees (DAR), which is a component of the Convention Plus Initiative. The SRS was introduced in 1999 as a developmental response to refugee management that was intended to integrate assistance to both refugees and their hosts, with its main objective being to allow refugees to become self sufficient. Under the SRS, each refugee family in the settlement is—at least in theory—initially given some food rations as well as a one-time package of non-food items. The household is also given a small plot of land for subsistence agriculture. After a period of time, they are expected to have reached a point of self-sufficiency, and are 'phased off' food and other humanitarian assistance. However, research has indicated that the moment when refugees' rations are phased out often coincides with the point at which land needs to be left fallow for a year (Hovil 2002). This is not an option within the settlement, and so the refugee family is left to survive on an increasingly infertile piece of land, often more destitute than before. Thus the much-publicized SRS remains a myth for the majority of refugees, given that self-reliance is supposed to be attained within the confines of the settlement structure.

Indeed, the most glaring indictment of the settlement policy is that it transgresses human rights standards, particularly freedom of movement, the gateway through which other rights are enjoyed. For instance, a policy that limits the free movement of refugees and confines them to particular geographic spaces violates Article 26 of the 1951 UN Convention Relating to the Status of Refugees, which states, 'Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence and to move freely within its territory subject to any regulations applicable to

aliens generally in the same circumstances'. The implication is that refugees should also have the freedom to choose how they should support themselves. Refugees should also have freedom of thought and freedom of conscience, provided for in Article 18 of the International Covenant on Civil and Political Rights.

The shortcomings of the settlement system have been highlighted by a wide body of literature that documents the extent to which settlements violate the rights of both refugees and their hosts (see e.g. Black 1998; Chan and Loveridge 1987; Crisp 2000; Van Damme 1995; Verdirame 1999; Malkki 1995; Kibreab 1993; Kuhlman 2002). Indeed, the whole rationale behind encampment—increasingly referred to as the 'warehousing' of refugees (Smith 2004)—is being questioned, with a growing realization that the happy, dancing refugees displayed to outsiders on World Refugee Day do not portray the full story. Indeed, as Verdirame and Harrell-Bond (2005) have demonstrated, such images represent a chronic perversion of the truth.

Due to the hardships and restrictions associated with living in settlements, thousands of refugees in Uganda have decided to opt out of the settlement structure and 'self-settle' amongst the national population, particularly in border areas and the capital city, Kampala. It is impossible to know exactly how many self-settled refugees there are—itself an indication of their ambiguous legal status: while the GoU claims to use the 1951 Convention as its guideline for determining refugee status, in practice only those who live in settlements are considered to be refugees, with the exception of the small number of refugees on UNHCR's urban caseload. As a result, 'self-settled refugees' are not eligible for assistance within the Ugandan context. This is in direct contradiction to both the 1951 Convention and the 1969 OAU Convention; as the latter clearly states, anyone who enters another African country fleeing 'external aggression, occupation, foreign domination or events seriously disturbing public order' is a refugee (1969 OAU Convention Article 1(2)). See also Okello *et al.* 2005).

Thus while many self-settled refugees undoubtedly fall under the legal definition of a refugee, they are not officially recognized. Despite repeated claims by government that they have not been applying the CARA in refugee protection, legal barriers against local integration remain firmly in place. As a result, there is considerable ambiguity surrounding the status of self-settled refugees: indeed the government and UNHCR see the very notion of 'self-settled refugee' as a contradiction in terms, having redefined 'refugee' as someone receiving assistance and living in a camp. Such a definition, however, makes little sense in a context in which thousands of refugees have opted out of the settlement structure and have sought to make a living on their own.

While the problems associated with the encampment of refugees are well documented, less is known about the considerable numbers who have chosen to self-settle within the host population. Self-settled and urban refugees remain relatively under-researched, even though, according to Bakewell (2005),

the majority of refugees in Africa have opted out of the settlement system. Some recent studies have focused on this group, however. Jacobsen and Landau's (2003) work on urban refugees in Johannesburg contributes both to understandings of urban refugees and to methodological considerations in this type of research; Briant and Kennedy (2004) provide insight into the perceived needs and priorities of urban refugees living in Cairo. This latter being the first study of its kind indicates that refugees' own ideas are poorly represented in the majority of programming activities. Likewise Bakewell elucidates the extent to which host populations, particularly around border areas, offer initial protection for refugees, especially those who choose to remain anonymous for their own protection. Yet, as he goes on to say, this relationship can quickly sour:

If targeting of aid towards refugees to the exclusion of local hosts undermines the initial protection and aid and creates hostility towards refugees, it is acting against their protection (2005: 5).

Kibreab discusses the extent to which refugees can be agents of development, but only if government policy allows for their integration. In the case of Sudan, he identifies three main reasons why the government is unwilling to de-emphasize encampment: first, to 'avert the threat of "subversive" activities both against the governments of origin and asylum' (1996: 138); second, to shift responsibility for their care and maintenance to the international donor community; and third, to keep them segregated from the host population. Sommers (2001) refers to the unrecognized and unrealized potential of refugee youth living in Dar es Salaam, where they are alienated by the lack of official recognition and the fact that the policy environment forces them to hide, while Sperl (2001) critiques UNHCR's reluctance to provide assistance to urban refugees, particularly where they are unable to attain self-reliance.

Against the backdrop of this growing global debate on self-settlement, the following report draws together the findings of a study, funded by the John D. and Catherine T. MacArthur Foundation, which carried out a preliminary investigation into the lives of select groups of self-settled refugees living in Uganda. The main emphasis throughout the research was to investigate the complex physical security and economic dynamics that influence the lives and opportunities of self-settled refugees. Based primarily on a series of field research trips to a number of different areas where significant numbers of self-settled refugees are known to be living, it focused broadly on both the opportunities and problems faced by these populations. The specific intention of the research was to question the assumption that the much-touted, and currently favoured, local settlement policy is best suited to Uganda's social, economic and political realities, and to suggest possible alternatives to the current refugee management structure within Uganda.

Specifically, through investigating the lives of self-settled refugees, the intention of the study was to examine a set of assumptions that were identified as underpinning the policy of encampment. These eight assumptions, which are derived from an analysis of the policy environment within Uganda, can be summarized as follows: that refugees present a security threat and, as such, need to be contained; by the same token, that refugees are better off in camps for their own security; that the label 'refugee' represents some form of protection for those thus labelled; that they are better off in camps from an economic perspective; and, as a result, that refugees are not resources for socio-economic progress of the host country but are instead 'burdens'; furthermore, that refugees are passive victims; that refugees are more likely to repatriate eventually if they live in camps; and finally, that those who help refugees understand refugees' best interests better than refugees themselves.

These assumptions form the structure of the paper, which systematically critiques each one in light of the findings on self-settled refugees. Through doing this it demonstrates that, while it is important not to generalize about what is, by definition, a highly heterogeneous group of women, men and children, self-settled refugees do, indeed, present an alternative to the settlement structure and a challenge to the ideas that underpin it. As will be argued below, there is reason to believe that local integration is likely to succeed where other models have failed, and its adoption is long overdue.

### **Methodology**

The paper is based primarily on field research conducted over the course of 18 months (April 2003–September 2005) in five different locations within Uganda, but also draws more widely on research conducted by the Refugee Law Project (RLP) over the past five years. The field research locations were chosen as areas known, from previous research, to host significant numbers of self-settled refugees, the majority from Sudan, Democratic Republic of Congo (DRC) and Rwanda. Field trips of one to two weeks' duration took place in Moyo, Arua, and Koboko districts between June 2004 and February 2005; and to western Uganda, including the districts of Kisoro, Kabale, Kanungu and Rukungiri, in July–August 2005. Additional data was collected in Kampala over the same period.

A total of 326 interviews were conducted with refugees, members of the host communities, government and security officials, UNHCR staff, and other relevant stakeholders. Of the total, 230 interviewees (39 per cent of whom were women) were refugees living outside the settlements, 58 were Ugandans, 56 were security officials or national and local government officials, and 20 were UNHCR and NGO officials. Each field research team included individuals who could conduct their interviews in languages spoken by interviewees as well as act as interpreters for other team members. Only in

the case of the Arua research were interpreters from outside the team used. Throughout the study, the research relied primarily on qualitative methods, adopting an open-ended, in-depth interview technique. As such, the data collected cannot claim to be ‘representative’ of self-settled refugees.

For reasons relating to their lack of official status as refugees, it was sometimes difficult to locate refugees who did not want to be identified as such by outsiders; needless to say, the security concerns of refugees were paramount throughout the research. As a result, it is likely that the findings present a bias towards what might be termed the ‘success stories’ of self-settlement. However, this dynamic also represents a function of the study: namely, to identify factors that might assist refugees to self-settle if national and international policy makers were officially to allow self-settlement. Thus the findings do not only present specific cases of self-settled refugees, but also point to the possibility of self-settlement as a specific policy objective.

The distinction between ‘migrant’ and ‘refugee’ is often hard to make. Given that the majority of those interviewed are from countries currently in a state of conflict, in particular DRC and Sudan, there is an implicit assumption throughout the paper that all individuals from these countries are therefore refugees, something underscored by the *prima facie* status bestowed upon them by the government at the time the field research took place. However, it is likely that some individuals from these countries might, in fact, be classified as migrants rather than refugees, an issue of identification that both goes beyond the scope of this paper and, in turn, is indicative of the ambiguous legal status of ‘refugees’ living outside the camps. For that reason, the term ‘refugee’ is used in its broadest sense.

### **‘Refugees are Better Off in Camps for the Country’s Security’**

It is argued that, since refugees are often fleeing from zones of violent conflict, they are therefore potential agents of insecurity who, if not kept under close surveillance, will disturb the relative stability of the host country. As Pirouet (1988) states, this is an attitude that has prevailed since the time of Uganda’s independence, and settlements are justified as a means of ‘containing’ such potential threats. As an immigration official in western Uganda explained: ‘Refugees are not actually supposed to integrate freely into the local community. They are supposed to be in confined spaces and handed over to UNHCR.’ When asked his opinion on allowing refugees to self-settle, he replied:

I would vehemently oppose that, because of the future repercussions. The existing few jobs would be taken by refugees, thuggery [criminal activity] would increase. Lawlessness would come in (interview, Katuna border post, Kabale, 1 August 2005).

A security official echoed this sentiment with regard to Rwandese refugees: ‘They are very intelligent people. If you don’t monitor them they will take over the country’ (interview, Katuna border post, 2 August 2005).

Such comments are not based on any empirical evidence. Indeed, research shows that, to the contrary, the presence of large numbers of refugees who have fled notorious conflicts in their home countries, living isolated from the rest of the country, can have the opposite effect: settlements, rather than ‘containing’ the security threat of refugees, may allow rebel groups to re-group and operate within such isolated rural ghettos (see, e.g. Hovil 2002; Verdirame and Harrell-Bond 2005). Furthermore, the presence of large camps set apart from the surrounding population inevitably generates rumour and suspicion. As a government official in western Uganda said: ‘You know in settlements they are secluded and are in secrecy and can have time and privacy to plan’ (interview, Kanungu, 28 July 2005).

Conversely, while policy makers argue that allowing refugees to integrate freely among the local population will somehow lead to social tension and chaos, the findings of the study showed this to be largely unfounded. In the clear majority of cases, nationals and refugees alike spoke of their relationship in positive terms. As one Congolese refugee man said, ‘Once I introduced myself and my family to the chief [local official] then there have been no problems... Overall we are welcomed by the community’ (interview via interpreter, Rwenshama landing site, Rukungiri district, 31 July 2005). A local government official from the area in which the Congolese man was living echoed this sentiment:

We ask them why they have come, and then we inform them what they have to do to stay here—to talk to the LC1 [Local Councillor 1], to behave according to our laws... So far we have had no problems with them (group discussion, Kishenyi trading centre, Bushenyi district, 1 August 2005).

Inevitably the story was not always so straightforward, and it would be naïve to think there are no tensions between self-settled refugees and nationals. As one refugee woman said,

My movement is limited because some Ugandans view refugees badly. Even our landlord is a problem because we paid our rent yet he still complains that we should go back to Sudan. I’ve told my parents to leave his house and look for another one (interview, Metu village, 28 May 2004).

However, such tensions were localized and specific rather than a threat to national security: self-settled refugees, like anyone else in the district, were simply expected to live by the laws of the land and to face the same consequences if they did not.

### **‘Refugees are Better off in Camps for their Own Security’**

Correspondingly, there is also an assumption that camps offer refugees greater security. However, research has clearly demonstrated that the settlement structure is unable to guarantee refugees’ security, and there is growing evidence that settlements create an easy collective target for their

pursuers and other rebel groups (see, e.g. Hovil and Moorehead 2002). For instance, in July 1996, rebels of the Lord's Resistance Army (LRA) attacked Achol-Pii refugee settlement, killing at least 100 refugees and wounding several others. Even though Hovil and Moorehead (2002) had made it clear that another attack on the settlement was likely, there was little government response and, in August of 2002, the rebels launched a vicious attack on the same settlement, killing at least 80 refugees, and wounding and abducting several others. Although the settlement has now been closed as a result of the attack, many of the refugees have since been relocated to other settlements within the war-stricken northern region which remain vulnerable to attack. In addition, settlements in West Nile have been repeatedly attacked, both by rebel groups that are now officially defunct (see Lomo *et al.* 2004), and, currently, by the LRA.

Consistently throughout the research, refugees referred to the fact that they had either left the camp or decided not to register and live in one as a result of the insecurity of settlements. As a refugee now living in Koboko said,

[In the settlement] the LRA rebels cut our ears, locked our mouth with padlocks. I ran from Sudan because of war and when I am killed in Uganda, what does that mean? That's why I ran away from the camp (interview, Triangle village, Koboko, 14 February 2005, quoted from Okello *et al.* 2005: 11).

Or, as a self-settled refugee living in Moyo district said with reference to the camps, 'The conditions here are normal and there is peace unlike in the camps where the rebels find it very easy to attack the refugees' (interview, Lama village, Moyo district, 30 May 2004).

### **'The Label "Refugee" Represents Protection for those thus Labelled'**

It is somewhat ironic that, while the label 'refugee' is supposed to signify international protection, many self-settled refugees have found creative ways to avoid being recognized as an official refugee. This reluctance reflects the fact that, as demonstrated above, the label 'refugee', signifying as it does the imperative to live in a settlement, by no means ensures protection. As a result, self-settled refugees have to find alternative means of identifying themselves at a local level.

The perspectives of many of the *national* government officials interviewed reflected government policy that refuses to acknowledge the legal status of self-settled refugees. For instance when asked how many refugees there were in the area, a government security official in Kisoro replied:

No idea. You can't call them refugees as such, because I would say refugees are in camps and gazetted areas. Those who *declare* themselves refugees, we normally refer them to Mbarara [the location of Nakivale settlement] (interview, 26 July 2005, emphasis added).

Or, as another government official said, ‘We have those who come and declare themselves to the authorities. And there are those who simply move in’ (interview, Kisoro town, 26 July 2005).

As a result, there was often considerable confusion over the status of non-Ugandans living in the area. Those who are, under international refugee law, technically refugees were often referred to in an awkward and contradictory way. For instance in Kabale, where researchers talked with a number of Rwandese, a government official asserted, ‘We do not have any *identified* Rwandese living here. The last time we had them here was when there was war in Rwanda in 1990’ (interview, 2 August 2005, emphasis added). This comment was echoed by an official from Koboko who stated, ‘There are no refugees in this area’ (interview, 16 February 2005). Likewise numerous immigration officials referred to the fact that if those crossing into Uganda said they were visiting a relative, they were allowed in without registering as refugees, while those who registered as refugees were expected to move to a settlement. In both cases—whether through being forced to live in a camp or being denied official refugee status—their rights are clearly violated.

However, despite this lack of official recognition within the national context, what was striking in all the areas visited was the extent to which local government officials accepted the presence of self-settled refugees. In particular, they recognized the disadvantages associated with going to live in the settlements. As one official said, when asked why many of the refugees in the area have failed to register: ‘Maybe they think they will be taken to refugee camps. They have been earning money here. They do not want to go; they will not be free at the camp’ (interview, Kabale, 2 August 2005).

Indeed, there were a number of stories of local government officials protecting refugees from national government officials in order to save them from having to move to the camps. For instance a Sub County chief in one western district referred to the fact that there were 300 ‘foreign nationals’ registered in the area:

These have been registered in a period of not exceeding six months through the LC1. The LC1 chairmen are not enthusiastic about giving information about these people because the district authorities emphasize that [they] should be taken to settlement camps... But those who are here have the freedom to earn a living through working, other than being in a settlement camp where such opportunities are lacking (interview, Rukungiri District, 31 July 2005).

Or, as a government official in Moyo said, ‘Unless one is forced by very severe circumstances, one wouldn’t wish to go to a camp’ (interview, Moyo, 29 May 2004). Local government officials often showed greater awareness of the needs and rights of refugees, than either UNHCR or the GoU.

The implications of being officially recognized as a refugee were well understood by the self-settled refugees themselves, many of whom have avoided identifying themselves as refugees to district officials for fear that they will either be forced to repatriate or be sent to a camp against their will.

In other words, seeking official recognition as a refugee was seen to jeopardize their current situation. For instance one Congolese refugee man spoke of his reluctance to register:

I am wondering if I get a refugee status would the Ugandan authorities allow me to move and come to Kisoro to work, because I do not know about refugee life in the camps since I have never been there and no-one has told me about it...As of now I am safe, I have shelter and I can feed myself from my work...But if I say I am a refugee, then they will not let me stay here (interview, Kisoro, 26 July 2005).

Likewise a Sudanese refugee woman we were referred to in Moyo by a close family member told us that there had been a mistake—that she was, in fact, Ugandan. Their vulnerability notwithstanding, therefore, those self-settled refugees who were interviewed showed themselves to have creatively worked around the system: despite being denied the benefits of official refugee status, they have carved out enough security for themselves to be living and working within the rubric of the local government system.

However, the fact remains that, while living with such blurred identities might fit within a paradigm of survival, it has created a situation that is unacceptable for the protection of refugees. As a result of the non-application of official refugee status for those who crossed into Uganda seeking asylum, self-settled refugees are exceedingly vulnerable to exploitation and arbitrary arrest. For instance in Kisoro town, there were numerous reports of Congolese having to pay immigration officials on both sides of the border in order to enter Uganda. One young Congolese man told how he had to pay \$10 to the Congolese immigration officials and \$20 to the Ugandan immigration officials. 'I think I will be here as long as I can pay the \$10 every month for renewal of my stay in Uganda, and as long as there is work for me to do and no improvement in the security in Congo' (interview, Kisoro, 26 July 2005). He went on to say that he would be arrested if he did not have these documents that he had paid for, and was aware of others in the area who were in the same position. Of even greater concern, in another interview on the same day a refugee mentioned that he knew of individuals who had not been able to enter Uganda because they had not been able to afford this unofficial fee.

Thus without legal documents, they remain at the whim of those in authority. As a local government official said, when asked if non-Ugandans ever get arrested for being illegal immigrants:

I am not in a good position to answer that—the police can tell you more, and they might tell you about the eleven people who were handed over to the DRC at Goma...I personally was not happy about that (interview, Kisoro, 26 July 2005).

As a result, the label 'refugee' becomes one that many seek to avoid as it forces them to choose between repatriating to the country from which they

have fled—which amounts to *refoulement*—or going to live in a settlement against their will. Such perversion of international norms represents a violation of their rights as they are effectively penalized for trying to receive both the legal status and the accompanying physical and legal protection that comes from being officially granted asylum.

**‘Refugees are Better off in Camps from an Economic Perspective’**

In addition to security concerns, a significant assumption underlying the policy of encampment is that refugees are better off in camps from an economic perspective. However, findings also show this to be unfounded. In particular, restrictions on refugees’ freedom of movement pose a specific barrier to attaining self-sufficiency, as they continue to raise obstacles to the enjoyment of their economic rights as stipulated in the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Ugandan Constitution. The government, instead of removing such obstacles, continues to limit refugees’ movement to the extent that they cannot participate in the surrounding economy. As a result, self-reliance within the settlement structure becomes impossible (Werker 2002). As a self-settled refugee businessman in Moyo said, ‘I can’t think to go to the camps because moving is a problem in the camps since you have to get permission every time you have to go somewhere’ (interview, Lama village, 27 May 2004).

In addition, separating refugees from the host community creates two sub-economies: that of the refugees within the settlement and that of the nationals. As another self-settled refugee who was making his living as a *boda-boda* cyclist said, ‘I am not used to free things like they are given in the camps, and it is not easy to carry out business in the camps’ (interview, Moyo town, 1 June 2004). Whereas this dichotomy might, in some instances, give rise to a healthy economic symbiosis, there is evidence to suggest that the duality not only creates an abrasive competition between the two sub-economies but also complicates the deliverance of development-oriented (as opposed to relief-oriented) refugee aid.

Thus, as a local government official in western Uganda said, ‘They don’t want to go to the refugee camps. Someone who has fed on fish all his life can’t go and live in a camp’ (interview, Rwenshama Landing Site, 31 July 2005). Or, in the words of a Sudanese man, currently teaching in a school in Koboko, ‘In camps food was a problem. If you settle yourself, you live. If you are desperately poor, you go to camps. Those self-settled are those who have something’ (interview, 17 February 2005).

**‘Refugees are not Sources for Socio-economic Progress but, instead, are Burdens’**

By contrast, self-settled refugees, far from being a burden, were not only supporting themselves but were engaged in the local economies. Indeed,

along with security concerns, the search for economic activity was a primary motivating factor in refugees' decision to make a living outside the settlements. Those interviewed were engaged in a wide variety of livelihood activities, reflecting the context in which they found themselves. Around the landing sites near DRC, for instance, the majority were fishermen, either using boats they had managed to flee with, or hiring them from locals; others, particularly in West Nile, were engaged in agriculture, generally at a subsistence level; some were engaged in petty trade or owned businesses. However, what was common throughout was the resourcefulness of the refugees interviewed.

For instance, the following account told by a Sudanese refugee father of two living in Moyo town gives an indication of the level of creativity and initiative typical of many of the self-settled refugees interviewed. Having fled Sudan in 1988, carrying nothing but some food and kitchen utensils, he first went to the settlement—'I had no-one to depend on.' In the camp, he

sold milk from the cattle keepers and got some money, and that is how I managed to settle here [in Moyo town]. After I had made some money from the milk, I bought a bale of second hand clothes and sold them, so then I managed to begin this shop and with the profits I made I managed to buy the plot of land I now live in.

At the time of the interview, he had a thriving shop for both retail and wholesale, and travelled to Kampala every two weeks to buy goods. He paid rent of 60,000 Uganda Shillings (UGS) for the shop (\$1 is roughly equivalent to UGS1,800), UGS145,000 income tax, a business licence of UGS80,000, and UGS90,000 Graduated Tax (G-tax, since phased out). In other words, his contribution to the local economy was UGS375,000 (approximately US\$208) a month. He then went on to acknowledge the help he got from the nationals: 'These people are very good hosts—they gave me the first plot of land to construct my three tukuls [huts].' He moved around with his G-tax ticket, and therefore did not need further permission to travel: 'my permission is my G-tax ticket. It is better than in the camps where there are unnecessary restrictions on movement and yet my job demands a lot of movement.' He reports to the LC1 on issues, and attends their meetings, but he does not vote: 'As a self-settled refugee, I have to attend the LC meetings, to solve my disputes.'

Another refugee man in Metu village, Moyo district, talked of why he had chosen to opt out of the settlement structure:

I knew that if I went to a camp, it would be difficult for me to make enough money for my children to go to school. When I arrived [in 1987] these Ugandans here had been with us [as refugees] in Kajo Keji [in Sudan]. So when I asked them to assist me with some land, they gave me land. Since then I've been staying with them. I dig cassava, groundnuts and cotton. I also have a retail business selling beer and *waragi* [gin].

On his income, all seven of his children are at school, including one at the Uganda College of Commerce in Pakwach and three at secondary school.

I pay tax because I stay with the citizens. I very much want to be able to move freely. That's why I pay tax. If I'm in a camp, I have to wait for permission from the Camp Commandant and this would affect my business (interview, 29 May 2004).

On a smaller scale, a young Sudanese woman with a baby who was interviewed talked of how she makes *mandazi* [doughnuts] and sells them. She earns UGS15,000 per week and pays UGS5,000 a month rent on her home (interview, 28 May 2004). Another refugee woman was earning enough from braiding hair to provide three meals a day for herself and her small child (interview, 29 May 2004).

While there appeared to be opportunity to farm plots of land in West Nile, in western Uganda self-settled refugees spoke of the problems of accessing land, given the heavy competition for land within the area. Instead, those living near the lakes were generally involved in fishing. Other self-settled refugees talked of how they returned to DRC once or twice a week in order to farm their land, and supplemented this with small income-generating opportunities that arose.

The issue of livelihoods is crucial not only to the physical survival of self-settled refugees, but also to the way in which the surrounding host population perceives them. While on the whole the host population showed considerable willingness to allow refugees to live in the area, the research showed that the sustainability and success of this was largely contingent upon the refugees being seen as a net economic benefit to the area. This was particularly important given the extra stress put on resources such as health clinics and schools: since only encamped refugees are officially recognized within the national and international assistance structures, districts accommodating self-settled refugees get no additional help for doing so.

For instance, in Moyo district refugees talked of the positive response of the nationals in the area. When asked what factors had enabled them to start their lives as self-settled refugees, the vast majority referred to the assistance of the local population. As one Sudanese said,

Basically it was the residents of this area. Some of them are good Samaritans and others are bad because they give you land and after you have cleared the land and ready to plant, then they decided to demand for their land back. But we requested the citizens here to assist us with land so that we could grow some food so as to survive, and they gave it to us. We then sell the crops and get some money to buy soap and keep some crops for food and seeds (interview, 25 May 2004).

Another Sudanese woman said, 'I came here . . . and a Ugandan gave me land free of charge. Then I paid UGS5,000 as rent for a room' (interview, Metu

village, 28 May 2004). As another refugee said, 'We are all stranded here together' (interview, Metu village, 28 May 2004), implying that nationals and refugees alike are trying to survive in a harsh environment.

In many instances, the fact that refugees were paying taxes was recognized as a positive contribution to the district. As one security official in Kisoro said, 'Other districts blame us for letting these foreigners cross into Uganda. Yet they want these foreigners, they want them to pay tax in their offices' (interview, 26 July 2005). Interestingly, the extent to which refugees were contributing positively to the economy in Moyo was demonstrated by the fact that several Ugandans talked of their fear of Sudanese repatriating, and the negative impact this might have on their district. As one Ugandan said, 'I think they should be allowed to remain in Uganda. Many of them have been living good lives and paying tax so Uganda has benefited. If they are sent away, Uganda will lose income' (interview, Kweyo village, 29 May 2004). Or as a Ugandan woman asked, 'When they return we shall have nowhere to buy food from and some of the teachers in the schools are Sudanese, so if they go back, who will teach our children?' (interview, Lama village, 25 May 2004). At the same time, it was recognized that land would become free once they returned home. A similar response was witnessed on the shores of Lake Albert in Bundibugyo district, where Congolese refugees were seen to have boosted a depressed local economy by injecting cash and commodities into the area (Hovil 2003).

Thus while it is important not to over-romanticize the life of self-settled refugees, which for many is extremely difficult, the majority of those interviewed did not appear to be necessarily worse off than the host population around them. Furthermore, when compared to settlement refugees, they were often clearly better off despite the fact that none were receiving any form of external assistance.

### **'Refugees are Passive Victims'**

The fact that self-settled refugees are engaged in the local economy demonstrates that they are not, as assumed, passive victims of their fate. Critical to this independence is the ability to choose where they live, in contrast to the constraints on self-determination and freedom of movement that characterize the settlement structure. For instance, a Congolese refugee man with ten children who was earning a living through fishing spoke of why he had opted not to go to a settlement: 'I did not want to go [to the camps] although I had the chance. I fear there is a lot of disease because of the close conditions. I prefer to rent a house here' (interview, Rukungiri district, 31 July 2005). He then went on to add, 'Also, I didn't want to go to the camp because my children like to eat fish, so I never went to the police to register.'

Most importantly, by choosing to self-settle, such refugees are able to decide where to live according to the circumstances in which they find themselves. In other words, they are able to interact with the context and, despite the hugely limiting factors within which they operate, can seek greater

protection for themselves as a result. For instance a government official described how Congolese in the area responded to the changing security situation in DRC: 'Recently there was some disturbance across the border so they crossed to Ishasha and when the other side stabilized then they went back' (interview, Kanungu, 29 July 2005). Or as a young Congolese woman said, 'I chose to stay here with relatives other than going to the camps that I do not know' (interview, Kisoro, 26 July 2005).

Hostility to living in the settlements was often paramount in refugees' decision-making. For instance in Koboko, numerous Sudanese refugees described how they had decided to leave the camps due to either insecurity or economic problems, or both (Okello *et al.* 2005). In some instances, refugees have even opted to return home rather than move to a settlement. While this is not necessarily exercising choice—insofar as it could be argued that they had no other alternative—it shows the extent to which hostility to moving to a settlement was a primary motivating factor. As one interviewee said,

One time, UNHCR came and registered the Congolese living here. But when they brought the trucks they refused to go... They thought they would go easily, they even came twice. But the Congolese boarded trucks and went to Congo and after one week they came back (interview with local government official, Rwenshama Landing Site, Rukungiri district, 31 July 2005).

Or, as a government official said with reference to a group of refugees who had left Nakivale settlement,

Previously they were in Nakivale, but they escaped. They said they were not being catered for, that conditions were harsh in the camp and that it was better in the Congo (interview, Busanza border post, Kisoro, 27 July 2005).

For many, however, there is no choice. Going to a camp may be their only means of survival. As one Sudanese student said, 'Camps are better for refugees who can't support themselves, but those who can support themselves should stay outside' (focus group discussion, Metu Senior Secondary School, Moyo, 29 May 2004). At the same time, for those who have self-settled the availability of choice is contingent upon a number of factors. Perhaps the one most commonly referred to was the presence of contacts among the host population, whether directly (through family affiliation, for instance) or more indirectly, or through wider ethnic affiliation and a common history of displacement, as in the case of West Nile where approximately 80 per cent of the population was forced into exile along with the ousted Uganda Army from 1979.

For instance, a Parish Chief in Koboko, near the Sudanese border, described how they were hosting those who had previously been their hosts:

We call them as our brother, we have a common historical origin and are the same people. It is only the border which divides us... the children play together, use the same language, go to the same schools, there is no point in saying that this [person] is from a different country—no! (interview, 23 August 2004)

A Congolese border official expressed a similar sentiment:

We have sisters and brothers and aunts and cousins living on both sides of the border. There is no difference between us... [Congolese] pass through Ishasha. They are passing from one side to the other like they have always done since before colonial times (interview, Bousanza Grouping, DRC, 27 July 2005).

Even further from the border in Arua, a Ugandan man talked of his willingness to host refugees: 'Our place is a very free area... Anyone can come and stay with us. We stay with them' (interview, Ozuvu village, 14 August 2004).

Indeed, it is clear that in many instances refugees are drawing upon networks rooted in population movements that existed long before the civil conflicts of today. As a Congolese refugee said, with reference to a group of refugees living in the trading centre:

These people are related, they all have the same origin only that in Uganda they are known as the Bafumbira, and in Congo they are referred to as the Banyabwisha... So they are one and the same people, but it is only the law that requires that they should be divided (interview, Kisoro town, 26 July 2005).

As a result, the blurred legal identity and status of refugees is further enhanced by a context in which hosting others is not contingent upon refugee status being recognized, but rather on family and kin ties. As a refugee woman at Rwemshama landing site in western Uganda said, 'I had my brother-in-law here, so it was easy for me to stay' (interview, 31 July 2005). In other words, choices are being made by refugees on the basis of what is best for them in their specific circumstances.

What this reveals is the extent to which numerous refugees are forgoing free assistance in the settlements because they view the negative implications as too great. Rather than being the passive victims they are so often characterized as, they are voting with their feet against the settlement structure. They are seeking, instead, to survive without external assistance, often in the harshest of environments. In some instances they are even prepared to return to their countries of origin, despite explicit danger to their lives. Indeed, what is so often forgotten is that before they became refugees, such individuals lived independently in the cities, slums and villages of their home countries, and found ways of fending for themselves: there is no welfare state in Africa. The mere fact that, as refugees, they are turned into passive victims with no say in their future itself presents a damning indictment of the settlement policy.

### **'Refugees are More Likely to Eventually Repatriate if they Live in Camps'**

One of the arguments against local integration is that it will ultimately discourage refugees from returning home. This is based on an assumption that, somehow, all refugees are motivated by the desire to become

naturalized. The findings of the study clearly challenge this assumption: the vast majority of those interviewed expressed their longing to return home. Even in the case of the two successful businessmen outlined above, they both talked of their intention to return to Sudan. The main exceptions to this were those who had married a national, or individuals who had been in the country for more than 20 years—although, even in the case of the latter, many still held out hope for eventual repatriation. No doubt there are also a number of ‘refugees’ who no longer identify themselves as such and who have become, effectively if not legally, naturalized.

In Moyo district, for instance, perhaps the most striking indication of refugees’ intention to return home was the fact that there were no graves in refugee compounds: they had been burying their dead in Sudan. This observation was supported by the fact that the research team met a group of refugees carrying a body to Sudan on a bicycle, even though it was going to take them over a day to get there by foot. As this indicates, the issue was not whether or not they would return, but when and how. As one woman said, ‘You cannot forget your motherland. Sudan is my mother’ (interview, Lama village, 30 May 2004). Or as a businessman said, ‘My heart feels Sudanese. If peace comes to my country, we will go back. Sudan has been in problems. We want to go and develop our country’ (interview, Moyo town, 28 May 2004).

Indeed, it was apparent that self-settlement was a factor that actively *encouraged* return and made repatriation more, rather than less possible, a factor that should be taken into account by policymakers. For example, a group of refugees who had been living in Nakivale settlement talked of how they had moved closer to the border in order to decide when it might be safe to return to DRC: ‘I learned that Congo was cooling down so I moved to the border so that I could check on the status of my former home’ (interview, Busanza trading centre, Kisoro, 28 July 2005). While he was waiting, he spent some time working on his land in Congo, which was 12 kilometres away from the border, going two or three times a week, and was able to provide for his family in doing so. Likewise refugees staying in Bundibugyo spoke of how they wanted to avoid going inland to a camp because that would reduce their hope of return. A Sudanese refugee described how he might return home:

We will need to first go and dig and build houses while we leave the children here to study. Then when it’s time, we will go back to Sudan. Kajo Keji is just a few kilometres from here and even when we go back, we will keep coming back. I’ll keep something here. You can go to and from here in the morning to Kajo Keji on *boda boda* and come back in the evening (interview, Metu village, 28 May 2004).

Although such cross-border movement contravenes international standards—a fact that was recognized by a number of government officials—it shows the extent to which this freedom and flexibility to make decisions might allow a successful repatriation process. Just as self-settled refugees made the choice to

self-settle, they are able to make their own decisions on how and when to return home. In so doing, the shock of repatriation is softened by refugees being allowed to take decisions on how the process might best work in their interest and specific circumstances. As one Ugandan man said, ‘I don’t think they’ll go completely—they’ll operate business here and in Sudan’ (interview, Moyo town, 28 May 2004). This was echoed by a local government official in charge of SRS in Moyo district, who clearly did not know about UNHCR’s usual approach to repatriation:

Even after the war in Sudan ends we will have to give these people at least 20 years to rebuild southern Sudan. As long as they’re paying our taxes and running legal business, I don’t think there’s a problem (interview, 25 May 2004).

Thus, not only do the findings disprove the theory that integration is antithetical to eventual repatriation, they also show that the choice associated with self-settlement allows return to take place with reduced negative impact.

### **‘Those who Help Refugees Understand their Best Interests Better than Refugees themselves’**

This broad, thematic description of self-settled refugees existing outside the assistance structures, albeit articulated by a small sample of individuals, suggests that there might be an alternative to warehousing refugees as the default policy. However, the underlying assumption that those who help refugees understand refugees’ best interests better than refugees themselves has created a situation in which suggesting alternatives to the settlement policy is greeted with hostility by both the GoU and UNHCR. These responses are outlined briefly in the following section.

As already noted, this paper draws on specific research conducted over the period April 2003 to September 2005, as well as on earlier research conducted by the RLP over the past five years, a substantial amount of which is published in the RLP Working Paper Series. While the findings outlined above represent important empirical data on the lives of self-settled refugees, the process of doing research within this context has itself also generated an additional primary source, which is referred to briefly in the following section. All research conducted at RLP is action-oriented, and the findings are used as the foundation for any advocacy activities. As such, the experience of doing research on refugees within Uganda, and the reactions it has generated, gives a further indication of the extent to which the policy of encampment is entrenched within the system. Understanding this system and the different vested interests individuals and groups have in it is vital to any potential change in the status quo.

It would be no exaggeration to say that research criticizing various aspects of the settlement structure has been greeted with open hostility by both UNHCR and the Office of the Prime Minister (the government department

responsible for refugee management in Uganda). Such hostility has been expressed in a number of different ways. For example, following the release of Working Paper 2 (Hovil 2001), which examined the issue of forced recruitment by the Sudan People's Liberation Army in Adjumani settlement, the RLP was banned from entering refugee camps in Uganda for a period of eight months. Likewise when conducting research in Moyo for a working paper on freedom of movement in February 2003, none of UNHCR's implementing partners would talk with the RLP as they said they had been told by the UNHCR office in Kampala not to communicate with the RLP team. Given that such implementing partners tend to be on relatively short-term contracts with UNHCR, and that their jobs depend on their relationship with them, the majority complied.

Perhaps most revealing is a letter received from the then First Deputy Prime Minister and Minister for Disaster Preparedness and Refugees, Lt Gen Moses Ali, following a complaint by the RLP of specific abuses taking place in Nakivale settlement. In it, he informed the RLP:

Please note that all your suggestions are irrelevant and only intended to ignite conflicts. I am tired of your continued senseless letters on this matter. If you are aggrieved by government actions on Nakivale land, you have the option of going to court (Letter dated 19/11/04).

Furthermore, he stated in a separate letter, with reference to complaints made by the RLP about the forcible relocation of refugees to a settlement in West Nile, 'In principle, however, it is the prerogative of Government and not refugees to decide where the refugees should stay in line with provisions of international law' (Letter dated 12/5/03). These statements clearly reveal the extent to which human rights rhetoric, as utilized by many government officials, is not translated into practice.

As demonstrated above, it is overwhelmingly apparent that there is little or no room for debate within the refugee assistance structures. Any criticism of the status quo is viewed as antagonistic and, as a result, most organizations remain quiet. Thus the flow of information within the settlement structure is tightly controlled. Indeed, refugees living within the settlements are not engaged in debate over the maintenance of their lives, let alone with Ugandan nationals. As a result, bringing such issues into the public arena transgresses the unspoken agreement of silence over any negative aspect of camp life and bypasses the gatekeepers, potentially jeopardizing the security of those refugees who have the courage to speak out against the system. The negative impact felt by refugees who voice dissent against the system has been seen clearly and repeatedly in individual cases in the RLP's Legal Aid Clinic. This, perhaps, relates to the fact that the policy framework is based on a set of false assumptions, yet with no openness about the systems that control them. And it is a system that must be defended at any cost, because there is no viable alternative. As a result, blocking any suggestion of refugees being

allowed to self-settle freely is primarily an issue of political will, not of an inadequate legal framework and resources. It is based on an assumption that those who help refugees understand their best interests better than the refugees themselves.

### **Conclusion**

The current local settlement policy of Uganda has generally failed to ensure security and economic development for both refugees and their hosts, and is based on a refugee aid mechanism that lacks sustainability. Furthermore, the settlement structure does not operate in accordance with international human rights standards, and the warehousing of refugees does not offer answers to their plight and what is undoubtedly a protracted refugee situation. Indeed, as the findings indicate, the settlement structure itself is a contributing factor to the protracted nature of refugee situations. Indeed, it violates their rights.

At the same time, current opinion in Uganda holds that refugees are a drain upon the country's meagre resources. This drain is both direct, through the use of public services, and indirect, through the generation of further unemployment by way of increased competition for jobs. It is therefore taken for granted that one way of ameliorating the economic burden created by refugees is to confine them to settlements removed from ordinary national life, where they subsist on relief handouts given by donor agencies and in ways that have minimal negative effect on Ugandans. By the same token, it is assumed that keeping refugees in camps is beneficial to both the country's and the refugees' security—and, furthermore, that by keeping them separate they are more likely to eventually return home.

By contrast, this research suggests that, measured against the yardsticks of security and development, there is empirical justification for de-emphasizing the local settlement policy in Uganda and moving towards a policy that encourages the local integration of refugees within the host community (Jacobsen 2001). Findings show that refugees who integrate offer an alternative approach to being a refugee in Uganda: they are working, paying taxes, and contributing to the economy of the districts in which they are living. Rather than being a burden, they are an asset to the communities in which they live. They are able to make decisions about their own security, and have been able to use skills and knowledge that they brought with them to enrich themselves as well as their host country. Most significantly, they are planning for the day that they can return to their homeland.

However, the findings also show that those who have been able to self-settle have done so against the odds. By the same token, since assistance is contingent upon living in a settlement, the choice of self-settling is not an option for many refugees who, for one reason or another, are forced to take the little assistance offered by the camps (Hovil 2002). However, if the option of self-settlement were legally recognized and assistance channelled to both the refugees and their hosts *aside* from the settlement structures, then there is

a real possibility that refugees would integrate freely within the local economies and move to areas in which they feel secure. Furthermore, the potential benefit for the host population has been clearly demonstrated: it is precisely because of the levels of poverty in Uganda that refugees should be allowed to settle amongst the host population.

In the final analysis, however, the refusal to allow refugees to self-settle is a failure on the part of government to implement its international legal obligations. Legally speaking, self-settled refugees exist, and in opting out of the settlement system they are simply expressing what they believe to be their best interests. They are acting on their own behalf and, in so doing, point to the potential for an alternative refugee development policy that can genuinely benefit both refugees and their hosts.

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