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"Refugees and Politics in Uganda"

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INTRODUCTION

It is common government rhetoric to talk of the granting of asylum as a humanitarian act. But as Loescher (1992: 34-51) has observed, refugee problems are intensely political and their causes and consequences are intimately linked to political issues. Governments therefore have to walk a tight rope in trying to balance these considerations. In the host states, refugee flows present real and potential challenges to policy makers as they can exacerbate tension and contribute to increased levels of violence in intra-state and inter-state politics. States are therefore forced to include the refugee factor on their national security calculations. This paper seeks to examine this phenomenon and show to what extent these refugees have been referred to as an issue to influence politics in Uganda. I will start with a brief background and theoretical framework to this phenomenon in Uganda, the response to this phenomenon by government, the refugees and the nationals and how all these culminated in the refugees invasion of Rwanda.

BACKGROUND AND THEORETICAL FRAMEWORK

Uganda has a wealth of experience with refugees which pre-dates its independence in 1962. As a host state, Uganda has received refugees from most of the neighbouring countries which had been rocked by political instability forcing many of their citizens to flee in large influxes. The first wave of refugees came in 1955 from the Anglo-Egyptian condominium of the Sudan.

This was followed by another wave in 1959 and 1960 from Rwanda and Congo Leopoldville (now Zaire) after Belgium relinquished its responsibility over its former territories. These same countries have again, for a second time in their history, sent new influxes of refugees to Uganda between 1988 and 1992. Uganda has also received a substantial number of refugees from Ethiopia and Somalia, the epicentre of refugee-producing countries in Africa. As a producer of refugees, Uganda in 1972 expelled its own citizens of Asian extract followed by the political and

academic intelligentsia. In 1980, almost the entire population of West-Nile and Madi region were forced into exile while that of the infamous 'Luwero Triangle'¹ and Nothe and North-Eastern Uganda who could not cross international boundaries were labelled 'internally displaced' persons. As a receiver of 'returnees',² Uganda in the latter 1980s resettled most of the Ugandan refugees that it had produced during the earlier regimes. In this paper, I will discuss only that group of people who have been labelled 'refugees' by the international refugee regime and the Uganda government.

Who is a refugee?

The concept 'refugee' is very elusive and has defied an all inclusive definition. Theoretically, a refugee is a person who votes with her/his feet against a state which is unable or unwilling to protect that person against life-threatening conditions such as war, civil strife, hunger or the supposedly natural disasters like famine and floods (SHACKNOVE 1985:274-284). But in real life, not all those fleeing such conditions acquire refugee status. Zetter (1991:39-61) points out that in the realm of public policy and practices, a person becomes a refugee and acquires that status only if she/he conforms to certain institutional requirements as defined by the bureaucracies of those states or state-agencies. In other words, the word refugee is simply a label which states and states-agencies decide to place upon somebody according to their political interests. This explains why some asylum-seekers can acquire refugee status in one state but not in the other while others are referred to as 'freedom fighters' or 'displaced persons'.

The most commonly used conventional definition is a political one, the generation-old United Nations (UN) 1951 Convention and its accompanying 1967 Protocol³ which stipulate the requirements for accreditation of refugee status at individual level (UNHCR HANDBOOK 1992). In the Africa region, the Organisation of African Unity (OAU) came up with a Convention in 1969 which recognises the

mass movement relating to the status of refugees is also widely accepted (WILEY 1991:50). In both of these definitions, the asylum state has the prerogative to interpret political events in the sending state and then determine to whom this status be awarded. However, inspite of the presence of these international instruments, each state usually legislates who should be accorded refugee status.

We can now see the definitional problems related to this concept 'refugee'. The theoretical one, which is more concerned with the humanitarian issues of safety and protection ... the avowed primary purpose for the existence of the office of the United Nations High Commissioner for Refugees (UNHCR) ... and the conventional or political ones which are concerned with the sovereign rights of the states that devised the definition refugee (EVANS 1991:51).

By the time of the arrival of the refugees in Uganda and the subsequent refugee legislation, external forces were already dominating refugee policy. It is against this background that Uganda also defines who a refugee is and consequently determines who should be awarded refugee status.⁴ Prior to independence, the colonial government had promulgated The Control of Alien Refugees Ordinance, 1960, which for the first time in Uganda's history technically defines certain migrants as refugees. After independence, this Ordinance was inherited wholesale and adapted as The Control of Alien Refugees Act, 1964. Uganda also became party to the UN refugee instruments and the OAU Convention in 1976 and 1989, respectively.

The Perception of refugees in a host state.

Daley (1989) has observed that the political and economic conditions in a host state together with the politics of the international refugee regime to a large extent determine national refugee policies. In the Ugandan context, the arrival of the refugees concided with the country's

attainment of independence in 1962. This could be considered as bad timing since Uganda was grappling with the problem of fulfilling the independence aspirations of its citizens. The virulent ethnic, religious and monarchical rivalries which had taken on a political colour were making it difficult for the government to forge Uganda into one nation. In particular were the thorny issues of the 'Buganda Question', the Rwenzururu secessionist movement, the Karamoja problem and the 1964 Army mutiny⁵ which had put the legitimacy of the nascent state at stake. Uganda was also having problems of providing essential social and economic services to its people.

The refugees also have their own interests to protect, such as their culture, and they usually become an added variable in such a fluid political situation. They can disrupt the social and political order by boosting the population of certain minorities or ally themselves with the opposition as a leverage to pressure their interests, thereby, tilting the political balance of power against government. Their arrival in influxes can also disrupt the delivery of essential community social and economic services and therefore distort the local economy as government may be compelled to share the little it has with the refugees or re-allocate more resources to certain sectors. Because governments normally have problems of satisfying these needs, which calls for the question of its ability to govern, the resulting paralysis is for the opposition to exploit the situation. The only other alternative open to government is to call upon the international refugee regime to assist it in its refugee programme which is tantamount to acquiescing to this regime and therefore compromising its independence and autonomy in prioritising on issues (HASTEDT and KNICKREHM 1988). Under such circumstances, the refugee phenomenon is bound to take on a political rather than a humanitarian dimension. Therefore, it must have been feared that the fluid political situation (and therefore the cause of refugees) in the neighbouring countries which was also present here might be replicated in Uganda.

On the international front, the refugees' presence in a host country can jeopardise the diplomatic relationship between states, more particularly if the sending state is hostile or if the refugees fled because of repression. Therefore bestowing refugee status to them could be construed by one state as condemning the sending state for the violation of fundamental human rights and by the other as aiding and abetting 'subversives'. Secondly, the majority of the refugees, for good strategic, psychological and economic reasons prefer to self-settle at or near the borders of their countries of origin. In the first place these borders are themselves disputed. Also dispersed refugees especially those along the border are politically volatile and where guerrillas are can be embarrassing to the host government. This therefore always calls for state intervention which can culminate in border skirmishes. The presence of the refugees in a host state, therefore, forces that state to take a geo-political outlook in the making of decisions.

Host states particularly in Africa tend to view the refugees as a unique and 'temporary' phenomenon. This perception arises from the belief that the cause of the refugee flows was the collapsing western imperialism and the decolonisation process which was sweeping across Africa and that as soon as this phase was over, then refugees would return to their countries of origin. The resulting impact of this perception to policy is that governments do not want to include the refugees on their development agenda especially with regard to their integration in the host communities (NABUGUZI 1992:).

In practice, however, weak host governments with this kind of fluid domestic politics tend to see the refugees as a threat to their power. When faced with this kind of refugee challenge to their authority, host states react by evoking national security concerns to justify repressive solutions to problems and unite competing elements against threat to society (HASTEDT and

KNICKREHM 1988:261). Under such circumstances, host states also tend to apply ad-hoc policies in the administration of the refugees (NABUGUZI 1992).

It is this perception of the refugees as a 'political/security problem', as an economic 'burden' and as a 'temporary'⁶ phenomenon which has led to the policies aimed at controlling, segregating, pacifying, depoliticising and therefore marginalising the refugees so that they do not become a source of conflict in intra-state and inter-state politics. Uganda conforms well to this perception and in the section following we examine some of these mechanisms and policies put into force to deal with the refugee phenomenon as a political issue.

Mechanisms set up to deal with refugees

The political predicament of the refugees in Uganda starts with the definition of the term 'refugee'. As if suspicious as to who should be accredited refugee status, the Uganda definition is reminiscent of the 1951 UN Convention and defines a refugee narrowly and strictly based on ethnic and setting even the arrival dateline. Statutory instrument No. 64-3, (1964) section 3 declares a refugee to be; any alien, being an African of the Batutsi tribe ordinarily resident in Rwanda, ... who enters or has entered Uganda on or after 1 November 1959... or ... any alien from the territories formerly comprising the Belgian Congo ... who enters or has entered Uganda on or after 10 July 1960 ... or any alien from the republic of the Sudan ... who enters or has entered Uganda on or after 20 December 1960.

In addition to this specific but narrow definition, refugee status is further confirmed only if two other requirements are fulfilled. A resident permit had to be issued (REFUGEES ACT, Section 6(1)), an indication of the sovereignty of a state to determine who can reside in the country. Secondly, this permit can only be issued to one who agrees to reside in a place specified by government,

implying a refugee camp (euphemistically called settlements in Uganda). Refugees who manage to go through this net but refuse to stay in their designated areas are automatically excluded from refugee status and are often referred to as 'spontaneous' in UNHCR parlance or 'illegal immigrants' in government parlance.

As party to the international refugee instruments, Uganda is also under obligation to determine refugee status according to certain internationally acceptable criteria. As if meant to deter one from seeking asylum, the UN Instrument requires member-states to follow an intricate process in the determination of individual refugee status. The process assumes that a refugee carries with her/him "a full dossier containing documentation explaining and substantiating the person's background and reasons for flight, requiring such details as the applicant's personality, family social identity, experience as well as a thorough understanding of the situation in the refugee's country of origin. It also assumes that the UNHCR or the government interviewing-official has the skill, opportunity and desire to peruse and evaluate this information and give their interpretation of the displacement-causing situation" (EVANS 1991:50-51). This process in Africa is untenable and usually political considerations are normally taken into account in the award of refugee status.

In line with these international instruments, Uganda has set up the Refugee Eligibility Committee (REC) which determines individual refugee status: The legal status and the constitution of members of this REC has never been made clear as a result of which the REC meets irregularly and government has always preferred to use it only for administrative convenience to suit the whims of leaders of political interests of regimes in power.

In 1982, for instance, following the political harassment of refugees of Rwandese origin, Uganda's erstwhile Minister

of Internal Affairs, John Luwuliza-Kirunda 'highjacked' the functions of this committee. Refugees were seen as a serious political and security threat to the interests of the ruling Uganda Peoples Congress (UPC) government, thus requiring that the determination of refugee status to be controlled strictly. When the REC was revived in 1987 under the Ministry of Local Government, it begun co-opting members from organisations such as The Internal and External Security Organisations, an indication that government views the refugees mainly as a highly sensitive top political and security matter. In the determination of refugee status, this Committee regards asylum-seekers from certain countries as a political liability and these are often automatically excluded from refugee status. Thus, even if some of these asylum-seekers theoretically qualify for refugee status, this status is denied to them because Uganda considers more the political interests of the state than the safety and protection needs of the refugees.

For instance in 1989, Said Barre's Somalia, with no geographical boundary with Uganda, in a violation of the OAU principle protested to Uganda for awarding refugee status to two Somali footballers who defected while on a clubs tournament in Nairobi (NEW VISION 1989). Since then, other Somalis have sought asylum in Uganda and qualify for refugee status on the basis of 'refugee sur place' but have been denied this status and left in limbo and now survive in Kampala's Kisenyi slum by subsisting on the black economy. Somalis are also generally referred to as 'unreliable and untrustworthy'.

Kenyan asylum-seekers have also fallen victims of this politics of the determination of refugee status. As a result of the good cordial relationship between Obote's Uganda and the Kenya government, most Kenyan asylum-seekers, for fear of being 'refouled', did not acquire refugee status and quietly slipped out of the country having used Uganda only as a stepping stone to other countries.

Museveni's Uganda has had to walk a tight rope in trying to balance between the political considerations of the state and the humanitarian protection needs of refugees. Since President Museveni and the NRM⁷ came to power in 1986, Uganda has faced unexplained hostility from the government of Kenya (Weekly Topic, 1990). But Kenya also controls the sea port of Mombasa which is the main gateway for Uganda's imports and exports. In its asylum policy towards Kenya, Uganda has had to take into account its geo-political position. It must have been with these considerations in mind that Kenyan asylum-seekers, in particular ethnic Somali who were expelled in 1989, have been denied refugee status. However, in 1992 following the democratisation pressure in Kenya which resulted in producing refugees, Uganda openly admitted bestowing refugee status to 475 Kenyans. But in accordance with its geo-political considerations, Uganda swiftly transferred them to the remote Nakivale settlement on the border with Tanzania where they still live in some kind of confinement.

Another mechanism set up to deal with the refugees as a political issue is the establishment of refugee settlements. These settlements are now regarded as the best places for controlling, and marginalising the refugees. Usually, the establishment of settlement schemes have an economic motive. However, unlike these schemes with an economic motive, refugee settlements have political and humanitarian factors involved with social and economic factors being disregarded until later in the settlement history. In Uganda, refugees have no choice to choose their places of residence irrespective of their status and duration of stay and so they are 'herded' in settlements. Moreover, they are all required to live in a rural environment as if they are all experienced farmers. If any of them have any other skills at all, then the possibility of practising one's profession are limited by the rural framework. Those who live outside this framework as self-settled refugees have only managed to do so because of government's inability and ineffectiveness to fully implement this settlement policy. These settlements

are also in accordance with the donor requirements and policy (DALEY 1989:204, KIBREAB 1989:468-489).

But the establishment of these settlements do not imply resettling the refugees permanently. Since independence, Uganda has always maintained that the refugees are 'temporary' residents and therefore preferring to keep them together for ease of repatriation as soon as conditions that had led to their flight have changed. The Refugees Act is very clear on this issue outlining what they should do as temporary residents and the penalties imposed if the Act is not adhered to (BAINGANA 1989:32).

Moreover, these settlements whether by design or mere coincidence with the availability of land, are physically isolated, often located in or near game reserves and/or tsetse-infested areas. As a result, most of them are very remote and inaccessible. Kibreab (1989:471) has observed that one of the purposes for segregating the refugee settlements is to ensure that the prospects of repatriation are not weakened by eventual cultural and social integration. For instance, Kyaka I was until recently located in the midst of a game corridor and heavily infested with tsetse flies. Kyangwali, is surrounded by the government protected Bugoma forest and the escarpment towards Lake Albert is still cut off from the rest of the world for most of the time during the year. Apart from Ibuga which is located near an urban centre and along a motor Highway, all other settlements including those newly established since 1987 for the Sudanese refugees in Moyo district follow an almost similar pattern.

As if this physical isolation were not enough, the refugee settlements in Uganda are fenced, albeit, bureaucratically. In some other parts of the world, such as Hong-kong, refugees live in closed camps which are fenced physically with barbed wire and its inmates not allowed to move out. In Uganda, refugees live in closed camps which are fenced

bureaucratically with dictatorial management, restrictions on mobility and bureaucratic harassment. A refugee requires a movement permit to move in or out of a settlement. Even local Ugandans who live within the vicinity of the settlement including the local government administrative chiefs within whose jurisdiction the settlement supposedly falls, have to get permission to enter a refugee settlement (REFUGEES ACT 1964: Art. 14). Until 1980, refugees were not even allowed to engage in meetings of any nature including those concerning their welfare or cultural activities. Thus, the refugees who had run away from terror found themselves in a prison-like situation.

To ensure adherence to these restrictions, government has appointed officers called 'Commandants' (again euphemistic) whom it has given excessively enormous powers of enforcement. They control and monitor the activities and movements of the refugees and issue movement permits. They can fine or arrest a recalcitrant without a warrant of arrest and lock up the victim for a 'limited' period of time in lock-up cells in the settlements (Section 21-22). Also to ensure the isolation and segregation of the refugees from the Ugandan administrative bureaucracy, government has set up a parallel administration for the refugees with 'commandants' reporting to senior 'commandants' in charge of larger refugee zones who in turn report directly to Kampala headquarters, thereby, bypassing the local district authorities. Since 1987 government efforts to involve these local authorities in the administration of these settlements are being met with resistance by the already institutionalized refugee bureaucracy.

After government has provided the land for their settlement, the refugees are left in the hands of the international refugee regime to feed them and provide them with the necessary basic facilities. In 1964, Uganda, out of its inability and ineffectiveness to deal with the refugee situation alone within the confines of its sovereignty

invited the UNHCR for assistance in the management of its refugee programme. This has had tremendous political implications.

In the first place Uganda internationalised the refugee problem and acquiesced to the UNHCR its responsibility for the management of its refugee policy. Since accession to the international refugee instruments, Uganda's refugee policies have been donor-driven, implying that Uganda has to treat the refugees according to certain internationally acceptable standards such as the freedom of movement and parity with nationals in accessing to employment and education. These are contrary to Uganda's refugee laws and the desired policy of giving priority to Ugandans. One of the reasons why Uganda had to delay the ratification of these international refugee instruments is that it disagreed over the issues of parity with the refugees, particularly in the fields of education, naturalisation and land acquisition (Cabinet Memo 1968). The government, therefore, has had to compromise its autonomy in decision-making because of the refugee factor. Since 1987, UNHCR has been urging government to revise its refugee law so that it is brought in line with these international instruments.

Secondly, by 'targeting' relief assistance, UNHCR strengthens the government policy of isolating, segregating and therefore demobilising the refugees. Karadawi (1983:540) has observed that a major aim of refugee policy has been to use international assistance handed out in camps as a method of creating dependency with refugees as virtual recipients and thereby pacifying and depoliticising them. In this way the refugees are stripped of their political and civil rights and are expected to conform and accept directives from the state and the donors (DALEY 1989:252). UNHCR therefore had to support and even influence the establishment of these organised settlements by providing the necessary basic infra-structure and facilities in form of buildings, roads,

education, water, health and food ration. As a result of this policy, the 1960s saw a proliferation of refugee settlements with eight in the South and four in Northern Uganda.⁸ These settlements today still comprise the main cornerstone of Uganda's refugee policy in the 1990s with new ones having been recently opened for the newly arrived Sudanese refugees.

According to UNHCR, it is assumed that assistance 'targeted' to the settlements reaches the right beneficiaries, helps to avoid 'leakage' to the nationals living adjacent to the settlement, accelerates the refugees' attainment of food-self-sufficiency and 'integration' in the host community, keeps them contented with camp life and the refugees cease, at least, to be a burden to the government and the donor community. With the provision of these facilities and government meting its authoritarian administration through 'commandants', the administration of refugee settlements on the principle of 'total institutions'⁹ is completed.

In the third place, one of the consequences of UNHCR's policies of 'targeting' is that the majority of the refugees who are self-settled (and moreover assisted more by the nationals) are not often recognised nor even registered as refugees. According to UNHCR, these are assumed to be well 'integrated' in the local community and are not in need of assistance. As a result, these self-settled refugees are more vulnerable to political manipulation in times of political upheavals such as those common to Uganda. They are sometimes forced by such circumstances to regularise their migratory status by agreeing to live in settlements.

The OAU has also had tremendous impact on member-states behaviour towards this refugee phenomenon. The OAU has been described by some observers as a club of leaders enacting policies aimed at maintaining their own survival (DALEY 1989:106). The majority of the framers of the OAU

Convention were the producers of these refugees and they feared the consequent political repercussions of their actions. Certain clauses were therefore deliberately added to the Convention to protect their interests. For instance, the OAU Convention of 1969, though recognises that the granting of asylum is not to be regarded as an unfriendly act (Art 11(2)), imposes certain restrictive codes on the activities of the refugees which member-states are obliged to enforce. For instance, they have to ensure that the refugees do not use host-ground or other facilities such as the press or the radio to launch what is called 'subversive' activities against their countries of origin (Art III (2)); the refugees must be located at a 'reasonable' distance from the borders of their countries of origin (Art II (6)). This fits in very well with Uganda's refugee policies of controlling and marginalising the refugees so that they do not become a source of inter-state conflicts.

But the refugees have not always been a passive lot and mere recipients of relief and regulations dished out to them in the settlements. To demonstrate their resistance to the settlements and the oppressive conditions there, some of the refugees preferred outright self-settlement in spite of the provision of free facilities there. The 1969 statistics indicate that out of an estimated refugee population of 168,000, only one-third of them were in settlements and this picture has not changed much today. The recent 1992 refusal of the majority of the Zairois refugees who had camped at Bundibugyo and Bwera to be relocated in the settlements is a further indication of the refugees defiance of this policy (NEW VISION 1992). Other refugees in the settlements started leaving them individually and in small numbers probably with the objective of maintaining the struggle back home. Kyangwali in particular has had a lot of out-migration since its inception because of remoteness, resurgence of tsetse flies and the oppressive settlement conditions.

Naturalisation

The Uganda Citizenship Act (Part II (3)-1) provides for the naturalization of aliens who have been resident in the country for at least five consecutive years and can speak one of the local Ugandans vernacular languages or English. Unfortunately, the refugees are the only aliens denied this right. The Refugees Act states clearly that, "For the purposes of the Immigration (Control) Act and the Uganda Citizenship Act no period spent in Uganda as a refugee shall be deemed to be residence in Uganda" (Art 18 (2)). Thus, the denial of naturalization to the refugees has ensured that they are politically demobilised and marginalised in Uganda's social and political affairs.

Refugees in inter-state and intra-state politics

In spite of the institution of these mechanisms, the refugees have not been deterred from presenting challenges to policy-makers as evidenced by the self-settlement of the refugees and their individual out-migration from the settlements. In the absence of a political constituency through which they could articulate their views and interests, the refugees have sometimes had to go underground by forming clandestine political organisations, make tactical political alliances, thereby presenting additional challenges and becoming a political force to reckon with.

In the 1960s, the Rwandese formed the Rwanda Youth Movement and the INYENZI¹⁰ to champion the struggle against their home country. The latter was particularly active in 1962 and 1964 when it launched several attacks on Rwanda. Government response to this was to prescribe the two organisations and their leaders dealt with (AIDE MEMOIRE 1962). But as will be indicated later, the Rwandese refugees were to adopt other measures in a bid to get a political constituency through which they could articulate their interests. The Sudanese formed an active guerrilla movement

called ANYANYA¹¹ which was also active on the Uganda/Sudan border. Meanwhile, the leadership of the Sudanese African National Union (SANU) which had fled to Uganda also remained politically active inside Uganda. In 1964, government responded to this challenge by arresting its leader, Joseph Oduho, allegedly for engaging in political activities and amassing an army to invade Sudan; (SOKIRI 1972:9-12).

The year 1967 saw a sudden rounding up and removal of the Sudanese refugees of Kuku community who had been self-settled in Moyo at least for the last five years. The reason for their removal was their alleged support for subversive activities. In that year, in an effort to eliminate the refugee 'problem', the Uganda Government had colluded with the Khartoum Government to annihilate the Anyanya opposition forces. The Anyanya retaliated in 1967 by attacking the Uganda army positions at the border town of Moyo. Government repulsed them but revenged on the self-settled Sudanese Kuku refugees near the border, ransacking and burning their homes, accusing them of having supported and guided the Anyanya (SOKIRI 1972:9). Thus, the refugees for the first time became pawns in the political game of international politics between Uganda and her neighbours. Government response was the immediate removal and transfer, and moreover without warning or preparation, of all the self-settled Kuku community to Ibuga (now part of Kasese District) in an environment culturally and socially different and distant from the Sudan.

In November 1989 and February 1990, the Khartoum government war planes bombed the Uganda border town of Moyo inflicting serious casualties with six dead (FOCUS ON UGANDA 1991). It is highly suspected that the reasons for this attack was NRA's alleged support for the opposition Sudanese people's Liberation Army (SPLA) some of whose members were mixed among the Sudanese self-settled refugees living near the border, which is contrary to OAU regulations. Indeed Sudanese refugees, this time of Made ethnicity (same as the

Madi of Uganda) had self-settled in places like Afogi, which were hardly three miles from the common border. Government responded to this bombardment by issuing a statement to the effect that all Sudanese refugees in Moyo District (including those in the government-recognised Magburu refugee settlement) would be relocated to another place, preferably Kiryandongo in Masindi District, again a place far removed from their familiar social-cultural setting among the Madi.

This Sudanese' government behaviour should not have come as a surprise to the Ugandan authorities as Uganda itself had earlier on in 1983 committed similar atrocities against its own citizens when they were refugees in the Sudan, an indication that the refugees are regarded as a political rather than a humanitarian problems.

The swapping of refugees

The fear of the refugees as a political and security threat is also further exemplified by the decision of the three East African Heads of states to collude in the violation to the presidency, the Trio, perhaps in a bid to preserve their political survival, colluded in 1983 to swap refugees that were considered a major threat in each other's state. The Obote II period saw the 'repatriation' of Ugandan refugees from Kenya among the most prominent of whom was Balaki Kirya, the current Minister of State for security, who, on his return was immediately incarcerated in Luzira maximum prison. This was followed by the expulsions of many Ugandan 'criminals' from Kenya. Presidents Moi of Kenya and Nyerere of Tanzania on their part swapped the leaders of the failed attempted coups against their governments. Thus, refugees were once again being used as pawns in the political game.

The chasing of the Banyarwanda (Rwandese).

The year 1982 saw the political harassment of the Banyarwanda ethnic group in the districts of Bushenyi and Mbarara

districts. This ethnic group includes the Banyarwanda of Ugandan nationality and the Banyarwanda refugees who are of Rwanda nationality. As a result of the self-settlement of many Rwandese refugees and the out-migration from the settlements and the subsequent mixing up with their Ugandan kinsmen, the line between the Ugandan Banyarwanda and Banyarwanda refugees had become blurred. Therefore the 1982 political harassment did not differentiate between the two communities.

Obote had always been suspicious that the Banyarwanda could easily tilt the political balance of power against him. Unlike the ruling protestant dominated UPC, the Banyarwanda were mostly Roman Catholics by religion and therefore branded supporters of the opposition Democratic Party (DP). Unlike the republican UPC, they were also monarchists and it was feared that they could easily ally with their fellow monarchists, the Baganda, who formed the single largest economic and political power block in the country, and tear up the tenuous UPC/KY coalition government. The exiled Umwami (King) of Rwanda, Kigeri IV, had already been offered accommodation at Mengo, Buganda's capital.¹² Obote's response was to expel the Umwami from Uganda in 1963. In 1969, he instituted social discrimination of the refugees in education and employment before announcing their expulsion, but implementation of these were only postponed by the 1971 Amin coup.

On return to the presidency in 1980, Obote set out to complete his designs on the Rwandese refugees. Still suspicious of their support for the opposition DP, Obote once again in a stark violation of the principle of non-refoulement (Art 33) ordered the expulsion of the Banyarwanda. Together with his cronies... Ministers, senior party officials and Youth Wingers... Obote orchestrated and supported their harassment, destruction and appropriation of properties. Some lost their lives. About 30,000 of them are said to have found 'safe havens' in the settlements

of Nakivale and Oruchinga and another 40,000 is estimated to have fled the country altogether to neighbouring Tanzania and Rwanda (KANYEIHAMBA, HARRELL-BOND 1986:28). The official government opposition DP condemned the expulsions but was unable or too ineffectual to turn it to its political advantage. Instead, Museveni's opposition NRA which had decided to wage a bush war against the Obote Government took advantage of the political turmoil by recruiting many Rwandese refugees in their ranks. After the 1990 October invasion, the Chief Political Commissar in the NRA Lt. Col. Serwanga Lwanga admitted that the Rwandese refugees joined the NRA purely for their survival following their persecution in 1982 by the UPC government (NEW VISION 1990).

Obote later on yielded to international pressure to stop this harassment. In 1983, a Tripartite Legal Task Force comprising Uganda, Rwanda and UNHCR was set up to identify the displaced persons with each country being required to resettle persons who were found to be its own citizens (UNHCR 1984). However, given the political sensitivity of this refugee issue at the time, the work of this committee was frustrated by government and the results were never made public. Instead, government's response was the establishment of the Kyaka II refugees settlement perhaps as a reminder to the refugees that they are supposed to live only in a place designated by government. It was also as a result of these events that the Minister of Internal Affairs 'highjacked' the functions of the REC in 1982. Meanwhile Rwandese refugees who fled to Rwanda found themselves confined to camps and only survived persecution there by claiming to be Ugandan Banyarwanda.

Relations between refugees, nationals and government

It is common official rhetoric in Uganda to talk of refugees as having been 'integrated' in the Ugandan community. It has always been assumed that this

'integration' has been accelerated by the hospitality of the nationals, the refugees' cultural and linguistic affinity with the nationals, government's generosity in the allocation of land for refugees' exclusive use and the UNHCR's 'targeting' of relief assistance. The refugees had by 1970 attained a certain level of self-sufficiency in food production and were no longer dependent on food rations, but this is quite often erroneously equated with integration and having achieved 'parity' with the nationals.

A very simple definition of integration would be of a situation in which the refugees become accepted by the host society and the two communities are able to co-exist sharing the same economic and social resources with no greater mutual conflict than that which exists within the host community (HARRELL-BOND 1986:7). The Ugandan experience, however, shows that this integration is hampered by or even comes under direct attack as a result of government policies which do not create a conducive atmosphere for this integration. Instead, government has preferred to marginalise the refugees by developing refugee settlements separately as donor enclaves and its inmates not allowed to mix freely and participate in the country's economic, social and political affairs. Government has even excluded them from all its integration and development projects. It is this separate development which has marred the relationship between the refugees and the nationals, the refugees and government and nationals and their government.

In 1964 when government was contemplating resettling the refugees in Toro, the Rukurato (Assembly) of the Toro Kingdom which was already experiencing secessionist tendencies with its Bamba/Bakonjo ethnic minority group had recommended that in order to avoid future friction between the new settlers and the indigenous people living adjacent to the settlement, the refugees should be mixed among the local people so that they do not form a sense of

belonging to a different community (MPYISI 1964). If this advice had been heeded, perhaps many of the disputes that ensued between the two communities would have been avoided. In 1964, OXFAM, a UK-based development agency, having realised that the presence of the refugees was placing enormous constraints on the already fragile infrastructure and could result into conflict recommended that an integrated rural development plan involving the refugees and the nationals be started in the refugee-affected districts of Bunyoro, Toro, Acholi and Karamoja (Betts, 1964). However, in 1968 after the International Labour Organisation (ILO) had handed in the feasibility study report of this proposal, Uganda's Minister of Planning, J. Okae, informed the UNDP Representative that this plan had been scrapped as government was more interested in developing the rural people and not the refugees (OKAE 1968).

In the day-to-day relations between the two communities, these refugee policies have also promoted local tribal politics and physical clashes instead of integration. One consequence of the policy of 'targeting' relief assistance is that in the 1960s, these settlement with their more elaborately well-designed buildings were like enclaves amidst the surrounding Ugandan villagers who were living in abject poverty and deprivation. They had well-built administrative headquarters, schools and dispensaries in permanent materials and were also equipped with ambulances, tractor hire services, cattle dips and valley dams (NABUGUZI 1992:39-40). Uganda which had just emerged from colonialism and still had a weak economy could not afford to provide these facilities to its own citizens. Wiley (1991:66) has rightly observed that the perceived treatment that the refugees receive in camps instead promotes the negative feelings of ... envy... jealousy and hostility. The local Ugandans were later to resent the attention and assistance targeted to the refugees exemplified by the many land disputes.

The land dispute in Rwamwanja Refugees Settlement best illustrates this. When the author was on mission in 1987 to investigate the causes of the dispute, it was discovered that the remoteness of Rwamwanja, once a hinderance to development, had been eradicated because of UNHCR's provision of infrastructural facilities. The area around the settlement had become prime land. A number of nationals including officials of the local district authority of Kabarole who were supposed to solve the problem had already acquired land titles in the disputed areas even before the dispute could be resolved. Unfortunately, this dispute culminated in the murder of the RC III Chairman of the area who had been very vocal in the articulation of the interests of the nationals, a factor which strained further the relationship between the two communities (RWAMWANJA COMMISSION REPORT 1987).

Government assumed that the cause of animosity between the refugees and the nationals was the lack of clear boundaries of the settlements. Hitherto, all refugee settlements, save Kyaka II, had only gazetted status since 1964. Instead of helping to cultivate good relations between the two warring factions, government with the support of UNHCR, decided that all refugee settlements be surveyed and properly demarcated with survey beacons indicating the boundaries clearly. By demarcating refugee settlements at the height of the disputes, it appears as if government was ratifying its policy of sealing off, segregating and isolating the refugees completely. Even in the 1990s, government is still grappling with the problem of demarcating the settlements.

Since the arrival of the new influxes of refugees, local ugandans have been very apprehensive about the issue of land allocation for the refugees use. In Southern Uganda were refugee/nationals relationships have been characterised by animosity in the past, the local people are reluctant to avail land on the pretext of land shortage and population

increase. But in Moyo, now home to over 90,000 Sudanese refugees, because of the perceived development that the refugees bring along through their attraction of international capital, the issue of availing land for the refugees settlement took on a political colour along the lines of the district's East-West division. East Moyo (or Adjuman) in spite of its land scarcity, but because of the perceived development that the refugees would bring, has always claimed that it can avail enough land. With the support of UNHCR which prefers to have all refugees in one area for ease of administration, the East has slowly been allocating small bits of land. The West which had always coveted Adjuman's development brought about by the refugees presence there even supported the government decision in 1990 to relocate the Sudanese refugees away from district.

Ad-hocism in Uganda's refugee policies

The ad-hoc nature of Uganda's refugee policies also marginalises them even further. In spite of its long experience with refugees, Uganda has no well documented coherent refugee policy to speak of. Instead, successive governments have resorted to the use of 'ad-hocism' in dealing with refugee matters by taking measures and issuing stunning statements that suit the whims or political interests of the leaders in power. Refugees are legally and politically vulnerable and can therefore be easy victims of such statements and measures. In this section we examine some of these ad-hoc policies show to what extent these refugees have been used as pawns in Uganda politics.

This 'ad-hocism' in refugee matters is best exemplified by the constant relocation of the department of refugees from one Ministry to another according to the political interests of the regime in power, thus, reflecting the level of priority that each regime attaches to its refugee

situation. In 1971, Amin transferred the department from the Ministry of Community Development to that of Defence and Internal Affairs, reflecting Amin's closer ties and identification with the refugees. In 1982, Obote relocated it to the Ministry of Internal Affairs because of his suspicions of the Rwandese refugees. In 1987, reflecting the NRM mood of sympathy and closer ties with the refugees, government relocated the department to the Ministry of Local Government where it is now hoped that with its grassroots network it could play the best role in 'integrating' the refugees into the Uganda society. With the refugees now being increasingly seen as a security problem, it is not certain that this department will remain where it is currently.

Given the shaky ground on which the UPC government stood, coupled with the problems of satisfying the citizens' independence aspirations, Obote has always found it imperative to invoke the refugee factor in rallying the support of the elites to his side. In 1964, the Ministry of Public Service was instructed not to employ refugees while the Uganda Federation of Employers was to give priority to Ugandans in the recruitment of employees (MPYISI 1964). In a 1969 Communication from the Chair, President Obote stunned the refugees when he ordered that they should return to their countries of origin (SOKIRI 1972:12). This statement was accompanied by two decrees in 1970, one, requiring all employers, government and private, to disengage all foreigners (refugees inclusive), and another one barring all institutions of higher learning from admitting any Rwandese or Sudanese refugee students. Obote repeated his expulsion orders in 1982.

Amin wanted to show a difference between himself and Obote and so he repealed the Obote decrees and set a policy of rapprochement towards the refugees. A descendant of the Nubians whom Captain Lugard has used a century earlier as mercenaries to enhance the political interests of the

British in Uganda, Amin saw a political advantage in allying with the refugees. Prior to the 1971 coup, Amin as Army commander had become suspicious of Obote's rapid promotion of his ethnic Acholi and Langi soldiers. He took advantage of his position to also recruit heavily into the Army people of his choice, refugees inclusive. Thus, refugees were for the first time employed in Uganda's security organisations. Among his most prominent Sudanese props in the Army were Lt. Col. Sule (Bari ethnicity), Commanding Officer of the Masaka Mechanised Brigade and Brigadier Hussein Malera (Baka ethnicity), the chief of Military Police, who after successfully quelling Charles Arube's army led coup against Amin in 1974 was highly rewarded before his repatriation to the Sudan.

Amin had also become personal friend of the Umwami, Kigeri IV, whom he had invited to return to Uganda and even offered him state accommodation. As a result of these close ties with the Umwami, some Rwandese refugees were also employed in a number of state security organizations.

Museveni's rapprochement with the refugees had started during the NRM's bush war against Obote and the Okello junta. Since 1986, the NRM government has employed many Rwandese refugees in the security organisations as a gratitude to their contribution in the war efforts to remove the dictatorial regimes. They had even acquired a certain degree of saliency in Uganda not seen anywhere in Africa with some making a meteoric rise to the zenith of power. Major General Fred Rwigyema reached the very high rank of Deputy Army Commander and Deputy Minister of the powerful Defence portfolio. Other notable Rwandese refugees in high ranks include Major Paul Kagame, Acting Director of the Military Intelligence, Major Chris Bunyenyezi, Commanding Officer of the 306 Brigade, Major Peter Baingana, Head of NRA Medical Services, Lt. Col. Adam Waswa, Commanding Officer, Soroti and Major Kalisoliso Nduguteyi... all of whom were involved in the initial attack on Rwanda.

Museveni's open support for the refugees could also be seen in the civilian institutions. When he introduced his brand of people's popular democracy at grassroots level, the Resistance Councils (RCs), non-nationals, refugees inclusive, were allowed full participation in these RCs. Even when the refugees were excluded from the RC system as a result of international pressure against their involvement in Uganda politics, the Museveni government, still determined to allow a certain measure of democratisation in the refugee settlements allowed them to operate Refugee Welfare Councils more or less on the same principle as RCs at the lowest level.

RPF AND THE INVATION OF RWANDA

On 1 October 1990, Rwandese-Tutsi refugees decided to return to Rwanda by use of force. A clandestine organisation calling itself the Rwandese Patriotic Front (RPF) had secretly amassed an Army that carried out the initial attack. Uganda, and in particular President Museveni, has been accused of being behind this attack. Although the conditions for this attack were conducive and coincided with the Museveni era, with or without him the Rwandese refugees were left with no other alternative.

The Rwandese refugees inspite of their thirty-year-long stay have always yearned for a return home. This nostalgia for home has been fuelled more by Uganda's refugee policies which have ensured that the refugees are isolated, segregated, viewed as 'temporary' residents and therefore denied naturalisation, integration and a political constituency through which they could articulate their views and interests; the policies also led to waves of xenophobia in which the Rwandese have always been portrayed, moreover in derogatory terms, as foreigners. For instance, Carthy Watson says of Rwigyema that his prominence caused jealousy and that even if he fought all Uganda's wars from Amin through Obote to Lakwena, there were always people to dismiss him with a sneer saying he was not by birth a Ugandan (NEW VISION 1990).

The current debate on the proposed naturalisation of the refugees as recommended by the Odoki Draft Constitutional Report to which UPC has alluded that it makes it easier for the Rwandese to become citizens (NEW AFRICAN, April 1993), and the current argument as to whether the Kinyarwanda or Urufumbira language be allowed on state radio is still a reflection of this xenophobia.

On the international front the Rwandese refugees felt they had been forgotten. Where as countries such as Zaire and the Sudan made attempts to repatriate some of their nationals, the Rwanda government remained ambivalent about it. Rwanda had always been unhappy with voluntary repatriation as provided for in the international Conventions, instead preferring that the refugees be naturalised in their current host states. Ironically, it was President Museveni who on coming to power in 1986 initiated a series of diplomatic and regional summits culminating in the Kigali declaration of 27 November 1986 in which the issue of government to government repatriation of the refugees was included on the agenda for the first time in the summit history (JOINT COMMUNIQUE, November 1986). Negotiations with Rwanda stalled in 1986 and 1987 when the government initially denied the existence of its citizens as refugees outside and at other times claimed it had economic and demographic constraints (WEEKLY TOPIC 1986). These fears that they had been forgotten seem to have been echoed further in 1989 when UNHCR, because of its cash crisis, cut off funds for the support of Rwandese refugees (NEW VISION 2/3/1989). Thus, with no prospects for naturalisation and integration in Uganda, denied by their home state and forgotten by UNHCR, the Rwandese refugees felt they had been left in limbo. They found themselves left with the only alternative of organising themselves militarily to invade Rwanda. Even their mobilisation was made possible and easier because of these refugee policies.

Malkki's ethnography, as quoted by Karadawi (1983:540), on the refugee camp situation in Tanzania has indicated that the condition of the concentration of the refugees were favourable to the formation of a particular type of historical and political consciousness. Thus, far from contributing to the intended goal of depoliticisation and control, the context of camp life instead provides people with the opportunity to engage in the creative activity of interpreting their flight and articulating and constructing a collective narrative concerning the common past. It is because of this factor that the Rwandese in Uganda have been able to strengthen their cohesion, making it possible to politicise and mobilise their second and third generation with ease.

In 1980, the Rwandese refugee leadership managed to hoodwink government and registered the Rwandese Refugee Welfare Foundation (RRWF) supposedly as a welfare association. The political activities of the refugees were being handled by another secret organisation, INKOTANYI, which operated in the settlements under the cover of RRWF. In alliance with the Nairobi-based Rwandese Alliance of National Union (RANU), INKOTANYI transformed itself into the RPF which this time made no secret of their organisation and intentions. On that fateful day, RPF declared war on the Habyarimana government. Uganda's settlement and relief assistance policies with which it had been hoped that the refugees would be pacified and depoliticized had been given a death blow.

Conclusion

In this paper, we have seen that what was desirable by the refugee policies is not what was possible. The policies helped to politicise the refugees instead of leading to the intended goal of depoliticisation, thereby, constraining state policy-making. It is, therefore, perhaps good to conclude this paper with some remarks on the lessons

learnt and the implications of Uganda's refugee policies to policy-makers.

The much espoused policy of control in the settlements instead strengthens the refugees by maintaining their cultural identity, thereby, helping the refugee leadership in effectively mobilising them for political purposes. The Rwandese invasion is a clear manifestation of the failures of these policies and the inability of a host state to implement them. If a host state can make use of the refugees for political purposes during their 'temporary' residence, like the NRM government has done, then it can also reformulate its policies by discarding the control measures so as to enable their integration and make use of their much more useful economic potential. For the OAU and, in particular, the refugee-producing countries, the success of the Rwandese invasion have shown that they can no longer indefinitely lock out their citizens as refugees by hoping that host states will control and keep the refugees at a 'reasonable' distance from the border. A decade earlier, Ugandan refugees with the assistance of their Tanzania host state carried out a similar attack on Uganda. In order to stop re-inventing the wheel, Uganda in conjunction with the rest of the world community ought to change its policies and address the real causes and solutions to the refugee phenomenon. In particular, Uganda should revisit its decadent 1964 Control of Alien Refugees Act whose excessive restrictions are not only contrary to the international instruments (to which it is party) but is also dehumanising and a violation of the fundamental human rights of the refugees.

BIBLIOGRAPHY

1. AIDE MEMOIRE for visit of Ministers to Kigali, Ministry of Internal Affairs, 1962.
2. Betts, Tristram.
3. BAINGANA, Doreen; The status of refugees under international law, B.A. dissertation, Makerere University, 1987.
4. CABINET MEMORANDUM NO CT (1968) 179.
5. DALEY, Patricia; Refugees and Under-development in Africa; the case of Burundi refugees in Tanzania, D. Phil., University of Oxford.
6. EVANS, Michael; An analysis of United Nations refugee policy in light of Roman Catholic social teaching and the phenomenon creating refugees, D. Phil Dissertation, Berkeley, California, 1991.
7. FOCUS ON UGANDA, November 1991, No.1 Vol.3.
8. HARRELL-BOND, Barbara; Imposing Aid: Emergency Assistance to Refugees, Oxford University Press, 1986.
9. HASTEDT Glenn and KNICKREHM Kay, Journal of Refugee Studies. Vol.1 No.3/8 1988.
10. MEMO BY ILO concerning possible refugee integration and zonal development project in Uganda, 1968.
11. KANYEIHAMBA, George and HARRELL-BOND; Returnees and Refugees; E.E.C. Mission to Uganda, 1986.
12. KARADAWI, Ahmad; Constraints on Assistance to Refugees; some observations from the Sudan. World Development Vol.11, No.6, 1983.
13. KIBREAB, Gaim; Local Settlements in Africa, A misconceived option? Journal of Refugee Studies, Vol.2 No.4 1989.
14. MPYISI, E.J.B.; Paper on Rwandese refugees, 1964.
15. NABUGUZI, Peter; Refugees and Development; A reflection on the failure of refugee policy to adopt lessons of development. M.Sc. thesis, University of Birmingham, 1992.
16. NEW VISION newspapers, 28/3/1989, 2/10/1989, 3/2/1992.
17. O.A.U. Convention Governing Specific Aspects of Refugee Problems in Africa, 1969.

18. OKAE, Jeph, 1968; Letter to the UNDP Resident representative.
19. RWAMWANJA COMMISSION REPORT, Ministry of Local Government, 1987.
20. SHACKNOVE, Andrew; Who is a Refugee? Ethics, January 1985.
21. SOKIRI, Andrew; The social problems and political predicament of refugees, a case study of Ibuga refugees settlement in Western Uganda, M.A. thesis University of Dar-es-Salaam.
22. STEIN, Barry; The Refugees Experience; Defining the parameters of a field of study. International Migration Review, Vol.15, 1981.
23. The Control of Alien Refugees Act, 1964.
24. U.N.H.C.R. Handbook, 1992.
25. UNHCR Letter to Ministry of Foreign Affairs, October 1984.
26. Weekly Topic Newspaper, 2 November, 16 Nov. 1990.
27. WILEY, James; The Relief versus the Development Dichotomy, Ph.D. Thesis, The state University of New Jersey, 1991.
28. ZETTER Roger; Labelling refugees, framing and transforming a Bureaucratic identity, Journal of Refugee Studies. Vol.4, No.1; 1991.

1. The Luwero Triangle refers mainly to the district of Luwero, Mpigi and Mubende to the North of the capital Kampala in which Museveni's opposition army concentrated their war activities against the Obote and the Okellos governments.
2. Returnees is new coinage referring to people who have previously been refugees and are still in a situation of asset deprivation which is very much similar to that of the refugees.
3. The requirements for the accreditation of the UN refugee status include ... a 'well-founded fear of persecution', being outside the country of nationality, lack of protection of the country of nationality, and lack of protection for stateless persons. The OAU Convention, in addition to the inclusion of the persecution clause, broadens the UN definition further to encompass anything that disturbs public order, such as famine, and forces one to quit his/her place of habitual residence.
4. See page 9 for Uganda's definition of a refugee.
5. Buganda is the single largest ethnic political and economic bloc in Uganda which was refusing to join a unitary Uganda prior to and after independence. The Rwenzururu was a movement of the Bamba/Bakonjo ethnic minorities who were fighting to secede from their overlord ... The Toro Kingdom and from Uganda as a whole. The Karamoja problem involved cattle rustling in the neighbouring districts by the Karimojong which necessitated the permanent deployment of government troops to protect the lives of people and their properties.
6. It is argued elsewhere that the refugees are not necessarily a political and economic burden but can be an economic potential to the host state. They are also increasingly seen as a permanent feature of life rather than as a temporary phenomenon.
7. The NRM is the National Resistance Movement government in power since 1986; the NRA refers to the Army and the RC (Resistance Council) to the smallest grassroots political unit at parish level which is organised in tiers from level one as RC 1 to the district level five or RC V. The level higher than this one forms the National Parliament or National Resistance Council (NRC).
8. Refugee settlements created in the 1960s include ... Nakapipirit, Agago, Acoli-Pi and Onigo for the Sudanese and Congolese in the North ... and Oruchinga, Nakivale, Rwamwanja, Kahunge, Ibuga, Kyaka, Kinyala and Kyangwali for the Rwandese. Since 1986, 16 new smaller settlements have been established in Adjuman - sub district for the Sudanese.

9. This refers to wholly institutionalised frameworks like prisons, hospitals or boarding schools where almost everything required by the inmates is provided to them. Organised refugee settlements could be seen as a new species in the genus of total institutions because the refugees are there involuntarily, their participation denied and therefore have little or no input into decision-making.

10. In Kiyarwanda parlance, Inyenzi refers to a cockroach which persistently keeps on disturbing its victim.

11. Anyanya (a corruption of the Madi word Inyinya, meaning poison) refers to the Southern Sudanese guerilla movement led by Joseph Lagu, himself a Sudanese Madi; ~~whenever~~ fighting the Arab-dominated Khartoum government.

12. King Kigeri IV was staying at Mengo with Mr. Sempa, Buganda's Minister of Finance.