

# **RWANDAN REFUGEES AND THE CESSATION CLAUSE: THE POSSIBILITIES FOR LOCAL INTEGRATION IN UGANDA**

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## **Introduction**

On 31 December 2017, a cessation clause came into force, ending the refugee status of thousands of Rwandan refugees. The Government of Uganda, however, refused to implement the clause, arguing that it will not deport the Rwandan refugees living in the country as some of them are asylum seekers (Kanamugire 2018). Uganda is host to around 15,260 Rwandan refugees (UNHCR 2018). This chapter focuses on the latter group of refugees.<sup>2</sup> Such a focus is warranted since, despite the low number, Uganda has been unable to find a durable solution for these refugees despite multiple attempts over the last 15 years.

The post-genocide regime in Rwanda has aggressively promoted the repatriation of Rwandan refugees from other countries. It has pushed UNHCR and countries hosting her refugees that Rwandan nationals no longer have any justification for refugee status when the country is now ‘peaceful’ and prospering economically. Rwanda has made the return of its citizens living outside as refugees one of its top foreign policy objectives and all her neighbours including Uganda are pressurized into supporting her in this endeavour.

In July 2003, a tripartite agreement was signed between Uganda, Rwanda, and UNHCR.<sup>3</sup> The agreement was meant for the voluntary repatriation of

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<sup>2</sup> In Uganda, the law governing asylum seekers and refugees is the 2006 Refugees Act and the 2010 Refugee Regulations. Ugandan law has incorporated the UNHCR 1951 Convention, 1967 Protocol and 1969 OAU Convention. The term ‘asylum seekers’ refers to forced migrants that are fleeing persecution and have yet to be granted refugee status (they may have applied and awaiting a decision or are yet to apply for refugee status). With ‘refugees’ we mean those that are granted refugee status and hence, can enjoy international protection by UNHCR.

<sup>3</sup> UN High Commissioner for Refugees (UNHCR). Tripartite Agreement Between the Government of Uganda, Government of the Republic of Rwanda and the United Nations

Rwandan refugees in Uganda. It provided for the legal and institutional framework on how repatriation was to be carried out. In 2011, the UNHCR put in place a Comprehensive Strategy for the Rwandan Refugee Situation (hereafter the Comprehensive Strategy) that had as an important component the elaboration of a common schedule leading to the cessation of refugee status initially foreseen to commence as of 31 December 2011 (UNHCR 2011: 1). The Cessation Clause, when invoked, would put an end to refugee status and thus international protection. Rwandans would become illegal immigrants under the 1999 *Uganda Citizenship and Immigration Act* and could therefore be deported back to Rwanda.<sup>4</sup> According to the Fahamu Refugee Programme (2011), since 2002, the country of origin repeatedly requested the United Nations High Commissioner for Refugees to invoke the cessation clause on Rwandan refugees who were unwilling to return. Nevertheless, the cessation of refugee status set for implementation by 30 June 2013 was suspended by the Ugandan government.<sup>5</sup> After the 2016 UNHCR Executive Committee meeting in Geneva, the new proposed date for implementation of the cessation clause was December 2017.<sup>6</sup> Now that the clause has come into force, African countries disagree on what should happen with the Rwandan refugees. The Governments of Uganda and Malawi already indicated they will not expel those that are living within their borders, while the Democratic Republic of the Congo and Zimbabwe will implement the clause (Kanamugire 2018). Even if the clause would be implemented in Uganda, it is highly unlikely that this would motivate those remaining refugees to return home as they also refused to go back before. News media even reported on Rwandan refugees obtaining false identification documents (IRIN 9 June 2009) and fleeing settlements (IRIN 14 May 2009) as strategies to avoid repatriation. And many of those who returned have moved back to Uganda's settlements (Karoooma 2013; Ahimbisibwe 2015; International Refugee Rights Initiative *et al.* 2010; Amnesty International 2011).<sup>7</sup>

High Commissioner for Refugees for the Voluntary Repatriation of Rwandan Refugees in Uganda to Rwanda, signed on 23 July 2003. On file with the authors.

<sup>4</sup> When displaced individuals lose their status and do not return to the country of origin they risk 'situations of *de jure* or *de facto* statelessness unless they can attain alternative nationality to replace their Rwandan citizenship. That is, they may be left without citizenship of any country – or, at the very least, find themselves unable to access effective nationality and the protection of their government.' (Kingston 2017:3).

<sup>5</sup> Interview with Senior Protection Officer, Office of the Prime Minister, Kampala, 1 June 2016.

<sup>6</sup> Email communication with Principal Protection Officer, Office of the Prime Minister, 20 October 2016.

<sup>7</sup> Rwanda has one of the highest population densities on the continent (Bruce 2009). As a number of authors or organisations have pointed out, one should also take into account

Therefore, this text argues that return through the invocation of the cessation clause is not the best solution for these refugees and instead considers a more plausible solution: a policy facilitating local integration in the host country. This option has not been investigated sufficiently although it is one of the three durable solutions to deal with refugee situations apart from resettlement to a third country and voluntary repatriation to the country of origin. Resettlement is not feasible since western countries are not willing to resettle thousands of Rwandans.<sup>8</sup> In general, only 1% of the world's refugees benefit from resettlement (Long 2011). In fact, 'given the narrow quotas, the chance of being resettled is slim, and indeed many people in refugee camps think of resettlement as akin to winning the lottery' (Jacobsen 2005: 55). Repatriation, the most emphasized solution, has failed to end the Rwandan refugee problem.<sup>9</sup>

But an important question remains when considering local integration as a durable solution: what are the challenges and prospects of local integration as a durable solution for Rwandan refugees in Uganda? According to Crisp (2004: 3), while '[...] the principle of local integration may be firmly established in international refugee law, its practice has been very limited in the years since the refugee problem became a worldwide phenomenon.' And although there has been sufficient scholarly attention to the policy option of local integration of refugees, there is little scholarly writing on local integration in the context of the current protracted refugee situation of Rwandan refugees and other nationalities in Uganda.<sup>10</sup>

Local integration consists of legal, cultural and socio-economic processes (Kibreab 1989). Although we recognize the importance of the legal aspect of integration, as the ultimate aim of local integration is naturalization, this paper focuses on the reality of socio-economic processes. The added value of our research is to see which social and economic obstacles the Rwandan refugees face in order for them to integrate locally. Based on primary data gathering, we take into account the attitudes of the Rwandan refugees that are currently residing in settlements in Uganda.

This study is based on two research visits one of the authors (FA) carried out at different intervals in Nakivale settlement and Oruchinga settlement in south western Uganda. The first visit was June 2010 to December 2011 and involved 162 respondents. A second visit, in which 182 respondents participated, took place between June to August 2016. The study focused

unsuccessful land claims by returnees (McMillan 2012: 242; International Refugee Rights Initiative Refugee Law Project & Social Science Research Council 2010: 30-31).

<sup>8</sup> Interview with Senior Protection Officer, Office of the Prime Minister, Kampala, 1 June 2016.

<sup>9</sup> Interviews with Government of Uganda officials, August 2016.

<sup>10</sup> See Fielden 2008; Low 2006; Crisp 2004; Jacobsen 2001; Barongo 1998.

on Rwandan refugees that came to Uganda after 1994 and used a qualitative research methodology. Semi-structured and key informant interviews, focus group discussions (FGDs), observation and documentary evidence were the main research techniques. Purposive criterion sampling was used to select the study respondents, namely Rwandan refugees, Rwandan and Ugandan government officials, UNHCR and NGO officials, as well as local hosts around Nakivale settlement, Isingiro District.<sup>11</sup> In addition, 'recyclers' (those refugees that had been repatriated to Rwanda but returned to Uganda)<sup>12</sup> living in Nakivale and Oruchinga settlements were identified through snowball sampling. Rwandan refugees and other categories of respondents answered questions on themes like refugee physical security, refugee rights and obligations, voluntary and forced repatriation, local integration, resettlement, the so-called cessation clause and, in general, avenues to find durable solutions.<sup>13</sup> The analysis further makes use of secondary data, both scholarly articles and grey literature.

The chapter is structured as follows. A first section situates the notion of local integration in the context of the complex history of Rwandan refugees in Uganda. Subsequently, the text addresses the realities, prospects, and challenges of local integration as a durable solution for the remaining Rwandan refugees. Based on this analysis, this contribution concludes with suggestions to facilitate the process of local integration.

<sup>11</sup> The first visit involved 162 respondents. 1 FGD, each with 12 Rwandans was organized in each of the 3 zones in Nakivale; Base Camp, Juru and Rubondo. In each of the zones, I interviewed 10 refugee leaders. I also interviewed 10 recyclers, 10 Isingiro district officials, 11 Officials from Office of the Prime Minister (OPM), 16 NGO staffers, 10 police officers, 36 local hosts (6 locals from each of the 6 sub-counties bordering Nakivale), 1 expert on refugee studies and 2 officials from the Rwandan High Commission in Kampala. In the second visit, a total of 182 respondents participated in the study. 4 FGDs each with 10 Rwandan refugees were organized in 4 zones of Nakivale settlement; Base Camp, Juru, Rubondo and Kabazana. The 5th FGD with 10 Rwandan refugees was organized in Oruchinga settlement. I interviewed 10 refugee leaders from each of the 4 zones in Nakivale. 10 refugee leaders were interviewed in Oruchinga settlement. Apart from the refugees, I interviewed 16 recyclers (10 in Nakivale and 6 in Oruchinga), 10 new asylum seekers (6 in Nakivale and 4 in Oruchinga), 6 OPM officials (4 in Nakivale and 2 in Oruchinga), 4 Isingiro district officials, 34 local hosts (24 in Nakivale and 10 in Oruchinga), 10 NGO staffers (6 in Nakivale and 4 in Oruchinga) and 2 officials from the Rwandan High Commission in Kampala.

<sup>12</sup> Recyclers are Rwandan refugees who have been repatriated to Rwanda but have returned to Uganda claiming human rights violations, insecurity, persecution, and inability to recover land and property in Rwanda.

<sup>13</sup> The study observed ethical principles in research. The study was cleared by the Office of the Prime Minister and Isingiro District in Uganda. During the data collection exercise, the respondents were briefed on the purpose of the study which was purely academic. Their confidentiality, informed consent, and voluntary participation were observed and respected.

## 1. Rwandan refugees, Ugandan policy, and the international refugee framework

The political turmoil in Rwanda following independence forced Rwandan Tutsi to flee the country in 1959 and early 1960s. They fled into neighbouring countries Uganda, Tanzania, Congo, and Burundi. They were allocated pastoral land and settled in Nakivale, Oruchinga in Mbarara District (now Isingiro district). Others were settled in Rwamwanja, Kyaka and Kamwengye in Kyenjojo and Kabarole districts (Mulumba & Olema 2009: 10).

Uganda is thought to have hosted about 200,000 Tutsi refugees in total (Van de Meeren 1996: 261). The Ugandan authorities allowed self-settlement and did not force the Rwandan refugees to join or remain in the settlements. This however changed in the early 1980s when the Obote government became hostile to these Rwandan refugees and forced them to either go and live in the settlements or return to Rwanda. In response, many of them joined the National Resistance Army (NRA) war in the Luwero triangle. Van de Meeren (1996) puts the number of them killed in the war at 60,000. By 1986 when the NRA captured power in Kampala, some 3,000 out of 14,000 soldiers were Rwandans (*ibid.*). This number was a source of fear for both the Ugandan government of Museveni and the country of origin, Rwanda, which felt threatened.

Because of the threats posed by the refugees, the two governments attempted to look for durable solutions. In 1988, the Ugandan and Rwandan governments set up the ministerial commission tasked to find solutions to the Tutsi refugee problem either through repatriation or resettlement in exile (*ibid.*). As a result, in 1989 UNHCR was requested to verify the preferences of the Rwandan refugees regarding either repatriation or staying in Uganda and eventually to be naturalized (*ibid.*). This work by UNHCR never took place because, as explained below, the Rwandan Patriotic Front (RPF) invaded Rwanda. In short, Tutsi refugees were officially not legally integrated in Uganda since the attempts to do so were overtaken by events. However, many *de facto* integrated in Uganda and some went on to acquire land, property, education and citizenship.<sup>14</sup> Today, we refer to them as old caseload refugees.

While in exile, Rwandan Tutsi refugees formed the Rwandan Patriotic Front/Army (RPF/A): a liberation movement to claim their rights as citizens of Rwanda in their home country. Several attempts at peaceful repatriation

<sup>14</sup> For more examples of integrated refugee caseloads in other countries, see Fielden 2008.

to Rwanda did not achieve success as the leadership in Rwanda argued that there was no land for Tutsi.<sup>15</sup> After thirty years in exile, the RPF launched a rebellion on 1 October 1990 attacking Rwanda from Uganda. This started a four-year civil war that culminated into the 1994 genocide in which approximately 500,000 to 800,000 Tutsi and so-called moderate Hutu died. Although a majority of Rwandan refugees returned to Rwanda following the takeover of power by the Rwandan Patriotic Front, many still maintain relatives and property in Uganda (Mulumba & Olema 2009).

In 1994 and after the Tutsi refugees returned to Rwanda, Hutu refugees crossed into Uganda, DRC, Tanzania and Burundi. In this paper, Rwandan Hutu refugees are referred to as new caseload refugees. As mentioned, according to UNHCR by January 2018, there were 15,260 Rwandan refugees in the country. Rwandan refugees are settled in Nakivale, Oruchinga, Kyaka II and Kyangwali refugee settlements in Uganda, while some are urban refugees (Karooma 2014: 11). Other Rwandan refugees are secondary movers – those that came from neighbouring countries such as Tanzania and Democratic Republic of the Congo (DRC) following the forced repatriations of 1996/1997, and who faced persecution upon return because of their previous flight and then fled to Uganda (Karooma 2014: 11).

### 1.1. Rwandan realities

Countries of origin are worried about the continued stay of refugees outside their borders. According to Barongo (1998: 124), granting permanent asylum to such refugees who have political interests in the country of origin would mean placing permanent conflicts on the political agenda of the neighbouring countries. In the case of Rwanda, the RPF government came to power through a rebellion started by Tutsi refugees in Uganda. In fact, an awareness of this history informs thinking in policy circles on both sides of the Uganda-Rwanda border. As one respondent put it: 'Local integration of Rwandan refugees does

<sup>15</sup> The 1993 Arusha Peace Agreement between the Government of the Republic of Rwanda and the Rwandan Patriotic Front (RPF) signed in 1993 did foresee a protocol agreement on the repatriation of refugees and the resettlement of displaced persons. Article 1 mentions 'The return of Rwandese refugees to their country is an inalienable right and constitutes a factor of peace, national unity, and reconciliation.' Article states that 'The return is an act of free will on the part of each refugee. Any Rwandese refugee who wants to go back to his country will do so without any precondition whatsoever. Each person who returns shall be free to settle down in any place of their choice inside the country, so long as they do not encroach upon the rights of other people.' However, the Arusha Peace Agreement never came into effect. Nevertheless, the 1993 Arusha Peace Agreement explicitly mentions that return is an act of free will on the part of each refugee'. This is in contrast with the current situation of Rwandan refugees (in Uganda) that are forced to return or otherwise face a situation of *de jure* or *de facto* statelessness.

not take away the fears of the Rwandan government that one day these refugees can decide to mobilize themselves into a force and fight Rwanda. There is evidence in recent history that this is a possibility at least using the example of Rwandan Tutsi refugees who had achieved a good level of integration in Uganda. President Kagame therefore would be hesitant to support any durable solution that postpones Rwanda's security threats. Local integration may help solve the refugee problem in the short run and but might assist in prolonging Rwanda's conflicts in the long run.<sup>16</sup>

There are concerns that Rwandan Hutu refugees can pose a security and political threat in the future.<sup>17</sup> Rwandan refugees currently living in Uganda are very much aware of this official position adopted by the Rwandan government. One respondent claimed that 'Kagame has been pushing ahead to see us being forced to Rwanda. He is on record to have said that Rwandan refugees in Nakivale will have to return home just like we did in Tanzania, DRC and Burundi.'<sup>18</sup> Another refugee man said: 'Kagame said on national television and radio that he will not rest until all the refugees in Nakivale have returned home. He asked why we are not returning. To him our continued stay in exile means that we are running away from justice and reconciliation.'<sup>19</sup> The same views were shared by refugees in a focus group discussion in Oruchinga settlement: 'All the Rwandans who have not returned to Rwanda are looked at as traitors. The government in Rwanda thinks that whoever has not returned is hiding from a crime.'<sup>20</sup> We normally ask ourselves that for some of us who escaped as children, how they can say that we committed atrocities or participated in genocide? It is impossible because in 1994 we were young to even understand what was going on.'<sup>21</sup>

In an interview with a Senior Protection Officer in the Office of the Prime Minister in Kampala the issue of Rwanda strongly pushing for repatriation and cessation clause came out clearly. 'Our colleagues from Rwanda have been pushing us in our tripartite commission meetings to buy their point of view of declaring the cessation clause and forced repatriation of Rwandan

<sup>16</sup> Interview with International Refugee Rights Initiative, Kampala, 22 August 2016.

<sup>17</sup> For more discussion on this, see International Refugee Rights Initiative *et al.* 2010:13; Loescher *et al.*, 2007: 494; Human Rights First 2004; Ahimbisibwe 2015.

<sup>18</sup> Interview with refugee woman, Nakivale settlement, Juru zone, 24 July 2016.

<sup>19</sup> Interview with refugee man, Nakivale settlement, Sangano, 15 June 2016.

<sup>20</sup> An extradition treaty between Uganda and Rwanda has been signed in 2005 (IRIN 18 July 2005). However, this treaty is not ratified by the Ugandan Parliament and hence, cannot be implemented or effected. As a consequence, Rwanda has not filed extradition requests in Uganda, as they would be illegal for now. What is happening, however, is that Rwandan dissidents and genuine refugees based in Uganda are kidnapped and driven back to Rwanda illegally without a court order.

<sup>21</sup> Focus group discussion with respondents in Oruchinga settlement, 28 August 2016.

refugees. At times we don't agree with them but we are forced to compromise on our positions and policy regarding Rwandan refugee case load because of the need to maintain good interstate diplomatic relations.<sup>22</sup> This was confirmed by an official working with the Refugee Law Project: 'Obviously Rwanda is strongly pushing other countries to force all Rwandan refugees to return. Kagame knows very well the implications of failure to repatriate refugees outside Rwandan territory. Remember there is an active rebel group opposed to the Kigali government. Who knows Rwandan refugees in Uganda are a recruiting ground for these rebels. Because of national security interests, Kagame has made refugee repatriation one of his foreign policy priorities.'<sup>23</sup>

To offer a solution for the many difficulties linked to a 'physical' repatriation to the country of origin, researchers such as Long (2010) provide alternatives such as the disconnection of residency from citizenship. It is argued that alternatives such as the continued use of mobility and mobile livelihood strategies are not only beneficial for the individual in question; they can also boost the development of the community of origin. By considering repatriation as a political rather than a physical act, certain negative experiences are avoided as 'cessation would disrupt the personal, social, and economic attachments refugees create during their time in exile' (McMillan 2012: 234). Often, the international community sees return as a mono-directional process, which does not correspond to reality. Accordingly, mobility can provide a new means to replace the idea of 'a one-off physical return home' (e.g. by regularized labour migration) (Long 2010). In the case of Rwanda, however, the government is heavily focused on the physical return of *all* its former citizens. Alternative solutions, whereby former Rwandan refugees would temporarily visit the country, will not receive any support. From the perspective from the Rwandan government, there is but one possibility: a single physical return 'home'.

Nevertheless, Rwandan asylum seekers (both Hutu and Tutsi) continue to come to Uganda claiming persecution, human rights violations, and dictatorship in Rwanda.<sup>24</sup> Indeed, Freedom House labels Rwanda as not free (Freedom House 2017). From this perspective, the invocation of the cessation clause can be questioned.<sup>25</sup> A group of refugees expressed this motive underlying their quest for local integration: 'We request the Ugandan government to consider us for local integration. We don't want to return to Rwanda and face

<sup>22</sup> Interview with Senior Protection Officer, Office of the Prime Minister, 16 August 2010.

<sup>23</sup> Interview with Official of Refugee Law Project, 15 August 2010.

<sup>24</sup> This is based on personal interviews, observations and interactions with new Rwandan asylum seekers in Mbarara, Kampala, Oruchinga and Nakivale refugee settlements during the period June 2010 to August 2016. Rwandan asylum seekers include government officials, genocide survivors, journalists, students, and ordinary people.

<sup>25</sup> An analysis from the point of view of refugee policy is available in Kingston (2017: 12) and McMillan (2012: 237).

harassment and death. We want to become Ugandans and die here. Uganda is a good country.'<sup>26</sup> On the other hand, there are other motives besides the claims of persecution that perpetuate the refugee situation and that call for a consideration of local integration as a solution. As observed in paragraph 15 of the Comprehensive Strategy:

'Many Rwandan refugees are long-term residents in their countries of asylum, one-third of them having been born in exile. Many refugees have established family ties through marriage to nationals of the country of asylum or third-country nationals residing there. Many are contributing to the local economy. After decades of exile, the links of these individuals with their country of origin have weakened considerably. In such cases UNHCR considers local integration or an alternative legal status to be the most appropriate durable solution.'

## 1.2. Local integration

As can be seen in the case of Rwandan new caseload refugees, the policy option of choice over the last decades is repatriation. But it does not seem to be an option for the remaining Rwandan refugees on Ugandan soil: 'We wonder why UNHCR and OPM have insisted on repatriation yet it has failed. Most of our colleagues who returned to Rwanda have come back to Uganda. Some are here in Nakivale, Oruchinga, and Kyaka settlements and the rest have moved to Ugandan villages and towns. Isn't this enough evidence that repatriation has not been successful? For us local integration is the best solution.'<sup>27</sup> The refugees noted that both the Ugandan and Rwandan governments were reluctant to talk about local integration. They wondered why local integration could not be implemented yet the majority of them support it.

Indeed, the refugees themselves claim that they had never been specifically told of local integration as a way of ending the refugee problem, though they said that they had heard rumours about it. In one of the FGDs, the refugees observed that: 'We Rwandans have been told of one solution of going home. We always ask ourselves, is there no other solution apart from return? Now we hear cessation has been applied and we are waiting for a day when we will be put on lorries and driven back to Rwanda. For us, we want to stay here in Uganda.'<sup>28</sup>

Since the time the 'new caseload refugees' arrived on Ugandan soil in the first half of the 1990s up to the present, local integration has become less appealing for most African countries. Polzer (2004: 3) states that, 'today,

<sup>26</sup> Focus group discussion with respondents, Nakivale settlement, Juru zone, 30 July 2016.

<sup>27</sup> Focus group discussion with respondents, Oruchinga Settlement, 28 August 2016.

<sup>28</sup> Focus group discussion with respondents, Sangano Base Camp Nakivale, 10 June 2016.

especially in Africa, local integration is seen as politically unfeasible, only to be considered as a last resort once repatriation or camp-based care have failed.' Local integration was a popular durable solution in Africa during the 1960s to the 1980s when African countries were very open to refugees and asylum seekers. Rutinwa (1999) calls this period the 'golden age' of asylum in Africa when countries had an 'open-door policy' to refugees.<sup>29</sup> Countries accepted refugees on their territories. 'A number of refugees were locally integrated and legally naturalized' (*ibid.*: 1). Examples of countries that integrated refugees around this time include Tanzania which naturalized 20,000 Mozambique refugees and 36,000 Rwandan refugees (Kabera 1988: 6).

Local integration was recognized as a durable solution since the establishment of UNHCR in 1950.<sup>30</sup> In fact the UNHCR Statute gives UNHCR a mandate in the protection of refugees by working with governments and private efforts in the integration of refugees in the host countries. Therefore right from the start of the United Nations refugee agency, the international community envisaged the potential of local integration in order to address the refugee problem in the world.

The 1951 Refugee Convention also provides for local integration – alongside repatriation – as a durable solution to refugees. Article 34 calls upon states to assist in the assimilation and naturalization of refugees. States are called upon to do everything possible to accelerate the processes leading to the integration of refugees at a reduced and affordable cost. D'Orsi (2013) notes that Article 34 raises the issue of the need by states to grant rights and freedoms to refugees given their special status. States are called upon to assimilate or naturalize refugees and accord them rights similar to those of permanent residents or citizens. These rights include among others, right to movement, right to education, right to property, right to work, right to religion and right to marry (*ibid.*).

The fact that the Ugandan government has put in place a technical committee to study and advise on local integration of refugees points towards the fact that this policy option is being considered as well.<sup>31</sup> Such a process will have to take into account the reality and challenges of socio-economic

<sup>29</sup> For more discussion on the open door policy of African countries to refugees and asylum seekers, see Rutinwa 1999.

<sup>30</sup> Paragraph 2(e) of the 1950 UNHCR Statute calls upon governments to cooperate with UNHCR in the performance of its functions concerning refugees falling under the competence of its office by 'promoting the assimilation of refugees, especially by facilitating their naturalization'. Paragraph 8(c) calls upon the High Commissioner to provide for the protection of refugees falling under the competence of their Office by assisting governmental and private efforts to promote voluntary repatriation or assimilation within new national communities.

<sup>31</sup> Interview with Principal Protection Officer, Office of the Prime Minister, 1 June 2016.

integration. We discuss these issues below, with particular attention to the obstacles experienced by Rwandan refugees themselves.

## 2. The reality and challenges of socio-economic integration

As evoked above, political circumstances as well as continental or even global trends shape policy choices on how to deal with refugee situations. Bracketing these conditions, the choice for local integration is partly based on the assumption that after a long period of exile, refugees may have lost touch with their country of origin and are already more assimilated in host countries. Past examples in Africa underscore the possibility and feasibility of these policy choices. In 2007, Tanzania announced its willingness to naturalize 220,000 Burundian refugees who had been living in the country since 1972 (Milner 2011: 6). Botswana naturalized 2,500 out of 4,000 Angolan refugees (Kabera 1988: 6).

According to the 1951 Convention, the protection of refugees and their rights includes actions at their integration in host countries, thus also in the case of Uganda (Dryden-Peterson & Hovil 2004). Harrell-Bond argues that 'In fact, the Convention uses the word 'assimilation', a term that implies the disappearance of differences between refugees and their hosts' (Harrell-Bond 2000: 3). In practice UNHCR promotes integration over assimilation in response to refugees. Such a goal of facilitating the process of local integration is to allow 'those refugees who cannot or do not wish to repatriate the possibility to enjoy the freedoms and livelihood they would have in their home countries' (Low 2006). Harrell-Bond (1986: 7) defines local integration as 'a situation in which host and refugee communities are able to co-exist, sharing the same resources – both economic and social – with no greater mutual conflict than that which exists within the host community'. Other definitions emphasize the acquisition of rights as well (Kibreab 1989; Crisp 2004; Fielden 2008). In this analysis, the socio-economic integration of Rwandan refugees in Uganda is put under scrutiny.

Economic integration involves a process where refugees are able to attain sustainable livelihoods, attain self-reliance, and become progressively less dependent on aid or humanitarian assistance. It is a process through which refugees are able to participate in the local economy and improvement in the standards of living comparable to the host community (Kuhlman 1991). Complementary to the economic dimension, local integration is a social process where refugees are able to live in harmony with the host population. Social integration thus entails peaceful co-existence, non-discrimination, acceptance of refugees by the host population, and the ability to contribute to the social life of the host country (*ibid.*). Different researchers have reported

about the positive contribution of refugees, including Rwandans, residing in Uganda. Through, for example, participating in trade activities both in and outside the settlements (Betts, Bloom, Kaplan & Omata 2014) and widening the tax base (Dryden-Peterson & Hovil 2004: 32), they contribute positively to the economy. Moreover, host communities can also enjoy the infrastructural improvements that are related to the refugee presence, such as more and better education facilities (*ibid.*: 34).

During interviews, the first author of this text was able to communicate with Rwandan refugees in the local language of Runyankore meaning that the refugees have learnt the local language and could communicate with the local hosts. Observations revealed that Rwandan refugees freely interact with the local hosts especially in the trading centers of Juru and Sangano in Nakivale settlement and Kazaho in Oruchinga settlement. The refugees themselves observed that almost all the Rwandan refugees speak the local language, Runyankore. All their children were born and attend schools in Uganda. They pointed out that their children consider themselves to be Ugandans. They also mentioned intermarriages and other social interactions with the local hosts. According to the refugees themselves, these social interactions and *de facto* integration are a basis for considering local integration as a durable solution.<sup>32</sup> On the other hand, some Rwandan refugees expressed worry that if they are to be locally integrated in Uganda, they would intermarry with people of other origins and hence lose their original identity as Rwandans. This may be another obstacle hindering integration of refugees especially if the group wants to maintain their identity, culture and language. One refugee woman noted: 'We want to integrate in Uganda but our fear is whether we shall be able to maintain our language. Most likely we shall adopt the Banyankore culture and forget our Kinyarwanda culture especially the children who have been born here in Nakivale.'<sup>33</sup>

Apart from these aspects of cultural integration, the refugees observed that some of their colleagues had bought land and built houses in Uganda. In a FGD, refugees said that, 'Rwandans with money have bought land while the poor ones have not. Those who have land and houses are not afraid of returning to Rwanda. They know any time they are forced to return to Rwanda, they will go and settle on their land in Uganda. Those with no land certainly know they have no option but to return to Rwanda.'<sup>34</sup> They pointed out that many Rwandans depended on agriculture, businesses and casual labour as sources of livelihood.<sup>35</sup> To them, the Ugandan government

<sup>32</sup> Focus group discussion with respondents, Sangano Base Camp, Nakivale settlement, 10 June 2016.

<sup>33</sup> Interview with refugee woman, Sangano Base Camp Nakivale, 23 June 2010.

<sup>34</sup> Focus group discussion with respondents, Nakivale settlement Juru zone, 30 July 2016.

<sup>35</sup> *Ibid.*

can use this economic integration of refugees as an opportunity for their local integration.<sup>36</sup> Already the Ugandan government thinks that repatriation of Rwandan refugees has not been successful because of the availability of land in refugee settlements. It has been argued that the availability of land and other socio-economic factors have continued to attract many Rwandan refugees into Uganda.<sup>37</sup>

Despite these signs of integration perceived by the refugees themselves, one can indeed not rule out resistance to their further local integration. Even if positive effects on the host population can be identified, this does not automatically translate into a positive attitude towards the refugees. Studying Congolese refugees in Southern and Western Uganda, Kreibaum (2016) identified an overall positive impact on local communities. At the same time, however, the perceptions about living conditions and ethnic identity held by households surrounding the settlements were more negative. According to Kreibaum, 'Feelings of resentment might be present, which would mean that more work towards the social integration of refugees and the inclusion of the host population in the process needs to be done' (2016: 20). Jacobsen (2001: 19) states that many host communities become resentful about the presence of refugees amongst themselves, either because of security threats or competition for scarce resources. The locals then pressure the authorities to relocate refugees into camps or segregate them in some way.

There is, indeed, a challenge of limited resources to cater to the refugee populations on Ugandan soil. Whereas Rwandan refugee numbers might be low compared to the total number of refugees residing in the country, granting them local integration might set a precedent for all refugees on Ugandan soil. Land is a very scarce resource and it will be hard to get free land to give to the naturalized refugees. Jacobsen (2001) has argued that access to land contributes to the success of refugee integration. 'A strong finding in the research literature is that integration is more likely to occur when there is land abundance' (*ibid.*: 16; Bakewell 1999). Going by this argument, in cases where there is limited or no access to arable land, integration of refugees is likely to be problematic.

Host countries aim to avoid the economic burden and fear social upheaval. Refugees are therefore not looked at as an asset to be integrated in host countries but, at best, a situation to be tolerated temporarily and, at worst, a liability to tackle with immediacy. Over the last two decades, and throughout the African continent, reports emerge of increasing xenophobia of local hosts towards refugees partly due to competition for resources like land and employment. Some examples include the xenophobia in South

<sup>36</sup> *Ibid.*

<sup>37</sup> Interview with Uganda Government Official, OPM, Mbarara, 18 July 2016.

Africa towards Zimbabweans and nationals from other African countries,<sup>38</sup> xenophobic attacks against refugees in Zambia in 2016,<sup>39</sup> and attacks on Sierra Leonean refugees in Guinea in 2000.<sup>40</sup> Sometimes refugees are used as scapegoats for already existing problems. This has been the case in most African refugee hosting countries like Uganda, Tanzania, Kenya, and Guinea. Jacobsen (2005: 12) gives the example of Guinea as follows:

‘According to anecdotal evidence, many in Guinea believe that the *de facto* integration of Liberian and Sierra Leonean refugees that has been permitted is linked to the rise in criminal activity, delinquency, street prostitution, and drug proliferation that has plagued Guinea in recent years. But Guinea had been experiencing rising poverty and the imposition of structural adjustment programs when the refugee influx began. The social dislocations associated with this poverty are probably aggravated by the integration of refugees, but it is not clear that the refugees should be blamed alone.’

These cases of xenophobia and attacks on refugees illustrate that host populations at times oppose attempts at integrating refugees. In fact research on autochthony in Africa<sup>41</sup> indicates that in recent years, there has been an upsurge in conflicts of autochthony throughout much of Africa. There are conflicts between ‘autochthons’ meaning those that emerged directly from the soil or ‘sons of the soil’ against ‘allochthons’ meaning those that do not belong to the soil or ‘strangers’ (Mitchell 2014: 401). Ceuppens and Geschiere (2005: 386) explain that autochthony refers to ‘self’ and ‘soil’ while ‘indigenous’ means literally ‘born inside’. The two concepts raise the need to safeguard ‘ancestral lands’ against ‘strangers’, as well as on the right of autochthons to special protection against later immigrants (*idem*). These distinctions of ‘sons of the soil’ and strangers or foreigners are common around Africa and have led to violent clashes and conflicts. They point to the direction of exclusionary practices in many host communities that historically welcomed migrant populations (Mitchell 2014: 401). Examples from Côte d’Ivoire, Cameroon, Kenya, the Great Lakes region of Africa show evidence of conflicts between autochthons and allochthons and this has led to exclusion tendencies and violent conflicts.

In the past, news reports have mentioned xenophobic attacks on Rwandan refugees aimed to drive them out of the country (IRIN 2009). Even in refugee

<sup>38</sup> For more discussion on xenophobia in South Africa, see Crush 2001; Bloch 2010; McKnight 2008; Crush and Pendleton 2007.

<sup>39</sup> See *Lusaka Times* 2016; Rights in Exile 2016.

<sup>40</sup> See Canada’s Immigration and Refugee Board 2002; Human Rights Watch 2001; Milner and Christoffersen-Deb 2006.

<sup>41</sup> See Geschiere 2009; Ceuppens & Geschiere 2005; Marshall-Fratani 2006; Cote & Mitchell 2015; Prestholdt 2014; Jackson 2006; Lynch 2011.

hosting areas (Nakivale, Oruchinga, Kyaka, and Rwamwanja settlements) local hosts have argued that refugees are strangers or foreigners who should not own land. Local hosts have repeatedly called for the exclusion of refugees (foreigners) from access to land and other resources.<sup>42</sup>

It should be noted that there have been clashes between the locals and refugees in Nakivale settlement which makes the integration of refugees in areas around the settlement very problematic.<sup>43</sup> The current Rwandan refugees themselves indeed fear that Ugandan nationals may not like the idea of local integration because of land shortage. This is considered to be the major factor hindering local integration. Refugees are aware that there is not even enough land for Ugandan nationals. One of the refugees said: ‘There is not enough land for both the nationals and the refugees. Land continues to be scarce each day that passes. Already we are conflicting with local hosts over land here in Nakivale. This is likely to continue even if we are integrated in Uganda. Ugandans will continue to look at us as Rwandans that do not deserve to get land.’<sup>44</sup>

Furthermore, there is already too much pressure on delivering social services and public goods to Ugandans. Adding tens of thousands of Rwandan refugees would further compound this problem. These days it is common to see Ugandans protesting on the streets because of poor roads, dirty water, limited access to health services, and unemployment among others (Golooba-Mutebi & Sjögren 2016; Mbazira 2013; Ojambo 2016; Amnesty International 2014). This is compounded by the fact that the majority of the citizens are increasingly getting conscious and active in public affairs and demand accountability from their leaders. Therefore integrating refugees is likely to inflame an already fragile situation.

Importantly, local integration depends on the goodwill of key groups in the host country. In the absence of this goodwill, refugees find it more difficult to settle amongst the community and become integrated (Jacobsen 2001). Jacobsen (*ibid.*: 18) has argued that ‘the success of integration depends as much on the relationship between the local population and the refugees as it does on the host government’s position. When refugees are welcomed and accepted by the locals, or at least not resented, they will be better able to pursue livelihoods, hide from authorities who would round

<sup>42</sup> See Bagenda *et al.* 2003; Ahimbisibwe 2013; Ahimbisibwe 2015. Evidently, it remains difficult to prove that the clarification of the legal status of (Rwandan) refugees or granting citizenship to (Rwandan) refugees would prevent future xenophobic attacks. Nevertheless, obtaining legal citizenship in a host country can be an important step towards empirical citizenship (feeling that one belongs to a certain community) (IRRI 2014).

<sup>43</sup> For more discussion on land conflicts in Nakivale settlement see Bagenda *et al.* 2003; Ahimbisibwe 2013; Ahimbisibwe 2015

<sup>44</sup> Interview with refugee woman, Nakivale settlement, Rubondo zone, 9 July 2010.

them up, and face fewer security threats.' One can therefore argue that in areas where refugees are not accepted by the locals or resented, integration is a challenge. Indeed, some Rwandan refugees are doubtful about whether opposition political parties would support local integration; they expressed fear that if the National Resistance Movement (NRM)<sup>45</sup> government were to leave power, then the successor governments may not be supportive. They said: 'These opposition leaders may not like us. They may chase us if Museveni leaves power. At least we know Museveni wants us despite the pressure from Kagame.'<sup>46</sup>

## Conclusion

In this text, we argued that local integration is the best option for many Rwandan refugees that are still residing in Uganda today. Back in Rwanda, the rights of the returnees cannot be guaranteed – as is illustrated by the many refugees that fled their country after the 1994 genocide and still do so today. Also other, more flexible forms of return, will not be accepted by the Rwandan government. The GoR is strongly focused on the physical return of their citizens who sought refuge abroad.

Evidently, as the analysis of the ambiguous history of the refugee policy towards Rwandans in Uganda illustrates, popularizing local integration requires a dialogue and cooperation between the host state and the country of origin. This would in turn – at best – put at rest the fears of the alleged enmity of refugees towards the country of origin. The host country can put in place strategies of monitoring the integrated people and thus prevent them from politically and militarily destabilizing their country of origin. As one respondent put it 'certainly the cooperation between Uganda and Rwanda is very important in achieving a durable solution for Rwandan refugees. Now that repatriation has failed and resettlement is not an option, the two countries and UNHCR need to focus on local integration or any other alternative status in the framework of the 2011 UNHCR Comprehensive Strategy for the Rwandan refugee situation [...] This should be done in full view of the interests of Rwanda and Uganda. Rwanda needs assurance that the integrated Rwandans will not be a threat in the future. This will need the cooperation of Uganda in close monitoring of Rwandans.'<sup>47</sup>

In addition to this political process, it is necessary to speed up the shift from humanitarian aid to refugees towards an inclusive development strategy targeting both host and refugee communities. Local integration

<sup>45</sup> The NRM is the ruling party in Uganda. It came to power in 1986 under current President Museveni after a civil war.

<sup>46</sup> Interview with respondents, Nakivale settlement, Rubondo zone, 8 August 2016.

<sup>47</sup> Interview with Refugee Studies and Forced Migration scholar, Kampala, 17 August 2016.

as a durable solution can be encouraged through assistance programs that benefit *both* refugees and local communities. These programs are likely to be cheaper than conventional assistance programs aimed at meeting all the needs of refugees kept segregated in camps. Such programs would enhance the human security of everyone in the host state, and also boost economic productivity in the region (Jacobsen 2001: 27). These programs should be aligned with the development plans of the host country.<sup>48</sup> The idea is to create a win-win situation. This means that Uganda needs donor assistance in the integration of Rwandan refugees. The costs involved in the legal, economic and social integration process of refugees are beyond the capacity of a developing nation like Uganda. Therefore donor support is one strategy for popularizing local integration as a durable solution for Rwandan refugees. The 70/30 rule, whereby the GoU guarantees that a minimum of 30% of the benefits of externally funded activities in the country should go to Ugandan citizens, is already a big step in the right direction. Other sources of inspiration are the 2011-2015 United Nations Development Assistance Plan (UNDAP) in Tanzania to support areas hosting naturalized Burundian refugees (Milner 2014: 9); as well as the World Bank \$175 million financing to support regional initiatives on communities hosting refugees in Uganda, Ethiopia and Djibouti (World Bank 2016).

Nevertheless, we acknowledge that local integration will not be a perfect solution either. Because of the geographical proximity and linkages between the (members of) the Rwandan and Ugandan governments and security apparatus, Rwandans living on Ugandan soil cannot easily escape far-reaching surveillance and still risk persecution – also outside of Rwanda's borders as testified by numerous incidents, including attacks and even murders.<sup>49</sup> It is the responsibility of the Ugandan government to guarantee the safety of refugees as well as citizens on its territory.

<sup>48</sup> Jacobsen (2001:26) argues that 'Local integration programs should also seek to fit with the development policies and programs of host governments. The key to pursuing local integration in protracted situations is the host government, and the key will turn more smoothly with encouragement in the form of programs that address the needs of both host government and refugees can do this'.

<sup>49</sup> As reported by Human Rights Watch (28 January 2014) '[Uganda] has become one of the least safe countries for Rwandans facing political persecution because of the close links between the police and intelligence services of the two countries. Diplomatic relations between Uganda and Rwanda have fluctuated over the years, but many senior Rwandan officials, particularly those who grew up in Uganda and served in the Ugandan security forces or intelligence services, retain close links in the country. Rwandan agents can therefore operate in Uganda with considerable ease.' Most recently, Uganda has identified and arrested a number of 'Rwandan' agents operating in its security apparatus – a crackdown that might be motivated by the question of Rwandan refugees on Ugandan soil (Ashaba & Bareebe 2017).

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