Policy Analysis Report: Mapping Migration in Uganda

by

Deborah Mulumba PhD
Department of Women and Gender Studies
Makerere University Kampala

and

Wendo Mlahagwa Olema MA
Department of Development Studies
Mbarara University of Science and Technology

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Foreword / Acknowledgements

There has always been a constant inflow and outflow of migrants in Uganda. Reasons to explain this phenomenon are many, but the key reasons concern seeking refuge as in the case of refugees and internally displaced persons, and seeking employment opportunities within and out of Uganda. All these processes have a bearing on Uganda’s development. However there is little by way of research findings to explain the migration status in Uganda. As well, it has been observed that Uganda lacks a clear migration policy. This report is a result of analyses of the several legal and policy frameworks, programs, informal interviews and other relevant documents concerning migration in Uganda. The main aim of the report is to map migration in Uganda by highlighting the forms and nature of migration, how migration process has been managed, and to identify the key gaps in migration policies.

We acknowledge and appreciate the work done by various persons, institutions and organizations in the accomplishment of this policy analysis report on migration in Uganda within the framework of the EU-ACP funded EDULINK project IMMIS – "African Migration and Gender in Global Context: Implementing Migration Studies". We are grateful to Carl von Ossietzky University Oldenburg colleagues: Dr. Lydia Potts, Jan Kuehnemund and Melike Doever for their academic, organizational and logistical support. We appreciate the support rendered to us by colleagues from Ahfad University for Women in Sudan. We also acknowledge the input of our colleagues, Josephine Ahikire and Pamela Mbabazi.

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Deborah Mulumba and Wendo Mlahagwa Olema
18 September 2009
CHAPTER ONE
CHAPTER ONE

Uganda’s Internal and External Migration

1.0 Introduction

Migration has been an integral part of Uganda history and has included internal, regional and international movements. Migration in Uganda takes place within diverse social, political and economic contexts and has been fuelled by unstable politics in the Great Lakes region, poverty and rapid growing populations. Distinctive forms of migration characterize cross border movements and have started reflecting an increasing female migration (Adepoju 2008: 3), which calls for systematic integration of gender in all migration policies. Female labor migration including domestic work, slavery and sex work in West Africa has been highlighted and is beginning to raise concern to the academia as well as the international community (Anarfi, 1995). In Uganda, however, female migration has received minimal attention, namely, through studies related to child labour and child soldiers (ILO-[IPEC], 2007, ANNPCAN², 2008). Where women are involved, they are perceived within the context of forced migration as refugees and internally displaced persons, where they feature as helpless victims and yet women migrate for several other reasons.

Several patterns of migration in the East African region occur in various forms for which there has been little academic inquiry. While country-specific manifestations of migration exist in each country, Uganda has a history of intensive inflows of migrants prompted by demographic, economic, and political factors. These have acted in combination to produce various forms of migration such as nomads, labor migrants, refugees and internally displaced persons. In all these cases, “clandestine movements across long, porous frontiers by ethnic groups and pastoral peoples, and undocumented migrations are perhaps the most common configuration” (Adepoju, 2008: 5). The porosity of international borders of the East African countries can be traced to the 1884-1885 Berlin Conference dubbed ‘The Partition of Africa Continent’. As borders were drawn to curve out African countries to each European power who had interest at the time, serious omissions were made, those concerning the ethnicity of the people along the borders. For Uganda, it meant demarcating ethnically similar peoples along the eastern border dividing Uganda and Kenya. They include: Pokot, Karamojong, Itesot, Bagisu and Basamia. On the south, there are similar ethnic groupings on both sides of

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¹ Authored by Deborah Mulumba, Lecturer Department of Women and Gender Studies, Makerere University Kampala and Ms Wendo Mlahagwa Lecturer Mbarara University of Science and Technology.

² African network for the prevention and protection against child abuse and neglect.
the borders including the Haya, Banyarwanda and Twa. The western border which demarcates the Democratic Republic of Congo (DRC) and Uganda cuts across similar groupings including Bakonjo, Bamba, Alur, and Lugbara. The northern border cuts across the Madi, Lugbara, Kakwa, Kuku and the Acholi. The partition of Africa created artificial borders to a certain extent in that populations of similar ethnicity were split and forced to belong and assume the identity of other countries. In the Rwandan case, both Uganda and Rwanda have both ethnic groupings in their territories. For communities such as these, ethnic ties transcend borders viewing borders as artificial constructions to be disregarded. As it is practically impossible for total border surveillance, unaccounted for immigration and emigration occurs through such a process.

Substantial amount of literature abounds about migration into the developed countries and the various policies implemented to control such migration (Castles, 2004; Spencer, 2003). However migration should not be seen as only a south–north phenomenon; migration is also a south to south process where it occurs within and between several countries. Several migrants leave their rural homes for urban areas in search of educational opportunities and livelihood, while others leave their rural homes to be looked after by their urban dwelling relatives. Yet, others leave rural areas to visit their relatives in towns, itself an age old practice, where they may eventually remain. Still, numerous migrants move beyond borders into neighboring countries for several reasons, including seeking better economic opportunities, marriage and asylum. During the last two decades, south–north migration has intensified in Eastern Africa as a response to globalization processes, but mostly due to lack of economic opportunities. There is little data on these processes as most of the movements are not recorded and many times the migrants pass through the paths of the porous national borders where such movements are hardly taken note of let alone be registered. Needless to say, south to south migration processes have received minimal scholarly attention.

### 1.1 Migratory trends in Uganda

The focus of the discussion shall be limited to migrants in and out of Uganda during the last four decades in general and in particular since the 1980s. The type of migration considered in this chapter is two-fold, namely forced migration as refugees and internally displaced persons and, other forms of migration.
1.2 **International refugees in Uganda**

For the purpose of this discussion, the term refugee refers to non nationals mainly from neighboring countries who have sought asylum in Uganda. Documented evidence indicates that Uganda was host to some 7,000 Polish refugees in the early 1940s (Lwanga-Lunyiigo, 1998), majority who were women and children. They were settled in two rural settlements, namely, Kojja in Mukono district and Nyabyeya in Masindi district. History of African refugees in Uganda dates back to 1955, when some 80,000 southern Sudanese crossed into Uganda after army munity in Sudan (Pirout, 1988). Following a peace agreement in 1972 (Addis Ababa Accord) several Sudanese repatriated to their country; however, there have been several refugee influxes from Sudan into Uganda over the years. The early 1980s was the beginning of a protracted war between the Sudanese People’s Liberation Army/Movement (SPLA/M) and the Khartoum government. This period coincided with mass movements of Sudanese Refugees into Uganda, in West Nile area which include the districts of Moyo, Adjumani, Arua, Koboko, Aringa, Nyadri, Yumbe Nebbi and Terego. The period also coincided with the arrival of Ugandan returnees from DRC who had been forcibly displaced after the overthrow of Idi Amin in 1979. With the exception of Acholi refugees (from Sudan) who had been accommodated in Acolpiii in Pader district in northern Uganda and who were attacked by the LRA in 2002 and have since been relocated to Madi-Kollo in Nebbi district in West Nile, majority of refugees from south Sudan were settled in various rural refugee settlements including inter alia, Palorinya (Moyo), Rhino Camp (Arua) Madi Kollo (Nebbi), Ikafe and Imvepi (Aringa), Mongula (Adjumani).

The political turmoil in Rwanda in the late 1959 and early 1960s forced thousands of Rwandese (mainly of Tutsi ethnicity) to flee to neighboring countries, such as Tanzania, Burundi and Uganda. The Rwandese refugees in Uganda were allocated pastoral land in Nakivale and Oruchinga refugee settlement in Mbarara district (now Isingiro district). Others were settled in Rwamwanja, Kamwemge and Kyaka in the districts of Kabarole and Kyenjojo. However, although majority of Rwandese refugees repatriated in 1994 after the genocide and the taking over of the Rwandese government by the RPA, many still maintain relatives and property in Uganda.

The political upheavals in Congo in the late 1950s were responsible for the forced migration of Congolese into Uganda. While it is difficult to estimate the exact number of refugees from Congo at this time, their number was large enough to be settled at Kyaka 1 refugee settlement.
near the Kazinga Channel in Kabarole district; many self settled among kith and kin in Kasese and Bundibugyo districts while others moved to urban areas, such as Kampala. It is worth noting that the pattern of settling this group of refugees depicts a weak system that is unable to account for efficient resettling mechanisms. In 2000, the UNHCR and Uganda Government implemented a repatriation project which saw many Congolese return to their country of origin. However, no sooner had the Congolese left than war started in eastern Congo, a war that had displaced 12,000 Congolese. It is likely that the repatriated Congolese came back once again.

Since the 1980s, Uganda has continued to receive refugees from Somalia, Burundi, Ethiopia, Eritrea and Kenya, Nigeria, and Pakistan. While majority of refugees are located in rural settlements, there a few who are ‘permitted to reside in urban centres based on specific conditions, such as security, health and education. Furthermore, despite the rural policy maintained by the UNHCR and Uganda government, there are refugees who have resisted rural life and have opted for urban living (such refugees fend for themselves as they get no financial allowances from UNHCR).

It is worth noting that Uganda was at the heart of refugee creation, when, overnight in 1972, president Idi Amin expelled over 20,000 Ugandan Asians (mainly Indians and Pakistanis) giving them three months to leave the country. Majority of the Asians were accommodated in a transit center in Italy from where several western countries, including Canada, USA, and UK selected those who fitted their selection criteria. Those that did not fit the criteria were taken on by Sweden. Furthermore, as a result of the bitter and protracted war in northern Uganda, multitudes of migrants have sought asylum and granted refuge in other countries in Africa and the West. As well, records show the presence of Ugandan refugees in China and Japan. It is difficult to estimate the number of Ugandan refugees and non refugees in Diaspora. In addition to the wars, other persons have migrated purposely to seek better economic opportunities.

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3 Quoting Ken Davies Director World Food Programme in Uganda in New Vision 2 February 2006 article by Wilfred Sanya.
1.3 Internal displacement in Uganda

The overthrow of Idi Amin in 1979 was subsequently followed by a series of brief and short-lived governments before the general elections were held in December 1980. The Uganda People Congress (UPC) was alleged to have rigged the elections in favour of Obote. This prompted Yoweri Museveni and twenty-six others to initiate the National Resistance Movement and Army (NRM/A) in the infamous “Luwero Triangle” and waged a guerilla against the UPC government until it was defeated in 1985 (Museveni, 1997). The rebel activities lasted five years (1981-1985) during which period and estimated 750,000 people were displaced fled their habitual residences to other safer areas in Uganda including the urban areas of Kampala and Jinja. While actual numbers of those forced to flee the area can only be estimated due to lack of clear statistics, the war in Luwero is believed to have displaced thousands of residents. During this time several government ministries including health, defense and internal affairs and international organizations, such as ICRC, Uganda Red Cross, and the United Nations High Commissioner for Refugees (UNHCR) were engaged in assisting the people fleeing the war zone and those caught up in the situation. Special camps for those fleeing were erected at Mulago Hill (Yellow House) and an accommodation settlement created for the cattle keepers in Mbuero Park in western Uganda. At the end of the war, majority of the internally displaced persons (IDPs) returned to their homes albeit with settling difficulties. An unknown number of the IDPs who had settled in urban areas were reluctant to return to their rural homes despite a weekly radio programme by the then Prime Minister of Uganda encouraging them to return to their homes. In addition, a new ministry was created purposely to deal with “Luwero Triangle” issues.

Armed conflict in northern Uganda began in 1986 because of the resentment the northerners had towards the new NRM government by southerners. At the peak of the conflict, over 1.5 million Ugandans were living in camps (see Table 1). Resulting from the disgruntlement, the Lords Resistance Army (LRA) was established as a continuation of Alice Lakwena forces which has been fighting Uganda, but which had been defeated. Since 1988, the LRA led by Joseph Kony fought a low level guerilla war, in an effort to overthrow Museveni’s government and rebuild Acholi nation and culture and purportedly ensure that Uganda is ruled in accordance with the Biblical Ten Commandments. The war resulted into people fleeing

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4 See map showing the districts that constituted the ‘Luwero Triangle’
5 Wikipedia-free encyclopedia May 2008 ‘Uganda since 1979’
6 Dr. Samson Kiseka (RIP) (then Prime Minister) conducted a weekly radio programme in which he encouraged the IDPs to return to their homes in Luwero with little success.
their villages as a result of direct attacks from LRA mainly in the districts of Kitgum and Pader. According to the refugee law project (RLP, 2004: HRW, 2005), the main cause of the subsequent large scale displacement in northern Uganda was the government decision in 1996 to force civilians into IDP camps which it described as ‘protected villages’. The encampment process was Uganda’s policy to keep the LRA rebels at bay and to increase protection to the residents in northern Uganda. During the insurgency, people in war affected areas had little or no choice about residing in camps for the internally displaced. Nevertheless, not all were encamped; some decided to remain in their villages, while moved to other districts, such as, Nebbi and Masindi outside northern Uganda.

The takeover by the NRM in 1986 faced resistance in the parts with strong support for Obote. Teso in Eastern Uganda was such a stronghold area in which Peter Otai (ex minister in the toppled ‘Obote Two’ government) and the Uganda Peoples Democratic Army (UPDA) in southern Sudan spearheaded the rebel activities. Though short lived, the war resulted in aimless and unwarranted loss of lives and caused suffering to many. An unknown number of persons (mainly the Itesot) were displaced and accommodated into camps for the internally displaced persons in Katakwi and Abareila. Although the insurgency was short-lived and majority of people were able to return to their villages, there are still people left in the IDP camps (Obore, 2008; USAID7, 2004).

The Allied Democratic Force (ADF)8 is a rebel group opposed to Ugandan government based in western Uganda with rear bases in Democratic Republic of Congo (DRC). In August 1996 the rebels invaded Bundibugyo district in south western Uganda and displaced several people who were later put in camps for protection. This attack was subsequently followed by several rebel attacks on institutions and individual homes, not only in Bundibugyo, but it spread to the districts of Kasese and Kabarole resulting in the displacement of several people (mainly Bakonjo, Bamba and Batoro as well as the non indigenous populations). The ADF rebel activities were sporadic and difficult to contain as many attacks are launched from the forested Rwenzori Mountains. ADF increased their attacks on Uganda in 1997, attacking the IDP camps and small villages. It is estimated that the number of IDPs was 80,000 by 1998 (www.en.wikipedia.org/wiki/allied_democratic_forces).

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7 Bureau of for Democracy, Conflict and Humanitarian Assistance. Office of the US Foreign Disaster Assistance.
8 It has been widely acknowledged that ADF has been backed and funded by Tourabi of Sudan and other Muslim fundamentalists.
Like the table below indicates, internal displacement has been quite intensive in many districts in northern Uganda.

<table>
<thead>
<tr>
<th>Districts</th>
<th>Total number of IDP camps</th>
<th>Total persons</th>
<th>Total households</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lira District</td>
<td>42</td>
<td>351,020</td>
<td>70,455</td>
</tr>
<tr>
<td>Pader</td>
<td>31</td>
<td>349,538</td>
<td>n.a</td>
</tr>
<tr>
<td>Kitgum</td>
<td>21</td>
<td>331,167</td>
<td>n.a</td>
</tr>
<tr>
<td>Apac</td>
<td>18</td>
<td>107,130</td>
<td>n.a</td>
</tr>
<tr>
<td>Gulu</td>
<td>52</td>
<td>460,226</td>
<td>118,338</td>
</tr>
<tr>
<td></td>
<td>164</td>
<td>1,599,081</td>
<td></td>
</tr>
</tbody>
</table>


Since the initiation of the peace talks in Juba, the above scenario has changed. According to IDMC (internal displacement monitoring centre), by February 2009, there were 710,000 internally displaced persons in Uganda. However the figure does not include IDPs in urban areas, or IDPs in Uganda’s Karamoja region. In addition there are 681,000 returnees in villages of origin in the sub regions of Acholi, West Nile, Toro, Bunyoro and Teso. Approximately 332,000 IDPs (Ibid) were in transit camps awaiting the security conditions to improve before they could return to their original homes. Nonetheless the above statistics are not gender disaggregated.

1.3.1 The different actors during internal displacement process

Until 2006, at the initiation of peace talks in Juba, Sudan, between the Uganda Government and the LRA, IDP camps had been characterized by congestion, violence, redundancy and poverty. During the last 22 years of armed conflict in Northern Uganda several actors have played crucial role in management of internally displaced persons. The actors range from government, the UN, Inter-agency and Inter-governmental organizations and NGOs. The government has played the role of security, protection and service delivery albeit with difficulties. The government of Uganda called upon the international community and other humanitarian organizations to intervene in the humanitarian crisis, to which considerable response was received. We make mention of a few agencies here. First, the WFP (World Food Program) a UN agency improved the welfare of the IDPs through the provision of food rations and maintaining statistics of IDPs. Second, the United Nations High Commissioner for

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9 Statistics are not gendered, however, it is estimated there the ratio of men to women is 1:1
10 Source: WFP Lira and Gulu Office food lists.
12 Armed conflict in northern Uganda started in August 1986.
Refugees (UNHCR) assumed the role of IDP protection during encampment, return and resettlement process. Third, World Heath Organization has provided home packs\textsuperscript{13}, mosquito nets and other related health services. Fourth, the UNFPA was involved in population and reproductive health issues. Others include Lutheran World Foundation, (LWF), World Vision (WV) and Gulu Support the Children Organization (GUSCO). LWF has contributed to the supply of clean and safe water and sanitation to improve the lives of the internally displaced persons. World Vision, in addition to provision of basic needs, was involved with the psychosocial rehabilitation of formerly abducted children. GUSCO is among the local NGOs and has been involved in re-integration of formally abducted children. In addition, faith based organizations played a key role in upholding health and education rights of the IDPs.

It should be noted that in addition to designing policies for improvement of security in war-affected areas including the IDP camps, the government provided an enabling environment for the humanitarian agencies to operate. Moreover, in whatever limited scope as it may have been, the government implemented health, education, and other social services.

\textsuperscript{13} The packs contain malaria treatment as well as anti diarrheal medicines.
Map of Uganda indicating refugee statistics and areas of settlement, and areas of internal displacement including IDP camps as of 31 August, 2008. Source: UNHCR Branch Office Kampala
1.4 Other forms of migration

1.4.1 Rural–urban migration

Urbanization resulting from modernization trends and the general poverty in rural areas has affected household relations in three main ways. Firstly, the fact that both man and woman have to go to work; secondly, the demand for domestic labour has been created and thirdly, high rural poverty levels force desperate parents to send their children into urban areas to eke a living. These processes have catapulted a rural–urban migration of boys and girls, pre tees and adolescents (11-18) where they have been subject to domestic labour and other unclear forms of labour. Many children have been employed as domestic workers. Studies have indicated that there are about 2.7 million working children in Uganda, giving the overall participation rate of 34.2% (Guluma, 2008; ILO-IPEC, 2007)

In addition, industrialization processes have attracted occasional and seasonal labourers such as brick layers, carpenters, builders, porters among others, who migrate to urban centers for a specified period of time after which they return to their homes in rural areas. Yet other forms of in-country migration include, for example, fostering of children in the African extended family system and the practice of older parents moving to stay with their children in urban centers. Suffice to say that there is little documentation on these processes.

There has been inter-district migration in Uganda. For example, during the insurgency in northern Uganda, big numbers of Acholi moved from the districts of Gulu, Pader, and Kitgum to other districts; with a bigger number relocating to Bweyale in Masindi district. Moreover lack of employment opportunities in rural areas has escalated a rural–urban shift (mainly Kampala). Some of these movements may occur within same districts. As the numbers increase by groupings, so do the ethnic-specific places they stay in. There is, for example, an area in northern Kampala known as “Kifumbira” denoting the large numbers of Bafumbira who stay there. The Nakawa zone in Kampala (East) is occupied mostly by Ugandans hailing from northern Uganda. Kisenyi is a locale for Somalis (many of who came to Uganda from Somalia and Kenya as refugees, but who now cater for themselves and do not rely on UNHCR). As a result of land scarcity and high fertility, many households have migrated from

14 Bafumbira belong to Banyarwanda ethnic grouping who live in the district of Kisoro in Southwest Uganda.
Kabale to Hoima\textsuperscript{15}, Kibaale, Kamwenge, and other districts in search of land. Even when the Constitution of Uganda clearly shows that Ugandans are free to reside in any part of the country, recent incidents based on ethnicity and land ownership suggest that there is need to address the issues of marginalization, dominance and indigenous minority. However these processes have received minimal scholarly attention.

1.4.2 Human including child trafficking

A study\textsuperscript{16} report by IPEC\textsuperscript{17} (2007) indicates strong evidence that trafficking of children exists in Uganda. Child trafficking includes recruiting, harbouring and moving a child from his/her home for commercial sexual exploitation or to work in other forms of exploitative labour. In the above study, a total of 245 children 10-17 years (68 percent males and 32 percent females) were interviewed in the districts of Busia, Kalangala, Kampala, Masaka and Pader. Some of the findings indicated that although majority of children had completed primary school, they were poor and could not continue with schooling. Orphans had dropped out of school for lack of financial support, hence the need to work in order to raise school fees, contribute to household income, and take care of other siblings (IPEC-ILO, 2007). With respect to child trafficking, the study established that many traffickers enlist orphaned children in the name of helping them to meet their basic needs.

The Wikipedia Encyclopedia notes that Uganda is a source and a destination country for men, women and children trafficked for the purposes of forced labour and sexual exploitation. Ugandan children are trafficked within the country as well as to Canada, Egypt, the United Arab Emirates and Saudi Arabia for forced labour and commercial sexual exploitation. Supporting this statement is a recent newspaper article depicting a picture of a woman who as an eight year old girl was kidnapped and sold as a slave in Yemen\textsuperscript{18}. Pakistan, Indian and Chinese workers are reportedly trafficked to Uganda and Indian networks traffick Indian women to the country for sexual exploitation. Daily print media has occasionally indicated

\textsuperscript{15} At the writing of this report there were tensions between the migrants and indigenous people in Hoima district, which the government was trying to solve. See “Hoima Tense as Police Deploys” \textit{New Vision} by Raymond Baguma and Henry Mukasa 11 August 2009.

\textsuperscript{16} Rapid Assessment report in Trafficking of children into worst forms of child labour including child soldiers: A study conducted in the districts of Busia, Pader, Kalangala, Masaka and Kampala as part of IPEC TBP Prepatory Activities. February 2007.

\textsuperscript{17} International Programme on the Elimination of Child Labour (IPEC).

\textsuperscript{18} See, \textit{New Vision} Friday 10 July 2009 “Ugandan Woman Narrates Iraq ordeal” by Madina Tebajukira.
incidents of violence against Asian women\textsuperscript{19}. However, this aspect has received minimal academic inquiry.

Human trafficking has received a certain amount of attention in West Africa; child trafficking in Uganda is only just beginning to attract attention. According to the \textit{New Vision}\textsuperscript{20}, government was investigating reports on trafficking of mainly girls in cattle markets in Katakwi district in the Eastern Uganda. In yet another incident, the same paper reported that government was investigating reports that charitable organizations are trafficking children from war-torn north and north eastern region.\textsuperscript{21} A News Supplement for the Day of African Child noted that about 71 percent\textsuperscript{22} of child prostitutes in Kampala are trafficked from rural areas\textsuperscript{23}. Moreover, documented evidence indicated a booming trade in Karamojong girls and boys taking place in livestock markets in Katakwi, Kumi and Soroti districts in eastern Uganda. Other categories of children most susceptible to exploitation and trafficking were children in war affected areas in northern Uganda where the Lords Resistance Army (LRA), a rebel group that has been fighting government for the last twenty-two years has abducted over 30,000 boys and girls and recruited them into its ranks as sex slaves, cooks, combatants and other forms of servitude (IPEC, 2007). Even as peace returns to northern Uganda and the IDPs return to their original homes, it is not clear how and what means the government and international community will employ to ensure the successful return and rehabilitation of the abducted children. This concern was inadequately addressed in the peace, reintegration and development plan (PRDP), (RoU, 2007) the blueprint for the rehabilitation of northern Uganda.

1.4.3 Irregular migration and the porous borders

Irregular migration patterns in Uganda are an extension of international migration in which migrants move back and forth over international boundaries without documentation especially in geographical areas with no barriers or where similar ethnic groups occupy both sides of the international border. Many Sudanese, for example, share ethnicity with the Madi, Lugbara and Kakwa of Uganda. Informal interviews with Sudanese nationals in Kampala indicated how some of them cross border to visit relatives, to seek casual employment (\textit{leja leja}), and/or

\textsuperscript{19} See, for instance, \textit{New Vision} 14 December 2008 “29-year old Asian man of Indian origin Patel Alpesh Kumar Mahendrabai charged with murder of his wife Krishna Patel in Buwenge Eastern Uganda”

\textsuperscript{20} The New Vision 8 July 2006 “Government Investigates Child Trafficking” by Joyce Namutebi.

\textsuperscript{21} New Vision, 19 June 2007 “Child Trafficking reports probed”.

\textsuperscript{22} Total number of child prostitute difficult to obtain.

\textsuperscript{23} \textit{New Vision}, Monday June 16 2008 “Child Trafficking Increases” by Dorah Naamala.
marriage. Yet, others migrate to Uganda for short term employment opportunities to enable the acquiring of money for bride wealth and other necessities.

It will be noted that Kayunga district (Kasaana subcounty) in Uganda accommodates a high population of Sudanese nationals who appear to have integrated into the mainstream society. Similarly, areas surrounding the Catholic Mission at Kisubi in Entebbe are occupied by Kenyan Itesots who originally worked as porters and builders during the late 1800s with the coming of the missionaries\textsuperscript{24}. Two other places stand out for Kenyan immigrants, namely Namuwongo and Masindi. Kenyans have always been able to cross the borders or on water (Lake Victoria) with ease. Such flows are sometimes seasonal, but most often for a period of several years although immigrants rarely seek work permits or entry visas to legalise their stay in Uganda. As a result of cross border movements such as those described above, there are larger clusters of aliens in Uganda, many of whom have lived in Uganda for generations without formal authorization. Migration policies are stringent as evidenced by failure of government to institutionalize the use of national identity cards and the failure to effectively guard national borders.

1.4.4 Emigration

Emigration is the act or process of leaving one’s native country or region to settle in another. According to UNCTAD (2007), it is the opportunities to work and earn better that pulls the people from developing countries such as Uganda. Emigration to the West is enhanced by shortages of skilled human resource especially in the service sector and a demand for skilled human resource, which is a result of demographic and structural changes as manifested by an aging population. Moreover, the computer revolution has massively increased the demand for skilled personnel in design and production of software. Finally, the so called blue collar jobs, such as plumbing, mechanics, technicians, and masonry usually shunned by the nationals in the migrant countries lead to a vacuum which migrants are more than eager to fill.

Emigration statistics for Uganda are hard to come by. Despite this, it can be recognized that thousands of Ugandans are constantly emigrating out of Uganda for several reasons. The vacuum they leave can be evidenced easily by shortage in personnel, especially the health sector; this in spite of the fact that universities churn out doctors and nurses every year.

\textsuperscript{24} Personal communication with Brother Joseph Tinka, former headmaster, St Mary’s College, Kisubi, Uganda
Emigration by skilled personnel imposes severe economic and social costs on the sending countries especially where the number of skilled personnel is limited; take for instance, the current doctor/patient ratio of 1:28,000 (RoU, 2003) (compared to 1:5000 recommended by the World Health Organization). Many Ugandan doctors have sought employment in Botswana, South Africa, Swaziland, Rwanda, the UK (where foreign doctors completing their studies are permitted to work in the UK for a given period of time), Canada, USA, and elsewhere. Similarly, qualified nurses are enticed by the attractive salaries and the demand created by limited human resource in this field in those countries. According to Hagopian et al (2004), there were 175 Ugandan doctors living and practicing in the U.S compared to 722 in the whole of Uganda.

Even the less educated and less professionally qualified have migrated to the West to secure a livelihood for themselves and their families. It is generally stated that the economic migrants from Uganda are willing to do any type of work including sweeping, hence the word “Kyeyo”, a Luganda word meaning “big broom”. Part of the salaries and allowances are remitted to their families in Uganda. Despite the elusiveness of such statistics, many such emigrants find jobs as nursing auxiliaries, cleaners, and other menial jobs in the UK, Sweden, Finland, Denmark, the US and Canada. Many other Ugandans have found their way to Japan, China, Australia, New Zealand and South Africa. It is not entirely clear what sort of jobs such migrants engage themselves in. As well, such Ugandan Diaspora exists in Boston, USA. While encouraging the return to country of origin, the international Organization for Migration (IOM) through Migration for the Development of Africa (MIDA) has aimed to “to develop the potential synergy between African migrants and the demand from countries by facilitating the transfer of virtual skills and resources of the African Diaspora to their countries of origin”.

There is paucity of studies of these processes and the impact they have had on development.

Finally, another form of emigration refers to those individuals who leave Uganda with the aim of improving security and protection for other human beings caught up in insecurity and turmoil. Such has been the case with the soldiers of the Uganda Armed Forces that were deployed in Somalia to improve the security situation. In the same context, there are Ugandans, who at the height of Iraq war were offered jobs as security men and women in Iraq.

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Nonetheless, apart from the Dailies\textsuperscript{26}, little is known about these groups. It is this concern that prompted the minister\textsuperscript{27} to state that “Uganda plans to send a team to Iraq and other countries to ascertain the conditions under which migrant workers are operating …… we want to assess the situation and gather information so that we can develop favourable policies for our people”\textsuperscript{28}.

1.4.4.1 Migration and remittances

The significance of migration and migrant’s remittances was recognized at the UN Millennium Summit in September 2000, the New Partnerships for Africa’s Development (NEPAD) and African Union at the Ministerial Declaration adopted in Cotonou. In Uganda, workers remittances have become a significant source of finance for most households and have improved their welfare. According to Mercer et al (2008) the amount of remittances from African Diaspora amounted to US$ 10.8b in 2007 for sub Saharan Africa. Orozco (2008) in his study on remittances in Uganda established that Uganda received US$ 700 million per year. However, much as remittances are perceived to be a great contribution in impacting positively on the quality of life of Ugandans, there has not been a study at the micro level pertaining to actual improvement in quality of life.

Concluding Remarks

Over the years, Uganda has been faced with dynamic and complex patterns of migration in and out of her borders. The causes of migration into Uganda can be linked to several factors including geopolitical, socio-economic, and a shared ethnicity. A major part of internal migration in Uganda has been the result of civil wars in Uganda in general and specifically to the 22-year old war in northern Uganda. A smaller percentage of internal migration is due to inter and in-district migration resulting due to land fragmentation and employment opportunity search. Other forms of migration are child and human trafficking in and outside Uganda. In addition, an unknown number of Ugandans have found their way out of the country as economic migrants and as refugees. Although studies have been undertaken regarding migration in and out of Uganda, these have been few and far between, a situation calls for coherent and systematic studies on all forms of migration for a better understanding of migration in the country and to better inform migration policy.

\textsuperscript{26}Occassionally there might be an article in the daily newspapers concerning Ugandan soldiers in Somalia or security and other workers in Iraq.
\textsuperscript{27}Sulaiman Madada, Minister in charge of the elderly and disabled, Government of Uganda.
\textsuperscript{28}Catherine Bekunda “Govt to probe working conditions of Ugandans abroad” \textit{New Vision}, Thursday 6 August, 2009.
CHAPTER TWO
Refugee Policy in Uganda

2.0 Introduction
Refugee migration policy in Uganda is an outcome of the long presence of refugees in the country and has been influenced by the international and national migration policy framework over the years. This chapter constitutes a gendered analysis of refugee legislation, policy and institutional framework. It is organized as follows. The first section of the chapter analyses the international instruments and policies for refugees. The second section analyses the national legislation and policy framework of refugees and asylum seekers. Thirdly, an examination is made of the actors involved in refugee management at the national level and highlights the policy and programme implementational challenges. Finally the fourth section discusses durable solutions and other policy related issues.

2.1 Legislative, policy and institutional framework for refugees in Uganda
There are various legislative and policy instruments both at international and national level related to refugees to which Uganda is a signatory. The current legislation and institutional framework for refugees was established after WWII to cater for persons with difference in political ideological and fleeing communist block. The 1951 UN Convention Relating to Status of Refugees was put in place to address such needs and regarded a refugee as someone who:

as a results of events occurring before 1st January 1951 and owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events is unable or, owing to such fear is unwilling to return to it [Article 1(2)].

Although the above convention was timely, it can be argued that it was formulated from androcentric perspective as can be seen from the gender blind language such as the constant use of words “his” denoting the masculinity nature of refugees and keeping women invisible. Moreover the Convention bears time and geographical limits (when it mentions events
occurring in Europe before 1st January 1951) [Article 1 B (1)]. Apart from the short spells of refugee movements from Hungary and Hong Kong in 1955 (Holborn, 1975), the refugee problem moved to the South mainly in Africa and South America.

The change in geographical space and time resulted into an additional instrument: “The Protocol Relating to the Status of Refugees of 31st January 1967”. Article 1(2) states that for the purposes of the present Protocol, the term “Refugee”

shall mean any person within the definition of Article 1 of the Convention as if the words ‘as a result of the events occurring before 1st January 1951” were omitted.

In the same Protocol the geographical limitations were done away with given the fact that new refugee situations did not fit in well within the 1951 Convention. The Protocol also considered that “it is desirable that equal status should be enjoyed by all refugees covered by the definition in the Convention irrespective of the dateline 1st January 1951”. Looked at from a gender perspective, equal status can not be enjoyed by all refugees covered in the definition as the definition in the Convention emphasizes men versus women and, yet the period 1955 to date has been characterized by mass movements of refugees of whom majority are women and children. Refugees started to seek asylum in Uganda in 1955 and were assisted by humanitarian organizations such as Red Cross and all African Council of Churches (Pinycwa, 1998). During this period the policies implemented were philanthropic in nature. The UNHCR office was established in Uganda in 1964 and assumed the role of refugee management in Uganda.

The conditions which necessitated the creation of the 1951 Convention changed when the refugee problem moved to the South. The decade of the 1960s was engulfed by political upheavals which displaced thousands of Africans beyond their national borders as refugees, but who were not necessary satisfying asylum conditions in the Convention. This concern led the OAU heads of states and government at its sixth ordinary session (Addis Ababa, 10th September 1969) to come up with a regional instrument: “OAU Convention Governing the Specific aspects of refugee problems in Africa”.

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According to OAU (UN, 1969):

“as a result of events occurring before 1st January 1951 and owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events is unable or, owing to such fear is unwilling to return to it. [Article 1(2)]. In addition the term “refugee” shall also apply to every person who owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality is compelled to live his place of habitual residence in order to seek refuge in any other place outside his country of his origin or nationality”.

Other OAU concerns included among others, the need for humanitarian approach towards solving the problems of refugees; the need to make a distinction between a refugee who seeks a peaceful and normal life and a person fleeing his country for the sole purpose of fomenting subversion from outside and finding ways and means of alleviating refugees’ misery and suffering as well as providing them with a better life and future. The coming into force of this instrument on June 20th 1974 was quite significant as it was applicable to the mass influxes of refugees fleeing civil unrest and public disorder but who could not satisfy the clause “persecutory fear” in the Convention. This can be considered a friendly instrument for African refugees. However the language used in the instrument remains gender blind and assumes that all refugees are men. It, for instance, overlooks the gender specific needs of women such as violence against women including female genital mutilation, early marriages, sexual enslavements and other forms of negative cultural practices.

In addition, OAU was also mindful that the Charter of the United Nations and the Universal Declaration of Human Rights have affirmed the principle that human beings shall enjoy fundamental rights and freedom.
The above instruments were further consolidated in the African Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Article 14 which states that

Everyone has the right to seek and to enjoy in other countries asylum from persecution. .......... Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with laws of those countries and international conventions and that a non-national legally admitted in a territory of a State Party to the present Charter, may only be expelled from it by virtue of a decision taken in accordance with the law. Furthermore the mass expulsion of non-nationals shall be prohibited. Mass expulsion shall be that which is aimed at national, racial, ethnic or religious groups.

Nevertheless, there appears to be discrepancy between the law and what is on ground. For instance, reports abound which indicate that some Rwandese asylum seekers were deported in May 200929. In as much as the Charter provides for enjoyment of asylum in other countries, the treatment of asylum seekers can be described as restrictive, thereby denying them freedom of association. For instance as we shall discuss below, refugees in Uganda are accommodated in rural refugee settlement where there is limited opportunities for self reliance. Furthermore UNHCR’s policy of “First Country of Asylum” appears to be impinging on human right of refugee as it restricts their desire to migrate to other countries (Verdirame&Harrell-Bond, 2005).

Despite what appears to be shortcomings in the 1951 Convention relating to the Status of Refugees it remains the main instrument of choice in the determination of refugee status in Uganda.

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2.2 The National Legal Framework
2.2.1 Ugandan Constitution and Refugee Status

Constitution of the Republic of Uganda 1995 Chapter 3 (Citizenship) Article 13(2) states that every person who has legally and voluntarily migrated to and has been living in Uganda for at least twenty years shall upon application be registered as citizen of Uganda as well as every person who, on the commencement of the Constitution had lived in Uganda for at least twenty years. However studies have shown that acquiring citizenship among long stayees in the Uganda has been a very cumbersome and bureaucratic process which renders it difficult for the refugees to acquire citizenship (RLP, 2002).

This provision is contradicted by Chapter 3 Article 12(1) (ii) of the Constitution that states that citizenship will only be granted if “at the time of his/her birth neither his or her parents and none of his or her grandparents was a refugee in Uganda”. Moreover, Article 12 (1) (a) (ii) provides that a person may be naturalized as a citizen of Uganda if neither of his or her parents was a refugee in Uganda. Such a provision is discriminatory and violates refugee rights, and tantamounts to the perpetuation of being a refugee throughout generations. Another subsection in 12(2) states that the following persons shall upon applications be registered a citizens of Uganda:

a) every person married to a Ugandan citizen upon proof of a legal and subsisting marriage of three years or such other prescribed by parliament;

b) every person who has legally or voluntarily migrated to and has lived in Uganda for at least ten years or such other prescribed by parliament;

c) every person who on the commencement of this Constitution has lived in Uganda for at least 20 years.

Since refugees are involuntary migrants, no period of time can change the nature of migration. Unless host states come up with specific time limits within which refugees can be accorded citizenship, the article can be seen as a mockery of their stay in the country. As well, though not targeting refugees, it can be imagined that the word “person” also refers to refugees; that being the case, such a provision could give the settled refugees in Uganda the opportunity to regularize their stay in the country.

While allusion to refugees is not explicit, Constitution of the Republic of Uganda (1995) Chapter 4 includes Bill of Rights which enshrines not only civil and political rights but also
economic, social and cultural rights. For instance, on equality and freedom from discrimination, Article 21 (1) states thus:

All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law

(2) without prejudice to clause (1) above of this article a person shall not be discriminated against on the grounds of sex, race, color, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability.

Whereas the phrase “all persons” would include refugees as well, in practice refugees have been denied certain privileges. For instance, refugees who have opted for an urban residence have been denied humanitarian assistance by the UNHCR on the pretext that refugees must reside in the designated rural settlements. Another aspect which contradicts this provision is in the Refugee Act [2006(29) (g)] which prohibits refugees from engaging in politics. While refugees have same rights as nationals with respect to access to employment opportunities, rights to education, the meagre resources at their disposal constrain their capacity to access those opportunities. Despite this, it is worth noting that in early 1990s refugee welfare committees (RWCs) in settlements for Rwandese refugees in Uganda were used as springboards for political aspirations to oust the Rwandan government of the time (Nabuguzi, 1998).

2.2.2 The Refugee Act 2006

The period before 2006, the refugee act (Control of Aliens and Refugee Act) constituted part of the legal framework for refugees in Uganda. According to Kiapi (1998) the Act had been hurriedly enacted to respond to the increasing influxes of refugees in Uganda. It also provided a framework for aliens and was therefore not refugee-specific. Due to the nature of the shortcomings in the Act, a new Act, namely, The Refugee Act 2006 was enacted.

The Act made new provisions for matters relating to refugees in line with the 1951 Convention Relating to the Status of Refugees and other international obligations of Uganda relating to the status of refugees; to repeal the Control of Alien Refugee Act, Cap. 62 and to provide for other related matters. The process of drafting the Refugee Bill until its enactment provided for the consolidation of the structures for refugee management. For instance, the
Ministry of Refugees and Disaster Preparedness in the Office of the Prime Minister was established. The Directorate of Refugees (DoR) under the headship of the Commissioner is located in the ministry. The DoR is charged with refugee matters and laiases closely with Public Service Commission to recruit settlement commandants who manage refugees’ affairs in the rural refugee settlements. The process of the centralization of refugee management shows the significance Uganda attaches to refugee presence in the country.

The Refugee Act accords refugees all the rights stipulated in the UN and African Union Conventions, including freedom of movement and the right to work. However, free movement of recognized refugees in Uganda is subject to reasonable restrictions specified in the laws of Uganda or directions issued by the Commissioner which apply to aliens generally in the same circumstances, especially on grounds of national security, public order, public health, public morals or the protection of the rights and freedoms of others (Article 30(2). It can be deduced from this section that refugees have no freedom of movement. This fact is affirmed by the refugee encampment policy whereby refugees must first secure permission before leaving the refugee settlement.

Regarding the right to work, the rural settlement policy carries the erroneous assumption that work is in plenty in the rural settlements and that all refugees residing in the settlements have mastery over cultivation. It also assumes that crops being cultivated will find a ready market and therefore provide incomes to the refugees. Nonetheless, the available jobs in the settlements are few and far between; for instance, formal employment in the settlements may necessitate only a few health workers, teachers, water attendants and food distributors. Moreover, informal employment such as crafts, mat weaving, shoe making can best thrive in an urban setting.

In a bid to secure livelihoods, a number of refugees have resisted rural settlements and have moved to urban centers to eke a living. The UNHCR policy, however, insists that such refugees must satisfy that they have the capacity to look after themselves (Verdirame & Harrell-Bond, 2005). For women refugees, the rural settlements were institutions where they were confined throughout the duration of their asylum (Mulumba, 2005).

According to Refugee Act (2006) Article 7 (2), the office of the Director of Refugees is responsible for protection of refugees and coordination of the provision of services for their welfare, identify and initiate projects for refugees in refugee affected areas and ensure the maintenance of law and order in refugee settlements. However studies have indicated that refugees are faced with problems such as inadequate health provision, lack of housing, critical
food shortage, unclear policies relating to their right to work, detention as a result of lack of proper documentation, and a frequent perceived lack of personal security and safety (Dryden-Peterson and Hovil, 2003).

2.2.3 Refugee Eligibility Committee and Status Determination

Article 7 of the Act provides for the establishment of the Refugee Eligibility Committee whose main role is policy matters on refugees including status determination.

The Refugee Eligibility Committee (REC) is the government organ responsible for refugee status determination. REC is represented by several government ministries including: Ministry of Internal Affairs, Solicitor General, Ministry of Foreign Affairs, Ministry of local Government, Internal Security Organization, External Security organization, Special Branch of Uganda Police Force. In addition, the UNHCR may attend the REC in an advisory capacity.

Formal interviews with refugees and asylum seekers indicate that refugee status determination in Uganda is a long and troublesome process. This is attributed to a lack of standard official procedures and misunderstandings relating to international obligations, which lead to delays, unwarranted rejection of refugee status and general confusion among asylum seekers. NGOs, such as Refugee Law Project, offer professional advice to asylum seekers engaging in this process, prepare cases for appeal before the Refugee Eligibility Committee [REC], and have recently applied for Judicial Review of a REC decision in the High Court of Uganda.

While the Refugee Act spells out specified period within which application for refugee status must be made and the granting of refugee status, it ignores the fact that majority of the refugees who come to Uganda may not have this information. But, even if they got this information upon arrival, they would need to be well versed with the geographical location of the offices concerned. They would also need to have money for transport to these offices. And, many refugees coming to Uganda face language barriers as many come from Non-English speaking countries.

There are two categories of asylum seekers in Uganda, namely those who arrive en masse and on individual basis. For refugees who arrive en masse, refugee determination is done on prima facie basis and does not entail face to face individual interviewing. However, refugee status determination for individual asylum seekers, especially those individuals approaching UNHCR in Kampala is processed through interviews based on 1951 Geneva Convention whereby an asylum seeker must prove persecutory fear, which, for many, is difficult to prove
and is likely to lead to denial of refugee status while other groups of asylum seekers (en masse) fleeing for same reasons may be granted asylum on *prima facie* basis. There is therefore a discrepancy in the refugee status determination procedures in Uganda. Harrell-Bond and Verdirame (2005:5) assert that it is essential that all the actors who play a role in admission of refugees should have basic knowledge of refugee law.

Furthermore, the Refugee Act (2006) (29) (1) states that a recognized refugee in Uganda shall, subject to this Act, the OAU and the Geneva Convention be issued with the identity card stating the refugee status for purposes of identification and protection. Such a refugee should be permitted to remain in Uganda, be entitled to fair and just treatment without discrimination on ground of race, religion, sex, nationality, ethnic identity or political opinion shall receive at least the same treatment accorded to aliens under the Constitution and to be entitled to privileges that may be granted under the laws of Uganda by any administrative agency or organ of the government. In principle, however, it has been noted that processing of refugee determination by REC (and therefore issuing of refugee identity cards) takes a much longer time than the specified 90 days in the Refugee Act. It is government duty to issue Conventional Travel Documents (CTDs) to refugees who may wish to travel outside Uganda, but experience has shown that not all refugees are entitled to CTDs as these are issued to only those cases traveling for resettlement and/or on health grounds.

### 2.3 Institutional and implementational procedures

#### 2.3.1 Local integration/local settlement policy as a durable solution

Theoretically speaking, local integration has been a guiding principle of refugee programmes in global South. Local integration is a process with three inter-related dimensions. First, it is a legal process where refugees are granted a progressively wider range of rights and entitlements by the host state. Under the term of the 1951 Refugee Convention, these include, for example, the right to seek employment, to engage in income generating activities, to own and dispose of property, to enjoy freedom of movement, and to have access to public services such as education. Second, local integration can be regarded as an economic process. For in acquiring the rights and entitlements referred to above, refugees also improve their potential to establish their own livelihoods, to attain a growing level of self reliance, and to become progressively less reliant on state or humanitarian assistance. In accordance with these indicators, refugees who are prevented or deterred from participating in the local economy to, and whose standard of living is consistently lower than the poorest members of the host
community, cannot be considered to be locally integrated. Third, local integration is a social process, enabling refugees to live amongst or alongside the host population without fear of systematic discrimination, intimidation or exploitation by the authorities or their hosts. It is consequently a process that involves both refugees and host population.

It is worth noting that the concept of local integration does not mean assimilation of refugees in the host country. While the concept of assimilation is contained in the 1951 Geneva Convention, the international community has always rejected the notion that refugees should be required or expected to abandon their own culture, so as to become indistinguishable from members of the host community.

2.3.2 How does Uganda implement local integration policy?

Since the 1960s, the perception that refugees are a temporary phenomenon has guided the location of refugee sites. As already mentioned, Uganda has set aside land for refugees, where they are allocated plots of land and agricultural implements by UNHCR and where they (refugees) are expected to cultivate crops for food and surplus for sale for income. Rural refugee settlements have been established in refugee-affected districts including Isingiro (recently curved out of Mbarara district), Masindi, Hoima, Kasese, Kamwenge, Kyenjojo, Kabarole, and West Nile. According to Refugee Regulations 65 (2008) refugees who are residing in designated refugee settlements or areas shall have free access to land for purposes of cultivation and/or pasturing, provided that they shall have no right to sell or lease or otherwise alienate any such land that has been allocated to them strictly for their individual or family utilization. Lester (1998) notes that the land allocated 0.03 hectare per person was insufficient and the quality of land extremely uneven. Many refugee households were allocated land unsuitable for cultivation because it was rocky, arid or in swamps. In Nakivale settlement in southwestern Uganda there was no land for cultivation at all (AVSI, 1996). It should be noted that the allocation of land in refugee settlement is based on household headship and does and is not directed at male heads only. While land allocated to refugees in Kiryandongo refugee settlement is sufficient in terms of acreage, a recent study (Mulumba, 2009) indicated that the several years of repetitive use rendered the land unproductive yet the refugees lacked fertilizers and agricultural modernization skills. Therefore it can be argued that despite expectations of self reliance to accrue from rural settlements, all refugee settlements (despite their long duration spanning several years) have been dependent on

30 See map on page 15
humanitarian aid. Part of the problem is the fact that these settlements are physically isolated (such as Kyagwali near Lake Albert), can hardly be accessed and are located in or near game reserves and/or tsetse fly-infested areas (for instance, Kyaka 1, Kyaka II and Rhino Camp).

Had the intention behind rural refugee settlements been economic, then they would probably be located in easily accessible locations. Apart from Ibuga settlement (Kasese district), which is near an urban centre and along motor highway, the remaining refugee settlements including the ones in West Nile follow a similar pattern. By December 2008, a total of 187,572 refugees lived in the rural settlements (UNHCR, 2008).

In the process of reception, there have been refugees who have resisted residing in refugee settlements and have acquired land outside them where they live unassisted. Other refugees have opted to reside in urban areas. Such refugees manage to do so because of government’s inability to fully implement the rural refugee policy. By December 2008, the total urban caseload was 22,010 refugees (UNHCR31, 2008) (Kampala Branch Office).

Even though refugees in Uganda are not confined behind barbed wire, their lifestyle and operations are highly regimented and fenced bureaucratically with laid down rules governing their behaviour. For instance, refugees require travel permits before they can move out of a settlement. It is the role of government-appointed Settlement Commandants to control and monitor the activities of refugees and issue travel permits. Local Ugandans and other people seeking to access rural refugee settlements must first obtain permission from the Directorate of Refugees in Kampala. Refugee matters, even amidst local decentralization policy in Uganda, are highly centralized. Therefore, with such bureaucracy, it is difficult to see how refugees can become integrated in the mainstream society.

The government’s role stops at the provision of land and maintaining of commandants in the settlements from where UNHCR starts and takes over the role of humanitarian assistance. By calling upon UNHCR in 1964 to help in the management of refugees, Uganda acquiesced to the UNHCR’s sharing of its responsibility for the management of its refugee policy. Through several implementing partners, UNHCR (usually western-based NGOs, such as CARE, IRC, DED, GTZ and so on), targets its relief to refugees. Karadawi (2000) observed that by

31 Refugee and Asylum statistics December 2008 provided by Branch Office Kampala
targeting relief, UNHCR strengthens the government policy of isolating, segregating and demobilizing the refugees.

The physical separation of refugees and nationals creates an environment that is conducive to tensions between the two groups. Ugandans view refugees with envy when they see trucks full of relief supplies being driven past them to the refugee settlements (Dryden- Peterson and Hovil, 2003). Refugees are also seen as source of rivalry in accessing scarce resources such as firewood and boreholes.

2.3.3 Self Reliance Strategy (SRS)

During the 1990s, policy makers were looking for a more sustainable solution to the protracted refugee problem in Uganda as a result of the dwindling funding. International as well as national calls to operate in coordination with the wider service delivery structure of Uganda to optimize the use of resource for the good of refugees and their hosts resulted into the self reliance strategy (SRS). The SRS was jointly designed by the Office of the Prime Minister and the UNHCR in 1999\textsuperscript{32}. It was specifically conceptualized for Sudanese refugees living in the West Nile districts of Arua, Adjumani and Moyo recognizing the long term nature of their stay and impact on the area including social services. The SRS overarching goal was to “integrate the services provided to refugees into regular government structures and policies” and in so doing move from relief to development. The SRS envisaged integrating service delivery in the sectors of agricultural production, income generation, community services, health and nutrition, water and sanitation, the environment and infrastructure development.

The SRS emphasizes the dual objectives of empowerment and integration in order to improve the standard of living of the people of Arua, Adjumani and Moyo including refugees. It further seeks to give refugees the ability to stand on their own and build their self esteem through gaining skills and knowledge to both take back home to their countries and to leave back sustainable structures. This issue provides room to study the impact of SRS on the capacity of the repatriating refugees and the state of the infrastructure they leave behind.

2.3.4 The Ad Hoc Nature of Uganda’s Refugee Policy

Over the years responsibility for refugees has shifted between ministries symbolizing the \textit{ad hoc} nature of Uganda refugee policy. This “\textit{ad hocism}” in refugee matters is best exemplified

\textsuperscript{32} It was supposed to be a five year project.
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 Idi Amin transferred the department from the Ministry of Community Development to that of Defense 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 (Nabuguzi, 1998). In 1987 the Directorate of Refugees was moved from the Ministry of Youth Culture and Sports to the Ministry of Local government. In 1998 responsibility was transferred to the newly established Ministry of Refugees and Disaster Preparedness in the Office of the Prime Minister (OPM). This Ministry is comprised of two sections that operate independently; the DoR and the Office of the Assistant Commissioner for Disaster Preparedness, the later responsible for the Internally Displaced Persons and other humanitarian crises (Verdirame and Harrell-Bond, 2005). Currently, the Directorate of Refugees (DoR) under the OPM maintains desk officers in refugee hosting districts who are responsible for supervising settlement commandants and other junior officers in the settlements. DoR, as well, advises government on her obligations concerning international and regional conventions relating to refugees. Furthermore, the office is charged with the responsibility of implementing national and regional development plans relating to refugees in line with current international practices.

2.4 UNHCR and the refugee policy in Uganda

The United Nations High Commissioner for Refugees (UNHCR) is the United Nations refugee agency created by the UN General Assembly in 1950 whose work started on 1 January 1951. States still recovering from the devastation of World War II wanted to make sure that they had a strong and effective organization to look after the interests of or “protect” – refugees in the countries where they had sought asylum. UNHCR was also charged with helping governments to find “permanent solutions” for refugees. UNHCR’s original mandate was limited to a three year programme to help the remaining World War II refugees. However, the problem of displacement not only failed to disappear, it also turned into a persistent worldwide phenomenon. Article 35 of the 1951 Convention makes the relationship explicit, and requests states to cooperate with UNHCR in matters relating to the implementation of the Convention itself and to any laws, regulations or decrees that states might draw up that could affect refugees (UNHCR, 2007).
In Uganda, UNHCR started operations in 1964 and its influence has grown over the years. Verdirame and Harrell-Bond (2005) observe that by the late 1990s, UNHCR effectively controlled refugee policy. Although the Ugandan government had a body responsible for refugee status determination (Refugee Eligibility Committee), UNHCR operated its own determination process dealing with far larger numbers than those that went through the REC. Through its position as an advisor to REC, UNHCR also had upper hand in most of the cases submitted through the REC (ibid).

UNHCR ability to influence refugee policy was enhanced by its practice of topping up the salaries of government officials dealing with the refugees. It also provided equipment such as vehicles and computers to the Directorate of Refugees. Landau (1997) has observed that the “visual symbolism” of power in refugee situation is an important means of asserting authority. Verdirame and Harell-Bond (2005: 38) cite a policy document in which the government of Uganda acknowledged that donor agencies had an upper hand in the control of the activities which they sponsor. Another important means through which UNHCR exercises effective control over refugee policy is the funding and establishment of parallel services such as health, education and sanitation for the refugee population in settlements. The host’s health units are both insufficiently stocked and staffed, yet, the host communities can not access the well stocked and well staffed refugee health units. Similarly, primary schools in refugee rural settlements targets refugee children and not children in host areas.\footnote{33 However, this is beginning to change in some settlements, such as Kyaka II refugee settlements where SRS is being implemented}.
Table 2  Statistics and nationality of refugees(in rural settlements) and asylum Seekers in Uganda as of 1st Dec. 2008

<table>
<thead>
<tr>
<th>Country of Origin</th>
<th>Asylum seekers</th>
<th>Refugees</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sudan</td>
<td>3</td>
<td>57,029</td>
<td>57,032</td>
</tr>
<tr>
<td>Democratic Republic of Congo</td>
<td>36</td>
<td>103,992</td>
<td>104,028</td>
</tr>
<tr>
<td>Rwanda</td>
<td>160</td>
<td>15,713</td>
<td>15,873</td>
</tr>
<tr>
<td>Somalia</td>
<td>55</td>
<td>5459</td>
<td>5514</td>
</tr>
<tr>
<td>Central African Republic</td>
<td>0</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Kenya</td>
<td>0</td>
<td>1884</td>
<td>1884</td>
</tr>
<tr>
<td>Burundi</td>
<td>20</td>
<td>2626</td>
<td>2646</td>
</tr>
<tr>
<td>Eritrea</td>
<td>10</td>
<td>408</td>
<td>418</td>
</tr>
<tr>
<td>Ethiopia</td>
<td>4</td>
<td>134</td>
<td>138</td>
</tr>
<tr>
<td>Liberia</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Congo</td>
<td>0</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Uganda</td>
<td>0</td>
<td>26</td>
<td>26</td>
</tr>
<tr>
<td>Malawi</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>288</strong></td>
<td><strong>187,284</strong></td>
<td><strong>187,572</strong></td>
</tr>
</tbody>
</table>

Urban Caseload

<table>
<thead>
<tr>
<th>Country of origin</th>
<th>Asylum seekers</th>
<th>Refugees</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>DR Congo</td>
<td>2693</td>
<td>8177</td>
<td>10870</td>
</tr>
<tr>
<td>Somalia</td>
<td>2457</td>
<td>1024</td>
<td>3481</td>
</tr>
<tr>
<td>Eritrea</td>
<td>2351</td>
<td>363</td>
<td>2714</td>
</tr>
<tr>
<td>Rwanda</td>
<td>1702</td>
<td>432</td>
<td>2134</td>
</tr>
<tr>
<td>Ethiopia</td>
<td>953</td>
<td>488</td>
<td>1441</td>
</tr>
<tr>
<td>Sudan</td>
<td>413</td>
<td>229</td>
<td>642</td>
</tr>
<tr>
<td>Burundi</td>
<td>373</td>
<td>158</td>
<td>531</td>
</tr>
<tr>
<td>Kenya</td>
<td>52</td>
<td>37</td>
<td>89</td>
</tr>
<tr>
<td>Pakistan</td>
<td>6</td>
<td>18</td>
<td>24</td>
</tr>
<tr>
<td>Tanzania</td>
<td>13</td>
<td>0</td>
<td>13</td>
</tr>
<tr>
<td>Chad</td>
<td>10</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>Guinea</td>
<td>4</td>
<td>6</td>
<td>10</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>3</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Liberia</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Iraq</td>
<td>3</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Palestine</td>
<td>0</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Cote D'Ivoire</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Canada</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Cambodia</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Greece</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Uganda</td>
<td>14</td>
<td>17</td>
<td>31</td>
</tr>
<tr>
<td>Iran</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>11052</strong></td>
<td><strong>10957</strong></td>
<td><strong>22010</strong></td>
</tr>
</tbody>
</table>

Total number of asylum seekers and refugees in the settlements and Caseload as of December 2008 was 209,582

Source: UNHCR, Branch Office, Kampala, December 2008
CHAPTER THREE
Policy for Internally Displaced Persons in Uganda

3.0 Introduction

For a long, policies that guided the operations of internal displacement in Uganda were closely linked to compassionate policies humanitarian aid especially those implemented by the Red Cross and faith-based organizations. Government policy on internal displacement is a new phenomenon that has been influenced by several factors including the protracted war in northern Uganda and the international community. This chapter is organized as follows; the next section alludes to the evolution of policy for internal displacement. It is followed by a section on the legislative and policy framework on internal displacement in Uganda. What comes next is a section that discusses Guiding Principles on internal displacement and the national policy for internally displaced persons in Uganda. The fourth section of the chapter analyses the institutional and implementation framework as well as the challenges faced in the implementation of the policy for the internally displaced programs.

3.1 Policy evolution for internal displacement situations since 1980

The evolution of policy for internal displacement has been influenced by the following main incidents. The war that ousted Idi Amin in 1979 left 500,000 people dead and, hundreds of thousands either internally displaced or forced into exile (IDMC, 2008). In addition, the 1981-1985 war in the infamous Luwero Triangle by National Resistance Army /Movement (NRA/M) led by Yoweri Museveni was responsible for loss of lives and significant displacement of people. The war was a response for alleged rigging of general elections in Uganda in December 1980 which saw the second coming of Milton Obote and his UPC government (Museveni, 1997). As part of government strategy, the Obote II UPC government established camps where protection of human rights and the provision of social services and basic needs was inadequate (Republic of Uganda, 2004). The humanitarian interventions were implemented mainly by the Red Cross and the UNHCR.

34 Districts which were part of the Triangle included Mpigi (now forms two districts that is Mpigi and Wakiso), Luwero, Nakaseke, Nakasongola, Kiboga, Mityana and Mubende.
35 UNHCR was called upon to aid the Banyarwanda pastoralists many who had abandoned refugee settlements in search for pasture, for which there was plenty in the Luwero Triangle.
Besides, the armed conflict between the Lords Resistance Army (LRA) and the government of Uganda in northern Uganda (1986-2008) has displaced an estimated 1.7 – 2 million people. It is estimated that majority of the displaced are women and children (IDMC, 2008; UNICEF, 2006). To mitigate the suffering of the people caught up in conflict-affected northern Uganda, there has been significant involvement of the non governmental organizations, bilateral organizations and the United Nations agencies including, inter alia, World Vision, ICRC, Save the Children, USAID, DANIDA, UNICEF, UNFPA and WFP. As well, the Uganda People’s Army (UPA) insurgency in 1987 in Teso region of northeastern Uganda left about 300,000 people internally displaced and many dead (RoU, 2004). Furthermore, the short lived conflict by Allied Democratic Forces (ADF) (1994-2001) against Uganda in the Ruwenzori Mountains killed many and was instrumental in the displacement of 150,000 persons within the country.

Further displacement has also resulted from attacks by the heavily armed Karamojong cattle rustlers in northeastern Uganda. By 2004, 88,623 people in Katakwi district and 23,000 in Pader district had been displaced as a result of cattle rustling (Republic of Uganda, 2004). Natural disasters, particularly severe flooding on the slopes of Mount Elgon, Ruwenzori Mountains, the hills of Kigezi, the Semliki Valley and along the basin of River Nile in the northern Uganda of the country have also been responsible for the displacement of persons. Therefore, the trend of crises and displacement of people necessitated policies for internal displacement and resulted into the National Policy for Internally Displaced Persons in 2004 (RoU, 2004)

3.2 Guiding Principles on Internal Displacement and the National Policy for Internally Displaced Persons in Uganda

Unlike refugees, the United Nations lacks a clear legal and policy framework for internally displaced persons and has relegated protection and assistance to the state and civil society. Over the years, the vacuum was filled with \textit{ad hoc} humanitarian and relief policies by non governmental and inter agency organizations. Although there has been some progress within the United Nations in coordinating responses to emergency movements, particularly with the establishment of the Office of the Coordination of Humanitarian Affairs (OCHA), and some

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36 The war affected districts in northern Uganda include: Kitgum, Gulu, Pader, Lira, Apac, Abim, Amuru, Ayamo (to be noted that several districts have been curved out of the first 4 mentioned districts).
37 Access date 28th June 2009. Uganda: Focus shifts to securing durable solutions for IDPs
\url{http://www.internal-displacement.org}. 

greater willingness of such agencies as the UNHCR to move beyond their traditional activities, gaps remain in the capacity of the international community to assist and protect the full range of forced migrants in need of humanitarian assistance and protection (Martin et al, 2005).

3.2.1 Guiding Principles

The United Nations introduced the Guiding Principles on Internal Displacement in 1998. It was envisaged that the Guiding Principles should provide valuable practical guidance to governments, other competent authorities, inter-governmental organizations and NGOs in their work with IDPs. According to the Principles, IDPs:

- are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residences, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human made disasters, and who have not crossed an internationally recognized state border (UNOCHA).\(^{38}\)

The Principles reflect and are consistent with international human rights laws and international humanitarian law. It is upon the framework of the Guiding Principles that Uganda formulated the national policy for IDPs. However, before divulging into the national policy for IDPs let us examine the position of the Uganda Constitution.

3.2.2 Uganda Constitution and Internal Displacement

The 1995 Constitution is the overall legal and policy framework that guides all social, cultural, economic and political relations in the country. Chapter Four of the Constitution guarantees protection and promotion of fundamental and other human rights and freedoms. Article 20 (1) provides that the fundamental rights and freedoms of the individual are inherent and not granted by the state. Article 29 (2) provides that every Uganda shall have the right to move freely throughout Uganda and to reside and settle in any part of Uganda. Despite this provision, approximately two million IDPs have, during 1986-2008 (see Table 1 pg y), been confined in camps where movements have been curtailed contrary to the Constitution’s human right guarantee. IDPs’ needs, such as food, water, medical care, clothing and shelter,

and education have been only partly met. Food rations, for example, were distributed on irregular basis and, on many occasions, they were insufficient. The shelters (read huts) were congested and unhygienic despite water provision resulting in high mortality rates (infant and maternal), and medical care services failed to meet the reproductive health needs of IDPs (especially women, adolescents and people with disability) (UNFPA, 2006). Article 31 (1) provides that men and women of the age 18 and above have the right to marry and to found a family and are entitled to equal rights in marriage, during marriage and at its dissolution. Contrary to the article, IDPs have been forced by the situation they are living in to get married at ages below 18.

Article 33 of the Constitution of Uganda stipulates that “women shall be accorded full and equal dignity of the person with men, the state shall provide the facilities and opportunities necessary to enhance the welfare of women to enable them to realize their full potential and advancement”. However, women and girls in camps have faced demeaning experiences, their rights have been violated and have been exploited and have suffered sexual and gender based violence (UNFPA, 2008)

3.3 The National Policy for Internally Displaced Persons

Resulting from the several political crises which displaced the people in Uganda, there was need for standard coordinated procedures and guidelines for government institutions, development and humanitarian agencies in planning and responding to matters of the internally displaced persons in an effective manner (RoU, 2004). The National Policy for Internally Displaced Persons was developed in August 200439, and Uganda became one of the first countries to adopt a national policy derived from the Guiding Principles. The policy was meant primarily to address the needs of persons displaced by the armed conflict, and, also, to address the needs of persons displaced by natural or human-made disasters.

The overall goal of the policy is to establish institutions for managing IDP situations, specify roles of the institutions- humanitarian and development agencies, the displaced community and other stake holders while managing internal displacement. The policy’s objectives are to minimize internal displacement and its effects by providing an enabling environment for upholding rights and entitlements of the internally displaced; to promote integrated and

39 Following a visit by Francis Deng, former representative of UN Secretary General on internal displacement.
coordinated response mechanisms to address the causes and effects of internal displacement; to assist in the safe and voluntary return of the internally displaced; and to guide the development of sectoral programs for recovery through rehabilitation and reconstruction of social and economic infrastructure in support of the return and resettlement of IDPs (ibid, 2004). Three durable solutions to displacement are enshrined within the national IDP policy, namely, return to place of origin, settlement at the site of displacement, and/or settlement in another location in the country (i.e., at a transit site). By May 2009, a total of 823,000 IDPs had returned to their homes of origin, 244,000 were in transit sites while 378,000 were still in original camps (IASC – Inter Agency Standing Committee Working Group).

3.3.1 The implementation of the policy for the internally displaced persons

In order to meet its objectives, the policy established structures for implementation and assigned the task of integrating sectoral efforts to the Office of the Prime Minister’s (OPM) Department of Disaster Preparedness and Refugees. The IDP policy further established several committees to coordinate the protection and provision of humanitarian assistance: the Inter-Ministerial Policy Committee (IMPC) comprised of line ministries; the Inter-Agency Technical Committee (IATC) comprised of representatives from numerous line ministries, the Uganda Police, the Uganda Human Rights Commission, the United Nations, donor technical groups, and local and international organizations operating within affected communities; and the Human Rights Promotion and Protection Sub-Committee (HRPP), which includes national and local authorities as well as humanitarian agencies. What is not clear is the function and achievements of the above structures and institutions in the coordination and provision of humanitarian assistance process. There is need therefore to study these processes in more detail.

District Disaster Management Committee

In 1996 before the policy for IDPs, the Government of Uganda through the OPM issued a circular that mandated districts to take lead in the coordination of humanitarian interventions in their areas of jurisdictions. As an illustration, Gulu district local government formed the district disaster management committee (DDMC) though with less defined membership and roles and responsibilities. It should be noted that at the local level, effective implementation of the IDP policy falls to the District Disaster Management Committee (DDMC). However, the actual success and challenges of the DDMC have yet to be subjected to an evaluative inquiry.
Due to the less defined roles and responsibilities and therefore less impact of the DDMCs, the Cluster Approach was proposed in 2005 following a recommendation of the Humanitarian Response Review Meeting that assessed the humanitarian response capacities of the UN, NGOs, Red Cross, Red Crescent Movement, and other key humanitarian actors including the international organization for migration (IOM) and identified critical gap areas.

The Cluster Approach

The approach or humanitarian reform introduced largely by the international community (UN, NGOs, etc) is a way of addressing gaps and strengthening the effectiveness of humanitarian response through building partnerships with UN, NGOs and host governments. It ensures predictability and accountability in international responses to humanitarian emergencies by clarifying the division of labour among organizations and better defining of their roles and responsibilities within the different sectors of the response. It is about making the international humanitarian community more structured, accountable and professional, so that it can be a better partner to host governments, local authorities and local civil society.40

The Cluster Approach introduced in Gulu district in 2006 was initially viewed by local government officials as a parallel, competing top down approach belonging to the UN and NGOs. The perception worried the humanitarian actors in the district, especially the NGOs. However, the worry was overcome by the district leadership which ensured that it owned the processes of protection and wellbeing of IDPs. It is probably understandable, because the war was already 20 years and there had been no serious drastic steps that had been undertaken by international community to mitigate the effects of the war. After further interactions with the UN officials in Kampala, Geneva, and elsewhere, together with government officials, a common understanding of the Cluster Approach was developed, which led to the adjustment in the then existing structure and membership of the coordination body. The approach was domesticated and aligned to the local structure for harmonious coordination of responses. It will be noted that the outcomes of the cluster approach would be difficult to measure, simply because of the swiftness in changes in the conflict in northern Uganda. While the cluster approach was initiated in 2006, the government started to encourage the return of IDPs to

their homes in the same year after the initiation of the peace talks in Juba, Sudan between Government of Uganda and Lords Resistance Army.

3.3.2 District government structure and the implementation of national IDP policy

At the district level there is the district disaster management committee (DDMC) composed of relevant heads of government departments, all humanitarian actors in the district and one female and one male representative of the IDPs in the district. Others are the district chairman (Local Council) as the political head, and the Resident District Commissioner (RDC) as the central government representative.

The DDMC is chaired by the Chief Administrative Officer (CAO) who is the accounting officer and the head of public service in the district. In Gulu district, for example, the committee works through seven sector working groups namely, food security; water, sanitation & hygiene (WASH); health and nutrition /HIV/AIDS; protection and human rights; governance, infrastructure and livelihood (GIL); Camp coordination camp management/return and resettlement, and Education. The existing structures in Gulu district include the following:

- Health Nutrition/HIV/AIDS implemented by WHO
- Food security and agriculture (livelihood) implemented by FAO
- Camp coordination and camp management /return and resettlement by UNHCR
- Water, sanitation and hygiene by UNICEF
- Protection and human rights – Uganda Human Rights Commission (UHRC)
- Governance, infrastructure, and livelihood (non agricultural) by UNDP

While acknowledging the existence of the above structures, apart from UHRC, it can be seen that the implementation of the sector working groups is undertaken by international humanitarian community indicating lack of local capacity. Meanwhile, it is not clear how these structures have performed especially during resettlement process of IDPs to their original homes.

The policy provides that all IDPs are entitled to free movement within the borders of the country. Whereas this may be so, IDPs mobility was curtailed the moment they were encamped. A study by UNFPA (2006) shows how IDPs felt they were being treated like cattle, when they were “let out at 9 am and let in at 4 pm”. There has been limited awareness
by stakeholders about their role in the implementation of the IDP policy; and an inadequate transportation system to reach affected populations.

While the policy urges action to enable IDPs to attain the same educational standards as other Ugandans; it has, however, been documented how provision of education has been hampered by flight of teachers and the general insecurity. According to UNFPA (2007) the literacy rate in the districts of Gulu is 64.6 per cent. (Female literacy rate is 38.2 while male is 61.6 per cent). This revelation indicates a gender gap in access to education opportunities. According to Uganda Bureau of Statistics (UBOS, 2008), 17 per cent of boys and 35 per cent of girls are illiterate. In Karamoja, 67 per cent of girls are illiterate, while 35 per cent of boys have had formal education. The drop out rate has remained high especially for girls. In primary schools, 17 per cent of boys and 35 per cent of girls drop out of schools against the national statistics of 54 for boys and 69 for girls. This means that only 46 per cent of boys and 31 per cent of girls complete primary school. But the magnitude of the impact is not yet quantified in comparison with the more secure districts.

The exact outcomes of the National IDP policy are not clear. While the policy designates the Department of Disaster Preparedness and Refugees and the District Disaster Management Committees as the national and local lead agencies for IDPs, it has allocated insufficient resources to these bodies. In practice, the international humanitarian community has taken the lead in responding to the crisis. The Uganda Human Rights Commission (UHRC) has fulfilled a valuable role in protecting IDP rights through advising the government on the national IDP policy and reporting on the implementation of the policy in its annual reports to Parliament.

Several critiques have been made regarding lack of effective implementation of the policy, which has left a significant proportion of the displaced vulnerable to human rights abuse, disease, and deprivation. Uganda government acknowledges the problem when mention is made that despite an improved security situation in certain districts, IDPs in Uganda face grave security threats and insufficient access to humanitarian assistance (RoU, 2006).41 According to Brown (2006), although the government passed this policy, outlining its responsibilities for assisting and protecting displaced people in the north, this policy has not been implemented, and the government lacks a concerted strategy. UN agencies have

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41 Workshop on the implementation of Uganda’s National Policy for Internally Displaced Persons 3-4th July 2006, Kampala.
deployed additional staff, and NGOs have expanded their programmes. None of these efforts has led to a noticeable improvement in living conditions for the displaced (Brown, 2006).42

3.4 Other programmes

3.4.1 Northern Uganda Rehabilitation Project (NURP-I)

Several other strategies have been implemented during internal displacement; they include, NURP-1, NUREP43, NUSAF44, and PRDP45. The Northern Uganda Rehabilitation Project (NURP-I) was launched and it aims at strengthening the self-reliance and protection of local populations in Northern Uganda, rehabilitating social infrastructure and improving the capacity of Ugandan stakeholders to respond to conflicts and disasters, while promoting reconciliation and reduction of regional disparities through development. It was financed largely by the World Bank through an IDA loan of $71.2 million and bilateral contributions from Belgium, Denmark and the Netherlands with an additional commitment from the Government of Uganda of $20 million over a six-year period from 1992 to 1998. The project was designed to upgrade infrastructure in the region following many years of destruction and neglect caused by successive conflicts (Robinson, 2004)46. It is not clear if there has been a study of the project to determine the actual impact on internal displacement.

3.4.2 Northern Uganda Rehabilitation Program (NUREP)

NURP-I project was transformed to NUREP (Northern Uganda Rehabilitation Program) and operates within the framework of PRDP. The Office of the Prime Minister is the supervising authority of the program and the Ministry of Finance is the national authorizing officer and the contracting authority of the program. A Program Management Unit, based at the Office of the Prime Minister (OPM), is in charge of the daily implementation of activities of the Program. NUREP aims at increasing the potential for the restoration and preservation of peace and the creation of an enabling environment for development in Northern Uganda with the purpose to enhance the ability of people in Northern Uganda to respond to conflict and post-

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42 Humanitarian Exchange Magazine. Issue No. 36 December 2006. Published by Humanitarian Practice Network (article by Michelle Brown).
43 Northern Uganda Rehabilitation Programme.
44 Northern Uganda Social Action Fund.
46 Community Driven Development in Conflict and Post Conflict Conditions: The NUSAF Project.
conflict situations while protecting and improving their livelihoods. While NURP-I achieved many of its physical objectives, a large proportion of investments were not sustainable, and its contribution to institutional development was negligible. One wonders whether it makes a difference to have NUREP for it was a matter of change of name tag while the workings appear to be similar.

3.4.3 Northern Uganda Social Action fund (NUSAF)
The Northern Uganda Social Action fund (NUSAF) is a $113.3 million five year (2003-2008) government of Uganda community demand driven project funded by World Bank through (IDA) credit with contributions from government and the beneficiary communities. The project is being implemented in 18 original districts of the Teso, Karamoja, Lango, Acholi and West Nile sub regions. It is basically a strategic initiative by government to make available more resources to this region that has been disadvantaged by conflicts and underdevelopment, to enable it to catch up with the rest of the country. NUSAF overall goal is to use targeted investments in a participatory, equitable and sustainable manner to promote reconciliation and contribute to poverty reduction in the region. This is achieved through empowering communities by enhancing their capacities to systematically identify, prioritize, and plan for their needs, and implement sustainable development initiatives that improve socio-economic services and opportunities. The primary target groups for NUSAF interventions are the children and youth whose livelihoods and careers have been disrupted as a result of prolonged conflict, with a particular focus on those abducted and brutalized by insurgents, and combatants that have surrendered and returned their weapons in exchange for a secure livelihood. Women-headed households, orphans, widows/widowers, HIV/AIDS victims, the very poor and others affected by conflict are the intended beneficiaries of NUSAF’s income-generation and livelihoods component.

To achieve this goal, NUSAF was initially designed with three major components: first, Community Development Initiative (CDI) that is intended to finance demand-driven community-based efforts to construct and rehabilitate small–scale socio-economic infrastructure guided by a sub-project menu which fits within the specific sector policies, so as to increase access of beneficiary communities to social economic services; Secondly, Vulnerable Group Support component that is intended to finance targeted interventions to reduce vulnerability amongst disadvantaged members/ groups of the community thereby reducing poverty among vulnerable groups; and thirdly, Community Reconciliation and
Conflict Management (CRCM) that is intended to identify and support innovative ways for community reconciliation, conflict management and prevention using both traditional and non-traditional approaches, thus facilitating social capital preparation and resuscitation (Robinson, 2004).

Through direct financing mechanisms, the project makes funds available to communities sub-projects identified and managed by themselves, but supervised and monitored by District Local Governments with technical backstopping from the project. It facilitates communities to actively participate in sub-project activities, and helps in improving livelihoods. NUSAF aims at enhancing communities’ capacities to systematically identify, prioritize and plan for their needs and implement sustainable development initiatives to improve, socio-economic services and opportunities. This will improve livelihoods by placing money in the hands of communities. There have been periodic statements in the print media indicating the types of vulnerable groups and how much money has been given and for which purpose. However, one wonders whether such information is sufficient to indicate the actual outcomes of the strategy. While NUSAF may have yielded positive results, the project has been under the spot light over mass embezzlement of funds. President Yoweri Museveni recently constituted a probe committee to investigate NUSAF over allegations of embezzlement of funds by some leaders responsible for the fund. According to the local media, in 2008, Shs.2.5 billion was unaccounted for. There is need for a detailed study of the impact of NUSAF funds towards empowering of communities.

3.4.4 Peace, Recovery and Development Plan (PRDP)

The National Peace, Recovery and Development Plan (PRDP) was launched on October 15, 2007 by the Government of Uganda to stabilize and recover Northern Uganda in the next three years through a set of coherent programs in a single organizational framework that all stakeholders are to adopt when implementing their programs in the region and help greater Northern Uganda transition from war to peace. It as well focuses on return, resettlement, reintegration, reconstruction for the internally displaced. It should be noted that the aspirations of the national policy for IDPs that pertain to return and reintegration are included in the PRDP. Furthermore on 18 April, the Karamoja Integrated Disarmament and Development Programme (KIDPP) was launched as a sub-programme within the overall PRDP framework.

47 New Vision “Shs. 2.5b NUSAF funds missing” by Madina Tebajukira. 10th July 2008.
The PRDP provides a comprehensive framework covering more than 40 districts of northern Uganda and will serve as the consistent point of reference for both the remaining humanitarian programming and increasing recovery programming (IDMC, 2008). Implementation of the PRDP formally began on July 1, 2008 and although progress has been slow thus far, the 2008/09 national budget provides $182 million for the 14 programs and the 40 districts are covered by the PRDP, a 20% increase over the previous financial year. It is estimated to cost 606 million US dollars over a three year period (Claussen et al, 2008).

While the humanitarian situation in IDP camps in Acholi land is stabilizing, the slow but steady return in the Acholi and Teso sub-regions in the past one year confirms that the need for basic services in transit and return areas remains unsatisfied. Indeed, the continued pattern of commuting between transit/return areas and IDP camps is mainly attributed to the greater availability of services, including education, health and water, in the camps. The commuting pattern results in family separations in which children and elders are left behind, unaccompanied, in the camps while able-bodied family members move to transit sites or villages of origin to secure better access to plots. The movement out of the camps has highlighted the inadequate capacity of village, parish and sub county local administration fully to discharge their functions. There is a need for more structured capacity-building programs (Ibid). A gender analysis of PRDP48 has shown that it has failed to take gender as vital to the success of the return and reintegration process.

Oxfam (2007) noted that although improved security in the north had allowed over 900,000 IDPs to return home despite the absence of a Final Peace Agreement, recovery, actors and services were not keeping up with the pace of return on the ground. The report suggested that many IDPs were worried about the future of a Final Peace Agreement (FPA), and noted that the most vulnerable camp residents--widows, orphans, elderly people, the disabled and the sick--are being left behind in the camps, and that the dismantling of camp governing structures had left a leadership vacuum. Oxfam called on the UN to articulate a transition strategy, recommended that the GOU publicize information on its transition programs, and urged the international community to support the PRDP. While supporting and stabilising the returning population and community-based recovery in transit and return areas continues to be

a priority for aid agencies, low donor response has left the various parts of districts affected by war without the means of implementing most of their transitional programming.

Although the PRDP is a relatively new policy, enough time has now passed to assess key challenges that are emerging. The report assesses PRDP implementation since the official launch about two years ago. The rapidly changing dynamics of Northern Uganda make quick and effective PRDP implementation more vital.

Two years of relative calm in the region made possible by the Juba Peace Talks have allowed up to 75% of the 1.8 million internally displaced people (IDP) to leave overcrowded camps where some have lived for up to twenty years. However, a lack of basic services in return areas threatens the ability of returnees to fully rebuild their communities. Also, the Lord’s Resistance Army’s (LRA) repeated failure to sign a final peace agreement, reports about LRA recruitment incursions in eastern Congo and in the Central African Republic, and a recent attack by Ugandan, Congolese and Southern Sudanese forces on LRA camps in Garamba National Park raise concerns that the current peace may not be durable.

While freedom of movement has been widely granted, there are still many areas where movement is limited to sites identified by the District Security Committee and the District Disaster Management Committee. At the same time, Government officials have repeatedly urged movement in terms that may have suggested that movement was compulsory. Therefore, voluntary nature of the return process is in question. In late 2006 the Minister for Disaster Preparedness and Relief declared that IDPs would have to clear the camps by 31 December. In April 2007, the same minister addressed a letter to the chief administrative officers (CAOs) of the concerned districts to encourage them to ‘blacklist’ NGOs that continued to provide assistance in camps slated for closure. This is in direct contrast with the national policy for IDPs which states that: “the DDMC and other local authorities together with representatives of the IDPs shall ensure that the return and resettlement of the IDPs is voluntary” (RoU, 2004: 23).

According to Oxfam (2007) some IDPs complained that they were being requested to return before they were ready.

“The chairman of our district is announcing on the radio that everyone should go back to their villages,’ said a member of the Acet camp executive. ‘First we were forced to
move into the camps, now we’re being forced again to move out. (Oxfam Briefing Paper, 2007).

The national policy on IDPs (whose goals are stipulated in the PRDP) asserts that local governments shall endeavor to assist IDPs to recover their land during resettlement in accordance with the provision of the Land Act of 1998 and where the recovery of land is not possible the local governments shall acquire land for the displaced families. Current state has shown that serious land conflicts are reported in Gulu, Pader, and Amuru districts. Other areas outside the Acholi sub-region are also reporting similar incidents and this raises questions on the role of government. However USAID (2009) has implemented programming designed to engage local communities on these issues, which calls for an assessment to gauge the achievements.

Additionally, concerns have been raised that while provisions are made for assistance for the return process for IDPs who have been living in camps in northern Uganda, no such provision has been made for the estimated 300,000 to 600,000 urban IDPs in the country (RLP, 2008). However, notwithstanding the apparent shortcomings, reconstruction in northern Uganda and transition to peace and development have continued as donors have reprogrammed support from relief programs to transition and development initiatives (Refugee Law Project, 2009).

There have been reports about the discrimination of the disadvantaged groups among the IDPs. Special efforts should be made to consult with certain groups of IDPs who may have particular assistance and protection needs; such groups include widows, orphans, the elderly, people with disabilities and child-headed households (Mulumba, 2008). Generally, IDPs and their communities should be integrated more fully into the implementation of the PRDP.
### Table 3  Figures on returnees as of May 2009

**IASC Working Group**

Inter Agency Standing Committee in Uganda

<table>
<thead>
<tr>
<th>Region</th>
<th>District</th>
<th>Estimated original camp population - end 2005</th>
<th>Estimated Camp population source: Protection Cluster</th>
<th>Estimated IDPs in transit sites/areas source: Protection Cluster</th>
<th>Estimated returnees in villages of origin source: Protection Cluster</th>
<th>Number of transit site/areas</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Acholi</strong></td>
<td>Amuru</td>
<td>204,000</td>
<td>75,000 (37%)</td>
<td>44,000 (22%)</td>
<td>46,000 (23%)</td>
<td>127</td>
</tr>
<tr>
<td></td>
<td>Gulu</td>
<td>257,000</td>
<td>45,000 (18%)</td>
<td>20,000 (8%)</td>
<td>176,000 (68%)</td>
<td>154</td>
</tr>
<tr>
<td></td>
<td>Kitgum</td>
<td>310,140</td>
<td>120,000 (39%)</td>
<td>88,000 (28%)</td>
<td>164,000 (53%)</td>
<td>682</td>
</tr>
<tr>
<td></td>
<td>Pader</td>
<td>339,000</td>
<td>42,000 (12%)</td>
<td>89,000 (26%)</td>
<td>236,000 (70%)</td>
<td>511</td>
</tr>
<tr>
<td><strong>Total Acholi</strong></td>
<td></td>
<td><strong>1,110,140</strong></td>
<td><strong>282,000 (25%)</strong></td>
<td><strong>222,000 (22%)</strong></td>
<td><strong>562,000 (56%)</strong></td>
<td><strong>5,112</strong></td>
</tr>
<tr>
<td>Region</td>
<td>Source</td>
<td>Location</td>
<td>Population</td>
<td>IDPs</td>
<td>IDP%</td>
<td>IDP mils</td>
</tr>
<tr>
<td>-----------------</td>
<td>--------</td>
<td>----------</td>
<td>------------</td>
<td>------</td>
<td>------</td>
<td>----------</td>
</tr>
<tr>
<td>West Nile</td>
<td>DDMC</td>
<td>Adjumani</td>
<td>54,460</td>
<td>27,000</td>
<td>50%</td>
<td>27,000</td>
</tr>
<tr>
<td></td>
<td>IOM</td>
<td>Masindi</td>
<td>67,000</td>
<td>55,000</td>
<td>82%</td>
<td>12,000</td>
</tr>
<tr>
<td>Toro - Bunyoro*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>IOM</td>
<td>Masindi</td>
<td>67,000</td>
<td>55,000</td>
<td>82%</td>
<td>12,000</td>
</tr>
<tr>
<td>Katakwi</td>
<td></td>
<td></td>
<td>71,000</td>
<td>5,000</td>
<td>7%</td>
<td>0%</td>
</tr>
<tr>
<td>Amuria</td>
<td></td>
<td></td>
<td>72,000</td>
<td>9,000</td>
<td>13%</td>
<td>3,000</td>
</tr>
<tr>
<td>Total Teso</td>
<td></td>
<td></td>
<td>143,000</td>
<td>14,000</td>
<td>10%</td>
<td>3,000</td>
</tr>
<tr>
<td>Grand total</td>
<td></td>
<td></td>
<td>1,374,600</td>
<td>378,000</td>
<td>27%</td>
<td>244,000</td>
</tr>
</tbody>
</table>

(Figures are rounded in 500)

*Please note that in Masindi IDPs are not in camps but in settlements

Source: IASC (Inter Agency Standing Committee Working Group)
CHAPTER FOUR

Immigration and Emigration in Uganda

4.1 Immigration and Emigration
For the purpose of this discussion, immigration shall refer to nationals of other countries who move into Uganda and stay for six or more months. Similarly, nationals who leave Uganda for other countries where they stay for periods longer than six months shall be referred to as emigrants.

4.2 International, regional and national legal framework
International law provides for right to free movement by individuals. Article 13 of the Universal Declaration of Human Rights of 1948 to which Uganda is a signatory states that everyone has the right to freedom of movement and residence within the borders of each state as well as the right to leave any country, including his own, and to return to his country. Article 12 of International Civil and Political rights for which Uganda is a signatory has it that everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. Paragraph 2 points that everyone shall be free to leave any country, including his own and that the above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant. And finaly paragraph 4 emphasises that no one shall be arbitrarily deprived of the right to enter his own country.

At regional level, African Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Article 12 states that every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law. Suffice to mention that the language used in the above mentioned instruments is gender blind and refer to individuals as though they were all males.

At the national level, the Uganda Constitution recognises in Article 20 that fundamental rights and freedoms are inherent and not ganted by the State. Article 29 (2) states that every Ugandan shall have the right: a) to move freely through Uganda and to reside and settle in any part of Uganda; b) to Leave and return to Uganda, and c) to a passport or other travel document.

Article 16 of the Constitution provides for the National Citizenship and Immigration Board. The Immigration Control and Citizenship Act of 2004 (Chapter 66) was passed among other issues to control migrations into Uganda. Its other functions include registering and issuing national
identity cards to citizens of Uganda, issuing Uganda passports and other travel documents; granting and canceling citizenship by registration and naturalization, and granting and canceling immigration permits; registering and issuing identity cards to aliens;

Uganda has clear legislation concerning prohibited immigrants, some who include a destitute person; any person who refuses to submit to a medical examination after having been required to do so under section 50; is certified, by a Government medical practitioner, to be suffering from a contagious or infectious disease which makes his or her presence in Uganda dangerous to the community. It should be noted that Uganda has time and again suffered diseases as a result of cross border migration (Section 52). However, such assertion is more rhetoric than practical. It can be argued that there have not been enough attempts to screen immigrants especially during outbreaks of diseases from those bordering countries. (An example is that of recent Ebola outbreak in Uganda whose cause was suspected to be the returning soldiers from Democratic Republic of Congo).

According to Immigration Control and Citizenship Act of 2004 other prohibited immigrants include any person against whom there is in force an order of deportation from Uganda made under this Act or any other law for the time being in force; any person whose presence in or entry into Uganda is, or at the time of his or her entry was, unlawful under this Act or any other law for the time being in force; any person who has not in his or her possession a valid passport issued to that person by or on behalf of the Government of the State of which he or she is a subject or citizen or a valid passport or document of identity issued to him or her by an authority recognized by the Government, such document being complete and having endorsed on it all particulars, endorsements and visas required from time to time by the Government or authority issuing that document and by the Government. Unfortunately, many times cases of would be refugees in Uganda have been refouled, even when such individuals can prove that they would face persecution upon return.

Section 54 of Immigration Control and Citizenship Act of 2004 states that no person shall enter or remain in Uganda unless that person is in possession of a valid entry permit, certificate of permanent residence, or pass, issued under this Act. This section shall not apply to such person or class of persons as the Minister may by statutory order, declare. A person who is not a citizen of Uganda shall not be issued with an entry permit, certificate of permanent residence or pass unless that person is in possession of a passport, certificate of identity, convention travel document or any other valid travel document. A person intending to take on employment under entry permit
class specified in the Fourth Schedule of the Act may only enter Uganda after his or her application for the entry permit has been granted.

However, because of the weakness in implementation of immigration policies, there are many flaws as far as entry into Uganda is concerned. Uganda continues to host an unspecified number of irregular immigrants. The fact that there is no legal requirement for Ugandans and aliens to be identified makes entry and residence easy for non Ugandans. Even when the immigration Control Board issues permits, such as certificates of residence, work permits, dependant passes, students permits among others and the bearers of these certificates expected to carry the permits with them at all times lest they are required to produce them, there is laxity on the part of officials charged with this exercise.

According to Section 59 of the Immigration Control and Citizenship Act 2004 Chapter 66, employment without entry permit by foreigners is prohibited in Uganda in that a person who is not a citizen of Uganda shall not, unless that person is in possession of a valid entry permit, certificate of permanent residence or special pass issued under this Act—be employed in a parastatal or private body, public service, or be employed by a private person; engage in private business in Uganda. According to the Act, a person who is not being a citizen of Uganda, engages in any employment or profession, whether or not for gain; or employs any alien, whether or not for gain, commits an offence and is liable on conviction to a fine not exceeding one hundred and fifty currency points or imprisonment not exceeding two years or both. However there have been implementation challenges in effecting entry and residing in Uganda. Irregular movements into Uganda have been especially encouraged by the porosity of international borders where individuals cross unhindered. As a result many illegal immigrants enter Uganda unrecognised. For instance, many Sudanese labourers without work permits are engaged in rubber, timber and sugar plantations in Uganda as casual labourers.
The above map of Uganda clearly shows the entry and exit points at borders including the international airport at Entebbe. In principle the points on each side of the border should be properly operated by border and customs officials. However experience has shown that there exist irregular patterns of entry and exit at border points. Moreover, due to the extensive borderline, Uganda lacks the capacity to patrol her border to prevent such illegal migration.
practices. Moreover, such practices are enhanced by corruption tendencies, poverty and similar ethnicity along national borders. Having said this however, it should be pointed out that there is lack of serious study having taken place in this area to enable a detailed understanding of these phenomena.

4.3 Gross movements

Table 4 Gross and net movements

<table>
<thead>
<tr>
<th>Year</th>
<th>Arrivals</th>
<th>Departure</th>
<th>Net Migration</th>
<th>Gross (arrivals + departures)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>524,000</td>
<td>510,000</td>
<td>14,000</td>
<td>1,034,000</td>
</tr>
<tr>
<td>2003</td>
<td>586,000</td>
<td>568,000</td>
<td>18,000</td>
<td>1,154,000</td>
</tr>
<tr>
<td>2004</td>
<td>738,000</td>
<td>698,000</td>
<td>42,000</td>
<td>1,434,000</td>
</tr>
<tr>
<td>2005</td>
<td>662,000</td>
<td>578,000</td>
<td>84,000</td>
<td>1,240,000</td>
</tr>
<tr>
<td>2006</td>
<td>769,000</td>
<td>756,000</td>
<td>13,000</td>
<td>1,525,000</td>
</tr>
</tbody>
</table>


Net movement is the difference between arrivals and departures. It reflects the net addition to the country’s population because of international travels. Table 4.2 shows that the net addition to the country’s population is minimal, that is only 172,000 over 5-year period constituting less than 1 percent of the total population of the country in 2006. However, as argued above, arrivals into Uganda manifest themselves in different patterns including illegal and unregistered entries. It is difficult to disaggregate the gross and net movements by gender from the above table.

4.4 Emigration

Emigration is the process of leaving one’s country and settling in another. Article 29 (2) (b) of the Constitution states that every Ugandan shall have the right to leave and return to Uganda; and c) to a passport or other travel document. The earlier years after Uganda’s independence in 1962 saw Ugandans leaving for countries in the West to undertake further studies. Many such students returned to Uganda to occupy good jobs. However, many Ugandans left in large numbers since the 1970s as a result of bad politics, insecurity, and, since the 1980s, in search for economic opportunities. There are also Ugandans who fled Uganda to other countries to seek asylum as refugees. According to Lee (1969) the cardinal law of migration is that people always migrate from poorer to richer areas, be it internally or internationally. People normally migrate when they feel relatively disadvantaged.
The above table indicates the number of Ugandans abroad. It is likely however, to be incomplete as many Ugandan migrants in several countries might have accessed them clandestinely and are therefore illegal migrants.

A study done by Orozco (2008) indicates estimates by the Development Research Centre on Migration, Globalisation and Poverty that there may be nearly 200,000 (not gender disaggregated) Ugandans abroad, representing about 0.5% of the country’s population. The top destinations for Ugandan emigrants are the United Kingdom, Tanzania, the United States, Canada, Rwanda, Sweden, and Kenya, among others. The UK, in particular, is home to a large Ugandan diaspora community, due in part to colonial ties between the countries. These figures offer only a glimpse of what migration may actually be. For example, in both Kenya and Rwanda, there are over 3000 Ugandans. There is significant cross-border movements among traders and families in both of these neighboring countries.

4.4.1 Professional labor emigrants (brain drain)

The early “brain drain” literature of the 1970s emphasized its negative consequences for developing economies (countries of origin). The main conclusions were that skilled emigration contributes to increased inequality at the international level, with the rich countries getting richer at the expense of the poorer countries. By contrast, more recent contributions ask whether the traditional negative effects of the brain drain stressed in the early literature may be offset by possible beneficial effects arising from remittances, return migration, creation of trade and

<table>
<thead>
<tr>
<th>Host Countries</th>
<th>Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>UK</td>
<td>55,463</td>
</tr>
<tr>
<td>Tanzania</td>
<td>40,768</td>
</tr>
<tr>
<td>USA</td>
<td>12,624</td>
</tr>
<tr>
<td>Canada</td>
<td>11,085</td>
</tr>
<tr>
<td>Germany</td>
<td>10,375</td>
</tr>
<tr>
<td>Rwanda</td>
<td>3,965</td>
</tr>
<tr>
<td>Kenya</td>
<td>3,396</td>
</tr>
<tr>
<td>DRC</td>
<td>2,525</td>
</tr>
<tr>
<td>Others</td>
<td>30,932</td>
</tr>
<tr>
<td>TOTAL</td>
<td>171,133</td>
</tr>
</tbody>
</table>

business networks, and possible incentive effects of migration prospects on human capital formation at home.

For Uganda, the professional brain drain can be traced from the 1970s during the authoritarian rule of Id Amin which witnessed the expulsion of some 80,000 Ugandans of south Asian descent. The period between 1971-1986, many people fled Uganda for security reasons. As well, this period signals the beginning of human capital flight by academia, and intellectuals.

The intensity of the brain drain can be explained by many push/pull factors and by geographical, historical and linguistic distances between countries. A large empirical literature has examined the determinants of international migration flows in aggregated models disregarding the education level of migrants. For instance, Hatton and Williamson, (2002) pointed out the difference in income across countries as being one of the causes of emigration.

Whereas it was relatively easy for Ugandans to secure entry visa to Western countries, especially the UK, the process is becoming more difficult with European Union countries imposing even more stringiest immigration measures. Despite this, illegal entry into Europe still occurs (as can be seen by boats smuggling Africans to southern Europe and long distance trailers smuggling illegal immigrants to the UK via the mainland Europe)\(^9\). These processes point to the widening economic inequalities between the sending as well as receiving countries.

Muga (2009) notes that while there has been complaints in developing countries that professionally qualified persons such as nurses being lured by better salaries to work in Europe and the US while they are desperately needed at home, it now appears that these same professionals are not being offered jobs in their home countries despite the obvious demand for their services. It has been observed that whereas it was a given before the 1990s for doctors to be absorbed within the Public Service, currently, their employment was not automatic. Therefore many doctors have found their way to other countries where they are paid handsomely. Those who may not be in a position to migrate have found themselves in private clinics and NGOs. Studies have shown that Uganda has very many medical doctors working in South Africa and yet we have manpower shortages in our hospitals. These doctors are paid much more money than they would ever hope to be paid in Uganda (Kaduuli, 2008). In the past six years Uganda has lost about 500 Ugandan doctors and thousands of nurses who went to work abroad, according to the Ministry of Health.

\(^9\) BBC media constantly shows the desperate nature of illegal migrants into Europe on boats and trucks.
Minister of Health\textsuperscript{50} blamed the brain drain on low pay and poor work conditions. The problem, according to Malinga, is made worse by the global deficit of four million health workers, which is attracting the Ugandan doctors and nurses to more lucrative countries. He said sub-Saharan Africa alone lacks over 1 million health workers. He said the Ugandan health workers are very well-trained and highly sought after. Malinga said every country employs Ugandan doctors, with over 200 of them in South Africa. Uganda's neighbors, he added, offer attractive packages. For instance, Sudan pays them in American dollars. The brain-drain, it has been argued, was hurting the provision of health services in Uganda, especially the survival of mothers and children, and shortening life expectancy. This is because there is just one doctor for every 100,000 patients and that there is an urgent need to train doctors and keep them in Uganda but it is difficult to retain them\textsuperscript{51}.

It can be argued that it is unlikely that remittances, return migration or other ways through which highly-skilled emigrants continue to impact on their home country's economy are significant enough to compensate sending countries for the losses induced by the brain drain. The human capital depletion through emigration would seem to impact negatively on Uganda's growth prospects. On the other hand this transfer of human capital has its advantages as it will be seen below through remittances.

The negative impact of the brain drain on the country of origin is closely linked to the fact that emigration of the most talented workers reduces the average level of human capital which is an important driver of growth. Skilled migration can also lead to important shortages of some activities such as physicians, engineers or commercials that play a crucial role in economic development. But there are also positive impacts.

4.4.2 Economic opportunity seekers

Kyeyo (broom) is a term popularly mentioned in Uganda to refer to Ugandans who migrate to seek menial jobs to earn a better living. The menial jobs include cleaning and sweeping thus the term kyeyo. With time, however, Ugandans have been able to get white collar jobs but they are still referred to as kyeyo people.

\textsuperscript{50} Hon. Dr. Stephen Malinga Minister of Health Government of Uganda.
\textsuperscript{51} Anne Mugisa and Raymond Baguma “Over 500 doctors work abroad” \textit{New Vision} 3 March 2008.
A number of Ugandans go abroad for “Kyeyo” through illegal channels. Many are lured by politicians. Take, for instance, the case of Naava Nabagesera\(^2\), a lawyer-cum-politician who obtained money from several people between 2004 and 2005 promising to secure them jobs in Europe and Asia. She was convicted and fined for obtaining money by false pretence. Furthermore the court ordered her to pay sh15.2m as compensation to the 12 victims who had paid her money\(^3\).

Other ways include some would be migrants who declare themselves refugees once they get to countries of their destination. However even the countries which normally accepted refugees such as Sweden, Denmark, Norway now have a strict immigration policy. Countries belonging to the European Union implement similar immigration policies and take strict measures with airlines which dare transport an individual who does not possess travel requirements. Although statistics are not readily available, informal interviews show that Ugandan nationals are returned frequently at Entebbe international airport.

Child and human trafficking assumed alarming proportions in the last few decades. The Wikipedia Encyclopedia notes that Uganda is a source and a destination country for men, women and children trafficked for the purposes of forced labour and sexual exploitation. Ugandan children are trafficked within the country as well as to Canada, Egypt, the United Arab Emirates and Saudi Arabia for forced labour and commercial sexual exploitation. Supporting this statement is a recent newspaper article depicting a picture of a woman who as an eight year old girl was kidnapped and sold as a slave in Yemen\(^4\). Pakistan, Indian and Chinese workers are reportedly trafficked to Uganda and Indian networks traffic Indian women to the country for sexual exploitation. Daily print media has occasionally indicated incidents of violence against Asian women. However, this aspect has received minimal academic inquiry.

In the absence of a coherent policy regulating and managing emigration, Ugandans abroad are exploited. Officials from the Ministry of Labour confirmed that more than 5000 guards in 2009 have opted to return home as a result of cuts in their salaries has greatly increased in recent months\(^5\). In order to meet policy objectives of protecting citizens working abroad and optimizing the benefits of labor migration, it is essential that there should be an emigration policy.

\(^2\) Former presidential aide on legal affairs Uganda government.
\(^4\) See, New Vision Friday 10 July 2009 “Ugandan Woman Narrates Iraq ordeal” by Madina Tebajukira.
\(^5\) Peter Muwonge Sunrise newspaper 21 May 2009.
While the positive contribution of Ugandan migrants to the Ugandan economy is well recognized, there has been a concern about the treatment of migrant workers abroad, especially those who go for low-paying jobs. An example is given of Rachael Malagala a twenty-four-year-old Ugandan woman recruited and taken to Iraq by Uganda Veterans Company in May 2009 and how she was tortured by the people she worked for before she managed to escape and return to Uganda. She told members of parliament (MPs) that migrants were being sexually abused and forced to go through hard times. Ms Malagala’s case follows reports that several Ugandans working with the United States forces in Iraq are sexually abused and their contracts changed arbitrarily by the recruiting agencies. (Bareebe, 2009)

Given the above scenario, there is need to analyze the diversification and stratification of gendered migratory streams with regard to skill level, labor market integration, and legal status. In turn a migrant’s position in relation to these axes influences access to entitlements and rights (Piper, 2005). It can be seen that with migration being increasingly shaped by the global market, concern for the maintenance of human rights during migration has often been absent. Migrants often end up lacking basic social rights in both their host countries because of their status as non-nationals.

4.4.3 Remittances

The findings of the World Bank’s annual Global Economic Prospects report for 2006 “The Economic Implications of Remittances and Migration” show that migrant workers officially sent home more than US$167 billion to their families in developing countries in 2006 - a figure more than twice the level of international aid to the same countries. It has been argued that the vast, growing movement of people is basically a positive thing: notably, the international labor migration of the highly skilled from the developing world to the developed world is at best a healthy and recommended "win-win" phenomenon, not only for the individual and the receiving country but also for the developing sending country (Global Migration Perspectives, 2005). In addition, remittances have a strong impact on poverty and economic activity. They impinge on households’ decisions in terms of labour supply, investment, and education. Remittances have a strong impact on poverty and economic activity. They impinge on households’ decisions in terms of labor supply, investment, education.

According to the Bank of Uganda, statistics of remittances for the last decade or so have shown private transfers of currency into the country recording a steady rise. In the 2005-2006 annual economic performance report, the Bank of Uganda states that in 2004/2005 financial year, over US $685M (about 1.2 trillion shillings) was remitted by Ugandans abroad. Ten years earlier in 1995/1996, only US$109.4M was remitted. Of the US $685M (about 1.2 trillion shillings), for
period 2004-2005 transfers, US $467.4M were remittances from Ugandans working abroad. Coffee, which used to be Uganda's leading foreign exchange earner brought in US $144.53M in the same year, evidence that remittances have surprised the country's once most important crop in bringing in foreign exchange. A study done by Orozco (2008) with banks and microfinance Institutions in Uganda show that the volume of remittances may be close to US$700 million.

It should be noted that recording statistics on migrant workers’ remittances is complicated by the fact that many Ugandans avoid using banks, money transfer organizations and foreign exchange bureaus because of high transaction costs and instead relay their funds through relatives and friends who are not required to report their transactions for statistical purposes. Many of them send money home through unofficial channels

Many African leaders especially Uganda's Yoweri Museveni have been calling upon industrialized nations to open their markets for African products so that Africans can do business with the developed countries as the best way to get their countries out of poverty. In September 2004, the government of Uganda took a bold decision and declared emigrant workers a noble trade, after disclosing it had overtaken tourism, coffee and fish as the country's leading foreign exchange earner. The government has since vowed to use its diplomatic means possible to engage industrialized countries to have a formal arrangement for labor export from Uganda. Furthermore, the government of Uganda established an External Employment Unit in the Ministry of Gender, Labor and Social Development. To date the unit has licensed 10 private firms engaged in emigration of Ugandan labor to countries where they are paid better.

Uganda’s licensed marketplace for money transfers is predominantly dominated by the two largest money transfer operators (MTOs), Western Union and MoneyGram, and distributed by banks as agents in collaboration with microfinance institutions as subagents, as well as foreign exchange bureaus (both as agents and subagents). On the remittance origination side, the remittance landscape is not competitive, and in the payout destination, there are more players participating but there is room for more competition.

The regulatory environment governing money transfers in Uganda is led by foreign exchange laws. The Exchange Control Act of 1964, which established controls on foreign exchange inflows and outflows, has been progressively amended. It allowed foreign exchange bureaus to operate and, after 1997, allowed liberalized funds transfers. Currently, the Foreign Exchange regulation of 2006 established who is allowed to obtain a money transfer license. The regulation establishes various classes of licensed institutions and requirements. In section 15 (3) the law

stipulates the classes: Class A—International Money Transfer Agency Licence; Class B—Forex Bureau and, Money Remittance Licence; Class C—Direct Entrants Licence; or (d) Class D—Sub-Agency, Licence. To date, in addition to the main banks, there are 35 licensed companies paying remittances the largest being Western Union and MoneyGram.

In 2008 Migrant workers leaving abroad organized “Migrant Workers’ Remittance Survey 2008” of which all Ugandans living abroad even if they do not send remittances home would participate in. The survey would cover the three major remittances corridors to Uganda i.e. USA, UK and Republic of South Africa. This would be done through electronic questionnaire that the PROMOTA Magazine would e-mail in January 2009 and the completed questionnaires would be sent to the Bank of Uganda which would publish statistics that will be useful for analysis and policy formulation and to improve the quality of statistics. At the writing of this report there were no details available about the progress of the survey.

4.5 International Organization for Migration (IOM): role in migration policy
The International Organization for Migration (IOM) is an intergovernmental organization established in 1951, IOM is committed to the principle that humane and orderly migration benefits migrants and society. The IOM field office in Uganda was established in 1988 to help address migration challenges in the country. The Republic of Uganda is exposed to varied migration challenges and IOM has in the past twenty years processed movements and facilitated information gathering and support towards refugees, internally displaced persons, child soldiers, women victims of trafficking and other migrants and their specific needs. Like many developing countries, Uganda experiences massive brain drain as professionals seek better employment opportunities abroad. In addressing migration related issues and challenges, IOM Uganda has designed strategic projects to help counter the challenges to ensure the orderly migration of persons. IOM Uganda works jointly with the Ugandan government, donors, and the UN to achieve this end.

IOM (U) has conducted nationwide information campaign to promote safe migration and to prevent irregular migration and human trafficking. This has been done through a joint initiative between the Ugandan government, the Inter-Governmental Authority on Development (IGAD), the African Union (AU) and IOM. (IOM, 2009). The campaign is part of a broader European Commission funded regional effort in five of the six IGAD countries (Djibouti, Ethiopia, Sudan, Somalia, Kenya and Uganda) to ensure potential migrants are aware of the risks involved in irregular migration by land and sea.
Conclusions and Recommendations: Gender and Migration Policies in Uganda

Conclusions and recommendations

The foregoing discussion has alluded to migration in and out of Uganda and to policies that have shaped migration. The role that gender assumes in such processes has been difficult to assess as most legal and policy frameworks have been silent about gender. Even when gendered policies and guidelines (for instance the UNHCR’s) have been devised, their implementation in local policies is problematic. The Uganda Constitution has been praised for being a gender sensitive legal framework. However, surprisingly policies that derive from it are silent about gender. The cross cutting nature of gender appears not to be embraced when formulating many of the migration related policies.

Uganda’s migration history does not limit itself to refugee hosting and refugee emission only. A major part of migration in Uganda has been internal migration, where in most cases it has been forced due to war and in others it has been as a result of pressure on land and entails leaving ones’ habitual residence in search of land elsewhere. In other cases, acute rural poverty has encouraged rural urban migration. Indeed there are also several other reasons that influence internal migration. While legislation for the above processes is in place and quite clear, policies are not as clear. With regards refugees, the policies are in line with the United Nations Conventions and Instruments. Refugee policies in Africa assume that all African refugees have mastery over cultivation and as such they must reside in the designated rural settlements; in so doing they become segregational and discriminatory in particular towards women refugees. As well the refugee instruments have been noted to be gender insensitive, especially when judged by the language used and the inherent expectations. Even though Uganda has the overall responsibility over refugees in her territory, UNHCR appears to have the upper hand with regards refugee determination process. It is our opinion that refugee policies are out dated and need to be revised to be in line with what is happening in the New Millennium.

The supreme law, namely, Uganda’s Constitution is quite clear about people’s rights and freedoms. However the actual policies addressing internal displacement and other forms of migration in Uganda are vague. The putting in force of a policy for internally displaced persons in 2006, the same year IDPs would be returning to their original homes leaves one wondering if
it was not an imposed strategy. Moreover, even during the few months of its implementation, the international community seemed to take the lead as Uganda government lacked the funds for its implementation. The design and formulation of PRDP, a blueprint for the rehabilitation and development of northern Uganda appears to have gaps which must be narrowed for its proper implementation (that is, gender is missing). Furthermore, there have been ethnic tensions in areas of internal migration in some parts of Uganda (in Bunyoro), whereby the Banyoro seek to evict the migrants (Bakiga from Kabale) accusing them of suppressing the indigenous community. Judging from the political views being expressed over this matter and the sentiments of both Banyoro and Bakiga ethnic groups, it is obvious that Uganda lacks a policy to deal with this sort of issue; for now it can only issue *ad hoc* policies. Legally, the children Statute and Act are in place, however, the trafficking of children from rural to urban areas in search of jobs continues unabated. Moreover, other forms of child abuse, the plight of child soldiers, and the challenges they face have received little academic attention. There is need for a clear policy about freedom of movement and migration in Uganda.

The last three decades have witnessed an escalating level in migration of Ugandan to other countries of the world, notably the UK, USA, southern Africa among others. The main reason for emigration has been economic, to be able to accumulate wealth for self and for family left in Uganda. This has been reflected in the amount of remittances received in Uganda on a monthly basis. At the same time, brain drain has been seen as particularly impacting negatively the social sector. However other views seem to suggest that Uganda could actually be benefitting from the brain drain through remittances. This calls for a detailed study to determine the degree of improvement by the households receiving the money, and to determine the gap of health provider/patient ratio and its impact on quality of life and development and how remittances make up for this gap.

There are many Ugandans who, while not professionals, left Uganda to go to other countries with main aim of doing menial jobs. It is understood that many such people are mistreated and their rights are violated. Further still there are thousands who are in Iraq and other parts of Middle East. Then, there are Ugandan soldiers among the AU peace keeping in Somalia. Apart from anecdotal information and articles in the print media, little is known about these groups. Uganda’s emigration policy is weak and needs strengthening.
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