The Refugee Dilemma: Refugee Rights versus State Security in Uganda

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The Refugee Dilemma: Refugee Rights versus State Security in Uganda

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Abstract

Refugees, who were traditionally conceived and presented as humanitarian issues, are now increasingly being viewed as security threats. The language of threat now dominates refugee discourse and policy making as well as scholarly analysis. Focusing on Uganda, this paper explores how refugees have been reconstructed as security threats and the impact this reconstruction has had on refugee rights and protection. This paper argues that whereas the perception of refugees as a threat is valid, it is possible for this to be done without violating refugee rights. In otherwards, the protection of state security and refugee rights should be done concurrently without sacrificing any of the two.

Key Words: Refugees, Human Rights, Protection, State, Security, Uganda

Traditionally refugees have been regarded as victims of conflicts and wars and therefore vulnerable people that need humanitarian assistance and international protection. This is the view that was held in international relations and refugee studies at least up to mid 1980's. Viewed this way, academics and policy makers based their analysis of and responses to refugee issues on humanitarian paradigms whose primary focus is individual refugees and their rights, the provision of relief assistance and the role of UNHCR. (Edward Mogire, 2009:15). UNHCR was founded by the UN General Assembly in 1950 with statutory responsibility for providing international protection for refugees and seeking permanent solutions to their problems (Anne Hammerstad, 2000:391).

However, from the mid 1980's this humanitarian paradigm began to shift as scholars focused on the social, economic, political and security impact of refugees on host states and communities. Scholars started to view Refugees as threats to national, regional and international security. According to Ole Waever et.al (1993), since the late 1980's migration and refugee issues have also come to the attention of security scholars, particularly those concerned with the 'identity security' host populations faced by an influx of people from other cultures or ethnic backgrounds. Refugees were no longer perceived as victims of broader geopolitical conflicts but rather as actors in the conflicts. As support from Western allies declined, host countries in the developing world increasingly viewed refugees as a source of instability and an economic burden. (Beth Whitaker 2002:144)

The post Cold War period characterized by the changing nature of conflicts, from inter state conflicts to intra- state conflicts; saw the re-conceptualization of the concept security. This re-conceptualization of security strengthened the view that refugees and migration were non-military threats to states. The realist paradigm which had dominated the Cold War emphasized military threats and state security. It was however, challenged by scholars who sought to broaden the concept security from state security to human security[1].

Thus, from a traditional narrow understanding of the discipline as the study of the threat, use and control of military force by states, the field of security studies…. has been gradually widened to incorporate conceptualizations of security concerned with a range of non-military, non political and non-state threats, such as resource scarcity, environmental degradation, economic crises and underdevelopment (Barry Buzan et.al 1998, Thomas Homer-Dixon 1994, Theodore Moran 1990). It is against this background that refugees came to be viewed as security threats to states.

According to Mogire (2009), policy makers, partly due to their experiences with refugees and perhaps the influence of scholars, also began to change the way they perceived refugees. Policy makers started to look at refugees not as victims of repression and violence with well founded fear of

persecution requiring protection but as agents of conflicts and insecurity. At the international level, a number of resolutions in the United Nations Security Council were passed spelling out how refugee movements had become a threat to international peace and security[2]. The Security Council also considered authorizing international coercive action under chapter VII of the UN Charter to address the threat refugees posed to regional and international security[3]

The UNHCR established in 1950 to protect refugees also began to view refugees from a security lense as evidenced by the High Commissioner's statements and Executive Committee (EX Com) resolutions, in the 1990's and beyond. For example the High Commissioner's 1999 speech to the Third Committee of the UN General Assembly illustrates the point of security concerns:

"The events of this decade and, indeed those of the past year indicate very clearly that refugee issues cannot be discussed without reference to security. This is true in different contexts: security of refugees and refugee operations; security of states, jeopardized by mass population movements of a mixed nature, and security of humanitarian staff … Today's refugee crises in fact concern all dimensions of security. Measures to address this problem have become an imperative necessity" (Sadako Ogata 1999).

At regional and national level, a number of states got obsessed with security concerns as a result of refugee movements. For example, the Tanzanian's Deputy Minister of Home Affairs, E.Mwambulukutu (1993) defending the actions of his government before UNHCR Ex Com in Geneva, argued that hosting refuges had become a heavier and more painful burden than ever before for countries like Tanzania. He argued that protecting and assisting Refugees had brought new risks to national security and has exacerbated tensions between states. Refugee movements contributed to regional wars for example the intervention of Rwanda in the Democratic Republic of Congo (DRC) in 1996 in pursuit of Hutu extremist elements (Interahamwe and Ex-FAR) that had mingled with the refugee populations in the camps. This is the context in which the paper attempts to analyze the construction of refugees as security threats in Uganda.

The paper now turns to Uganda's experience as a host to refugees and how its refugee policies have been and are shaped by security concerns. These security concerns have affected refugee rights and protection. The violation of refugee rights in the name of state security is what this paper terms as the refugee dilemma.

Uganda's experience with refugees started during the Second World War when many Europeans were displaced by the war and were settled on its territory (Gingyera Pincywa 1998:5). Gingyera further observes that the new wave of refugees into Uganda came in 1955 from the then Anglo-Egyptian Condominium of the Sudan. This influx was soon followed by numerous refugees generated by unrest in the aftermath of the various struggles for independence in neighboring countries: Kenyans during the Mau Mau struggle, Sudanese fleeing the conflict that followed its independence, Rwandese escaping the disastrous civil war of 1959 and Congolese in the aftermath of Lumumba's assassination in 1961. The country also received a number of refugees from Ethiopia and Somalia during this period (Zachary Lomo, et.al 2001:3)

As of February 2011, Uganda is host to 146,108 refugees and asylum seekers. The refugee population in Uganda has resulted from civil strife in neighboring countries such as Burundi, Rwanda, the Democratic Republic of Congo (DRC), Ethiopia Eritrea, Kenya, Somalia and Southern Sudan. Currently, the most common country of origin of refugees in Uganda is the DRC (UNHCR, 2011:8). The UNHCR further argues that overall, Uganda is welcoming of refugees. The admission rate is one of the highest in the world, and Uganda is unique in the region in not following a policy of encampment. Refugees are kept in refugee settlements where they are supposed to be self-reliant. Those in the settlements are provided land, which they can till for a living. According to Government policy, refugees who are self-sufficient are allowed to stay in urban areas and those who need humanitarian assistance reside in settlements. Uganda therefore has kept on open door policy to refugees.

However since the early 1980's, Uganda open door policy towards refugees has been inconsistent towards some particular nationalities of refugees. The government has from time to time

become less receptive and hostile to some categories of refugees due to security and political concerns. In other wards much as Uganda has been presented as a welcoming country to refugees, there is evidence to show that refugee rights have been sacrificed at the altar of national security.

The first category of refugees that saw the clash between refugee rights and political or security concerns were the Rwandese refugees in Uganda in 1982. The Uganda People's Congress (UPC) government expelled Rwandan refugees accusing them of being sympathizers of the opposition (the Democratic Party) and the National Resistance Army (NRA) which was a guerilla movement fighting in the Luwero Triangle[4] The UPC government branded the Banyarwanda refugees as terrorists (Mushemeza 2007:92). Mushemeza further points out that earlier, President Obote had made in citing statements against the refugees. Obote claimed that some people (Ugandans) had been forced to be 'refugees' in their own country because real refugees had taken advantage of the hospitality of Uganda

In the same vein, the Uganda Times Editorial (a Ugandan Newspaper at the time) charged the political atmosphere by contending that:

"The time has come to chase the refugees. Most atrocities during Amin's era were committed by refugees. There is evidence that many refugees have been found to chant with terrorists in Luwero District and are responsible for the unrest there…. Some refugees have proved a liability to the nation… if refugees have proved a liability to the nation….If refugees, particularly from Rwanda don't reciprocate our hospitality, Ugandans may order their government to build camps for them alternatively, we shall tell them to go".

Therefore, the Uganda Government policy towards Rwandese refugees was based on the characterization of refugees as security threats. The policy became more restrictive and entailed confinement, denial of asylum and involved forced repatriation and expulsion of refugees.

Furthermore, in 1990 Uganda forcefully relocated Sudanese refugees living in Moyo District to Kinyandongo Settlement in Masindi District after the Khartoum Government war planes bombed the Ugandan town of Moyo inflicting serious causalities with six dead (Focus on Uganda 1991). It is highly suspected that the reason of this attack was NRA's alleged support for the opposition Sudanese People's Liberation Army (SPLA), some of whose members were mixed among the Sudanese self settled refugees living near the border (Nabuguzi 1994:58). This example of Sudanese refugees further illustrates the security risks involved in hosting refugees in Uganda. It should been noted that in order for Uganda to guarantee her national security and avoid future bombardments by the Sudanese government, all the Sudanese refugees had to be forcefully relocated to 'safer areas'. This forced relocation of refugees much as it was meant to put them in 'safe areas', it ended up removing them from the familiar social-cultural settling among the Madi (the host population) which one can call violation of refugee rights in the name of state security.

On 14th July 2010, the Uganda Government deported 1,700 Rwandan asylum seekers including officially recognized refugees. The Minister of Disaster Preparedness and Refugees is on record to have said "that group (deported Rwandan asylum seekers) had become a source of insecurity in the settlement. A Rwandese rejected asylum seeker was arrested in Bushenyi with a stolen gun from a police post in Nakivale refugee settlement (http://www.mediacentre.go.ug). It should be noted that the forced repatriation of Rwandan refugees and rejected asylum seekers was influenced by the security concerns of Uganda as a host country. Even the term "rejected asylum seekers" reminds us of the refusal by the host country to grant asylum to asylum seekers from Rwanda. It is common these days to associate refugees with terrorism, crime, proliferation of small arms and inter-state tensions in Uganda. This clearly illustrates the incompatibility between refugee rights and state security.

Why change in policy and classification of refugees as security threats?

First and foremost is the issue of refugee militarization. Refugee militarization refers to the involvement of individual (or groups of) refugees and/or exiles (diaspora) in militaristic activities within and outside refugee camps. These activities can include political violence, military training, explicit or tacit support for combatants, and armed resistance (Muggah and Mogire 2006:7). According to Mogire (2009), refugee militarization which was the result of the presence of armed elements amongst the civilian refugees, the development of refugee warriors, refugee support of armed

rebellion and the use of refugee camps for armed activities by rebels including launching of cross border attacks, storage and trafficking of illicit arms, military training, recruitment, and for rest and recuperation of combatants was a factor why refugees became to be conceived as security threats by host countries.

Uganda has had a history of refugee militarization. First were the Rwandese refugees in the 1960's when they formed the Rwanda Youth Movement and the Inyenzi[5] to champion the struggle against their home country (Nabuguzi 1994:57). The INYENZI were active in 1962 and 1964 when they launched several attacks on their country of origin, Rwanda. The Rwandese refugees once again engaged themselves in military activities when they joined the ranks of the NRA in the early 1980's and fought against the UPC government in the Luwero Triangle. This partly explains their harassment and forced repatriation by the Uganda Government because they had become a security threat to the host country.

Another category of refugees that have been militarized in Uganda are the Southern Sudanese refugees. For a long time the Southern Sudanese were engaged in the armed struggle against the Khartoum Government with support from the Uganda Government. Uganda faced direct security threats as a result of hosting Sudanese refugees mixed with the Southern People's Liberation Army (SPLA) fighters. These fighters used Ugandan refugee settlements for military training, recruitment of soldiers, launching of cross border attacks, rest and recuperation of combatants. As Tania Kaiser (2008) puts it, direct threats included serious tensions during the 1990's between the governments of Sudan and Uganda, each of which supported insurgent movements in the other's country. Diplomatic relations between the two states were reduced to a minimum during the period of hostility and military activity did occasionally transpire. This is evidenced by the bombing of Ugandan towns including Adjumani in 1998 by the Sudanese Military Antonov aircraft. The above examples show the extent to which refugee militarization has adversely affected Uganda's national security a strong reason as to why refugees are seen as security threats and the changing refugee policies that glorify state security at the expense of refugee rights.

The second factor for the classification of refugees as security threats is the linkage between refugees and crimes in the settlements and neighboring areas. It is common to find increased cases of crimes and insecurity in the form of murder, land conflicts, banditry, domestic violence, riots among others in refugee hosting areas. For example Nakivale refugee settlement in Isingiro District, South Western Uganda has been affected by violent land conflicts between refugees and host of communities, high way robbery on the road from Isingiro Town Council towards Rugaaga town especially at night (although this has of recent reduced), violent riots of refugees and murders inside the settlement (Ahimbisibwe & Mugarura 2011). Kiryandongo refugee settlement has seen violent clashes between different groups of Sudanese refugees. Given the above cases of refugee involvement in crimes, the argument by host countries that refugees are a security threat should never be underestimated. However, Mogire (2009) reminds us that there are occasions where refugees are used as scapegoats for the government failures in stamping out crime.

Thirdly, terrorism and the war against it have elevated refugees to the security agenda of host countries. Since the terror attacks on 11th September 2001 on the USA, refugee movements have been seen to be having an effect on national security of host countries. Earlier in August 1998, there were terrorist bombing of the US Embassies in East Africa (Kenya and Tanzania) with Uganda receiving several terror threats. Since then Uganda has always been on high alert of terrorist attacks. Refugees are also part of this security alert especially those from Somalia, a safe haven for Al Shabaab terrorists. Monica Kathina & Mwangi Kagwanja (2003:225) observed that refugees generally perceived as a liability are likely to become pawns in a wider geo-political game in which they are redefined as agents of insecurity and terrorism.

Uganda has been affected by terrorism as evidenced by the twin terrorist bombings on 7th July 2010. According to UNHCR (2011:6) the terror attacks on Uganda understandably led to serious national security concerns, including a heightened screening of foreigners entering Uganda, particularly of those from the Horn of Africa. As a result, some Somali nationals were arrested, detained and threatened with deportation to Somalia. Although, there is no proof that refugees have

engaged themselves in terrorist activities, there is strong conviction that terrorists can easily use refugees as agents in their terror campaigns.

The above discussion has clearly shown that Uganda has from time to time considered certain categories of refugees as security threats. From the Uganda point of view, this classification of refugees has some merit given the security implications associated with hosting them. Uganda as a host country took up a number of responses and policies towards refugees including forced repatriation, deportation, denial of asylum, arrests detention, and torture. All these responses and polices have undermined refugee rights. The violation of refugee rights in the name of state security is what this paper terms as the refugee dilemma. The paper now turns to the discussion on how responses and policies meant for protecting state security have instead undermined refugee rights.

The Refugee Threat and its Impact on Refugee Rights in Uganda

The classification of certain groups of refugees by Uganda has seriously led to human rights violations knowingly or unknowingly. According to Mogire (2009) when host states perceive refugees as threats, they adopt policies whose main goal is control and restriction of refugees in order to protect their national interests and not the protection of refugees. This is different from situations where refugees are viewed as victims of conflicts and human rights violations hence humanitarian approaches that protect refugee rights.

Refugee rights are clearly spelt out in international refugee and human rights law: the 1951 UN Refugee Convention, the 1950 Statute of the Office the United Nations High Commissioner for Refugees, the 1969 OAU Convention on Refugees, the 1948 Universal Declaration of Human Rights (UDHR), the 1966 International Covenant on Civil and Political Rights, International Covenant on Economic Social and Cultural Rights and 1981 African Charter on Human and People's Rights among others. Uganda has the 2006 Refugee Act that clearly spells out refugee rights and the 1995 Uganda Constitution.

The main refugee rights spelt out in international refugee and human rights law are as follows:

- The right to seek asylum (Article 14(1) UDHR). Every person has a right to seek asylum in other countries if he/she has well founded fear of persecution back home.
- Principle of non-refoulment (Article 33(1), 1951 UN Convention on Refugees) That no contracting state shall expel or return (refouler) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened. According to the Refugee Survey Quarterly (2004) there is an obvious interaction between the concept of the principle of non-refoulment and voluntary repatriation. The prohibition of forced return paves the way for voluntary return. According to Ahimbisibwe (2011) the essential need for repatriation to be voluntary is, indeed the counterpart of the fundamental and generally principle of non-refoulment, according to which no person may be returned against his/her will to a territory, were he/she has reason to fear persecution.
- Freedom of movement (Article 26,1951 UN Refugee Convention, Article 12 of ICCPR and Article 30 of the 2006 Refugee Act)
- Right of Association (Article 29(g), 2006 Refugee Act, Article 15, 1951 UN Convention.
- Physical Security/ Right to life Freedom from torture (Article 3 UDHR, Article 9(1) ICCPR, Article 3 of the Convention against Torture). Other refugee rights include among others equality before the law, right to a family, religion, education, health and right to employment.

The paper now turns to the violations of refugee rights in the name of protecting state security in Uganda.

Forced Repatriation/Expulsions of Refugees and the Principle of Non-Refoulment

According to Article 32 of the 1951 UN Convention, the contracting states shall not expel a refugee lawfully in their territory save on grounds of national security or public order. According to international refugee law, refugees should voluntarily and freely return home without being forced.

Article 46(1) of the Uganda 2006 Refugee Act clearly points out the voluntary nature of repatriation of refugees. Although Uganda is a signatory to international legal instruments and has municipal refugee law, it has violated the principle of non-refoulment by forcefully repatriating refugees in the name of protection of national and regional security.

As already pointed out, the UPC government expelled Rwandan refugees in 1982 on grounds of national security. This was a violation of the principle of non-refoulment. It should be recalled that the Rwandan refugees were suspected of having voted for the opposition (Democratic Party) in the 1980 elections and this was unacceptable to the government. A number of Rwandan refugees and nationals had also joined the NRA Liberation War in the Luwero triangle, which was a serious threat to national security. The words of Makatu (Chairman of Mbarara District Council) on 29th October 1982 illustrate the thinking of the UPC government at the time.

> "For the past 20 years, we have been generous enough to accommodate those Rwandese refugees and normal aliens of Rwandese origin, not knowing that we were nourishing a viper in our chest, until recently we realized that they were dangerous criminals, killers, smugglers and Saboteurs. They must therefore leave Uganda" (emphasis mine)

According to Mushemeza (2007:96) governments in Africa and elsewhere too, violate the rights of the citizens including refugees in the name of national security. This was the case in Uganda during the expulsion of Banyarwanda in the 1980s.

The current on-going repatriation of Rwandan refugees in Uganda is involuntary in nature given the government's policies like the ban on land cultivation in the settlements, fixing deadlines for return for all Rwandan refugees. Statements by government Ministers show a gloomy picture for Rwandan refugees in Uganda. The State Minister for Disaster Preparedness and refugees at one time told Rwandese refugees: Park your bags and go home Rwanda is ready to receive you (www.refugeelawproject.org/joint statement.htm). All this is going on when the Rwandan government is aggressively promoting the return of all its citizens. There are a number of reasons for this, including most notably security fears….. President Kagame knows too well, that nationals outside of their country can be a political liability at best and a security threat at worst (IRRI, RLP, SSRC 2010). According to Ahimbisibwe (2011), Uganda therefore, is promoting involuntary repatriation of Rwandan refugees in the name of promoting regional security and foreign policy interests.

The War against Terrorism and Refugee Rights

Uganda like other countries are faced with the challenge of terrorism since the September 11th terror attacks on the USA. Uganda has been victim of terrorism as evidenced by the July 11th 2010 terror attacks on Kampala. As a result of terror attacks, Uganda has rounded up a number of Somali refugees in Kampala and other urban areas for questioning. There are also allegations that some Somali refugees and nationals have temporarily been imprisoned pending security investigations. All this has been done because Somali refugees are suspected of having links with Al Shabaab terrorists. As the UNHCR (2011) points out the decision by the Government of Uganda to adopt a cautious approach towards Somalia asylum seekers is understandable from a national security point of view. Indeed, some of the asylum seekers detained by the authorities and threatened with deportation had been in the country for some time prior to expressing their intent to seek asylum.

Monica Kathina and Kagwanja Mwangi (2003:229) remind us that in a region where refugee policy has been intricately bound with security concerns, the war against terrorism is thrusting state security to the fore to the detriment of refugee rights and protection. They further point out that the war against terrorism is likely to thrive on the existing prejudices against refugees in general and Somali and Muslim refugees in particular.

Refugee Legislation and the Construction of Refugees as Security Threats.

A close look at refugee law in Uganda points to her security concerns and the need to 'manage' refugees in the name of national security. Article 30(2) of the 2006 Refugee Act states that: "The 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……." In fact refugees in Uganda are required by law to get a travel permit (permission from the Camp Commandant for refugees in settlements and Office of the Prime Minister's (OPM) for the urban refugees). The failure to do so would lead refugees to being arrested and imprisoned at least in theory.

Article 40(1) of the Refugee Act empowers the Minister for Refugees after consultation with Minister for Internal Affairs to order the expulsion of any recognized refugees from Uganda in the interest of national security or public order. This security language in Uganda's refugee law illustrates the extent to which refugee rights are undermined legally in favour of national security.

Denial of the Right to Seek Asylum

Uganda through the Refugees Eligibility Committee (REC) has denied certain categories of refugees asylum because they are considered a security threat. It is the responsibility of REC to determine individual refugee status. According to Nabuguzi (1994:50) the legal status and the constitution of members of this REC has never been made clear as a result of which the REC meets irregularly and government has always preferred to use it only for administrative convenience to suit the whims of leaders or of political interests of regimes in power.

Nabuguzi further reminds us that in 1982, following the political harassment of refugees of Rwandese origin, Uganda's erstwhile Minister of Internal Affairs, John Luwuliza-Kirunda, 'hijacked' the functions of REC. Refugees were seen as a serious political and security threat to the interests of the ruling Uganda People's Congress government, thus requiring the determination of refugee status to be controlled strictly. Today, REC's membership consists of among others, the Ministry of Internal Affairs, Ministry of Foreign Affairs, Internal Security Organization (ISO), External Security Organization (ESO) and Uganda Police Force (UPF). This is an indication that government views refugees mainly as a highly sensitive top political and security matter. In the determination of refugee status, this REC regards asylum seekers from certain countries as a political liability and these are often automatically excluded from refugee status (Nabuguzi, 1994:51). For example a number of asylum seekers from Rwanda[6], Somalia, and Kenya have been denied refugee status because Uganda considers them to be political and security threats.

Freedom of Expression, Assembly and Association

The ICCPR (in Article 19 and 12) provides that everyone, including refugees, possess the rights of freedom of expression and to peacefully assembly. The right to association is provided for in Article 29(g) of the 2006 Refugee Act and Article 15 of the 1951 UN Refugee Convention. As a party to the ICCPR, Uganda may limit the right to freedom of expression, when necessary, to protect public order or the rights of others (Article 19, para 3(b).

However, Uganda has violated the above rights in the name of protecting national security. For example according to the Uganda New Vision, May 14th 2002, the Ugandan Police arrested four Congolese protesters and confiscated their placards as they were protesting outside the Inter Aid offices in Old Kampala against the poor living conditions in refugee camps. According to the newspaper these refugees were beaten and harassed.

In reacting to the above incident Human Rights Watch (2002:89) observed that refugees have the right to peacefully assembly and to express their opinions, and the Ugandan Government should have allowed them to exercise those rights as long as there was no threat of violence or threat to public order. But the fact that the government reacted harshly towards the Congolese refugees, it became clear that Uganda is obsessed with national security and public order at the expense of refugee rights.

As already pointed out the Refugee Act guarantees refugees the right of association as regards non-political and non-profit making associations and trade unions. Refugees are not supposed to engage themselves in political activities. This is what Mogire (2009) termed as de-politicization a strategy for controlling refugees' political activities, which they claim could lead to conflict with the refugees' countries of origin and could import political violence into host countries. Mogire further argues that this policy of de-politicization has resulted in a situation that separates refugees from their

political cause and denies them a chance to engage constructively in bringing changes in their home countries.

Although Uganda has discriminately allowed Sudanese refugees and to some extent Rwandese Tutsi refugees to associate politically, the majority of refugees are not allowed to engage themselves in political activities. This has been done to ensure national security at the expense of refugee rights.

Policy of refugee settlements, freedom of movement and physical security

It is Government's policy that all refugees live in designated settlements. According to Nabuguzi (1994:52), these settlements are now regarded as the best places for controlling, and marginalizing refugees. They are all required to live in a rural environment as if they are all experienced farmers. Those how are not able to stay in rural settlements like the urban refugees, they are required to look after themselves outside the UNHCR humanitarian assistance framework. While Uganda is praised for hosting refugees in settlements and not camps as it is done in Kenya and Tanzania, these settlements are physically isolated, often located in or near game reserves and in formerly tsetse fly infested areas. Most settlements are very remote and not easily accessible[7].

Refugees have been attacked by rebels in these camps, are vulnerable to banditry and forced recruitment, land conflicts with host communities, rape, defilement and domestic violence. For example, for a long time Sudanese refugees in Northern Uganda and West Nile were targets of the Lord's Resistance Army (LRA), forced recruitment by the Sudanese People's Liberation Army (SPLA) and bombing by the Khartoum government war planes. A part from the physical isolation and attacks, refugees are required to get movement permits to move in or out of the settlement. Government has also appointed Officers called Commandants who are given excessive powers to monitor and control refugee activities. The Settlement Commandants are deputized by ISO personnel who report directly to the President's Office/ISO Headquarters in Kampala about security situations in the settlements. This refugee settlement policy has been designed to achieve the security and political objectives of the government which has in many cases led to refugee rights violations as shown above.

Conclusion

This paper has analyzed the construction and conception of refugees as security threats in Uganda. The paper has shown how this construction of refugees has been done at the international, regional and national level. Uganda has adopted a number of policies, laws and responses to enable her achieve the political and security objectives. These responses and policies have undermined refugee rights a situation that has created a refugee dilemma. The paper has argued that although there is sense in viewing refugees as security threats, this should not be done at the expense refugee rights. In otherwards, the protection of state security and refugee rights should be done concurrently without sacrificing any of the two.

Notes

1. For more discussion on the concept human security, See United Nations Development Programme, Human Development Report, 1994; Canadian, Norwegian and Japanese Ministries of Foreign Affairs; Keith Krause & Michael C. Williams (eds) (1997), Critical Security Studies, Minneapolis: University of Minnesota Press; Barry Buzan (1991), People, States and Fear: An Agenda for International Security Studies in the Post Cold War Era, 2nd Ed, New York: Harvester Wheatsheaf; Paris Roland (2001), Human Security: Paradigm Shift or Hot Air? International Security 26 (2): 87-102.
2. Security Council Summit Meetings S/23500, New York, 31st January 1992.
3. See UN Security Council Resolutions S/713/1991; S/RES/841/1993; S/688/1991; S/RES/1199/1998; General Assembly Resolutions A/36/148/1981 and A/42/324/1998.
4. The Luwero Triangle refers originally and mainly to the districts of Luwero, Mpigi and Mubende to the North of the Capital Kampala in which Museveni's opposition army (NRA) concentrated their war activities against the Obote and the Okello governments between 1981 and 1986. It has now been expanded to cover as far as Kasese district in the West among others. It now covers many new created districts.

5. In Kinyarwanda parlance, "Inyenzi" refers to a cockroach which persistently keeps on disturbing its victim. It was used to refer to Rwandan Tutsi refugees living in exile.

6. For example on Wednesday 14th July 2010, the Ugandan Police in collaboration with the Rwandan Security personnel mounted an operation, rounded up and deported approximately 1,700 Rwandan asylum seekers living in Nakivale and Kyaka refugee settlements in South Western Uganda.

7. For example, Nakivale refugee settlement is in a remote area close to the border with Tanzania formerly infested with tsetse flies. Kyangwali settlement is surrounded by the government protected Bugoma forest and the escarpment towards L. Albert, Kyaka1 was until recently located in the midst of a game corridor and heavily infested with tsetse flies.

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