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## **The Case of Rwandan Refugees in Uganda**

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December 2017

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## **ABSTRACT**

Despite multiple attempts over the last 15 years, Uganda has been unable to find a durable solution for a group of approximately 17,000 Rwandan refugees living on its soil. The cessation of their refugee status has been repeatedly postponed and is about to come into effect at the end of December 2017. If invoked, Rwandan refugees will become illegal immigrants under Ugandan law and can face deportation. This paper argues instead that a policy facilitating local integration in the host country, even if not perfect, offers the best outlook for many Rwandan refugees currently residing in Uganda. In addition, taking into account the voices of these Rwandan refugees themselves, the paper analyses which obstacles still need to be overcome before local integration can be a real durable solution. Two suggestions are made. First, it is needed to move towards a situation of inclusive development for both refugee and host populations in order to guarantee socio-economic integration and avoid potential xenophobia and resentment. Second, Uganda's conflicting laws need to be addressed in order for refugees to acquire citizenship, an essential dimension of local integration as a durable solution.

## 1. INTRODUCTION

According to the United Nations High Commissioner for Refugees (UNHCR), “by the end of 2015, 65.3 million individuals were forcibly displaced as a result of persecution, conflict, generalized violence or human rights violations” (UNHCR, 2016a: 2). Out of 65.3 million, 21.3 million persons were refugees<sup>1</sup>, 40.8 million Internally Displaced Persons and 3.2 million asylum seekers<sup>2</sup>. Developing regions hosted 86 percent of the world’s refugees under UNHCR mandate (UNHCR, 2016a).

By February 2017, Uganda was hosting more than 1, 064, 043 refugees and asylum-seekers, the highest number in the country’s history (UNHCR, February 2017). This number has steadily increased due to the influx of South Sudanese refugees following renewed fighting in their country in 2016. Uganda has now become the 8th-largest refugee hosting country in the world and the third largest refugee-hosting country in Africa (UNHCR, 2016a:16). The majority of these refugees come from neighbouring countries and the region like South Sudan, Democratic Republic of Congo, Burundi, Somalia, Rwanda, Kenya, Ethiopia and Eritrea among others. Out of all these refugees, by February 2016, Uganda was a host to around 17,176 Rwandan refugees (UNHCR, 2016b). This paper focuses on the latter group of refugees<sup>2</sup>. Such a focus is warranted since, despite the low number, Uganda has been unable to find a durable solution for these refugees despite multiple attempts over the last 15 years.

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

In July 2003, a tripartite agreement was signed between Uganda, Rwanda and UNHCR.<sup>3</sup> The agreement was meant for the voluntary repatriation of Rwandan refugees in Uganda. It provided for the legal and institutional framework on how repatriation was to be carried out. In 2011, the UNHCR put in place a Comprehensive Strategy for the Rwandan Refugee Situation (there after the Comprehensive Strategy) that had as an important component the elaboration of a common schedule leading to the cessation of refugee status initially foreseen to commence as of 31 December 2011 (UNHCR, 2011: 1). The Cessation Clause, when invoked, puts an end to refugee status and thus international protection. Rwandans would become illegal immigrants under the 1999 Uganda Citizenship and Immigration Act and can therefore be deported back to Rwanda.<sup>4</sup> According to the Fahamu Refugee Programme (2011), since 2002, the country of origin repeatedly requested the United Nations High Commissioner for Refugees to

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[1] Out of the 21.3 million refugees, 16.1 million refugees are under UNHCR’s mandate and 5.2 are Palestinian refugees registered by United Nations Relief and Works Agency.

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

[3] UN High Commissioner for Refugees (UNHCR), *Tripartite Agreement Between the Government of Uganda, Government of the Republic of Rwanda and the United Nations High Commissioner for Refugees for the Voluntary Repatriation of Rwandan Refugees in Uganda to Rwanda*, signed on 23<sup>rd</sup> July 2003. On file with the authors.

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

invoke the cessation clause on Rwandan refugees who were unwilling to return. Nevertheless, the cessation of refugee status originally set for implementation by 30<sup>th</sup> June 2013 was suspended by the Ugandan government till further notice.<sup>5</sup> This suspension was according to the Minister for Disaster Preparedness and Refugees due to the pending resolution of legal ambiguities and the charting of a way forward towards implementing local integration and alternative legal status as required by refugee law and comprehensive strategy.<sup>6</sup> After the 2016 UNHCR Executive Committee meeting in Geneva, the new proposed date for implementation of the cessation clause is December 2017.<sup>7</sup>

Given previous experiences it is highly unlikely that this new date will motivate those remaining refugees to return home. A group of Rwandans has not returned to their home country previously. Moreover, news media reported on Rwandan refugees obtaining false identification documents (IRIN news, 9 June 2009) and fleeing settlements (IRIN news, 14 May 2009) as strategies to avoid repatriation. And many of those who returned have moved back to Uganda's settlements<sup>8</sup> (Karooma 2013; Ahimbisibwe, 2015; International Refugee Rights Initiative et.al, 2010; Amnesty International, 2011).

Therefore, this paper argues that return through the invocation of the cessation clause is not the best solution for these refugees and instead considers a more plausible solution: a policy facilitating local integration in the host country.

This option has not been investigated sufficiently although it is one of the three durable solutions to deal with refugee situations apart from resettlement to a third country and voluntary repatriation to the country of origin. Resettlement is not feasible since western countries are not willing to resettle tens of thousands of Rwandans.<sup>9</sup> In general, only 1% of the world's refugees benefit from resettlement (Long, 2011). In fact, "given the narrow quotas, the chances of being resettled is slim, and indeed many people in refugee camps think of resettlement as akin to winning the lottery" (Jacobsen, 2005: 55). Repatriation, the most emphasized solution, has failed to end the Rwandan refugee problem.<sup>10</sup>

But an important question remains when considering local integration as a durable solution: what are the challenges and prospects of local integration as a durable solution for Rwandan refugees in Uganda? According to Crisp (2004: 3), "[...] the principle of local integration may be firmly established in international refugee law, its practice has been very limited in the years since the refugee problem became a worldwide phenomenon". And although there has been sufficient scholarly attention to the policy option of local integration of refugees<sup>11</sup>, there is little scholarly writing on local integration in the context of the current protracted refugee situation of Rwandan refugees and other nationalities in Uganda.

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[5] Senior Protection Officer, Office of the Prime Minister (interview, June 1, 2016)

[6] See Government of Uganda (2013), The Ministerial Statement on the fate of Cessation of Rwandan Refugees in Uganda. On file with authors

[7] Principal Protection Officer, Office of the Prime Minister (interview, October 20, 2016)

[8] Rwanda has one of the highest population densities on the continent (Bruce, 2009). As a number of authors or organisations have pointed out, one should also take into account unsuccessful land claims by returnees (McMillan 2012: 242; International Refugee Rights Initiative, Refugee Law Project & Social Science Research Council, 2010: 30-31).

[9] Senior Protection Officer, Office of the Prime Minister (interview, June 1, 2016); See Ahimbisibwe, 2015. Ahimbisibwe discusses durable solutions in the context of Rwandan refugees in Uganda where his findings indicate that resettlement is not considered a durable solution since the number of refugees is so high and the Rwandan government has promoted the notion to the international community that there is peace in Rwanda. Ahimbisibwe argues that this has made the international community reluctant to resettling Rwandan refugees when their country of origin is 'secure' and willing to welcome them

[10] Government of Uganda officials (interviews, August, 2016)

[11] See Fielden, 2008; Low, 2006; Crisp, 2004; Jacobsen, 2001; Barongo, 1998.

Local integration consists of legal, cultural and socio-economic processes (Kibreab, 1989). This paper examines the reality of and challenges posed by these processes. The paper aims to contribute to a better understanding of refugee policy making in Uganda. The added value of our research is to see which obstacles the Rwandan refugees face in order for them to integrate locally. Based on primary data gathering, we take into account the attitudes of the Rwandan refugees that are currently residing in settlements in Uganda.

This study is based on two research visits one of the authors (FA) carried out at different intervals in Nakivale settlement and Oruchinga settlement in south western Uganda. The first visit was June 2010 to December 2011. And a second visit took place between June to August 2016. The study focused on Rwandan refugees that came to Uganda after 1994 and used a qualitative research methodology. Semi-structured and key informant interviews, Focus Group Discussions (FGDs), observation and documentary evidence were the main research techniques. Purposive criterion sampling was used to select the study respondents, namely Rwandan refugees, Rwandan and Ugandan government officials, UNHCR and NGOs officials, as well as local hosts around Nakivale settlement, Isingiro District.<sup>12</sup> In addition, ‘recyclers’ (those refugees that had been repatriated to Rwanda but returned to Uganda)<sup>13</sup> living in Nakivale and Oruchinga settlements were identified through snowball sampling. Rwandan refugees and other categories of respondents answered questions on themes like refugee physical security, refugee rights and obligations, voluntary and forced repatriation, local integration, resettlement, the so-called cessation clause and, in general, avenues to find durable solutions.<sup>14</sup> The analysis further makes use of secondary data, both scholarly articles and grey literature.

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

## **2. THE INTERNATIONAL REFUGEE TOOLKIT, RWANDAN REFUGEES AND UGANDAN POLICY: AN AMBIGUOUS HISTORY**

The political turmoil in Rwanda following independence forced Rwandan Tutsi to flee the country in 1959 and early 1960s. They fled into neighboring countries Uganda, Tanzania, Congo and Burundi. They were allocated pastoral land and settled in Nakivale, Oruchinga in Mbarara District (now Isingiro district). Others were settled in Rwamwanja, Kyaka and

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

[13] Recyclers are Rwandan refugees who have been repatriated to Rwanda but have returned to Uganda claiming human rights violations, insecurity, persecution and inability to recover land and property in Rwanda.

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



Kamwengye in Kyenjojo and Kabarole districts (Mulumba & Olema 2009: 10).

Uganda is thought to have hosted about 200,000 Tutsi refugees in total. Out of these, 81,000 were registered in settlements (Van de Meeren, 1996: 261). The Ugandan authorities allowed self-settlement and did not force the Rwandan refugees to join or remain in the settlements. This however changed in the early 1980s when the Obote government became hostile to these Rwandan refugees and forced them to either go and live in the settlements or return to Rwanda (Ogenga, 1999). In response, many of them joined the National Resistance Army (NRA) war in the Luwero triangle. Van de Meeren (1996) puts the number of them killed in the war at 60,000. By 1986 when the NRA captured power in Kampala, some 3,000 out of 14,000 soldiers were Rwandans (Van de Meeren, 1996). This number was a source of fear for both the Ugandan government of Museveni and the country of origin, Rwanda, which felt threatened.

Because of the threats posed by the refugees, the two governments attempted to look for durable solutions. In 1988, the Ugandan and Rwandan governments set up the ministerial commission tasked to find solutions to the Tutsi refugee problem either through repatriation or resettlement in exile (Van de Meeren, 1996). As a result, in 1989 UNHCR was requested to verify the preferences of the Rwandan refugees regarding either repatriation or staying in Uganda and eventually be naturalized (Van de Meeren, 1996). This work by UNHCR never took place because, as explained below, the Rwandan Patriotic Front (RPF) invaded Rwanda. In short, Tutsi refugees were officially not legally integrated in Uganda since the attempts to do so were overtaken by events. However, many *de facto* integrated in Uganda and some went on to acquire land, property, education and citizenship.<sup>15</sup> Today, we refer to them as old case load refugees.

While in exile, Rwandan Tutsi refugees formed the Rwandan Patriotic Front/Army (RPF/A): a liberation movement to claim their rights as citizens of Rwanda in their home country. Several attempts at peaceful repatriation to Rwanda did not achieve success as the leadership in Rwanda argued that there was no land for Tutsi.<sup>16</sup> After thirty years in exile, the RPF launched a rebellion on 1<sup>st</sup> October 1990 attacking Rwanda from Uganda. This started a four year civil war that culminated into the 1994 genocide in which approximately 500.000 to 800.000 Tutsi and, so-called, moderate Hutu died. Although majority of Rwandan refugees returned to Rwanda following the taking-over of power by the Rwandan Patriotic Front, many still maintain relatives and property in Uganda (Mulumba & Olema, 2009).

In 1994 and after the Tutsi refugees returned to Rwanda, Hutu refugees crossed into Uganda, DRC, Tanzania and Burundi. In this paper, Rwandan Hutu refugees are referred to as new case load refugees. As mentioned, according to UNHCR (2016b) by February 2016, there were 17,176 Rwandan refugees in the country.

Rwandan refugees are settled in Nakivale, Oruchinga, Kyaka II and Kyangwali refugee settlements in Uganda, while some are urban refugees (Karooma, 2014: 11). Other Rwandan refugees are secondary movers – those that came from neighbouring countries such as Tanzania

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[15] For more examples of integrated refugee caseloads in other countries, see Fielden 2008.

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

and Democratic Republic of Congo (DRC) following the forced repatriations of 1996/1997, and who faced persecution upon return because of their previous flight and then fled to Uganda (Karooma, 2014:11).

## 2.1. Rwandan Realities

Countries of origin are worried of the continued stay of refugees outside their borders. According to Barongo (1998: 124), granting permanent asylum to such refugees who have political interests in the country of origin would mean placing permanent conflicts on the political agenda of the neighbouring countries. In the case of Rwanda, the RPF government came to power through a rebellion started by Tutsi refugees in Uganda. In fact, an awareness of this history informs thinking in policy circles on both sides of the Uganda-Rwanda border. As one respondent put it: “Local integration of Rwandan refugees does not take away the fears of the Rwandan government that one day these refugees can decide to mobilize themselves into a force and fight Rwanda. There is evidence in recent history that this is a possibility at least using the example of Rwandan Tutsi refugees who had achieved a good level of integration in Uganda. President Kagame therefore would be hesitant to support any durable solution that postpones Rwanda’s security threats. Local integration may help solve the refugee problem in the short run and but might assist in prolonging Rwanda’s conflicts in the long run”.<sup>17</sup>

There are concerns that Rwandan Hutu refugees can pose a security and political threat in the future.<sup>18</sup> Rwandan refugees currently living in Uganda are very much aware of this official position adopted by the Rwandan government. One respondent claimed that “Kagame has been pushing ahead to see us being forced to Rwanda. He is on record to have said that Rwandan refugees in Nakivale will have to return home just like we did in Tanzania, DRC and Burundi”.<sup>19</sup> Another refugee man said: “Kagame said on national television and radio that he will not rest until all the refugees in Nakivale have returned home. He asked why we are not returning. To him our continued stay in exile meant that we are running away from justice and reconciliation”.<sup>20</sup> The same views were shared by refugees in a focus group discussion in Oruchinga settlement: “All the Rwandans who have not returned to Rwanda are looked at as traitors. The government in Rwanda thinks that whoever has not returned is hiding from a crime”.<sup>21</sup> We normally ask ourselves that for some of us who escaped as children, how they can say that we committed atrocities or participated in genocide? It is impossible because in 1994 we were young to even understand what was going on”.<sup>22</sup>

In an interview with a Senior Protection Officer in the Office of the Prime Minister in Kampala the issue of Rwanda strongly pushing for repatriation and cessation clause came out clearly. “Our colleagues from Rwanda have been pushing us in our tripartite commission meetings to buy their point of view of declaring cessation clause and forced repatriation of Rwandan refugees. At times we don’t agree with them but we are forced to compromise on our positions and policy regarding Rwandan refugee case load because of the need to maintain good interstate

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[17] International Refugee Rights Initiative (interview, August 22, 2016)

[18] For more discussion on this, see International Refugee Rights Initiative, Refugee Law Project and Social Science Research Council 2010:13; Loescher et.al, 2007:494; Human Rights First, 2004; Ahimbisibwe, 2015.

[19] Refugee woman Nakivale settlement Juru zone (interview, July 24, 2016)

[20] Refugee man Nakivale settlement, Sangano (interview, June 15, 2016)

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

[22] Respondents in Oruchinga settlement (focus group discussion, August 28, 2016)

diplomatic relations”.<sup>23</sup> This was confirmed by an official working with the Refugee Law Project: “Obviously Rwanda is strongly pushing other countries to force all Rwandan refugees to return. Kagame knows very well the implications of failure to repatriate refugees outside Rwandan territory. Remember there is an active rebel group opposed to the Kigali government. Who knows Rwandan refugees in Uganda are a recruiting ground for these rebels. Because of national security interests, Kagame has made refugee repatriation one of his foreign policy priorities”.<sup>24</sup>

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

Nevertheless, Rwandan asylum seekers (both Hutu and Tutsi) continue to come to Uganda claiming persecution, human rights violations and dictatorship in Rwanda.<sup>25</sup> Indeed, Freedom House labels Rwanda as not free (Freedom House, 2017). From this perspective, the invocation of the cessation clause can be questioned.<sup>26</sup> A group of refugees expressed this motive underlying their quest for local integration: “We request the Uganda government to consider us for local integration. We don’t want to return to Rwanda and face harassment and death. We want to become Ugandans and die here. Uganda is a good country”.<sup>27</sup> On the other hand, there are other motives besides the claims of persecution that perpetuate the refugee situation and that call for a consideration of local integration as a solution. As observed in paragraph 15 of the Comprehensive Strategy:

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

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[23] Senior Protection Officer, Office of the Prime Minister (interview, August 16, 2010)

[24] Official of Refugee Law Project (interview, August 15, 2010)

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

[26] An analysis from the point of view of refugee policy is available in Kingston (2017: 12) and McMillan, (2012: 237).

[27] Respondents in Nakivale settlement, Juru zone (focus group discussion, July 30, 2016)

## 2.2. Local Integration

As can be seen in the case of Rwandan new case load refugees, the policy option of choice over the last decades is repatriation. But it does not seem to be an option for the remaining Rwandan refugees on Ugandan soil: “We wonder why UNHCR and OPM have insisted on repatriation yet it has failed. Most of our colleagues who returned to Rwanda have come back to Uganda. Some are here in Nakivale, Oruchinga and Kyaka settlements and the rest have moved to Ugandan villages and towns. Isn’t this enough evidence that repatriation has not been successful? For us local integration is the best solution.”<sup>28</sup> The refugees noted that both the Ugandan and Rwandan governments were reluctant to talk about local integration. They wondered why local integration could not be implemented yet the majority of them support it.

Indeed, the refugees themselves claim that they had never been specifically told of local integration as a way of ending the refugee problem, though they said that they had heard rumours about it. They noted that all they had been told was repatriation and cessation clause. In one of the FGDs, the refugees observed that: “We Rwandans have been told of one solution of going home. We always ask ourselves, is there no other solution apart from return? Now we hear cessation has been applied and we are waiting for a day when we will be put on lorries and driven back to Rwanda. For us, we want to stay here in Uganda”.<sup>29</sup>

Since the time the ‘new caseload refugees’ arrived on Ugandan soil in the first half of the 1990s up to the present, local integration has become less appealing for most African countries. Polzer (2004: 3) states that, “today, especially in Africa, local integration is seen as politically unfeasible, only to be considered as a last resort once repatriation or camp-based care have failed”. As one scholar has put it “local integration has become the mistrusted and under-resourced step-child” (Polzer, 2004: 3).

Local integration was a popular durable solution in Africa during the 1960s to the 1980s when African countries were very open to refugees and asylum seekers. Rutinwa calls this period the “golden age” of asylum in Africa when countries had an “open-door policy” to refugees.<sup>30</sup> Countries accepted refugees on their territories. “A number of refugees were locally integrated and legally naturalized” (Rutinwa, 1999:1). Examples of countries that integrated refugees around this time include Tanzania which naturalized 20,000 Mozambique refugees and 36,000 Rwandan refugees (Kabera, 1988: 6).

Local integration was recognized as a durable solution since the establishment of UNHCR in 1950.<sup>31</sup> In fact the UNHCR Statute gives the UNHCR a mandate in the protection of refugees by working with governments and private efforts in the integration of refugees in the host countries. Therefore right from the start of the United Nations refugee agency, the international community envisaged the potential of local integration in order to address the refugee problem in the world.

The 1951 Refugee Convention also provides for local integration - alongside repatriation - as a durable solution to refugees. Article 34 calls upon states to assist in the assimilation

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[28] Respondents in Oruchinga Settlement (focus group discussion, August 28, 2016)

[29] Respondents in Sangano Base Camp (focus group discussion, June 10, 2016)

[30] For more discussion on the open door policy of African countries to refugees and asylum seekers, see Rutinwa, 1999.

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

and naturalization of refugees. States are called upon to do everything possible to accelerate the processes leading to the integration of refugees at a reduced and affordable cost. D’Orsi (2013) notes that Article 34 raises the issue of the need by states to grant rights and freedoms to refugees given their special status. States are called upon to assimilate or naturalize refugees and accord them rights similar to those of permanent residents or citizens. These rights include among others, right to movement, right to education, right to property, right to work, right to religion and right to marry (D’Orsi, 2013).

The fact that the Ugandan government has put in place a technical committee to study and advise on local integration of refugees points towards the fact that this policy option is being considered as well.<sup>32</sup> The technical committee is supposed to come up with a report, submit to the Office of the Prime Minister. The Minister for refugees will then submit to cabinet for discussions and government comes up with a white paper that will be tabled in the national parliament for debate and eventually approved for implementation by government. This is quite a lengthy exercise that might take some time.<sup>33</sup> Such a process will have to take into account the reality and challenges of socio-economic and legal integration. We discuss these issues below, with particular attention to the obstacles experienced by Rwandan refugees themselves.

### **3- THE REALITY AND CHALLENGES OF SOCIO-ECONOMIC AND LEGAL INTEGRATION**

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

According to the 1951 Convention, the protection of refugees and their rights includes actions at their integration in host countries, thus also in the case of Uganda (Dryden-Peterson & Hovil, 2004). Harrell-Bond argues that “In fact, the Convention uses the word, ‘assimilation’, a term that implies the disappearance of differences between refugees and their hosts” (Harrell-Bond, 2000:3). In practice UNHCR promotes integration over assimilation in response to refugees. Such a goal of facilitating the process of local integration is to allow “those refugees who cannot or do not wish to repatriate the possibility to enjoy the freedoms and livelihood they would have in their home countries” (Low, 2006). Harrell-Bond (1986:7) defines local integration as “a situation in which host and refugee communities are able to co-exist, sharing the same resources—both economic and social with no greater mutual conflict than that which exists within the host community”. Other definitions emphasize the acquisition of rights as well (Kibreab, 1989; Crisp, 2004; Fielden, 2008). Refugees are granted rights enshrined in the 1951 Convention and other refugee and human rights instruments. This may lead to refugees being permanent residents and eventually acquire citizenship of the host countries. Thus, integration entails both socio-economic and legal dimensions that need further scrutiny, for the case of Rwandan refugees in Uganda as well.

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[32] Principal Protection Officer, Office of the Prime Minister (interview, June 1, 2016)

[33] Ibid.

### 3.1. Socio-Economic Integration

Economic integration involves a process where refugees are able to attain sustainable livelihoods, attain self-reliance and become progressively less dependent on aid or humanitarian assistance. It is a process through which refugees are able to participate in the local economy and improvement in the standards of living comparable to the host community (Kuhlman 1991). Complementary to the economic dimension, local integration is a social process where refugees are able to live in harmony with the host population. Social integration thus entails peaceful co-existence, non-discrimination, acceptability of refugees by the host population and the ability to contribute to the social life of the host country (Kuhlman, 1991). Different researchers have reported about the positive contribution of refugees, including Rwandans, residing in Uganda. Through, for example, participating in trade activities both in and outside the settlements (Betts, Bloom, Kaplan & Omata, 2014) and widening the tax base (Dryden-Peterson & Hovil, 2004: 32), they contribute positively to the economy. Moreover, host communities can also enjoy the infrastructural improvements that are related to their presence, such as more and better education facilities (Dryden-Peterson & Hovil, 2004: 34).

During interviews, the first author of this paper was able to communicate with Rwandan refugees in the local language of Runyankore meaning that the refugees have learnt the local language and could communicate with the local hosts. Observations revealed that Rwandan refugees freely interact with the local hosts especially in the trading centers of Juru and Sangano in Nakivale settlement and Kazaho in Oruchinga settlement. The refugees themselves observed that almost all the Rwandan refugees speak the local language, Runyankore. All their children have been born and attend schools in Uganda. They pointed out that their children consider themselves to be Ugandans. They also mentioned intermarriages and other social interactions with the local hosts. According to the refugees themselves, these social interactions and de facto integration are a basis for considering local integration as a durable solution.<sup>34</sup>

On the other hand, some Rwandan refugees expressed worry that if they are to be locally integrated in Uganda, they would intermarry with people of other origins and hence lose their original identity as Rwandans. This may be another obstacle hindering integration of refugees especially if the group wants to maintain their identity, culture and language. One refugee woman noted: “We want to integrate in Uganda but our fear is whether we shall be able to maintain our language. Most likely we shall adopt the Banyankore culture and forget our Kinyarwanda culture especially the children who have been born here in Nakivale”.<sup>35</sup>

Apart from these signs of cultural integration, the refugees observed that some of their colleagues had bought land and built houses in Uganda. In a FGD, refugees said that, “Rwandans with money have bought land while the poor ones have not. Those who have land and houses are not afraid of returning to Rwanda. They know any time they are forced to return to Rwanda, they will go and settle on their land in Uganda. Those with no land certainly know they have no option but to return to Rwanda”.<sup>36</sup> They pointed out that many Rwandans depend on agriculture, businesses and casual labour as sources of livelihood.<sup>37</sup>

To them, the Ugandan government can use this economic integration of refugees as an opportunity for their local integration.<sup>38</sup> Already the Ugandan government thinks that re-

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[34] Respondents Sangano Base Camp (focus group discussion, June 10, 2016)

[35] Refugee woman Sangano Base Camp (interview, June 23, 2010)

[36] Respondents Nakivale Settlement Juru Zone (focus group discussion, July 30, 2016)

[37] Ibid.

[38] Ibid.



patriation of Rwandan refugees has not been successful because of the availability of land in refugee settlements. It has been argued that the availability of land and other socio-economic factors have continued to attract many Rwandan refugees into Uganda.<sup>39</sup>

Despite these signs of integration perceived by the refugees themselves, one can indeed not rule out resistance to their further local integration. Jacobsen (2001:19) states that many host communities become resentful about the presence of refugees amongst themselves, either because of security threats or competition for scarce resources. The locals then pressure the authorities to relocate refugees into camps or segregate them in some way.

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

Host countries aim to avoid the economic burden and fear social upheaval. Refugees are therefore not looked at as an asset to be integrated in host countries but, at best, a situation to be tolerated temporarily and, at worst, a liability to tackle with immediacy. Over the last two decades, and throughout the African continent, reports emerge of increasing xenophobia of local hosts towards refugees partly due to competition for resources like land and employment. Some examples include the xenophobia in South Africa towards Zimbabweans and nationals from other African countries<sup>40</sup>, xenophobic attacks against refugees in Zambia in 2016<sup>41</sup> and attacks on Sierra Leonean refugees in Guinea in 2000.<sup>42</sup> There is evidence that refugee movements place heavy economic, security and environmental burdens on host countries, sometimes refugees are used as scapegoats of the already existing problems. This has been the case in most African refugee hosting countries like Uganda, Tanzania, Kenya and Guinea. Jacobsen (2005:12) gives the example of Guinea as follows:

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

These cases of xenophobia and attacks on refugees illustrate that host populations at times oppose attempts at integrating refugees. In fact research on autochthony in Africa<sup>43</sup> indicates that in recent years, there has been an upsurge in conflicts of autochthony throughout much of Africa. There are conflicts between ‘autochthons’ meaning those that emerged directly

[39] Ugandan Government official (interview, July 18, 2016)

[40] For more discussion on xenophobia in South Africa, see Crush 2001; Bloch 2010; McKnight 2008; Crush and Pendleton 2007.

[41] Lusaka Times, “Refugees Affected by Xenophobic Attacks in Lusaka Demand Compensation”, 20<sup>th</sup> June 2016; Aljazeera, “Zambia: Refugees Attacked After ‘Ritual Murders’”, 22<sup>nd</sup> April 2016; Rights in Exile, “Recent Attacks on Foreigners in Zambia”, 1<sup>st</sup> June 2016.

[42] Canada: Immigration and Refugee Board of Canada 2002; Human Rights Watch 2001; Milner & Astrid 2006.

[43] See Geschiere 2009; Morten & Kevin 2013; Ceuppens & Geschiere 2005; Marshall-Fratani 2006; Cote & Mitchell, 2015; Prestholdt 2014; Jackson 2006; Lynch 2011.

from the soil or “sons of the soil” against ‘allochthons’ meaning those that do not belong to the soil or “strangers” (Mitchell 2014:401). Ceuppens and Geschiere (2005:386) explain that autochthony refers to “self” and “soil” while “indigenous” means literally “born inside”. The two concepts raise the need to safeguard “ancestral lands” against “strangers”, as well as on the right of autochthons to special protection against later immigrants (Ceuppens & Geschiere, 2005: 386). These distinctions of “sons of the soil” and strangers or foreigners are common around Africa and have led to violent clashes and conflicts. They point to the direction of exclusionary practices in many host communities that historically welcomed migrant populations (Mitchell, 2014:401). Examples from Ivory Coast, Cameroon, Kenya, the Great Lakes region of Africa show evidence of conflicts between autochthons and allochthons and this has led to exclusion tendencies and violent conflicts.

Writing on Western Uganda, Espeland (2011) highlights how a conflict between the autochthonous Banyoro and the immigrant Bafuruki ethnic groups turned into a violent conflict that led to the loss of lives and property. Although the conflict was identified as ‘land wrangles’, the analysis goes to show how the indigenous Banyoro mobilized against the Bafuruki (immigrants) in the name of “sons of the soil” which triggered a violent response from the latter arguing that they were all Ugandans who had a right to live anywhere without discrimination. These cases are becoming common in other parts of Uganda. In the past, news reports have mentioned xenophobic attacks on Rwandan refugees aimed to drive them out of the country (IRIN, 2009). Even in refugee hosting areas (Nakivale, Oruchinga, Kyaka and Rwamwanja settlements) local hosts have argued that refugees are strangers or foreigners who should not own land. Local hosts have repeatedly called for the exclusion of refugees (foreigners) from access to land and other resources.<sup>44</sup>

It should be noted that there have been clashes between the locals and refugees in Nakivale settlement which makes integration of refugees in areas around the settlement very problematic.<sup>45</sup> The current Rwandan refugees themselves indeed fear that Ugandan nationals may not like the idea of local integration because of land shortage. This is considered to be the major factor hindering local integration. Refugees are aware that there is not even enough land for Ugandan nationals. One of the refugees said: “There is no enough land for both the nationals and the refugees. Land continues to be scarce each day that passes. Already we are conflicting with local hosts over land here in Nakivale. This is likely to continue even if we are integrated in Uganda. Ugandans will continue to look at us as Rwandans that do not deserve to get land.”<sup>46</sup>

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

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

[45] For more discussion on land conflicts in Nakivale settlement see, Bagenda et.al 2003; Ahimbisibwe 2013; ; Ahimbisibwe 2015

[46] Refugee woman (interview, July 9, 2010)



Importantly, local integration depends on the goodwill of key groups in the host country. In the absence of this goodwill, refugees find it more difficult to settle amongst the community and become integrated (Jacobsen, 2001). Jacobsen (2001:18) has argued that “the success of integration depends as much on the relationship between the local population and the refugees as it does on the host government’s position. When refugees are welcomed and accepted by the locals, or at least not resented, they will be better able to pursue livelihoods, hide from authorities who would round them up, and face fewer security threats”. One can therefore argue that in areas where refugees are not accepted by the locals or resented, integration is a challenge. Indeed, some Rwandan refugees are doubtful about whether opposition political parties would support local integration; they expressed fear that if the National Resistance Movement (NRM)<sup>47</sup> government were to leave power, then the successor governments may not be supportive. They said: “These opposition leaders may not like us. They may chase us if Museveni leaves power. At least we know Museveni wants us despite the pressure from Kagame”.<sup>48</sup>

### 3.2. Legal Integration

The ultimate aim of local integration is the naturalization of refugees who thus become citizens of the host countries. This is normally done for refugees who have stayed a longer period of time in the host country. According to Crisp (2004:2), “Strictly speaking, it can be argued that the process of local integration becomes a durable solution only at the point when a refugee becomes a naturalized citizen of his or her asylum country, and consequently is no longer in need of international protection”. This would mean that any integration without the attainment of citizenship may not be a durable solution. One respondent noted that: “Although Rwandan refugees have achieved social and economic integration in Uganda, legally speaking they remain refugees until they acquire citizenship”.<sup>49</sup> This was echoed by a legal officer who noted that: “As far as Rwandans are concerned, the acquisition of citizenship according to the laws of Uganda will put an end to their refugee status”.<sup>50</sup> Another official agreed that “socio-economic integration without legal integration of refugees is incomplete integration and not a durable solution. That is very true of Rwandan refugees in Uganda”.<sup>51</sup> The refugees agreed that legally speaking, they are refugees despite the achievement of socio-economic integration in Uganda.<sup>52</sup> The refugees were hopeful that one day they will achieve legal integration and become Ugandans.<sup>53</sup>

The Ugandan municipal law provides grounds on how a person can acquire Ugandan citizenship. They include citizenship by birth, registration and naturalization. Refugees can acquire citizenship only through registration and naturalization.

Ugandan domestic law provides for citizenship by registration. Article 12 (2) (c) of the Uganda Constitution and the Uganda Citizenship and Immigration Control Act Cap 66 (hereinafter referred to as UCICA), article 14(2) (c) provides for citizenship for “every person who, on the commencement of this Constitution, has lived in Uganda for at least twenty years.”

However, other parts of the legislation deny refugees citizenship by registration. Article 12(1)(ii) of the Constitution and Article 14(1)(ii) state that every person born in Uganda is

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[47] The NRM is the ruling party in Uganda. It came to power in 1986 under the current President Museveni after a civil war.

[48] Respondents Rubondo zone Nakivale Settlement (focus group discussion, August 8, 2016)

[49] Legal officer GIZ Nakivale Settlement (interview, July 6, 2016)

[50] Legal officer Refugee Law Project (interview, June 15, 2016)

[51] Protection officer Centre for Refugee Rights (interview, July 1, 2016)

[52] Respondents Oruchinga Settlement (focus group discussion, August 28, 2016)

[53] Ibid.

eligible for citizenship by registration but only if, “neither of his or her parents and none of his or her grandparents was a refugee in Uganda.” In addition, Articles 12(2)(b) of the Constitution and 14(2)(b) of UCICA, which enable citizenship by registration for migrants who live in Uganda for more than 10 years according to the Constitution, 20 years according to the UCICA, provided they migrated “legally and voluntarily.” Since refugees are forced to flee, the requirement of voluntariness would appear to exclude refugees (Citizenship Rights in Africa Initiative 2016).

The Constitution mentions naturalization in Article 13 which stipulates that “Parliament shall by law provide for the acquisition and loss of citizenship by naturalization.”<sup>54</sup> Initially, the 1960 Control of Alien Refugees Act (which is now defunct) stated in Section 18 that “for the purposes of the Immigration Act and the Uganda Citizenship Act, no period spent in Uganda as a refugee shall be deemed to be residence in Uganda.” This completely excluded refugees from ever invoking the period of residence needed in order to become a naturalized citizen. In 2006 Parliament passed the Refugees Act, which repealed the 1960 law. It deliberately omits the above provision and replaces it with Section 45, which states that: “The Constitution and any other law in force in Uganda regulating naturalization shall apply to the naturalization of a recognized refugee.”

The UCICA is the operative law with respect to the naturalization of refugees. Five criteria must be met under Section 16(5) of UCICA<sup>55</sup>. The applicant:

- (a) Has resided in Uganda for an aggregate period of twenty years;
- (b) Has resided in Uganda throughout the period of twenty-four months immediately preceding the date of application;
- (c) Has adequate knowledge of a prescribed vernacular language or of the English language;
- (d) Is of a good character; and
- (e) Intends, if naturalized, to continue to reside permanently in Uganda.

Therefore, as Walker (2008) suggests, “nothing in Ugandan law would seem to prohibit a recognized refugee from being considered to ‘reside’ in Uganda for purposes of naturalization under section 16 of the UCICA. Presumably, there is also no legal bar to refugees meeting the requirements of language, good character, and intention to settle in Uganda. Refugees should therefore be fully capable of becoming naturalized citizens” (Walker 2008).

Interesting to note however is that a number of long staying refugees within Uganda have approached the Department for Immigration to apply for naturalization and have been denied it (Walker, 2008). On 30<sup>th</sup> August 2010, a petition was filed in court to secure an interpretation of the 1995 Uganda Constitution with regard to the possibilities of citizenship for the refugees by registration and naturalization in Uganda. The Constitutional Petition No. 34 of 2010 filed by the Centre for Public Interest Law and Salima Namusobya versus Attorney General in the matter of a petition for the interpretation of the Constitution under Article 137 (1) of the Constitution, sought an interpretation of provisions of articles 12 and 13 of the Constitution of Uganda (and, in that regard, sections 14 and 16 of the UCICA, Cap.66 and sections 6 and 45 of

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[54] According to the Ugandan Constitution, Parliament must adopt legislation on naturalization. The individual requests for citizenship are made directly to the Directorate of Citizenship and Immigration, Ministry of Internal Affairs. But as Parliament has yet to pronounce itself on the issue of naturalizing refugees, no refugee has been given a positive response until now.

[55] The five criteria are minimum criteria that must be met in order to be eligible. In other words, naturalization for now remains a favor of the Ugandan Parliament. Parliament will discuss and decide on who qualifies to be a citizen of Uganda in line with the laws on immigration and citizenship. Naturalization is not an enforceable right for refugees

the Refugees Act 2006). The interpretation is in respect of the eligibility of refugees to apply for and acquire Ugandan citizenship by registration or naturalization. Paragraph 14 of the petition asked court to declare that a refugee who qualifies for citizenship by registration or naturalization under the laws of Uganda should be able to apply and acquire it. Also, the relevant government departments and/or agencies should process applications for citizenship by refugees who qualify.<sup>56</sup>

In the October 2015 Constitutional Court ruling, the judges declared that refugees could not access citizenship on the basis of registration. However, court ruled that refugees were eligible for citizenship under naturalization. The judges refused to grant the petitioners request that court orders the government to start considering applications for citizenship under naturalization. The judges argued that the petitioners had not presented evidence that government departments or agencies had failed to do so to date. The court was of the view that the petitioners should bring forward persons whose applications for citizenship had been rejected or not processed.<sup>57</sup>

It is not clear whether the petitioners will go back to the Constitutional Court with evidence of refugees who have been denied of citizenship or appeal this ruling in the Supreme Court of Uganda<sup>58</sup>. But what is clear is that for now refugees are not able to apply for citizenship until the legal ambiguities have been resolved. In an interview with an official from Refugee Law Project, he noted that: “We are still studying the Court ruling and will see the way forward. We shall advise our clients, the refugees to present their applications for citizenship to the government. If they are denied citizenship, we shall use this evidence and go back to the Constitutional Court with a stronger case. If they are granted well and good. Our interest is to see that refugees are able to get naturalization according to the existing laws in Uganda”.<sup>59</sup>

#### **4. CONCLUSION**

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

Evidently, as the analysis of the ambiguous history of the refugee policy towards Rwandans in Uganda illustrates, popularizing local integration requires a dialogue and cooperation between the host state and the country of origin. This would in turn – at best – put at rest the fears of the alleged enmity of refugees towards the country of origin. The host country can put in place strategies of monitoring the integrated people and thus prevent them from politically and militarily destabilizing their country of origin. As one respondent put it “certainly the cooperation between Uganda and Rwanda is very important in achieving a durable solution for Rwandan refugees. Now that repatriation has failed and resettlement is not an option, the two countries and UNHCR need to focus on local integration or any other alternative status in the

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[56] See Centre for Public Interest Law Ltd and Salima Namosoby v Attorney General, Constitutional Petition No. 34 of 2010, Constitutional Court of Uganda, Kampala. (On file with the authors)

[57] See Uganda Constitutional Court Judgment, 6<sup>th</sup> October 2015 in the case of Centre for Public Interest Law Ltd and Salima Namosoby v Attorney General, Constitutional Petition No. 34 of 2010, Constitutional Court of Uganda, Kampala. (On file with the authors).

[58] See “The Eligibility for Refugees to Acquire Ugandan Citizenship” (2016) by the Citizenship Rights in Africa Initiative. In this article, it is confirmed that the judgment of the Constitutional Court can be appealed in this case.

[59] Refugee Law Project Official (interview, August 9, 2016)

framework of the 2011 UNHCR Comprehensive Strategy for the Rwandan refugee situation [...] This should be done in full view of the interests of Rwanda and Uganda. Rwanda needs assurance that the integrated Rwandans will not be threat in the future. This will need the cooperation of Uganda in close monitoring of Rwandans”.<sup>60</sup>

In addition to this political process, the analysis of the realities and challenges of local integration points to two important avenues to facilitate local integration. On the one hand, it is needed to initiate a shift from humanitarian aid to refugees towards an inclusive development strategy targeting both host and refugee communities. On the other hand, Uganda’s conflicting laws on the attainment of citizenship need to be addressed.

Local integration as a durable solution can be encouraged through assistance programs that benefit *both* refugees and local communities. These programs are likely to be cheaper than conventional assistance programs aimed at meeting all the needs of refugees kept segregated in camps. Such programs would enhance the human security of everyone in the host state, and also boost economic productivity in the region (Jacobsen, 2001:27). These programs should be aligned with the development plans of the host country.<sup>61</sup> The idea is to create a win-win situation. This means that Uganda needs donor assistance in the integration of Rwandan refugees. The costs involved in the legal, economic and social integration process of refugees are beyond the capacity of a developing nation like Uganda. Therefore donor support is one strategy of popularizing local integration as a durable solution for Rwandan refugees. Sources of inspiration are the 2011-2015 United Nations Development Assistance Plan (UNDAP) in Tanzania to support areas hosting naturalized Burundian refugees (Milner, 2014:9); the Self-Reliance Strategy (SRS) in Uganda where donors support projects that benefit refugees and local hosts (Dryden-Peterson and Hovil, 2004) as well as the World Bank \$175 million financing to support regional initiative on communities hosting refugees in Uganda, Ethiopia and Djibouti (World Bank, 2016).

Secondly, local integration has been hindered mainly by Uganda’s conflicting laws. The 2015 Constitutional Court ruling did not help in settling the matter of conflicting laws apart from confirming the fact that refugees cannot access citizenship under registration. The court however, ruled that citizenship under naturalization is open to the refugees. Refugees including Rwandans are yet to explore the possibility of citizenship through naturalization. While government may be reluctant to explore this further, Non-Governmental Organizations working with refugees should pursue the legal impediments of citizenship until they are addressed. The conflicting Ugandan laws should be amended to put them in line with local integration as the only feasible solution to the refugee problem in the region. The constitutional petition seeking for an interpretation of the conflicting laws did not fully answer the legal question of naturalizing refugees in Uganda. Although the Constitutional Court ruled that refugees could not access citizenship on the basis of registration, they were eligible for citizenship under naturalization. The petitioners should either go back to the Constitutional Court with evidence of refugees who have been denied citizenship or appeal the Constitutional Court ruling in the Supreme Court of Uganda.

Nevertheless, we acknowledge that local integration will not be a perfect solution either. Because of the geographical proximity and linkages between the (members of) the Rwandan and Ugandan governments and security apparatus, Rwandans living on Ugandan

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[60] Refugee Studies and Forced Migration Scholar (interview, August 17, 2016)

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

soil cannot easily escape far-reaching surveillance and still risk persecution - also outside of Rwanda's borders as testified by numerous incidents, including attacks and even murders.<sup>62</sup> It is the responsibility of the Ugandan government to guarantee the safety of refugees as well as citizens on its territory.

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

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