Sudanese refugees in northern Uganda: from one conflict to the next

by Emmanuel Bagenda and Lucy Hovil

Sudanese refugees in northern Uganda not only have to contend with the numerous problems associated with living in a settlement but also have to live with the daily threat of armed attack.

The example of one particular refugee settlement, Achol-Pii, in Pader district, reveals some of the specific problems that are created when refugees are forced to live in settlements in the midst of armed conflict.

**Conflict and flight**

The majority of the 174,000 officially recognised refugees in Uganda are from the country’s northern neighbour, Sudan. They have fled from Africa’s longest standing civil war, a war that has been characterised by its devastating impact on the civilian population. In accordance with Ugandan policy, which stipulates that all refugees and asylum seekers must live in designated settlements, most Sudanese refugees live in camps or settlements, the majority of which are located in northern Uganda.

However, far from being located in a place of safety, Sudanese refugees in northern Uganda have been affected by the protracted series of armed uprisings and civil conflicts of which those of the Lord’s Resistance Army (LRA) under the leadership of Joseph Kony have had the greatest impact. Whilst the LRA claims to be fighting the Ugandan government, it has, in fact, brutally targeted the civilian population of northern Uganda, killing and raping, looting villages and forcibly conscripting child soldiers. As a result, thousands have been displaced and are living in so-called ‘protected villages’. It is in this environment of insecurity that thousands of Sudanese refugees have been placed.

**Achol-Pii refugee settlement**

Achol-Pii refugee settlement has hosted refugees since the early 1960s. The most recent influx was in 1993 when there was an upsurge in fighting in southern Sudan between different Sudan People’s Liberation Army (SPLA) factions. By early 2002, there were approximately 24,000 Sudanese refugees living in the settlement. In addition, Achol-Pii and the surrounding area have also hosted a number of communities of displaced Ugandans fleeing the war between the LRA and the government of Uganda (GoU).

Achol-Pii settlement has become a melting pot for forced migrants fleeing different conflicts in the region.

However, the concentration of forced migrants was not reflected in the amount of protection offered, despite
refugees are being settled in a conflict zone

Although protection was improved immediately following this attack, the area continued to be dominated by insecurity. The refugees’ fear of further attacks proved to be well-founded. On 5 August 2002, LRA rebels once again attacked the refugee settlement, killing an estimated 60 refugees and abducting 19 people, including four staff members of the International Rescue Committee. The settlement was consequently closed and the entire refugee population moved to Kiryandongo settlement in Masindi district.

**Settlement of refugees in conflict zones**

The aftermath of both attacks on Achol-Pii settlement has been marked by a government response that lacks careful analysis and violates fundamental human rights. For instance, despite the intensity of the first major attack in 1996, neither UNHCR nor the GoU saw fit to close Achol-Pii and relocate the refugees to a safer location. While additional army personnel were sent to defend the settlement, their presence was neither consistent nor sufficient either to reassure the population that a similar attack would not take place again or indeed to prevent a similar attack.

Further still, a study conducted in Achol-Pii in April 2002, made it clear that the settlement was still vulnerable to attack and that, given the recent resurgence of the war in northern Uganda, the lives of the refugees and those in the surrounding area were in grave danger. These findings received little attention from the authorities, making it easy for the second LRA attack to be carried out. The LRA has since declared that it considers Sudanese refugees as legitimate targets for their attacks. Yet, although roughly one third of the 24,000 refugees displaced from Achol-Pii have since been transferred from Kiryandongo to the relative safety of Kyangwali settlement in Hoima District (Western Uganda), the government intends once again to move the remaining refugees back to northern Uganda, only this time to different settlements.

This decision has two implications. Firstly, it means that the refugees are being settled in a conflict zone where, quite clearly, their lives will be at risk. Secondly, the refugees, the majority of whom are Sudanese nationals, will be settled close to the border with the country from which they have fled. In both instances, international law is being violated.

The 1951 Convention on the Status of Refugees and other related instruments, and the 1969 OAU Refugee Convention, enjoin States to protect refugees from circumstances such as war and persecution which precipitated their flight from their home countries. To settle refugees in the midst of another similarly brutal conflict is clearly in breach of this obligation. The significance of this obligation was further underlined by the UNHCR Executive Committee, which categorically “condemns all violations of the rights and safety of refugees and asylum seekers and in particular, military or armed attacks on refugee camps and settlements.” The Committee further urges States and other parties to promote measures “to enhance the protection of refugee camps and settlements.” The onus clearly falls on the GoU to take all measures necessary to ensure the protection of refugees from LRA attacks.

In addition, relocating Sudanese refugees to settlements in northern Uganda places them dangerously close to the frontier with the country from which they fled. This contravenes Article II (6) of the Organisation of African Unity (OAU) Convention on Refugees, which states that “for reasons of security, countries of asylum shall, as far as possible settle refugees at a reasonable distance from the frontier of their country of origin.”

The settlement of refugees in conflict zones also violates international law in another way, in particular under the rubric of state responsibility. Refugees from Achol-Pii have expressed their strong opposition to being relocated to settlements in northern Uganda, with many among them stating that, in such an event, they would rather return to Sudan. If the refugees in question were actually driven, by force of circumstances, to return to Sudan, this might amount to a violation of Article 33 of the 1951 Refugee Convention which prohibits the (direct or indirect) return or refoulement of refugees to the frontiers of territories where their lives or freedom would be threatened.

**Settlement policy**

The story of Achol-Pii settlement also reveals a deeper problem associated with the settlement policy itself. Quite apart from being a violation of refugees’ right to freedom of movement, as enshrined in Article 26 of the 1951 Refugee Convention, the settlement structure is indefensible in at least two other ways.

Whereas the LRA attacks may be aiming to make a political point, it is also possible that they are precipitated by other factors, related to the settlement structure. In the context of northern Uganda, for instance, the structure effectively creates a concentration of people within areas that are already insecure. The presence of large numbers of unarmed civilians within a zone of conflict clearly presents a soft target for rebels to attack.

The settlement structure also conspires against long-term development

Furthermore, given the amount of internal displacement within northern Uganda and the resulting lack of alternative resources, the settlements become one of the few areas in which food can be obtained. The structure thus creates a resource base for the war economy, providing a reliable supply of foodstuffs, people and information.

The settlement structure also conspires against long-term development by disempowering refugees and restricting their freedom of movement. It is generally recognised that refugees can be – and should be regarded as – a potential resource, rather than a burden, for host states.
In order for the development-poten-
tial of refugees to be gainfully
exploited by a host state, refugees
have to be allowed free integration
among local communities (subject to
minimum and necessary restrictions).
A policy that indiscriminately con-
fines refugees to rural settings,
without taking into account their var-
ious backgrounds and potential,
clearly does not fit in with this ideal.
Likewise, the settlement policy stifles
any initiatives that might come from
within the local population, often
creating, instead, tension between
refugee and national communities.

In addition, the settlement structure
is detrimental to the personal devel-
opment of the refugees. By denying
them access to areas in which they
feel safe and placing them in settle-
ments, the government and UNHCR
erode the refugees’ ability to make
decisions for themselves regarding
their own safety and personal devel-
opment. This perpetuates a cycle of
paternalism, ensuring that refugees
continually rely on a system that has
proved unable to provide for their
protection. Moreover, the majority of
the refugees do not have the means to
leave the settlement as this would
result in the total withdrawal of their
assistance. They are therefore pre-
sent with the dilemma of either
remaining in an area in which their
lives are in danger, or leaving the
settlement and trying to survive on
their own.

Conclusion

From this brief analysis, two crucial
conclusions emerge. The first is that
settlement of refugees in conflict
zones is a flagrant breach of interna-
tional law. Second, the experience of
the Achol-Pii refugees raises questions
regarding the suitability of the
refugee settlement structure, both in
terms of protection and assistance.
The decision by the GoU to relocate
thousands of Sudanese refugees to
another location in northern Uganda
does not augur well for the future
physical and material well-being of
the refugees or that of their host
communities.

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2. Between 17 April and 1 May 2002, the Refugee
Law Project (RLP) of Makerere University undertook
research in Achol-Pii refugee settlement. The find-
ings were published in the RLP’s fifth Working
Paper – ‘War as Normal, the Impact of Violence on
the Lives of Displaced Communities in Pader
District, Northern Uganda’.
3. Executive Committee Conclusion number 48
(XXXVIII) – 1987 on Military and Armed Attacks on
Refugee Camps and Settlements (Report of the
38th Session: UN. Doc. A/AC.96/702, Para 206)