



# 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.*

*Sudanese refugees unpack their belongings having moved from Achol-Pii camp to Kiryandongo.*

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 dis-

placed 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

the fact that, throughout the course of their brutal campaign, the LRA has not limited its attacks to Ugandan nationals but has also targeted various refugee settlements. On 13-14 July 1996, Achol-Pii settlement was subject to a particularly devastating rebel attack. On the first day, two drivers and two police officers were abducted and approximately 22

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".<sup>3</sup> 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.

### *refugees are being settled in a conflict zone*

refugees killed; on the following day, an estimated 76 refugees were rounded up and systematically shot, hacked or clubbed to death, with an additional 21 wounded. Calls to close down the settlement and relocate the refugees to a safer location fell on deaf ears.

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.<sup>1</sup> 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,<sup>2</sup> 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

In order for the development-potential 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 confines refugees to rural settings, without taking into account their various 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 development of the refugees. By denying them access to areas in which they feel safe and placing them in settlements, the government and UNHCR erode the refugees' ability to make decisions for themselves regarding their own safety and personal development. 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 presented with the dilemma of either remaining in an area in which their lives are in danger, or leaving the

*A food rations card is often the only identification refugees have. Kiryandongo, Uganda*

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 international 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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1. *The Monitor*, Uganda, 6 August 2002.
2. Between 17 April and 1 May 2002, the Refugee Law Project (RLP) of Makerere University undertook research in Achol-Pii refugee settlement. The findings 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)

### The African NGO Refugee Protection Network

The African NGO Refugee Protection Network was set up in March 2002 in order to pull together the results of research and practical assistance in a complementary fashion.

The Network's members - NGOs and academic institutions - come from countries in the East, Central and Horn of Africa region, including Ethiopia, Burundi, Kenya, Tanzania, Uganda, Sudan and Somalia. No dues are levied and the sole requirement for membership is active work in the field of forced migration. The Network operates out of the offices of the Refugee Law Project (RLP), Faculty of Law, Makerere University in Kampala, Uganda.

The Network currently focuses on providing the following services:

- website
- email listserv
- information sharing
- hosting web pages for member organisations
- facilitating research/links
- networking

The Network is also considering setting up a moderated e-discussion group and members have expressed an interest in carrying out joint projects.

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