

TRANSIENT REFUGEES: EXAMINING THE UGANDA–CONGO BUNAGANA BORDER POINT

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The emergence of a transient refugee trend in the Horn of Africa exposes the ineffectiveness of the current national refugee policies in the region. A transient refugee is a person who is forced to move from their country of origin to temporarily seek refuge in another country on a regular basis. Transient refugees intend to return home once the conditions that forced their displacement improve, which frequently results in a short stay in the host country. Persistent or recurrent conflict in the area of origin can create a situation in which a person must seek refuge in another country multiple times. Transient refugees most often live in border areas, where it is convenient to cross the border for short refuge periods to avoid conflict.

According to recently released data from the United Nations High Commission for Refugees (UNHCR), Uganda is the largest refugee hosting country in Africa and currently occupies the fifth position globally, after Türkiye, Colombia, Germany, and Pakistan, respectively.¹ Since the early 1960s, Uganda is widely acknowledged for its welcoming and progressive refugee policies. The country is a signatory to the majority of the international refugee protection legal instruments, including the 1951 Refugee Convention, the 1967 Protocol, and the 1969 Organisation of the African Union Refugee Convention.² Even during border closures (for example, in response to the recent COVID-19 and Ebola pandemics), Uganda has allowed migration exceptions on humanitarian grounds. While many countries across the African continent constantly

equivocating about accepting or rejecting refugees and asylum seekers, Uganda has consistently welcomed and successfully resettled refugees fleeing unrest, violence, and conflict.

This article analyses the factors that have led to the emergence of a transient refugee trend at the Uganda–Democratic Republic of Congo (DRC) Bunagana border. It considers the effects of this trend on the host communities where transient refugees stay, with attention to the role of local host community leaders in spearheading dialogue as a mediation strategy to overcome conflict.

THE UGANDAN REFUGEE APPROACH PRIOR TO TRANSIENCE

The Ugandan approach to refugees is in sharp contrast to other refugee-hosting countries in the region, where refugees are required to live in designated areas with limited socio-economic rights and liberties. Refugees in Uganda are perceived as contributors to socio-economic development rather than seen as a burden.³ Two relatively recent pieces of Ugandan legislation have been adopted to protect refugees: the 2006 Refugee Act and the 2010 Refugee Regulations.⁴ Through this legislation, refugees are provided with the rights to: 1) freedom of movement and expression; 2) land for resettlement; 3) access basic healthcare services; 4) live in (host) local communities; 5) education; and 6) work for self-sustenance.

These fundamental rights are further elaborated upon in the Ugandan Self-

Reliance Strategy (SRS). Introduced in 1999 with the aim of strengthening refugee livelihoods through self-sustenance, the SRS aims to reduce refugee vulnerability to poverty and minimise over-dependence on foreign aid. In 2016, the SRS was remodelled into the Refugee and Host Population Empowerment Strategy, with the aim of exploring more opportunities that can benefit both refugee and host communities alike, so as to create links between humanitarian and development interventions.⁵ This mainly aims to ensure that humanitarian action is integrated into the long-term development approach in Uganda, with the intent to include refugees in the National Development Plan.

The applicability of these previously effective policies is, however, currently under scrutiny because of the increasing prevalence of transient refugees, for whom these policies are not necessarily designed or intended. Transience at the Uganda–DRC Bunagana border first came to light in 2022, when 32,000 Congolese citizens were forced to flee the DRC through the Nyakabande transit centre into Uganda due to joint operations by the Congolese army, *Forces armées de la république démocratique du Congo*, and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo. The joint offensive was an orchestrated attack against the March 23 Movement (M23) rebels, prompting the latter to fight back and thereby forcing civilians to flee into Uganda. These displaced persons have since been moving in and out of the DRC and

Uganda on a regular basis due to the recurring conflicts in eastern provinces of the DRC—in Northern Kivu, Ituri, and Goma.

Uganda has applied various measures to overcome the challenges associated with the ever-increasing numbers of transient refugees at Bunagana. These include: 1) decommissioning the Nyakabande transit camp, where Congolese refugees are accommodated upon arrival⁶; 2) appealing to humanitarian organisations to incorporate transient refugees into their work plans; 3) coordinating with the Office of the Prime Minister (OPM) to provide ready transport at the border to convey refugees straight to the settlements, upon arrival, and; 4) deporting refugees who fail to comply with the resettlement guidelines back to the DRC. Despite all these efforts, none of them have proven to be a permanent solution to address the issue of transience at the Uganda–DRC Bunagana border point.

From 20 October to 8 November 2022, interviews and discussion groups were conducted with 45 purposively selected participants. These included nine local leaders from the lowest level of local government administration (local council one chairpersons) in Kisoro district. These leaders were specifically selected from three sub-counties—Nyakabande, Nyarusinza, and Chahi—from which three villages were then selected from each sub-county.⁷ The study further recruited 3 community leaders or village elders (*Umwami*), 15 Congolese refugees from across the sub-counties in focus, 15 people from

the host community, 2 immigration officers from the Nyakabande transit centre border point, and 1 desk officer from the OPM.

The data collected during the interviews and the discussions held with the host communities (the informal community leaders and village elders) is used to better understand this new transient refugee trend. The analysis also incorporates refugee inflow data from the Nyakabande transit border point into Uganda. Specific focus is given to refugees who do not wish to be resettled in the official settlements. Rather, these individuals and their families prefer to stay near the border, with hopes of returning to the DRC once fighting has subsided.

KEY FINDINGS

Host community–refugee issues

The study findings highlight a range of challenges associated with this recent transient migration trend in Uganda. These include conflicts arising from competition over limited resources in host communities and increased strains on available social services such as education, healthcare, and employment opportunities. These challenges are exacerbated by poor planning by local governments and the OPM as well as uncertainty about actual refugee numbers. Compromised security on the Uganda side of Bunagana border is also identified as a significant factor in causing insecurity and conflict. For instance, there are cases of previously defeated rebel groups such as the Allied Democratic Forces (ADF) reorganising from the DRC side and then initiating

counterattacks in Uganda, disguised as refugees. This has led to ongoing security tensions at Uganda–DRC border areas.

Despite the progressive legal frameworks and overall positive perception of Ugandan refugee practice, our research indicates that refugee support and aid are concentrated in formal settlements. As a result, transient refugees are availed with very limited access to socio-economic support from local non-governmental organisations, community-based organisations, the surrounding local governments, and the OPM. This gives rise to recurring conflicts between transient refugees and host communities over limited available resources.

The study findings further highlight tensions between transient refugees and host communities over land, which is limited, but crucial for survival. Given the fact that agriculture (subsistence and commercial) is the main economic activity in Uganda, which usually requires a large piece of land, refugees often find themselves at loggerheads with the communities in which they settle due to land scarcity. During this study, refugees who lived in the formal settlements during their first stay in Uganda note that they prefer to remain transient upon return. In large part, this is because of tensions and conflicts over land on which transient refugees grow fast growing crops such as groundnuts, beans, and vegetables for subsistence during these short stays.

Sidelining of the informal local leaders

The study finds that the informal local leaders (elders, cultural leaders, and heads of ethnic groups) in the refugee host districts are very instrumental in ensuring peace and harmony between refugees and the host communities. Despite the fact that these local leaders are highly trusted, respected and extremely fundamental in the communities they lead, they are often left out during the decision making process. Policies are imposed on them from the top hence the current prevalence of policy failure and irrelevance in humanitarian work.

Prejudice in refugee management

This study finds that there is prejudice in refugee management, migration trends have been constantly changing over time, yet countries and the several humanitarian actors are still locked into the old system, whose relevance is invalidated by these changing trends. The Government of Uganda despite its desire to address all refugees impartially, is often constrained by limited resources and inadequate support from humanitarian actors whose periodical work plan does not stretch further to accommodate transient refugees.

Government refugee policy issues

The study finds that the use of English as a language of instruction in schools in Uganda partly accounts for the current transience among French-speaking Congolese refugees with school-aged children. Upon migrating to Uganda,

these children are compelled to either repeat classes or get demoted to lower grades to be more acquainted with the English language, even when they could have advanced further in their education, provided they had not fled the DRC.

The recent increase in the number of refugee inflows into Uganda caused by the recurring conflicts in the African Great Lakes region has stretched the Ugandan settlement infrastructure, leading to land scarcity, poor sanitation facilities, and overall poor living conditions. It is these living conditions that drive refugees into transience rather than being resettled in the formal refugee settlements in Uganda. For instance, the Nakivale refugee settlement was established to accommodate 80,000 refugees, but currently has a population of 176,720 people, of which 173,565 are refugees and 3,155 are asylum seekers.⁸ The struggle for limited resources is made worse by the large number of people from the host community who depend on the refugee settlements for survival. A total of 35,000 people from the Isingiro host community, the district in which Nakivale settlement is located, directly benefit from the settlement by accessing safe clean water, healthcare centres, schools, and in some cases, the food provided by the World Food Programme.

Fear of the unknown and uncertainties

Uncertainty and fear are additional factors that contribute to transience at the Uganda–DRC border. During the interviews, one refugee respondent cites the fear of the unknown as the reason why she and her family choose to stay at the border, in hope of returning to Rutshuri in the DRC, after fighting subsides. Her noncompliance with the available resettlement plan in Uganda is due to a fear of how her three children would adapt to the new environment, the new people, the new language and culture, and the whole integration process.

The research further reveals that the fear of losing land and livestock to ethnic rivals back home in the DRC also pushes many Congolese refugees into transience. As with many African countries, the DRC also has a history of ethnic conflicts, mostly spurred by socio-economic marginalisation, political inequalities, and poor state–citizen relations. For instance, the Bembe in South Kivu and the Buyu in Fizi region have long-standing recurrent conflicts over ownership of the river Kananda, which is rich in minerals and natural resources (gold, diamonds, and nickel). In many cases, refugees fleeing from these areas are more likely to remain transient in the hope of returning home to repossess what they regard as theirs.

Cross-border security issues

Although Ugandan authorities ensure that there is intensive screening of migrants and refugees at the

Nyakabande transit centre in Kisoro district, porous border points such as Lake Albert (which lies between DRC and Uganda) continue to pose threats to the security situation in Uganda. These unregulated borders have become a gateway for irregular migrants and refugees entering the country without proper registration, the latter of whom can later become transient. Hence, there has been a recent surge in transnational crimes, armed bandits, and terror attacks around the border districts.

The study further reveals that the porous border between Uganda and DRC pose a threat to security as many irregular migrants and refugees use them to enter the country without being registered.⁹ The local host population believes that this is what accounts for the current prevalence of armed banditry and misdemeanor around the border regions. Besides being a security threat, these porous borders also invalidate the periodically collected data on refugee inflows into Uganda from DRC, as it constantly remains unknown if they in the long run opt for transience or get absorbed into local communities.

CONCLUSION AND RECOMMENDATIONS

The transient refugee trend at the Uganda–DRC Bunagana border point calls for a shift in the current Ugandan refugee policy, if impartiality in refugee management is to be achieved. In the same regard, due to the fact that transience affects both refugees and host communities in the border areas, informal local community leaders

should be prioritised during the policy making process. Prioritising these groups during policy formulation and adoption processes will help ensure that policies are designed by those for whom they are intended to support.

Shift from current Ugandan refugee policy to better accommodate all refugees impartially

Despite the challenges it entails, transience in refugee management is a relatively new trend in the Horn of Africa and it has not received adequate attention. There is a need for a more inclusive refugee approach that prioritises the well-being of both refugees and host communities. International actors in refugee work should provide their support in advocating for these new more inclusive policies, and ensure their full implementation as per the humanitarian principle of impartiality.

Liaise with informal local leaders to overcome refugee–host community tensions

Despite the significant role in creating awareness about the presence of refugees and safeguarding peace in refugee-hosting communities, informal local leaders (such as elders, cultural leaders, heads of ethnic groups) do not receive direct support from the government. Several scholars highlight the significance of local community leaders in creating awareness about specific issues and spearheading successful peace talks, dialogue, and mediation in previous war and disaster-affected communities; for example, in the Lord's Resistance Army insurgency

in northern Uganda (1987–2002); the Sierra Leone civil war (1991–2002); and the Eritrea–Ethiopia war (1998–2000).¹⁰ There is a need for the Ugandan government and all stakeholders in refugee work to liaise with informal local leaders to overcome the tensions and conflicts between refugees and host communities.

It is easier to sustain peace when it is built from the grassroots upwards, rather than the other way round. By incorporating informal local community leaders in the policymaking and implementation processes, the long-term outputs will be awareness raising in the host communities about the existence of this new refugee trend. As a result, we can expect reduced tensions, improved acceptability, and greater prevalence of peace during the peak of the refugee influx and long after they have either been resettled in Uganda or have returned to the DRC.

Develop flexibility in the Ugandan education system to better support refugee children

In order to better support school-aged refugee children, there is need for some flexibility in Ugandan schools located in and around the settlements, and at country border points that are more susceptible to transience. In particular, it would be a useful counter measure to embrace Kiswahili (a widely spoken language in the DRC) and some French to address the current disparities; that is, the language of instruction in Ugandan schools is English and schools in the DRC use French.

This would not only provide a safe and stable environment for displaced children, but would also enable them to continue

their education while in Uganda, irrespective of whether their parents or guardians choose to stay in Uganda permanently or opt for transience. Uganda has recently embarked on the teaching of Kiswahili in all schools across the country; however, its adaptability and usage is still low. Hence the need for more efforts, if inclusivity is to be achieved.

Deploy armed forces at the porous land borders and marine troops at the borders separated by water bodies

There should be a massive deployment of armed national forces at all Uganda borders through which unregistered and irregular migrants and refugees are likely to enter Uganda. This would help in guiding refugee actors (both national and international) in the planning and budgeting processes, by availing accurate refugee inflow numbers as per the data collected on arrival at Ugandan border points. Despite the fact that Uganda is committed to safeguarding the rights of all refugees impartially, there is need to prioritise the security situation. This detailed border screening would help with the identification of criminal gangs, rebels, and ex-combatants before they cross over into Uganda, for specialised management (separation from civilians). A thorough deployment would help tackle the challenges related to the recently increasing prevalence of armed banditry and transnational crimes along the border points.

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Endnotes

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