

# Briefing

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## Policy pointers

**The Office of the Prime Minister** should provide training and sensitisation programmes to city council authorities and police in order to uphold refugees' right to gainful employment in urban areas.

**The Office of the Prime Minister** should also implement a series of public communication programmes to raise public awareness of the Refugees Act and reduce discrimination.

**Municipal authorities** should create and protect workplaces that provide livelihoods to low-income groups, such as public marketplaces.

**Humanitarian organisations** should consider providing temporary assistance to new arrivals in towns and cities, such as rent subsidies and/or bridging loans, which do not disadvantage host populations.

## Upholding the rights of urban refugees in Uganda

Uganda is at the centre of current debate on urban refugees. The country's Refugees Act 2006, which establishes refugees' rights to live, work and own land in urban areas, has been hailed as exemplary and a global model for humanitarian responses. However, new evidence on refugee livelihoods in Kampala suggests that the rights to work and move freely, and without fear, are often unmet in urban areas.<sup>1</sup> In the absence of financial assistance, urban refugees often struggle to find gainful employment and report frequent cases of discrimination by both the Ugandan state and the public. This briefing outlines the barriers to upholding the rights of urban refugees in Uganda, and recommends ways in which these may be overcome.

Uganda currently hosts close to 1.3 million refugees — the third largest refugee population in the world. A significant proportion of this population live in the country's urban areas, where they lack the access to financial assistance afforded to their rural counterparts (see Box 1). Kampala's annual growth rate of three per cent can partly be attributed to the arrival of displaced populations.<sup>2</sup> The UN Refugee Agency (UNHCR) estimates that Kampala is home to 94,958 refugees and asylum seekers — a figure that increased by nearly 25 per cent between February 2016 and May 2017 (see Table 1). The two largest refugee populations in the capital are from the Democratic Republic of Congo and Somalia, the former fleeing the First and Second Congo Wars (1996–97 and 1998–2003, respectively) and various phases of the Kivu conflict (2004–present) and the latter from reverberations of the Somali Civil War (1991–present).

Urban refugees differ from host citizens in two important ways. First, most refugees have faced violent conflict, human rights abuses and/or long and arduous journeys — experiences that expose them to forms of physical and mental stress that are often not well understood by local people and host governments. Secondly, refugees face additional barriers when seeking to access work — for example, language and political discrimination — that can force them to engage in activities with higher degrees of social and economic risk, such as street vending and waste picking.<sup>3</sup>

### Uganda's Refugees Act 2006: a global model?

Uganda's Refugees Act 2006 establishes the rights of refugees in Uganda to 'freedom of movement', 'gainful employment' and 'treatment without discrimination'. The Act has

## *Urban refugees frequently depend on informal employment markets to generate an income*

been hailed as exemplary and a global model for humanitarian responses.<sup>4,5</sup> However, it has been criticised within the country for binding assistance to the geographic location of refugees, providing relief only to those in rural camps.<sup>6,7</sup> In the absence of financial assistance, urban refugees depend on participation in formal and, more frequently, informal employment markets to generate an income.

In principle, refugees are permitted entry into the formal employment market in Uganda.

However, there are very few formal sector jobs. Furthermore, employers and state security services are inconsistent in their interpretation of refugees' right to work, as outlined in the 2006 Act.<sup>6</sup> As a result, most urban refugees seek livelihood opportunities in the informal economy. However, the informal economy has become increasingly competitive in recent years and refugees often fail to secure an income that meets the basic cost of living. The context is challenging: Kampala's unofficial trade, manufacturing and service industries are hampered by a lack of access to basic skills, finance, information and infrastructure. City services are overstretched and underfunded, and urbanisation has been accompanied by increasing levels of poverty and inequality.

The remainder of this briefing outlines the barriers that refugees face when seeking to access three key rights stipulated in the Refugees Act: **freedom of movement**, **access to gainful employment** and **treatment without discrimination**, and proposes ways in which these barriers may be overcome.<sup>8</sup>

## Freedom of movement

Uganda's Refugees Act 2006 provides for the 'free movement' of refugees, subject to 'reasonable restrictions on grounds of national security, public order, public health, public morals or the protection of the rights and freedoms of others'.<sup>9</sup>

However, Somali and Congolese refugees living in Kampala identified a number of **barriers** to their freedom of movement, including:

- Instructions from the Office of the Prime Minister that new arrivals report to refugee camps in other parts of the country
- The need for a camp commander's consent before refugees could move from camps to urban areas
- The high cost of housing in Kampala, which means refugee populations tend to be concentrated in informal settlements with unreliable access to water and sanitation, such as Katwe and Kisenyi<sup>10</sup>
- The threat of arrest and detainment under the Vagrancy Act; this disproportionately affects Congolese refugees in Kampala, who often spend periods sleeping on the street.

To overcome these obstacles, we **recommend** that:

- The Office of the Prime Minister provide training and sensitisation programmes on refugees' right to freedom of movement under the Refugees Act 2006 to the Uganda Police, UNHCR and its implementing partners, and to its own staff
- The Kampala City Council Authority prioritise housing and infrastructural investments in informal settlements, which house a disproportionate number of urban refugees

### Box 1. Institutions responsible for refugee management in Kampala

Refugees in Kampala are required to register first with the police and then the Office of the Prime Minister, where they are given an identification card and a letter outlining their right to work.<sup>1</sup> InterAid, UNHCR's implementing partner in the city, is responsible for providing additional forms of support to refugees in situations of particular hardship, on a case-by-case basis. However, urban refugees are generally ineligible for humanitarian assistance, on the grounds that they should be able to access paid work alongside the host population.

<sup>1</sup> The process of obtaining refugee status is relatively straightforward in Uganda. However, very few refugees are granted Ugandan citizenship, even after being present in the country for 20 years. Cole, G (2014) Refugees' integration in Uganda will require renewed lobbying. *Forced Migration Review* Vol 48, pages 68–69.

- Humanitarian organisations consider providing temporary forms of assistance, such as rent subsidies, to urban as well as rural refugees to assist their integration into urban centres.

### Access to gainful employment

The 2006 Act also grants refugees the right 'to have access to employment opportunities and engage in gainful employment'. However, refugees in Kampala in both the cosmetics and kitenge (African fabric) markets often struggle to find work and earn one third less than their Ugandan counterparts on average.

The **barriers** to the gainful employment of urban refugees include:

- The absence of a large formal employment market, which leaves refugees reliant on social networks and start-up capital to access work. Refugees arriving in Kampala without capital or networks face an uphill struggle to find gainful employment.
- The erosion of affordable workplaces, such as public marketplaces, which leaves urban refugees vulnerable to hawking and street vending bylaws. Congolese refugees experience frequent arrests and stock confiscations.

To counter these barriers, we **recommend** that:

- Humanitarian organisations consider providing temporary forms of assistance to urban refugees, such as start-up capital and bridging loans, to assist their transition into work
- Municipal authorities create and protect workplaces that provide livelihoods to low-income groups, such as public marketplaces
- Municipal authorities improve communication with refugee communities and employers, and provide up-to-date information on where people are permitted to sell goods in towns and cities.

### Treatment without discrimination

Finally, the Refugees Act 2006 provides for the right 'to fair and just treatment without discrimination on grounds of race, religion, sex, nationality, ethnic identity, membership of a particular social group or political opinion'.

However, refugees in Kampala reported numerous instances of **discrimination**, including:

**Table 1. Registered refugees and asylum seekers in Kampala**

Date	Population
February 2016	76,182
September 2016	84,875
February 2017	90,351
May 2017	94,958

Source: UNHCR data portal

- Negative stereotyping and name-calling by the general public, such as labelling Somali refugees 'Al-Shabaab' and frequent calls for refugees to 'go home'
- Discrimination in the housing and employment markets, with Ugandan landlords reportedly demanding higher rents from Somali and Congolese tenants, and Ugandan suppliers demanding higher prices from Somali and Congolese businesses.

To combat discrimination, we **recommend**:

- The Office of the Prime Minister should implement a series of public communication programmes on the Refugees Act to ensure the Ugandan public understand the rights of refugees
- Municipal authorities should support nongovernmental organisations and community organisations in helping to foster understanding between refugee and host populations in urban neighbourhoods; for example, through shared trainings and activities.

### Final reflections

Although refugees in Uganda have the legal right to live and work freely and without fear in towns and cities, there are a number of significant social and economic barriers — including public discrimination and the cost of rent, basic services and business licences — that restrict the ability of displaced populations to realise this right in practice. In the absence of support from government and humanitarian institutions, urban refugees in Kampala rely on religious and community-based organisations and diasporic networks for social and economic support.

Humanitarian organisations could spend more time with community-based organisations in order to better understand which forms of assistance work best for urban refugees. Beyond this, further research is required on the potential for 'middle-ground'

interventions, such as bridging loans and temporary rent subsidies, to improve the situation of newly arrived urban refugees without disadvantaging their local counterparts.

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## Knowledge Products

The International Institute for Environment and Development (IIED) promotes sustainable development, linking local priorities to global challenges. We support some of the world's most vulnerable people to strengthen their voice in decision making.

The Urban Action Lab is a research hub at Makerere University that engages actors from academia, community, private sector and policy domains to stimulate and facilitate policy action.

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### Notes

<sup>1</sup> Monteith, W and Lwasa, S (2017) The participation of urban displaced populations in (in)formal markets: contrasting experiences in Kampala, Uganda. *Environment and Urbanization* 29(2), October: 1–20. / <sup>2</sup> Census data show Kampala's average annual growth rate to be three per cent between 1991 and 2014. However, Vermeiren *et al.* estimate it to be as high as 5.6 per cent, based on Landsat satellite images (1989–2010). The city has a night-time population of approximately 1.5 million. Vermeiren, K, Van Rompaey, A, Loopmans, M and Serwajja, E (2012) Urban Growth of Kampala, Uganda: Pattern Analysis and Scenario Development *Landscape and Urban Planning* Vol 106, No 2, pages 199–206. / <sup>3</sup> Pantuliano, P, Metcalfe, V, Haysom, S and Davey, E (2012) Urban Vulnerability and Displacement: A Review of Current Issues *Disasters* Vol 36, No s1, pages 1–22, page 2. / <sup>4</sup> See, for example, Betts, A, Bloom, L, Kaplan, J and Omata, N (2014) *Refugee Economies: Rethinking Popular Assumptions*. Refugee Studies Centre, Oxford. / <sup>5</sup> Also, The Economist explains (2016) Why Uganda is a model for dealing with refugees. *The Economist*. 26 October, accessed 14 April 2017 at [www.economist.com/blogs/economist-explains/2016/10/economist-explains-24](http://www.economist.com/blogs/economist-explains/2016/10/economist-explains-24) / <sup>6</sup> Bernstein, J and Okello, MC (2007) To Be or Not to Be: Urban Refugees in Kampala. *Refugee* Vol 24, No 1, pages 46–56. / <sup>7</sup> Also, Refugee Law Project (2005) *A Drop in the Ocean: Assistance and Protection for Forced Migrants in Kampala*. Kampala. / <sup>8</sup> Identified from interviews with Somali and Congolese refugees living in Kampala. / <sup>9</sup> Uganda Government (2006) *The Refugees Act 2006. Acts Supplement No. 8*, 4 August 2006. / <sup>10</sup> Cities Without Slums (2007) *Situational analysis of informal settlements in Uganda*. United Nations Human Settlements Programme, Nairobi.