"*This Place is not magnificent*": Trajectories and Narratives of Congolese Refugees at the Nakivale Refugee Settlement, Uganda

MA Thesis

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Attachment 2

Declaration of authenticity

I hereby declare that the dissertation submitted is my own and that all passages and ideas that are not mine have been fully and properly acknowledged. I am aware that I will fail the entire dissertation should I include passages and ideas from other sources and present them as if they were my own.

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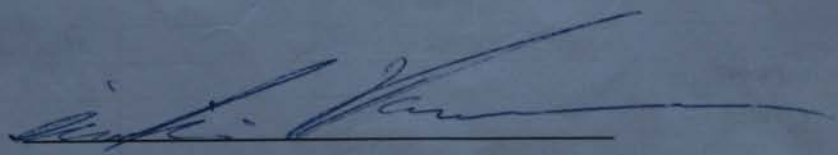
Signature: 

Abstract

From past, present, and future, from politics to biopolitics, from migration(s)s to immobility, the trajectories and narratives of the Congolese refugees interviewed at the Nakivale refugee settlement are processing through the highly complex and ambiguous structures inherent of the international and national systems managing forced migration. From Congo to Uganda, the multi-faceted socio-political and economical situation having shaped the Great Lakes region for more than fifty years have been narrowed, in the vicinity of the settlement, almost exclusively to the humanitarian discourse. By an interdisciplinary framework, this thesis aims at questioning the specific rhetoric encountered in the settlement and understands its influences on the condition of being a refugee at Nakivale.

“ Les hommes ressemblent plus à leur temps qu’à leurs pères.” M. Bloch

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And to John who should always be dancing.

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Acronyms and Abbreviations

AFDL	Alliance des Forces Démocratiques pour la Libération du Congo-Zaïre/ Alliance for the Liberation of Congo
ARC	American Refugee Committee
CNDP	Congrès National pour la Défense du Peuple/National Congress for the Defense of the People
DETA	Development and Transitional Assistance Project
DoR	Directorate of Refugees
DOR	Department of Refugees
EVI	Extremely Vulnerable Individual
FARDC	Forces Armées de la République Démocratique du Congo/Armed Forces of the Democratic Republic of Congo
FDLR	Front Démocratique de Libération du Rwanda/Democratic Force for the Liberation of Rwanda
FPR	Front Patriotic Rwandais/Rwandese Patriotic Front
FRC	Finish Refugee Council
GIZ	Deutsche Gesellschaft fur Internationale Zusammenarbeit
GO	Governmental Organization
GoU	Government of Uganda
IP	Implementing Partner
JRS	Jesuit Refugee Service
MLC	Movement de Libération Congolais/Movement for the Liberation of the Congo
MONUC	Mission de l'Organisation des Nations Unies Pour la République Démocratique du Congo/ United Nations Organization Mission in the Democratic Republic of Congo
MTI	Medical Team International
NFI	Non-Food Items
NGO	Non-governmental Organization

OP	Operational Partner
OPM	Office of the Prime Minister
PSN	Person with Specific Needs
RAB	Refugee Appeal Board
RCD	Rassemblement Congolais pour la Démocratie/Rally for Congolese Democracy
REC	Refugee Eligibility Committee
RLP:	Refugee Law Project
RSD	Refugee Status Determination
RSH	Regional Support Hub
SAP	Structural Adjustment Programme
SGBV	Sexual and Gender-based Violence
SP	Samaritan Purse
SRS	Self-Reliance Strategy
UNHCR	United Nations High Commissioner for Refugees
UPDF	Uganda People Defense Force
WASH	Water Sanitation and Hygiene
WTU	Windle Trust Uganda
WFP	World Food Program

Chapter I: Introduction

1.0. Introduction

I was familiar with the controversies surrounding humanitarian actions, but as I did an internship with GIZ (a German governmental organization) at the Nakivale refugee settlement in southwestern Uganda, I finally understood what Agier (2011) meant by stating that there exist two social orders emanating from humanitarianism; the village and the camp. Thus, that the existential reason for humanitarianism resides in its belief of being the only alternative, where its discourses describe little or no possible 'outside' (Agier, 2011). This configuration creates what Agier (2011) identifies as a '*totalitarian fiction*', an absence of options that is produced by the 'whole' of humanitarianism (Agier, 2011). Indeed, this analogy of a totalitarian fiction explains the difficulty to critique or to deny the usefulness of the 'regime of care': humanitarianism is protected under an indisputable morality and exceptionality, behind the 'state of emergency' (Agier, 2011). At Nakivale for instance, the humanitarian discourse was obviously saturating the environment. In fact, it seemed that there was no other form of communication and, most disturbingly, that it's specific vocabulary, way of thinking and acting become your own very easily. After a week, the following abbreviations are no longer a secret: ARC, BMZ , DETA, DoR, DOR, ER-SP, EVI, FRC, GIZ, GO, GoU, JRS, IP, MTI, NGO, OP, OPM, REC, PSN, RAB, RSD, SGBV, SP, UNHCR, WASH, WTU, WFP, UAM, URC, SP-PT, SM-DM, SP-MC, SRS, FGC, FGM, etc. These are the lenses through which the humanitarian world is designed.

It is common in a context of forced migration, when people fled from war or fear of persecution - when an individual has to renounce to his or her rights as a citizen in seeking asylum - that the management of asylum-seekers and refugees is effectuated through camps or settlement-camp settings. Besides, it is the mandate of the UNHCR, in partnership with international and national organizations, to ensure the maintenance and order of these camps. Indeed, in order to provide targeted and efficient services to their beneficiaries, organizations working in these premises tend to identify and classify individuals: there must be a clear divide between insiders and outsiders to know who is legally entitled to specific assistance and who is not. Thus, in the attempt to organize and control these built-up spaces, often, instead of helping recipients, humanitarian actors have a propensity to enhance a "*proliferation of categories that makes the management of flows of people*

more complex, and the real figures more opaque, as well as the conditions of life of all these who came under these categories.[1]"

During the course of my internship with GIZ, a decrease in funds - linked with the incoming flows of thousands of refugees from Congo - was the cause of much tension in the settlement since the services available to other refugees in Nakivale were reduced by ¾ (Officer, 2012). This actuality, along with the scarcity of available land in the Nakivale area, brings further questioning about the merit of the self-sufficiency strategy (SRS policy) associated with the settlement system in Uganda and thus, also challenging the accuracy of its related refugee-care structure. In fact, this contention about the sharing of space is not a spanking new issue in area where national Ugandans and refugees are both integrated under the SRS policy. Indeed, as already written by the Refugee Law Project (2003), a legal advisory group concerned with refugees' rights in Uganda, in 2003, the land disputes in Nakivale concerned the presence of 14,666 refugees in the area, of which 1,100 had not received land (RLP, 2003). "*Furthermore, even those with land do not have enough land to become self-sufficient, and continue to receive rations*.[2]" Again in 2006, the author Tania Kaiser accurately summed up the pressing issues inherent to the local settlement, concerns that were still easily identifiable at Nakivale in 2012-2013[3]. Consequently, with a current population of more than 70,000 refugees and Ugandan nationals (GIZ, 2012), there are no signs that the problem will be soon resolved.

"It *suggests that those refugees with some external support may be able to escape the confines of remote rural settlements, where refugee agricultural livelihoods are seriously compromised by distance from markets, unfavorable climatic conditions, exhausted soil and inadequate inputs.*[4]

In addition to the structural issues inherent to the settlement system in Uganda, GIZ's 2011-2012 annual report to UNHCR explains that Sexual and Gender Based Violence (SGBV) have been on the rise in the settlement since September 2011. (GIZ, 2011-2012) Indeed, it is reported that 97% of victims of violence in the settlement are children and women, that "*the cause of violence is*

[1] Agier, Michel. 2011. "*Managing the Undesirables, Refugee Camps and Humanitarian Government*." Polity Press P.22

[2] Bagenda, Emmanuel. Naggaga, Angela. Smith, Elliott. "*Land Problems in Nakivale Settlement and the Implications for Refugee Protection in Uganda*" May 2003. Refugee Law Project Working Paper No.8 p.3

[3] I heard the same complaint when I returned to Nakivale on the 27th of March 2013.

[4] Kaiser, Tania. 2006. "*Between a Camp and a Hard Place: Rights, Livelihood and Experiences of the Local Settlement System for Long-term Refugees in Uganda*." The Journal of Modern African Studies, 44, p.598

significantly attributed to food and income insecurity, poverty, culture, unemployment, and insignificant refugee leadership at village level.[5]" These factors are definitely challenging the humanitarian rationale behind a settlement such as Nakivale, i.e. the supposed relief and security of its beneficiaries.

It is in these circumstances that I met Congolese refugees of the Base Camp II area at Nakivale. All arrived at the refugee settlement between 2007 and 2011 the ten families I met claimed they had never received the plot of land promised by the Office of the Prime Minister (OPM), and were thus very concerned about the recent situation of decreased food rations.[6] In addition, six of the women I interviewed (women heads of households or their daughters) were victims of rape since their arrival at the settlement. Nevertheless, After I met Z (my main respondent) a few times, I was completely abashed when he asked me to take all his credentials (ration card number, e-mail address, complete name, etc.) and if I could, with my connections in Canada, help him get his request for resettlement further up in the pile at the UNHCR desk office in Canada. Yet, this situation is in fact not an isolated one: "(...) *refugees and Ugandans tend to defer to foreigners, assuming they have resources and influence. Moreover, because Canada is a country of resettlement, some saw me as a gateway to elsewhere, asking for sponsorship*[7]*"*. These circumstances cannot be better explained; in Nakivale, I was something beyond than my own - which was a student and also an intern at the time - something that was labelling me as being more influential and important that I actually am. It is with a consciousness of this dynamic that I conducted my interviews with Congolese refugees. But again, while I was asking questions about their life stories and paths, I was stricken by how the medical/physical paradigm was present; most of them showed me medical/CT records of their diseases, disabilities, and physical injuries, and exemplified their psychological illnesses and sufferings. Many of them pointed out and showed me where and how they got their wounds. Moreover, this discourse was especially emphasized - in comparison with how they refer to their life before and on-the-way to Uganda - when they were narrating their difficult living situation in Nakivale, but also in reference to their need to be resettled in order to receive proper medical treatment, appropriate education for their

[5] GIZ Annual Report to UNHCR. Protection Office/Community Services 2011-2012. 45p.

[6] Z stated that in the Base Camp II area only, he compiled more than 112 families without any plot of land (Z, 2012).

[7] Clark-Kazak R. Christina. 2011. "*Recounting Migration, Political Narratives of Congolese Young People in Uganda.*" McGill-Queen's University Press. Montreal. P. 38

children or as many mentioned, where they could finally be at peace. Although their discourse did not entirely focus on their physical situation and sufferings, but this part of their speech was the one that spoke to me the most, that was addressed to me specifically, and concentrated on what I represented for many of them, i.e. a gateway to somewhere else. This is also stated by Clark-Kazak (2011): "*This was an ethical imperative to ensure realistic expectations for the validity of my data: if subjects thought the research would inform programming, they might have represented their experiences in ways to benefit from potential assistance.*[8]" Indeed, at many points during my interviews, I had to clarify my position as a master's degree student writing a thesis about refugeness and not as someone working for UNHCR or GIZ. However, I realized (when I briefly came back to Nakivale in March 2013) that as much I wanted to be ethical about my position - about the fact that I was not in a position of authority in any of the organizations involved in the settlement - there was little I could say or do to change people's expectations. Indeed, I already knew a lot about the life story of Z because he talked about it for hours when we first met in July-September 2012. Still, the minute we met again at Nakivale in March[9], his first sentences were about the fact that their situation as refugees in Nakivale had not improved; he showed me again his wounds from Congo and told me once more how it happened, how they were still hindering his life. He again pleaded with me to help him and the others to accelerate their resettlement cases with UNHCR Canada. I got into an argument with him as I had to reiterate the fact that I was in no position to help or sponsor, and that I did not know anyone who was financially able to assist a family of ten people in relocating to Canada. But afterwards, I understood that there was nothing I could say that would have changed his mind: Z was convinced that God had put me on his path and that things were thus being organized beyond me. For this reason, to go back to Clark-Kazak's (2011) statement above, I would instead position the ethical imperative she is referring to as more important to clear out the researcher than necessarily affecting people's response, as the structural issues inherent of a refugee settlement such as Nakivale are yet more problematic.

[8] Clark-Kazak R. Christina. 2011. "*Recounting Migration, Political Narratives of Congolese Young People in Uganda.*" McGill-Queen's University Press. Montreal. P.38

[9] I was also in contact with Z by text messages and he sent me one message using the same eagerness as in Nakivale.

1.1. Questionings

Thus, there are multitudes of questions that a place like Nakivale is triggering. As mentioned earlier, it was difficult in Nakivale to escape the specific language and conceptuality related to the field of humanitarianism. Hence, I was wondering if it is perhaps possible to discuss forced migration without falling into the institutional and thus mainstream humanitarian standpoint about refugees. How the humanitarian structure influences – in Nakivale – the way the Congolese refugees are narrating their experiences and trajectories? Additionally, how is my presence in Nakivale, as a 'Mzungu[10],' is influencing their answers, their reactions? What do I represent exactly? These questions were recurrent during my interviews, but broadly throughout my entire internship.

1.2. Research Purposes

Indeed, as to challenge the representations inherent to the Nakivale refugee settlement and its associated humanitarian discourse - and consequently of the current settlement system in Uganda – about refugees, first, I propose to make use of Schapendonk's (2009) concept of '*migration as a process*" (Schapendonk, 2009). In fact, this thesis intends to position the subjective experience of being a refugee at Nakivale in a historical and dynamic perspective, instead of locating the research based on the premises of an overrated sedentary standpoint. *"A mobile perspective opens up migration; there is no such thing as permanent settlement since migration encompasses more than a uni-linear movement between two places and there is always a possibility of further movement.[11]"* Yet again, Schapendonk (2009) disputes the dichotomy of migration as being a simple question of uprooting/departure and regrounding/integration. (Schapendonk, 2009) *Thus, the profound critique on social science also counts for migration studies; we have invested the*

[10] In East Africa, 'Mzungu' – which is a Swahili word referring to 'foreigner'- is also in use to refer to 'caucasien' which generally implies strong connotations in reference to money. Indeed, I also heard about other meanings for it as well.

[11] Schapendonk, Joris. "*Moving and Mediating: a Mobile View on Sub-Saharan African Migration towards Europe*." Chapter 11 in Fernàndez-Ardèvol, M. Ros, A. (EDS): Communication Technologies in Latin America and Africa: A Multidisciplinary Perspective. 2009 Barcelona, IN3 P. 297

'roots' rather than the 'routes.[12]*'"* Indeed, the great majority of the Congolese refugees I interviewed in Nakivale did not have a linear migration outside Congo: they had to move multiple times before arriving in Uganda, thus challenging once more the dualistic standpoint normally inferred about migration. Even if it suggests different implications, Schapendonk (2009) offers a new perspective on African migration:

"(…) I follow the notion of mixed migration indicating that the reasons to migration are often overlapping. Particularly in the context of African migration, underdevelopment, weak governance, conflicts, and environmental degradation are interlinked. For this reason, there is no distinction made beforehand between the two conventional categories: economic migrant and political refugee.[13]*"*

Second, - but similarly to Schapendonk (2009) - as a way to relocate Nakivale and the trajectories/narratives of the Congolese refugees interviewed in its vicinity, I would like to follow the principle of Stephen Castles (2003), as the author is advocating "*a sociology of forced migration in the context of global social transformation.*[14]" Castles (2003) focuses on the North-South connection in a post-cold war world and links it "(…) *in complex ways to processes of societal change in both the areas of origin and of destination of forced migrants*.[15]" As the author stated, the attempt is to position forced migration within an interdisciplinary framework so as to grasp the "*social, cultural, and political dimension of forced migration.*[16]" In that sense, I intend to situate the narratives of the Congolese refugees interviewed at Nakivale within a broader context of forced migration, by separating their trajectories in three sequential tenses: past, present, and future.

[12] Schapendonk, Joris. "*Moving and Mediating: a Mobile View on Sub-Saharan African Migration towards Europe*." Chapter 11 in Fernàndez-Ardèvol, M. Ros, A. (EDS): Communication Technologies in Latin America and Africa: A Multidisciplinary Perspective. 2009 Barcelona, IN3 P. 297-298

[13] Schapendonk, Joris."*Moving and Mediating: a Mobile View on Sub-Saharan African Migration towards Europe*." Chapter 11 in Fernàndez-Ardèvol, M. Ros, A. (EDS): Communication Technologies in Latin America and Africa: A Multidisciplinary Perspective. 2009 Barcelona, IN3 p. 301

[14] Castles, Stephen. "*Towards a Sociology of Forced Migration and Social Transformation*". 2003. BSA publication Vol. 37(1) p.14

[15] Castles, Stephen. "*Towards a Sociology of Forced Migration and Social Transformation*". 2003. BSA publication Vol. 37(1) p.14

[16] Castles, Stephen. "*Towards a Sociology of Forced Migration and Social Transformation*". 2003. BSA publication Vol. 37(1) p.14

"*The micro- and the macro levels have to be linked through an analysis of the complex processes that mediate between them. Ethnographic and cultural studies approaches may find that change is experienced at the local and personal levels, yet they need to be linked to broader analyses of institutions and structures.*[17]*"*

Correspondingly, this is why I believe the concept of trajectories or '*migration as process*" is interesting; it allows a conceptual displacement towards a 'refugee' as a migrant. Indeed, refugees become people with experiences, goals, plans, expectations, dreams, etc., instead of being immobilized by the words which are more than often used to label them, such as 'refugee,' 'victim,' 'vulnerable' or even as abbreviations defining their specific condition (for example, WR-SP[18] means Woman at Risk/Single Parent). Within a temporal approach - past, present and future - it allows questioning the rationale behind a refugee settlement (humanitarian and political) when, as I heard from my informants (and I also witnessed it), the settlement - considering the current situation - is not a place where one necessarily wants to stay. Moreover, '*migration as process*' helps to deconstruct parts of this relation that we – the interviewed Congolese refugees as refugees and me as Mzungu - shared in Nakivale as it goes beyond us all; as part of a broader international structure managing migrations. But, before thoroughly exposing the intended structure of the thesis and its associated concepts, let's first position the research methods I used and the self-reflexivity I am trying to have in relation to my field work and internship at Nakivale.

1.3. Approach and Method

This thesis is in link with a two-month[19] internship at the Nakivale Refugee Settlement in Southwestern Uganda, within the Community Services Department at GIZ (Deutsche Gesellschaft fur Internationale Zusammenarbeit), an implementing humanitarian agency funded partly by the German government and by the UNHCR. Briefly, the role of GIZ in refugee settlements[20] comes after the reception of refugees by the Government of Uganda (GoU); it supports refugees through the GIZ-DETA partnership (Development and Transitional Assistance Project), a tripartite

[17] Castles, Stephen. "*Towards a Sociology of Forced Migration and Social Transformation*". 2003. BSA publication Vol. 37(1) p.22

[18] This specific code is part of an activity lead once a year by UNHCR in Nakivale and named "*The PSN/EVI verification*". The aim of this activity is to determine 'persons with specific needs' and 'extremely vulnerable individuals' i.e. people in need of extra humanitarian assistance in the settlement due to their condition.

[19] July to September 2012

[20] Oruchinga, Nakivale, and Kyaka II

agreement with the UNHCR and the OPM (Office of the Prime Minister) in concert with other organizations (GIZ, 2012)[21]. Thus, as an intern, I participated in all the activities of the Community Services at GIZ, as well as those carried out in partnership with other organizations. Hence, the acquisition of data was made possible by observation and by participating in meetings and activities conducted by GIZ and other organizations active in the settlement. Again, through this two-month internship, it was possible to gather general information about the overall organization and management of refugee settlements in Uganda, but more importantly, a position that permitted to unlock access to Nakivale. It was thus of prime importance to understand the specific setting of this particular place, to grasp its character and nuances. In addition to the general knowledge acquired by experiencing an internship at the refugee settlement, the data gathered for this thesis have been collected by multiple means: first, the internship allowed access to meetings and gatherings with GIZ staff and other partners. As an observant, it was possible to pull together notes and information on the overall management and daily interactions between the main actors working and living at the Nakivale refugee settlement. Again, through my participation in numerous activities carried out by GIZ and other organizations, it was possible to witness the direct results of their work with refugees. In addition, formal and informal interviews were conducted with staff and refugees, bringing up another perspective on the challenges inherent to Nakivale. Furthermore, it is during my free time, mostly after work, that I had the opportunity to conduct interviews with Congolese refugees of the Base Camp II area[22]. It is through my daily activities (attending football games and during meeting at the youth centre) that I met Z, who became my main informant. During these activities, we often discussed everyday life in the settlement and the numerous challenges that the refugees were facing at Nakivale. Z was keen on discussing Nakivale with people from the 'outside,' and he took the opportunity to introduce me to his own perception of the settlement. It is one day in September, a few days before the end of my internship that Z waited for me at the end of my work hours. He told me that he wanted to talk to me and asked me if I would agree to meet him the following day after work. That day, I met Z without knowing exactly what he wanted to talk about, but I had brought my recorder just in case. It turned out that he wanted to talk about his personal story, and when I

[21] It is to be noted that GIZ was replaced in Nakivale by ARC (American Refugee Committee) in early 2013.I am therefore not aware of the current contract between UNHCR, ARC and OPM in replacement of the GIZ-DETA partnership. It is also worth mentioning that almost all the staff members I used to work with at GIZ have been reemployed by ARC (Nakivale, 2013).

[22] One of the seventy-five villages making up Nakivale

asked him if I could record his words, he told me "*that was the point*" (Z, 2012). Indeed, it is during that first private meeting with Z that I asked him if he knew other people who would agree to answer my questions. Thus, Z acted as a facilitator and initiated the linkage with ten Congolese families living at Base Camp II. It is what Clark-Kazak (2011) referred to as a "*snowball sampling*", when someone you know introduces you to other people (Clark-Kazak, 2011). As the interviews were conducted in French and Swahili, Z was present during all interviews and translated the parts in Swahili to me.[23] Consequently, Z and I conducted seven hours and thirty-nine minutes of semi-directed interviews with ten people and their family members, for a total of approximately twenty interventions during different meetings. The interviewees were mainly women, since it was common in Nakivale – and especially for people who have fled from regions at war such as North and South Kivu (which all the interviewees were from) - that the head of household were single women or widows[24]. However, I also interviewed two male heads of households as well as other family members of my main interviewees who were also men. I did not organize focus groups *per se*, but as the interviews were conducted at the house of each informant (which allowed more privacy) theses were conducted in the presence of their family members. Again, a meeting was normally organized around a specific person, who was usually the head of the family, but at the end of the 'individual interview', I always asked if someone else in the family would like to add something or if they themselves had questions. Almost every time, many members participated by telling their own stories and sharing their personal perspectives, and many also asked for assistance. The main questions I asked were centered on the three simple temporalities of 'past,' 'present,' and 'future.' For example, I asked them to tell me about their journeys from Congo to Uganda, then about their feelings/perceptions of life in Nakivale, and finally about their vision/dreams/hopes for the future. These were my leading questions, but I also usually asked for further details about their life before becoming refugees (their employment, their family, where they came from, etc.). I was also interested in understanding where some of their conceptions and ideas came from or where they received information about life abroad for example (Why do you want to be resettled? Why outside Africa? Where have you heard that it is better 'there'?). Thus, my questions were open-ended, and their answers normally led to other

[23] Informants were most of time mixing both languages, which allowed me to understand small parts of each of their narratives without translation. There were also at least three interviews almost completely in French.

[24] One woman was there with her husband, but he was not present during the interview.

questions as well. I was also asked many questions about resettlement and how it is in my country of origin, and on many occasions, people asked me to try and put myself into their shoes. I did not ask question about their 'ethnic identity' because the people I met were first and foremost referring to themselves as 'Congolese' and as 'refugees'. One informant talked about his Tutsi identity since he was persecuted and fled because of it. All questionings, observations or perceptions brought up throughout this research (and internship) were kept in a "log" that was written in daily. All the interviews conducted at the homes of informants were recorded with their verbal consent; the recorder was not an issue, and no one seemed to be uncomfortable about it. To briefly return to the topic of translation, it is again Z who acted as my interpreter. Thus, the translated narratives are based on his choice of vocabulary. As I know a few words in Swahili (very little though), I noticed that Z tended to add some words to the translation, but in general the wording seemed to be consistent. Furthermore, since the interviewees knew Z, they were not uncomfortable to speak in front of him. Once though, K., asked him to leave in the middle of the interview as she did not want him to hear what she was about to say, but that was the only instance. I was also uncomfortable to ask for information without giving something in return; I thus decided to give a small amount of money to each family (between 5,000 and 10,000 Ugandan Shillings). I decided to give money instead of goods (such as sugar or soap, for example) because I believe people know better than me what their needs are. This decision might be arguable, but I felt that it was the right thing to do in exchange of their time, instead of just coming by, recording their narratives and leaving with a thank you. I did discussed this with Z prior to the interviews (should I offer something to the family?) and he replied that no, there are no obligations, but if I ever decided to do so, they would certainly prefer that I remember them in the future and send something later as a sign of respect (Z, 2012). Since I did not know if I was to be in a position to wire further goods or money to Nakivale, or indeed to be honest, if I would eventually be able to fulfill such a commitment, I preferred to give a little something after the interviews with each family. I also gave a small contribution to Z for his time and presence throughout the research. But, I did return to Nakivale in March 2013 and I did bring another small contribution for each family. I also gave Z all the documentation I had about the refugee system in Uganda (such as the Refugee Act of 2006, along with critiques from the Refugee Law Project (2006) about the handling of refugees by the GoU and NGOs) and website addresses of refugee support groups and

organizations in Montreal. Z and Mi also brought me many gifts,[25] and Z and his mother wrote me a very moving letter. I am still in touch with Z through e-mails, and will thus keep following what is happening to them all and wish for the best.

1.4. Self-reflexivity

First, I would like to specify that this work does not intend to generalize the condition of being a refugee, nor to represent a majority of Congolese refugees from North and South Kivu. This work is specifically associated with the people I interviewed at Nakivale. To quote Malkki (2002):

"The transformations of subjectivity that people may or may not experience as refugees are extremely difficult to study. Depending on specific social contexts and political conjunctures, refugee status may be experienced as a protection or a constraint or something else. Refugee status as a legal status functions socially in complex ways. Its meaning as an experiential category can differ radically from context to context, from person to person, and this require empirical research.[26]"

Furthermore, the data collected for this research have all been gathered from the 'present tense', which in our case comes from Nakivale. Indeed, I have never set foot in Congo, and being from a North American middle class background, my lack of knowledge about the life in North and South Kivu and of the aftermaths of conflict zones, and thus their physical and psychological effects/consequences, was a personal challenge[27]. I thus always referred to the reflection Mariella Pandolfi (2008) made of her own experience with Kosovo war victims. She thought it was a cruel experience to listen to war experiences and she was asking herself: do I have the right to listen? Where does this authority to listen come from? She felt that the gap between the experience of the victims and the experience of the professionals was an obscenity (Pandolfi, 2008). Hence, her reflections were completely accurate, and they are still making me reflect on and question the complexity of these 'transnational social spaces' (Castles, 2003). Besides, Didier Fassin (1999) in his text "*Between commitment and distance*" is questioning which ethical position a researcher

[25] I was offered bananas from Z's backyard, a lovely Kikanga fabric and a live duck that died in mysterious conditions the next day in Mbarara, but which at the end, paid for half of my hotel room bill: may that duck rest in peace.

[26] Malkki, H. Liisa. "*News from Nowhere: Mass displacement and Globalized 'Problems of Organization,'*" 2002. SAGE publications (London, Thousand Oaks, CA and New Delhi) Vol. 3(3): 358

[27] This may sound like irony considering that my personal challenge might be laughable compared to the experience of the people I met in Nakivale.

should keep between him/her and an object of research (Fassin, 1999). Epistemologically (distance), he is asking: "*Which objective knowledge can we produce in a world made of objects, a world where we are also part of*?[28]" and then politically (commitment): "*which axiological positioning one can defend in studying phenomenon exposing values on which one is him/herself making judgement*?[29]" Indeed, it is what Fassin (1999) refers to as the difficult enterprise of social sciences, i.e. the complexity of keeping a sound judgement when one is simultaneously the subject and the object of research (Fassin, 1999). The author believes that instead of having to take a definite standpoint, a researcher should maintain a tension between these two extremities which would allow a better understanding of reality (ies) (Fassin, 1999). Thus, the distance Fassin (1999) recommended is a distance in time and space to avoid too common prejudices and presuppositions when conducting research (Fassin, 1999). " *(…) If you want to understand what a science is, you should look in the first instance not at its theories or its findings, and certainly not at what its apologists say about it; you should look at what the practitioners of it do.*[30]" Besides, Fabian (1990) is also referring to this need of 'tension' between representation and presence as a substitute to the normative dichotomy about it (Fabian, 1990). However, Fabian (1990) is questioning this assumption of a distance – that the concept of representation postulate – 'between the knower and the known' between the 'researcher' and the 'other;' between 'reality' and it's 'double' (Fabian, 1990). What Fabian (1990) is in fact advocating is the abandonment of what he calls a 'naïve faith in distance' (Fabian, 1990). Correspondingly, this 'tension' *"(…) would help to revindicate the primacy of experience as something that requires presence (as sharing of time and place).*[31]" Indeed, Fabian (1990) and Fassin (1999) are both trying to go beyond the Western dichotomy of 'Othering', but Fassin (1999) keeps advocating for the need – at a certain point during the course of a research – of a distance in time and space, while Fabian (1990) focuses on the importance of sharing time and place as to be able to name 'experience' a legitimate one. Clifford (1983), on the other hand, is criticising this importance of positioning the experience of the researcher as central in conducting fieldwork (Clifford, 1983). "*Out of this experience*

[28] Fassin, Didier. " *L'Anthropologie entre Engagement et Distanciation : Essai de Sociologie des Recherches en Sciences Sociales sur le Sida en Afrique*." 1999. P. 41. (My translation)
[29] Fassin, Didier. " *L'Anthropologie entre Engagement et Distanciation : Essai de Sociologie des Recherches en Sciences Sociales sur le Sida en Afrique*." 1999. P. 41 (My translation)
[30] Geertz, Clifford*. 1973. "Thick Description: Toward an Interpretative Theory of Culture." In:* Oakes, T.S. Price L. Barbara (ED) "*The Cultural Geography Reader*" Routledge 2008. P.31
[31] Fabian, Johannes. "*Presence and Representation: The Other and Anthropological Writing.*" Critical Inquiry, Vol. 16, No.4 (Summer 1990) p. 755

emerged in unspecified ways, a representational text authored by the participant-observer. (…) which obscures as much as it reveals.[32]" Hence, that one should 'resist' the need of interpreting all experiences because they are only subjective and not 'dialogical or intersubjective' (Clifford, 1983).

"(…) while ethnographic writing cannot entirely escape the reductionist use of dichotomies and essences it can at least struggle self-consciously to avoid portraying abstract, a-historical 'others.'(…) It is more than ever crucial for different peoples to form complex concrete images of one another, as well as of the relationships of knowledge and power that connect them.[33]*"*

Indeed, it was difficult in Nakivale to go beyond each others' representations i.e. as Mzungu and as refugees. As I was able to leave the settlement and have this distance in time and space that Fassin (1999) is referring to (as to reflect upon the experience of Nakivale), the Congolese refugees I interviewed did not have this opportunity, which again says a great deal about the unequal relations between someone like me – who has no mobility issues - and them. "*We need to ask questions about the historical processes by which it came to pass that people like ourselves could be engaged in anthropological studies of people like those (…).*[34]" Correspondingly, to go back to Castles (2003), it is important to understand that forced migration – both at the micro and macro levels - is far from being unrelated to the North-South relationships (Castles, 2003). "*One side of this is connecting forced migration with social relations, ideas, institutions and structures at various levels (regional, national and global).*[35]" For example, in referring to the use of "culture" in an anthropological discourse as maintaining a hierarchical power between 'the West and the Rest' (Hall, 1992), Abu-Lughod (2008) deconstructs ethnographic methods by criticizing their normative/generalizing aspects as the reason why 'culture' is reinforcing inequality (Abu-Lughod, 2008). Abu-Lughod (2008) thus proposed three modes of 'writing against culture': through theoretical discussion and practice, in effectuating ethnographies of the particular, and in being aware of the numerous ulterior connections existing between a researcher and a specific

[32] Clifford, James. "On *Ethnographic Authority* (s)" In Representations, No.2 (Spring 1983). University of California p.128
[33] Clifford, James. "On *Ethnographic Authority* (s)" In Representations, No.2 (Spring 1983). University of California p. 119
[34] Abu-Lughod, Lila. "*Writing Against Culture*." In Oakes, T.S. Price L. Barbara (ED) "The Cultural Geography Reader" Routledge 2008 p. 57
[35] Castles, Stephen. "*Towards a Sociology of Forced Migration and Social Transformation*". 2003. BSA publication Vol. 37(1) p.22

community (Abu-Lughod, 2008). In that sense, I will currently refer to humanitarianism with Chimni's (2009) definition of it:

"(…) *an ensemble of material and cultural practices that has as their aim the promotion of human welfare. A humanitarian act is of all times the carrier of cultural meanings even as it brings material assistance and relief to people in distress. The cultural meaning of humanitarian practices shapes and is in turn shaped by the political ideas of an age. What we are seeing today is the revival of the liberal cultural-political ideas of progress and reform that informed the colonial project.*[36]"

Hence, I am positioning this work within these reflections about the locations of a researcher as object and subject of research; the need to position my ethnography of the particular- the narratives and trajectories of the Congolese Refugees interviewed at the Nakivale Refugee Settlement - in its broader context as a way of deconstructing this particular place that is the refugee settlement and its associated humanitarian discourse. Indeed, that is why the use of narratives becomes so interesting.

1.5. The Narratives

In narrative and identity, Brockmeier and Carbaugh (2001) defined 'narrative' as "*a particular construction of the self and life worlds*[37]" which is strongly linked with temporality and space. Linguistically speaking, narratives are indeed made of choices of literary effects such as the structure, the genre, the rhetoric, the language, etc. (Harré and al., 2001). Thus, as a 'sub-type' of discourse, narratives are made of linguistic production - processes and results - and as such, their meanings can be hard to narrow as well as being difficult to categorize (Harré and al., 2001). Hence, in pace with a constructivist approach, narratives are created by and through specific circumstances:

"(…) *that the question of what type of construction is at stake here, can neither be separated from the question of what type of identity is being created in this construction, nor isolated from the question of the cultural and historical context of this construction. (…) narrative proves to be a*

[36] Chimni, B.S. "*The Birth of a 'Discipline': From Refugee to Forced Migration Studies*." 2009. Journal of Refugee Studies. Vol.22, No. 1 p.21

[37] Brockmeier, Jens. Carbaugh, Donald. 2001. "*Introduction*" In "*Narrative and Identity; Studies in Autobiography, Self and Culture,"* Brockmeier and Carbaugh (ED), 2001. P. 1

supremely appropriate means for the exploration of the self or, more precisely, the construction of selves in cultural contexts of time and space[38]*."*

To emphasize the importance of narratives as construction, Bruner (2001) identified two main characteristics of 'narrative' as a type of discourse. First, the author affirms that narratives are centered on 'people intentional states*'* such as their desires, beliefs, etc., intentionality which is most probably leading to certain types of actions (Bruner, 2001). Indeed, in reference to the narratives recorded in Nakivale, the use of specific facial expressions, the showing of wounds, or the emphasis on precise and repetitive verbal idioms were indeed having a performing effect. Second, that these narratives are not just linked to the past, but that they are very much 'busy' informing the interlocutor about the present (Bruner, 2001). Yet again, in reference to Nakivale, the desires and beliefs were also linked to the future tense, but indeed were strongly informing the interviewer about the difficult present living situation in the settlement. "*Narrative we suspect is the most powerful mode of persuasion.*[39]*"* Thus again, Brockmeier and Harré (2001) were asking what are the descriptions associated with certain narratives and what are the influences that telling such narratives have (Harré and al., 2001)? As "*the impulse to tell one's life is hardly ever a disinterested urge to record the facts of the case.*[40]" And also, that narratives they possesses great influences as a 'cultural tool' (Harré and al., 2001). Hence, another question could be: can we associate parts of this type of narrative with the humanitarian culture and as such to Nakivale? Yet, again in "*Narrative and Identity*" Bruner (2001) was wondering what was making a 'story worth telling' and answered by stating that it is when "*something is endows with exceptionality.*[41]" Indeed, at the beginning of this introduction it was stated that humanitarianism was protected under an indisputable morality and exceptionality, a state of emergency (Agier, 2011). However, as we will see again in the second chapter, Malkii (2002) argues against this supposed exceptionality and points out, instead, that the life of a refugee in a refugee settlement is on the contrary quite ordinary, daily routine. Thus, to answer the previous question linking the narratives – and me for that matter - with the humanitarian culture, we could deduce that if to tell a specific

[38] Brockmeier, Jens. Carbaugh, Donald. 2001. "*Introduction*" In "*Narrative and Identity; Studies in Autobiography, Self and Culture,"* Brockmeier and Carbaugh (ED), 2001. P,15

[39] Brockmeier, Jens. Harré, Ron. 2001. "Narrative*; problems and Premises of an alternative paradigm*" In "*Narrative and Identity; Studies in Autobiography, Self and Culture"* Brockmeier and Carbaugh (ED), p, 41

[40] Brockmeier, Jens. Harré, Ron. 2001. "Narrative*; problems and Premises of an alternative paradigm*" In "*Narrative and Identity; Studies in Autobiography, Self and Culture"* Brockmeier and Carbaugh (ED), p, 51

[41] Bruner, Jerome. 2001."*Self-making and world-making*" In ""*Narrative and Identity; Studies in Autobiography, Self and Culture"* Brockmeier and Carbaugh (ED), p, 29

type of story is in link with a cultural understanding of what exceptionality is, yes indeed, the narratives gathered in Nakivale were participating of what Chimni (2009) referred to as the 'political ideas of an age' i.e. "*the liberal cultural-political ideas of progress and reform*[42]*."*

1.6. The Structure

Now, as stated previously, all the data gathered for this master's thesis originate from Nakivale, i.e. what is referred to as the 'present tense'. It will thus be chapter II of this dissertation. Indeed, the three sequential tenses – present, past and future - will serve, in that specific order, to grasp in a broader context the subjective experiences of forced migration. Thus, these temporal markers are of course not in any case independent of each others, but in fact, strongly interconnected.

1.6.1. Chapter II: The Insight

Chapter II initially focused on the definition of a 'refugee' in its legal, political, humanitarian and sociological designations. This will also be linked to the concept of 'statelessness' which cannot be neglected, since it is part of the official international definition of who and what is a refugee. Furthermore, from the macro to its micro context, the specificity of forced migration on the African continent is explained, and then narrowed down to the case of Uganda and its regulation of refugees and then focuses on Nakivale and its challenges. It is in that section that the narratives of the Congolese refugees will be intertwined with facts and critiques challenging the principles inherent of a refugee settlement such as Nakivale. In terms of the migration perspective: *"Although the lens links other mobilities to the migrant's process of moving, it does not assume a world in which migrants move to any place they desire. It takes into account block roads, bordering practices and migrants experiences of immobility.*[43]*"* This is how Nakivale will be positioned within the mobility paradigm. Finally, again to include the trajectories and narratives of the Congolese refugees interviewed at Nakivale within a macro context, Chapter II - in addition to the different theories and critiques that researchers and practitioners have engendered concerning the different conceptions and representations of what is a refugee - have been supplemented with

[42] Chimni, B.S. "*The Birth of a 'Discipline': From Refugee to Forced Migration Studies*." 2009. Journal of Refugee Studies. Vol.22, No. 1 p.21

[43] Schapendonk, Joris. *"Moving and Mediating: a Mobile View on Sub-Saharan African Migration towards Europe*." Chapter 11 in Fernàndez-Ardèvol, M. Ros, A. (EDS): Communication Technologies in Latin America and Africa: A Multidisciplinary Perspective.2009 Barcelona, IN3 p. 300

documents such as newspaper articles, as well as the different official websites of the actors involved in the Nakivale Refugee Settlement, and at a national level, thus facilitating the comprehension of refugee affairs in Uganda and putting its current issues in perspective.

1.6.2. Chapter III: Why the Road

Chapter III focuses on the political situation in Congo and thus 'why the road' to Uganda. This section aims at recontextualizing the trajectories and narratives of these Congolese in the specific and highly political context of the Great Lakes Region. Unfortunately, the political situation in the Great Lakes implies so many different and conflicting aspects which are impossible to all include in this thesis. Hence, it will mainly be focused on the link between Congo, Uganda and Rwanda (but to a lesser), and thus their political implication in Congo. This again, to follow Castles' principle, seeks to position the experience of becoming a refugee at Nakivale in a macro perspective since "*Conflict, forced migration and humanitarian action are closely linked to the political economy of global change.*[44]" Again, as to remain with the concept of 'migration as a process', the paths of the Congolese refugees interviewed will challenge the uprooting/regrounding dichotomy assumed by a sedentary standpoint towards migration.

"These fragmented migrations raise many questions for human rights organizations, policy makers and academics. What I abstracted from these journeys is the analytical that migration is often not a simple transition from a place of origin to a destination; it is not a matter of dis-placement, one leaving the place of origin, to re-placement, one settling in a destination, but a process-like undertaken with its own dynamics. These migration processes of African migrants with all their restrictions, challenges, opportunities and dreams form the immediate cause to raise me a single question: What is the role of the journey in migration?[45] *"*

Additionally, in terms of literature, this section was based mainly on the consultation of newspapers and political analyses subsequent to the current situation in Congo and about the Great Lakes region in general.

[44] Castles, Stephen. "*Towards a Sociology of Forced Migration and Social Transformation*". 2003. BSA publication. Vol. 37(1) p.27

[45] Schapendonk, Joris. "*Moving and Mediating: a Mobile View on Sub-Saharan African Migration towards Europe*." Chapter 11 in Fernàndez-Ardèvol, M. Ros, A. (EDS): Communication Technologies in Latin America and Africa: A Multidisciplinary Perspective. 2009 Barcelona, IN3 p.295

1.6.3. Chapter IV: Beyond that Place

Chapter IV, named 'Beyond that place' intends– as mentioned at the beginning of this chapter - to deconstruct the physical and suffering narratives of the Congolese refugees and position them in relation to what I represented within the settlement, i.e. a gateway to somewhere else. *"Trajectories are very much about synchronization and contingent interactions with other movements and other people's trajectories.*[46]*"*Indeed, the meaning of suffering is not universal; it is contextualized, social, and cultural (Bendixen, 2012). Thus, within the humanitarian paradigm – which possesses specific moral imperatives about what sufferings are - there is a particular idea of what is and how affliction should be demonstrated: the 'politic of care' is constructing the suffering person (Bendixen, 2012). Hence, "(…) *the body as a memorial is narrated on two specific planes: space and time.*[47]*"*Moreover, Pandolfi (1993) referred to the importance of the historicity of human behavior; she stated the problematic, historical and political dimension of a living and suffering body (Pandolfi, 1993). "*All forms of human activities are corporal praxes and expressions of social dynamics.*[48]" In link with the concept of 'trajectory', Schapendonk (2009) refers to the importance of imaginative travel for a migrant. "*Day dreaming and imaginaries might influence migration processes in a profound way, both at home and during the migration process.*[49]" Indeed, even in a remote area such as Nakivale (where access to certain information can be difficult) the perception of the West as a wealthy and peaceful environment greatly influences migrants in their hope for a better future. As such, all of the Congolese refugees I interviewed applied for the UNHCR's resettlement program. Yet, this chapter will focus on Nakivale, this relation between me, the suffering narratives, and the resettlement program again, as a way to link the experience of Nakivale within a global perspective or as what Castles named a 'transnational social space' (Castles, 2003). In fact, this situation is consistent with what Miriam Ticktin (2011) refers to as the increasing importance that biology plays in the politics of

[46] Schapendonk, Joris. "*Moving and Mediating: a Mobile View on Sub-Saharan African Migration towards Europe*." Chapter 11 in Fernàndez-Ardèvol, M. Ros, A. (EDS): Communication Technologies in Latin America and Africa: A Multidisciplinary Perspective. 2009 Barcelona, IN3 p. 299

[47] *Pandolfi, Mariella. " Le 'Self,' le Corps, La 'Crise de la Présence.'" Anthropologie et Société, Vol. 17, No. 1-2. 1993. P.* 67

[48] *Pandolfi, Mariella. " Le 'Self,' le Corps, La 'Crise de la Présence.'" Anthropologie et Société, Vol. 17, No. 1-2. 1993. P.* 60

[49] Schapendonk, Joris. "*Moving and Mediating: a Mobile View on Sub-Saharan African Migration towards Europe*." Chapter 11 in Fernàndez-Ardèvol, M. Ros, A. (EDS): Communication Technologies in Latin America and Africa: A Multidisciplinary Perspective. 2009 Barcelona, IN3 P. 299

immigration and how the humanitarian agencies are significant actors in diffusing such a new paradigm (Ticktin, 2011). Thus, the literature in this section will focus on theories about bodies and biopolitics, and in relation to the structure of the resettlement program.

Chapter II: The Insight

2.0. Present Tense

Before drawing our attention closer to Nakivale and the Congolese narratives, the second chapter focuses first on defining the concepts of 'refugee' and 'statelessness' that are essential to the understanding of the complexity – issues, theories, debates, critiques, etc. - surrounding the refugee status. Chapter II is thus a 'top down' approach; from the macro (from the international system to the national, and then the local) towards the micro perspective (Nakivale, its challenges, and the Congolese narratives).

2.1. Statelessness

Defined by the UNHCR, a stateless person is "*a person who is not considered as a national by any state under the operation of its law*.[50]" Statelessness is thus linked to a "*lack of formal rights protection from the state*,[51]" meaning everything that is embedded in a country's citizenship law: the civil and political rights first, and second, the social, economical, and cultural rights. For example, in defining the modern concept of citizenship - a legal and social contract between individuals and the state - the author Michel Agier (2011) used the concept of 'empty place' to explain an individual's search of a 'right to life' (Agier, 2011). Again, as stated by Agier (2011), in the absence of or by the negation of one or two of the actors involved in this contract (an individual and/or the state), individuals can be strained to enter illegality: "*By their flight they have been forced to renounce their exercise of citizenship (...),*[52]" and thus to the supposed legal recognition and protection of that state. Hence, it is the very existence of a category such as the one of 'refugee' that makes the United Nations High Commissioner for Refugees (UNHCR) the major resource for millions of forced migrants around the world. However, since the UNHCR is the central international organization taking responsibility for stateless persons and refugees, the types of definitions and categorizations that the organization uses to identify its beneficiaries tend to be narrowly defined (Balaton-Chrimes, 2008). Indeed, resting on the importance of having a

[50] Balaton-Chrimes, Samantha "*Statelessness in a World of Nation-States*". July 2008 p.4
[51] Balaton-Chrimes, Samantha "*Statelessness in a World of Nation-States*". July 2008 p.2
[52] Agier, Michel. 2011. "*Managing the Undesirables, Refugee Camps and Humanitarian Government*." Polity Press, p. 16

national legal identity - and thus being documented - the UNHCR is linking citizenship with the protection of human rights, or emphasizes the importance for a state to conform to its rights and obligations as a country (Balaton-Chrimes, 2008).This first entails that a legal identity becomes of first importance in an individual's life, and second that "(...) *the absence of citizenship excludes a person from political life, and a place in our nationally-ordered world.*[53]" Third, this exclusion renders an asylum-seeker and or a refugee utterly vulnerable as a 'non-entity,' until this individual is granted a citizenship status (Balaton-Chrimes, 2008). As Malkki (2002) also stated, they *(...) are conjugations of a still robustly national logic. The very notion of displacement implies emplacement, a 'proper place' of belonging, and this place has long been assumed to be a home in a territorial, sovereign nation-state.*[54]" This reality is particularly disturbing if we think that in Uganda for example, a citizenship status for a refugee means a twenty-year uninterrupted residency on the Ugandan territory, and even then the granting of citizenship is not guaranteed (Tindifa, 1998).[55]

"*Without citizenship, stateless people usually lead lives of uncertainty, unable to claim protection of their rights from any state, and unable to participate meaningfully in any nation's politics. Statelessness is widely agreed to be an undesirable, precarious and even dangerous condition.*[56]"

Consequently, in the humanitarian discourse, being a stateless person becomes a challenge in terms of the formation and recognition of an individual's identity (Balaton-Chrimes, 2008).

2.2. Definition(s) of a Refugee

There are many different definitions of what is or should be a refugee. This section therefore attempts to explain the different possible standpoints (legal, humanitarian, political, and sociological) to define or to question what and who is a refugee. But first, the classical and official designation of a 'refugee' was defined in the 1951 Convention Relating to the Status of Refugees (followed by its protocol in 1967). Thus, as stated in the convention, an individual can be granted

[53] Balaton-Chrimes, Samantha "*Statelessness in a World of Nation-States*". July 2008 P.1

[54] Malkki, H. Liisa. "*News from Nowhere: Mass displacement and Globalized 'Problems of Organization,'*" 2002. SAGE publications (London, Thousand Oaks, CA and New Delhi) Vol. 3(3) p. 353

[55] It also worth mentioning that the Ugandan government passed a law in the 1990's "forbidding non-citizens from owning land" (Clark-Kazak, 2011). This policy emphasized the xenophobia that the government tends to have towards 'aliens'.

[56] Balaton-Chrimes, Samantha "*Statelessness in a World of Nation-States*". July 2008 p.1

a status of refugee if "*owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group or political opinion.*[57]*"* In other words, a refugee is someone who seeks to escape circumstances that are considered as 'intolerable' and seeks to 'enjoy' his/her fundamental rights without any form of discrimination (Tindifa, 1998). Nevertheless, it is the United Nations High Commissioner for Refugees (the UNHCR) that has the mandate of protecting legally recognized refugees worldwide in cooperation with the signatory countries of the 1951 convention[58]. Hence, highly legal and political, the concept of a 'refugee' is directly linked to elements embedded in the current form of modern state, hence why it is mainly considered as a humanitarian one (Tindifa, 1998) i.e. since it symbolizes the seriousness of being stateless. Indeed, although this significance is embedded in the definition and thus the support to asylum seekers on these grounds, the reception of asylum-seekers and their legal transformation into refugees - within the humanitarian paradigms for instance - have quite different implications since the legal definition of refugees and the rights they are offered by humanitarian actors such as the UNHCR are linked with the provision of emergency relief to individual victims (Mogire, 2004). Indeed, humanitarian organizations tend to identify refugees and stateless people as being utterly vulnerable and weakened since deprived of a part of their identities when crossing an international border. For example, Tindifa (1998) would define refugees as 'vulnerable' because 'uprooted' (Tindifa: 1998), a denomination that Malkki (2002), again, would strongly critique as originating from a sedentary standpoint regarding migration. Malkki (2002) would rather argue that refugees have been 'structurally and politically disempowered' by external factors such as the humanitarian discourse defining them and not by the fact that they are displaced (Malkki, 2002). Thus, to perceive and conceptualize refugees as vulnerable, weak, or as victims, is part of what she refers to as the depoliticization of refugees "*contextualized within the explicitly 'neutral' and non-political mandates of UNHCR and other organizations working with refugees, for ideological, security, and logistical reasons.*[59]*"*And again, Zetter (1991) would focus on 'extremely' vulnerable refugees not as victims, but as having "*imposed labels; the importance of symbolic meaning; the dynamic nature of identity; and, most fundamentally of all, the non-*

[57] 1951 Convention relating to the Status of Refugees, Ch. 1, Article 1, A (2).
[58] It worth noting that many countries are not signatories of the 1951 convention, but are still welcoming refugees within their borders (India is an example).
[59] Clark-Kazak R. Christina. 2011. "*Recounting Migration, Political Narratives of Congolese Young People in Uganda*." McGill-Queen's University Press. Montreal. P.17

participatory nature and powerlessness of refugees in these processes.[60]" Zetter (1991) is criticizing the underlying principle of bureaucratic and administrative identification as stereotyping individuals and/or groups. Focusing on the institutionalization of the refugee regime, the author warns against the considerable power of labelling since it marks the beneficiaries and thus, at the same time, legitimates certain actions on them and for them (Zetter., 1991). Indeed, a label is not just a practicality for administrative purposes; it is made of values and judgments that are far from being neutral (Zetter., 1991). "*From the first procedures of status determination – Who is a refugee? - to the structural determinants of life chances which this identity then engenders, labels infuse the world of refugees.*[61]" Indeed, 'refugees' themselves most probably have different ways of defining and representing themselves which are rarely taken into consideration when it comes to public policy. 'Refugee' is a 'malleable' and 'dynamic' label, and making it fit into the fixity of interventions and practices does not lead to a better understanding of refugeness but obscures its changeability (Zetter., 1991). This is why authors such as Malkki (2002) and Chimni (2009) are attempting to historicize instead of essentializing the 'refugee' category as being born of the international humanitarian project :"*(...) it is, rather, a historically specific discursive figure whose social uses have been many since the end of the Second World War.*[62]" For example, Chimni (1999) is even questioning the reasons behind the accumulation of certain types of knowledge by scholars and academics on the subject of migration. Indeed, Chimni (1999) critiques the turn that took 'refugee studies' towards the appellation of 'forced migration' - at the beginning of the 1990's - as being flawed:

"Thus it should be a logical move if, as is argued, sociological phenomenon and not legal categories is the determining factor in knowledge production. If the boundaries between refugees and IDPs are blurred at the existential level so are the borders between forced and voluntary migration. The difference between the two is only between types of movements and degrees of coercion involving the varied exercise of agency.[63]"

[60] Zetter, Roger. "*Labelling Refugees: Forming and Transforming a Bureaucratic Identity."* Journal of Refugee Studies Vol. 4 No. 1 1991 P.39

[12] Zetter, Roger. "*Labelling Refugees: Forming and Transforming a Bureaucratic Identity."* Journal of Refugee Studies Vol.4 No.1 1991 P.39

[62] Malkki, H. Liisa. "*News from Nowhere: Mass displacement and Globalized 'Problems of Organization,'*" 2002. SAGE publications (London, Thousand Oaks, CA and New Delhi) Vol. 3(3): 357

[63] Chimni, B.S. "*The Birth of a 'Discipline': From Refugee to Forced Migration Studies*." 2009. Journal of Refugee Studies. Vol.22, No. 1 P.12 (Castles, 2003)

On the other hand, in the spectrum of political science, refugees often become a question of 'politico-military security' for receiving states (Hammerstad, 2008). Within the paradigms of the realist theory – where an analysis focuses on states as main actors - it is worth keeping in mind that concerns are towards security issues and in preserving the state's sovereignty and territorial integrity."*There is a clear North-South divide in the type of security threats posed by refugee movements. There are far more serious security implications in the developing world than in the industrialized.*[64]" Thus, in a context where the state is weakened by armed conflicts and is considered as 'under-develop', refugees are perceived as external or internal threats to the political cohesion of a country (Hammerstad, 2008). "*Decisions on whether to offer asylum are in large part based on the host states' own political and strategic considerations and not necessarily of humanitarian or legal concerns.*[65]" For example, Edward Mogire (2004) links the cross-border movements of refugees with the circulation of small arms, and thus positions refugees themselves as important actors in spreading[66] or preparing conflicts in neighboring states (Mogire, 2004). Mogire (2004) disputes the narrow definition of refugees as 'victims' and instead uses a sociological perspective to involve refugees in intra and inter-state politics (Mogire, 2004). Mogire (2004) is thus defining refugees by three different subcategories. First, 'victims' or 'situational refugees' flee due to a disruption of their livelihood. Most unlikely involved in small arms movements, they are however potential able bodies for rebel groups and thus at risk of becoming engaged as 'combatants' (Mogire, 2004). Second, 'targets' or 'persecuted refugees' in opposition with their current government or other groups in their home countries have a greater tendency to join armed groups and thus facilitate the proliferation of conflicts (Mogire, 2004). And third, the 'activists' or 'state-in-exile refugees' whose political actions have forced them to flee are mainly the one referred to as 'refugee warriors' and thus most likely preparing armed forces in receiving states (Mogire, 2004). Yet, it would also be possible to critique Mogire's (2004) classification. However, what is interesting here is the incongruity he distinguishes between what he calls the 'humanitarian sanctuaries' (which refers to the refugee camps) and 'the refugee warriors' (Mogire, 2004). Indeed, for Mogire (2004) *"Camps are used as breeding*

[64] Hammerstad, Anne. "*Securitization as a self-fulfilling prophecy: Refugee Movement and the North-South Security Divide*." Political Science Association Annual Conference in Swansea 1-3 April 2008. P. 1
[65] Mogire, Edward. "A *Preliminary Exploration of the Linkages between Refugees and Small Arms*" 2004 Paper 35, Bonn International Center for Conversion. P.17
[66] What is also referred to as 'Spill-over effect'

grounds for refugee warriors who, with assistance from the Diaspora, host governments and interested states, equip themselves for battle.[67]"

Yet again, as states tend to perceive refugees as possible threats, in contrast, there seems to be a great discrepancy between refugees as a threat versus refugees as vulnerable. Does this mean that a politically- or militarily-involved refugee in a receiving country is no longer recognized legally or socially as a 'refugee'? Indeed, if fleeing for reasons such as political involvement for example, a refugee is however normally not entitled to have such political activities in receiving countries since a person is obviously subject to the laws of the country of refuge. However, "*this requirement in itself does not prohibit host states from supporting military activities by refugees.*[68]" Depending on the needs of the receiving government, refugees can also serve the political and military purposes of the state, which thus conflicts with the security theory. For example, in 2002, the Ugandan government - but especially Amama Mbabazi, the state minister at the time, and current Prime minister - has been accused by a report from the Joint Verification and Investigation Committee of hiding FDLR/interahamwe (militia from Hutu background) rebels in Southwestern Uganda (Leloup, 2002-2003). In this case, five hundred Interahamwe were said to have received their military training at the Nakivale refugee settlement, again under the supervision of the Ugandan government (Leloup, 2002-2003). Furthermore, while I was doing my internship in Nakivale during the month of August 2012, a rumor in the settlement was spread concerning the recruitment of soldiers within the refugee population. This rumor was confirmed in a report from the United Nations Group of Experts in Congo, that M23 (rebel group from Tutsi background) agents were recruiting refugees – with the support of Ugandan authority - in the camps of Kisoro and Nakivale (Ssekyewa .E, 2013). This information is indeed putting many assumptions about the status of refuge into perspective. Let's now continue and look at the implications of being a legally recognized refugee in an African context.

[67] Mogire, Edward. "A *Preliminary Exploration of the Linkages between Refugees and Small Arms*" 2004 Paper 35, Bonn International Center for Conversion. P.22

[68] Mogire, Edward. "A *Preliminary Exploration of the Linkages between Refugees and Small Arms*" 2004 Paper 35, Bonn International Center for Conversion. 80p.

2.3. Being a Refugee in Africa

It is a common stereotype to perceive migrations in Africa as linear, mainly forced, and painful. Nevertheless, it is accurate to say that forced migration (voluntary or involuntary) is common in many African countries. From politics, the economy, war, tribalism, ethnicity, environmental or developmental projects, etc., internal and external conflicts tend to force people to flee their homes and to be categorized - but not necessarily - as refugees[69].The continent was not yet a prime concern on the international agenda when the management of refugees was discussed by the international community in 1949 (Gingyera-Pinycwa, 1998). Thus, Africa is not mentioned in the 1951 convention – since it mainly targeted Europe at the time - and is barely pointed out in the 1967 Protocol. Consequently, involving the Organization of African Unity[70] (OAU), the 1969 Convention was endorsed to address the specificities of refugee affairs on the African continent. The 1969 Convention is thus the first international legal document that secured the solidarity and commitment of African regimes towards asylum-seekers and refugees. Consequently, it resulted in an increased hospitality towards people fleeing persecution on the continent, and the convention also enacted a broader definition of the concept of the refugee itself (Gingyera-Pinycwa, 1998).The 1969 convention states that becoming a refugee includes not only a well-founded fear of persecution, but also stresses the possibilities of flight for reasons such as external and internal occupation, foreign domination, or serious events in general (Gingyera-Pinycwa, 1998). However, even after 40 years of experience in dealing with refugees within the scope of the 1969 convention, African countries are still far from having managed recurrent flows of refugees and internally displaced persons (IDP). In fact, as stressed by Gingyera-Pinycwa (1998), many African states and their inhabitants are often themselves responsible in aggravating the situation (Gingyera-Pinycwa, 1998). Additionally, lacking tools to reduce the scale of forced migration and preventing its causes, many African states are seeking international assistance in this matter, a global support that is repeatedly accused of partiality towards specific countries (Gingyera-Pinycwa, 1998) or of interfering with state sovereignty. Besides, as refugees are protected by the international community, IDPs on the other hand are considered as being more vulnerable and

[69] Agier made a strong correlation between the decreases of registered refugees in the UNHCR's statistics, and on the other hand, the growing numbers of people labeled as internally displaced persons (IDP), for example, who are not entitled to the same rights that the ones in link with the refugee status *per se* (Agier M. , 2011).

[70] Which today is only referred to as the African Union (AU)

difficult to protect since they are not crossing international borders. Often considered as second class citizens, they are frequently victims of bad treatment and discrimination by their own government and other nationals. "*Little remains firm, fixed or permanent in the matter of refugees and internally displaced people. Certainly not in Africa where the contention that 'we are all potential refugees' must carry more weight than anywhere else in the world.*[71]" Therefore, humanitarian organizations in concert with governments opted for the creation of 'camps' and/or 'rural settlements' as a way to manage, control and order such a category of the population engendered by the high rate and the shifting nature of forced migration in the African context (and elsewhere).

2.4. How to Receive Refugees

Again in a historical perspective, Malkki (2002) situated the management of displaced people at the end of the Second World War. Through "(...) *standardized legal or administrative practices conceived explicitly as international and humanitarian. (...) It is in this post-war moment too, that the international legal instruments and United Nations organizations concerning political refugees emerged.*[72]"Internationally, when large numbers of persons are fleeing out of their countries, the UNHCR in partnership with multiple NGOs and GOs are more than often organizing their reception into camps or settlements in neighbouring states. "*The specific device of the refugee camp also operates in intimate relation to the logic of the national order of things.*[73]" Thus, to ensure the maintenance and order of these camps, organizations valorized the identification and classification of individuals. Indeed, there must be a clear divide between insiders and outsiders, among statuses (internally displaced, asylum-seekers, refugees, rejected, nationals, etc). Nonetheless:

"Peoples gathered into these spaces are all there because of their status of victims (...) justification of their presence and of the existence of the camps makes them, from a humanitarian standpoint, nameless, in the sense that no identity referent is supposed to affect the support

[71] Gingyera-Pinycwa, A.G.G. "*Refugees and Internally Displaced People in Africa on the Eve of the 21st Century.*" East African Journal of Peace and Human Rights Vol. 5, 1998 P.p. 46

[72] Malkki, H. Liisa. "*News from Nowhere: Mass displacement and Globalized 'Problems of Organization,'*" 2002. SAGE publications (London, Thousand Oaks, CA and New Delhi) Vol. 3(3) p. 352

[73] Malkki, H. Liisa. "*News from Nowhere: Mass displacement and Globalized 'Problems of Organization,'*" 2002. SAGE publications (London, Thousand Oaks, CA and New Delhi) Vol. 3(3)p. 353

provided to the physical maintenance of the victims (security, health, food); this care is aimed at persons belonging indifferently to factions, regions or states which may be friendly or hostile. Thus the humanitarian system induces the social and political non-existence of the recipients of its aid. Recognizing in principle only 'victims', refugee camps are spaces that produce a problematic of identity.[74]"

Indeed, this quote from Agier (2002) shows that the contradiction afflicting the current humanitarian system is more than rhetorical as the legal definition of a 'refugee' or 'statelessness' focuses on the importance of a legal and national identity, although in terms of reception and services, this identity is limited in qualitative terms, i.e. as undifferentiated sufferers. Additionally, these camps tend to be organized in a manner where refugees are kept apart or at a distance from main areas such as cities, which means "*outside the legal and geographical border of the common political order*.[75]" Indisputably, the specificity of these refugee camps arises from what Agier (2011) called their 'extraterritorialities' and 'out-places'; it is the conscious decision - of their remoteness - that makes them one of a kind. "*Camps possess an organization in space, social life and a system of power that does not exist elsewhere*.[76]" Yet, Malkki (2002) would contradicts this statement as she upholds the idea that on the contrary, an analysis of the generalization inherent to refugee camps would be more accurate than the focus on its oddity; their strategies of power are nothing new (Malkki, 2002); "*The camp presents itself, socially and juridically, as a 'space of exception', and as an emergency measure, and is yet startlingly routine and familiar*.[77]" Nonetheless, Uganda is not an exception. Asylum-seekers and legally-recognized refugees are directed towards 'local settlements' upon arrival, and are all located far from reach. Simultaneously, it is also part of the UNHCR's policy to promote rural settlement in the instance of the protracted issue of refuge as a means to enhance sustainability and self-sufficiency within refugee communities (RLP, 2001).

[74]Agier, Michel. "*Between War and City: Towards an Urban Anthropology of Refugee Camps*" 2002. SAGE P.322

[75] Agier, Michel. 2011. "*Managing the Undesirables, Refugee Camps and Humanitarian Government*." Polity Press, p. 18

[76] Agier, Michel. 2011. "*Managing the Undesirables, Refugee Camps and Humanitarian Government*." Polity Press, 132

[77] Malkki, H. Liisa. "*News from Nowhere: Mass displacement and Globalized 'Problems of Organization,'*" 2002. SAGE publications (London, Thousand Oaks, CA and New Delhi) Vol. 3(3) p. 353

"*The camp administrators wanted to see docile bodies busied in agricultural production, and the visiting United Nations and other officials wanted to see the docility proper to objects of humanitarian and development assistance. In both cases, the refugees' presence as 'bare life' was more manageable that their politics (...).*[78]"

Furthermore, as stated by Lucy Hovil (2007), the local settlement system in Uganda is halfway towards a policy of local integration, but based on 'encampments.' Indeed, settlement inhabitants are mainly reliant on aid to 'survive' even under the UNHCR's 1999 self-reliance strategy (SRS) (Hovil, 2007). Thus, let's look at how this management and ordering is carried out by the Ugandan state in partnership with different national and international organizations.

2.5. The Regulation of Refugees in Uganda

The regulation of refugees in Uganda is again not an exception; it is also based on the international 1951 UN Convention related to the status of refugees[79]. Although it is not before 1995 – the year that Uganda's new constitution was sanctioned - that the country adopted a bill of rights (Tindifa, 1998) and that the country conformed to international regulations on human rights. "*Uganda may on the surface be considered an extremely hospitable and liberal state towards refugees. This may be inferred from the fact that for the last 50 years, the country has had one of the biggest refugee populations in East Africa.*[80]" Located at a strategic point of the Great Lakes region, Uganda is a prime location for refugees fleeing internal conflicts in bordering states. For example, Tindifa (1998) stated that in the colonial era, since refugees were perceived as a temporary flow, Uganda welcomed them on the premises of a transitional solution, prior to further resettlements or repatriation (Tindifa, 1998). As a temporary matter, refugees were encouraged to increase their self-reliance and governance, a political autonomy that, since Uganda's independence in 1962, has decreased drastically (Tindifa, 1998). "*Refugee settlements in Uganda today are under the authoritarian powers of the director of refugees and camp commandants who possess police powers.*[81]" Since refugees have become a permanent matter or what is commonly

[78] Malkki, H. Liisa. "*News from Nowhere: Mass displacement and Globalized 'Problems of Organization,'*" 2002. SAGE publications (London, Thousand Oaks, CA and New Delhi) Vol. 3(3) p. 359
[79] While Uganda only signed the 1951 convention in 1978 (RLP, 2003).
[80] Tindifa, B. Samuel. "*Refugees and Human Rights in Uganda: A Critical Assessment of the Law, Policy, and Practice*." 1998. East African Journal of Peace and Human Rights. Vol. 5:1. P.56
[81] Tindifa, B. Samuel. "*Refugees and Human Rights in Uganda: A Critical Assessment of the Law, Policy, and Practice*." 1998. East African Journal of Peace and Human Rights. Vol. 5:1. P. 57

called a protracted issue for Uganda, the political and social statuses of refugees have considerably declined; they have no more powers concerning the administration of camps (Tindifa, 1998). Indeed, the Refugee Law Project (2001) stated a clear lack in terms of written law and transparent policy concerning refugees, a situation which puts Uganda's solidarity reputation towards refugees in perspective.

"Thus, despite Uganda's goodwill on a rhetorical level, the perception of refugees as an economic burden, a political security problem, and as a temporary phenomenon has generally led to practices aimed at controlling, segregating, pacifying, depoliticising, and therefore marginalizing the refugees so that they do not become of conflict in intra and inter-state politics.[82]*"*

Incontestably, Uganda acknowledged the important role of the UNHCR in the protection of refugees by signing the 1951 convention. However, at a national level, the management of refugees is ruled by the 2006 Refugee Act[83], subsequently positioning the Office of the Prime Minister (OPM) as the core leader supervising the reception and integration of refugees in the country. In addition, it is under the 'Cluster Approach' – a humanitarian reform that "*aims at strengthening coordination, accountability, and predictability between providers of humanitarian services*[84]*"* - which different organizations are working together to deliver efficient and sustainable services to refugees in receiving countries. As such, focusing on a self-reliance strategy (SRS), the reception of refugees in Uganda is principally administered through a 'local settlement system'. Consequently, multiple partners working with and for the Ugandan government are together assisting refugees directly in the vicinity of multiple settlements[85]. In the case of the Nakivale Refugee Settlement, the humanitarian 'governance' is currently provided by ten organizations (the UNHCR, the OPM, GIZ[86], FRC, WTU, Nsamizi, MTI, WFP, SP, and the

[82] Lomo, Zachary. Naggaga, Angela. Hovil, Lucy. "*The Phenomenon of Forced Migration in Uganda: An Overview of Policy and Practice in an Historical Context*." June 2001. Refugee Law Project Working Paper No.1 p.11

[83] Until the 2006 Refugee Act, the regulation of refugee in Uganda was directed under the 1964 "Control of Unwanted Aliens" or commonly called CARA (RLP, 2001).

[84] De Maio, Giammichele. Jury, Allan. December 2007. "*Cluster Approach- a Vital Operational Tool*" in "Humanitarian reform: Fulfilling its promises?" FMR No. 29. P.37-38

[85] There are currently 11 registered refugee settlements in Uganda: Nakivale, Oruchinga, Kyaka II, Kyangwali, Kiryandongo, Paralonya, Rhino, Imvepi, Madi Okollo and the connected camps of Adjumani (OPM, 2012). Additionally, with the recent influxes of refugees fleeing the war in Congo, another camp in Kamwenge district (Near Kasese), named Rwamwamja, has also reportedly been welcoming new refugees (Lumu, 2012).

[86] GIZ has been replaced by the American Refugee Committee (ARC) in January 2013

police), with more than 80 staff members - mostly Ugandan nationals - working, living, and interacting with each other on a daily basis in the remote area of the Nakivale refugee settlement.

2.5.1. The Office of the Prime Minister (OPM)

Under the leadership of Prime Minister Amama Mbabazi, the Office of the Prime Minister is responsible for the coordination, the implementation, and the monitoring of all ministries and government policies in Uganda (OPM, 2012)[87]. For the present concern, the ministry in charge of refugee affairs in Uganda is the one named 'Ministry of Relief and Disaster Preparedness' whose minister, Stephen Mallinga, is responsible for the political leadership of the Department of Disaster Preparedness, Management, and Refugees (OPM, 2012). The directorate of the ministry is further divided into two distinct sections: the Disaster, Preparedness and Management Department, and the Refugee Department. At a national level, the Commissioner for refugees, David Appollo Kazungu, endorses all decisions involving refugees in Uganda. Broadly, the commissioner:

"(…) co-ordinates, monitors and evaluates the activities of the implementing partners and the district departments implementing refugee assistance; oversees the delivery of social services and related welfare assistance to the refugee settlements; co-ordinates the provision of advisory and counseling services in the refugee settlements; any other related duties that may be assigned.[88]*"*

2.5.2. The UNHCR

As the main international organization providing assistance to refugees around the world, the United Nations High Commissioner for Refugees, created in 1950, *"(…) strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State, with the option to return home voluntarily, integrate locally or to resettle in a third country.*[89]" In Uganda, the care structure of the UNHCR (2012) is composed of four divisions[90]. First, a national office regulates all refugee-related activities in the country and is responsible to relay all information to 'the regional support hub' (RSH) based in Nairobi[91], as well as to the main office in Geneva.

[87] For an Overview of the OPM structure, refer to the Appendix 1
[88] OPM Official Website :2012
[89] UNHCR, Official Website:2012
[90] For complete data on UNHCR offices in Uganda, see Appendix 2
[91] UNHCR, Official Website, 2012

Second, two sub-offices (one in Mbarara and the other in Arua) regionally supervise the UNHCR field offices and field units in their locally-based provision of services to refugees. Again, every office must relay key information to the head office in Kampala. In Nakivale, the UNHCR is represented by a field unit which has several departments that deal with community services, livelihood, and legal matters. Services also offered by the OPM and GIZ (now replaced by ARC).

"The main focus of the operation is on assuring effective access to housing, health, water, sanitation, primary and post-primary education, as well as livelihood opportunities for urban- and rural-based refugees. Unaccompanied and separated children and women at risk will be identified and provided with protection.[92]*"*

2.5.3. The Settlement System in Uganda

Refugee settlements in Uganda are the main sites used by the government and different NGOs to welcome and provide support to officially recognized refugees. A settlement is thus a piece of land retained by the GoU for refugees where the latter are allowed – and strongly advised - to grow their own means of subsistence as part of a strategy of self-sufficiency[93]. Commonly called the SRS policy (Self-Reliance Strategy), it was implemented in 1999, mainly in Northern Uganda, as part of the UNHCR's global strategy of development assistance to refugees (DAR).

"It envisages a situation where services to refugees in agricultural settlements (previously provided by one of UNHCR's implementing partners) are integrated into district level government provision. On this basis, refugees access services in the same way as Ugandan nationals, rather than continuing to receive 'special treatment' via NGO provision. Few specifically income-generating interventions are included in the SRS which appears to proceed largely on the assumption that refugees will subsist and even produce a surplus on the basis of agricultural activity, as well as small-scale local trade and petty businesses.[94]*"*

However, different from a refugee 'camp', a settlement is not a place where refugees are unauthorized to leave, but in order to have access to all refugee-related provisions, their identity must be assessed (Officer, 2012). This assistance is also provided by and large through the

[92] UNHCR, Official Website, 2012

[93] Technically, a refugee is allowed to grow crops only for self-consumption. But Ugandan law being quite flexible, the selling of goods and agricultural means is not improbable. But again, by law, the government normally refuses to allow the selling of crops, or of land, since refugees should not want to stay in the receiving country: being a refugee is still perceived as being a temporary situation.

[94] Kaiser, Tania. 2006. "*Between a Camp and a Hard Place: Rights, Livelihood and Experiences of the Local Settlement System for Long-term Refugees in Uganda*." The Journal of Modern African Studies, 44, p 603

settings of a settlement since 'self-settled' or 'urban refugees' are still not entitled to such support[95] unless they are registered on the UNHCR's 'urban caseload' (Hovil, 2007)[96]. This specificity of the Ugandan context creates what Hovil described as a "*redefinition of a refugee as someone receiving assistance and living in a camp*.[97]" Also, as defended by Barbara Harrell-Bond (In Zetter, 1991), "The *symbolism of settlement schemes is much more a political tool to attract international assistance than a policy instrument to serve refugee interests.*[98]"

However, at the regional level, Refugee Desk Officers are the OPM representatives responsible for the coordination of refugee settlements since, again, the reception of and provision of support to refugees is principally channelled through this system. Conversely, since outsiders normally need an official right of entry to enter a refugee settlement, my access to Nakivale was regulated by Walter Omondi, the Refugee Desk Officer in the Western region of Uganda. This 'permission' was further granted by the former camp commandant, Godfrey Byaruhanga, now officially replaced by Mr. John Bosco. The camp commandant, the OPM delegate and principal in charge of the settlement[99] have a word about everything that concerns the management of Nakivale from internal transfers, land allocations, security issues and resettlement, to social and physical protection (GIZ M. , 2012). Besides, upon arrival at the settlement, it is toward the camp commandant that asylum-seekers are directed for registration[100]. Asylum-seekers who have not been recognized as prima facie refugees[101] (they are referred to as 'conventional' or 'mandate'

[95] This is apparently against the 1951/1969 Convention (Hovil, 2007).

[96] If a refugee wishes to stay in Kampala, he/she must prove that she/he his self-sufficient for 'OPM' and the UNHCR to give them permission. Indeed, only a small number of people can afford to live in Kampala (Clark-Kazak, 2011). Hence why a fair number of refugees decide to stay in Kampala 'illegally'. Moreover, Clark-Kazak also mentioned that these self-settled refugees have to register with the 'LC1 chairman' of their district of residence. But these LC1 are often not aware of the law ruling refugee statuses, or can choose to close their eyes about it (Clark-Kazak, 2011). This example explains quite well how things tend to work in Uganda.

[97] Hovil, Lucy. "*Self-Settled Refugees in Uganda: An Alternative Approach to Displacement*?" 2007. Journal of Refugee Studies Vol. 20. No. 4, p. 601.

[98] Zetter, Roger. "*Labelling Refugees: Forming and Transforming a Bureaucratic Identity."* Journal of Refugee Studies Vol.4 No.1 1991 P. 44

[99] As Mr. John Bosco told me and other interns in Nakivale, he has a military background with the US army (Nakivale: 2012).

[100] When asylum-seekers arrive in Kampala, they are taken in charge on the spot by the 'Crime Intelligence Office' where they are eventually interviewed by the REC (OPM, 2012).

[101] To be recognized as a prima facie refugee (which means "on first look"), an individual must belong to a 'class of persons' that have been recognized as such by the Ugandan Government. It is a process valid for two years (or until the causes for such a policy end) upon an official publication by the government in the national gazette (Refugee act: 2006: Act 25, (1) to (4)).

refugees) have to wait for a 'Refugee Status Determination'. An RSD is determined by interviews conducted at the settlement or in Kampala by representatives of the Refugee Eligibility Committee (REC)[102] (OPM, 2012). As the principal organ of the OPM dealing with refugees, the REC is composed of nine directors of different government ministries and organizations that are directly concerned about the presence of refugees on the Ugandan territory[103]. Upon monthly meetings (or as required), the committee has a word on every asylum claim[104] and on refugee statuses in the country, which makes refugee issues a state affair in Uganda (Refugee Act , 2006). "*This composition is fairly representative but purely political only to cater as priority for the interests of the state other that the protection needs of the asylum seekers.*[105]" It also worth noting that a UNHCR representative is to be present (with an advisory status only) at each REC meeting and must be consulted before any official decision is taken, but on the other hand, that no NGO representatives are allowed (RLP, 2006). Nevertheless, it is also important to understand that no 'official' assistance is given to asylum-seekers until they receive the status of refugee (Refugee Act , 2006)[106], and that this assistance is again provided by and large through the settings of a settlement[107]. For example, the Jesuit Refugee Service (JRS) was in charge of providing services to urban refugees, but the government was not keen on letting the NGO help urban refugees. Thus, JRS currently provides services only to asylum-seekers waiting for their status (Clark-Kazak, 2011). "*Upon grant of refugee status, OPM will allocate a plot of land per family and the family will then be provided with basic assistance including non-food items, food and ration cards that will entitle them to monthly food ration.*[108]" It worth mentioning that the overall activities of

[102] It is worth mentioning that many of the Congolese refugees I interviewed in Nakivale went directly from border areas to Kampala and had meetings with the REC even if considered as prima facie. Indeed it seems that there is a lack of registration facilities at some borders and/or an increasing control of the REC in deciding which refugees are welcome or not (Nakivale: 2012).

[103] The ministries and organizations are: Ministry for Refugees, Ministry of Internal Affairs, Ministry of Foreign Affairs, the Solicitor General, Ministry for Local Governments, Internal security organizations, External security, Special Branch of Ugandan police, and the Commissioner for Immigration (Refugee Act: 2006: Act 11, (1) a to i)

[104] If their asylum claims are rejected, asylum-seekers can apply again through the Refugee Appeal Board" (RAB) which will bring the case back to the REC (Mulumba., 2012)

[105] Refugee Law Project. "*Critique of the Refugees Act (2006*)". Compiled by the Legal Aid Clinic, Chef Analyst: Mindrea Godwin Buwa. P.10

[106] Upon arrival at the settlement, asylum-seekers are directed to the 'Reception Centre' where they can stay for up to four months - sometimes even longer - in unsatisfactory conditions. (Simon, 2012)

[107] Until an asylum-seeker gets a response from the REC concerning a refugee status, OPM will deliver a temporary asylum-seekers card which is renewable every three months (OPM, 2012).

[108] OPM Media Resources, 2011

the OPM are implemented and/or operated[109] with the technical, financial, and material support of the UNHCR (UNHCR, 2012). Hence, as the main donor and worldwide protector of refugees, the UNHCR has a word on all refugee-related activities in Uganda, but for the respect of the Ugandan state sovereignty, the UNHCR must work for and in partnership with the OPM. In addition to the OPM and the UNHCR, the structure of refugee care in Uganda is further managed by national and international NGO's or GO's which put into operation "(…) *multi-sectoral interventions under the leadership and coordination of UNHCR.*[110]" As the main stakeholder, the UNHCR signs two types of framework agreements with local and international organizations. First, some organizations are considered as 'operational partners,' which means that they come with their own equipment, budget, material, employees, etc[111]. Second, some organizations are 'implementing partners,' thus receiving money from the UNHCR to target specific issues on its behalf[112]. Consequently, according to the information mentioned above, this multi-leveled type of relations, deriving from the mix between the international and the Ugandan refugee system, was obvious within the Nakivale refugee settlement and strongly influences the quality of services provided to refugees. Furthermore, it is important to understand that this heavy bureaucratic structure affects and influences the routines of refugees in Uganda; more precisely, that the "office" was a huge component of the daily life at Nakivale.

2.5.4. The Nakivale Refugee Settlement

Used as a refugee settlement since the 1960's, Nakivale is located in the Isingiro district, near the Tanzanian border in southwest Uganda[113]. Situated 60 km from Mbarara, the largest city of the western region, Nakivale is an 86 square-mile area (RLP, 2003) which, at the moment, hosts around 70,000 refugees (and Uganda nationals) from more than 8 different nationalities (Officer, 2012). As a semi-desert remote agricultural area, Nakivale is subject to drought, and the poor quality of the sand roads connecting its 75 villages renders access to and within the settlement difficult, especially during the rainy season[114]. Additionally, the Nakivale refugee settlement[115] is

[109] Since the OPM is both an implementing and an operational partner of UNHCR.
[110] The UNHCR's Official Website, 2012
[111] In Nakivale, Operational Partners (OP) are: OPM, FRC, MTI, BMZ, and WFP
[112] In Nakivale, Implementing partners (IP) are: OPM, GIZ (now ARC), Nsamizi, SP, and WTU
[113] See Appendix 2
[114] See Appendix 3
[115] See Appendix 4

organized in three different zones[116], zones that are further divided into sub-zones, each including between three to seven villages. These villages are normally divided between nationalities (with some exceptions), since this facilitates the implementation of projects for implementing partners (IPs) and operating partners (OPs), as well as keeping good governance in the settlement (Omondi, 2012). Thus, at the local level the management of the Nakivale Refugee Settlement relies on daily and personalized interactions between the staff of different governmental and non-governmental organizations and refugees. Organizations also employ community workers (CW)[117] from the refugee population to organize, mobilize, and monitor the refugee population i.e. to prepare them before specific activities and, in some instances, for the reception of extra assistance.

2.6. Nakivale in a Perspective of Mobility

To explain the central place that the trajectories comprise in the process of migrating, Schapendonk (2009) seeks to understand a migrant's goal, the importance of social networks, and thus the consequences of a migrant's im/mobility during the course of migration (Schapendonk, 2009). Hence, Schapendonk (2009) refers to the concept of 'immobility regimes' by Turner (in Schapendonk, 2009) to describe involuntary immobility in link with '*strict visa regimes*' but also in terms of a lack of financial resources (Schapendonk, 2009). Yet, if transferred to the case of Nakivale, immobility was the main issue for the Congolese refugees interviewed at the settlement. Indeed, the lack of social networks and financial resources were the main barriers to their mobility outside the settlement to escape the difficult living conditions at Nakivale. Again, as Schapendonk (2009) states that migration is a process and thus that it does not necessarily have only one beginning and one end (Schapendonk, 2009), this position puts into perspective the merit of the settlement system as the best way to manage refugees in a protracted situation of refuge. However, it is important to understand that there are also different statuses between refugees in Nakivale, again to illustrate the danger of an undifferentiated labelling of refugees as 'victims'. As stated by Agier (2002), the author described four main social hierarchies within the settlement he was working in, hierarchies that were also identifiable in Nakivale. First, the wealthier refugees were represented by small groups of Somalis and Rwandese (some have been residing at Nakivale

[116] Juru, Base Camp, and Rubondo.
[117] There are currently thirty-two community workers at Nakivale (GIZ, 2012)

since its creation in the 1960's). Many of these were involved in the region as pastoralists or in trades. Indeed, some inhabitants of the Somali village, for example, were better off thanks to remittances sent from abroad by their families. Additionally, it is worth noting that the Somali Diaspora is also quite important in Kampala, which facilitates mobility from and to the settlement and the city, thus considerably increasing their income opportunities (Simon, 2012). The Somalis' financial and social networks thus allowed them to move much more than the Congolese I met in Base Camp II, who had no help from external family and few influent networks. Furthermore, many Somalis employed other refugees in the settlement as builders or as maids.

Also, refugee community workers are earning money from different organizations in the settlement, a position which gives them a great visibility within refugee communities, as well as allowing them to gain status and power (Agier M. , 2002). CW's are earning around 125.000 Ugandan Shillings per month (Simon, 2012), which helps them have better living standards but does not necessarily make them more mobile. On the other hand, there are also many prejudices against community workers within organizations. Indeed, as stated by a UNHCR officer during a meeting concerning the involvement of the community workers in the organization's activities, it was agreed between staff members that "*you can't fully trust a refugee (...) it is human to try to take for oneself.*[118]" Furthermore, the third group referred by Agier (2002) is represented by small traders, the ones you can see every day in Isangano, the main market place at Nakivale. Their position allows them to be more mobile, and many are having strategies to take advantage of their situations at the refugee settlement. For instance – and not just for the group of small traders - it is common in Nakivale that if one has some financial assets, one lives in the city and then, once a month, one returns and claims one's food ration (Simon, 2012). Yet, this is representative of some of the 'coping' or 'survival' strategies used in Nakivale to make a living. The fourth hierarchy stated by Agier (2002) is the one represented by the "*recipient of basic minimum aid*[119]" which is the largest group (Agier M. , 2002). Although, I would suggest a fifth category of individuals within Nakivale: the 'persons with specific needs' (PSNs) and the "extremely vulnerable individuals" (EVIs). Included in the 'recipient of minimum aid,' PSNs and EVIs have been selected (through interviews lead once a year by UNHCR and other organizations) as in need of

[118] Meeting at GIZ, Community Services, 29th of August, 2012.

[119] Agier, Michel. "*Between War and City: Towards an Urban Anthropology of Refugee Camps*" 2002, SAGE. P.331

extra assistance because of their specific needs. Indeed, to be categorized as PSN or EVI can allow an individual and his/her family to a 100% food ration, further medical care, non-food items, etc. depending again on a person's needs. For example, last year GIZ registered 2200 PSN/EVI at Nakivale, and this year the activity was again extremely busy (GIZ M. , 2012). However, the Congolese refugees I interviewed were all from the fourth category, and many represented what Harrell-Bond (in Clark-Kazak, 2011) referred to as 'destitute refugees'; when the deterioration of the standard of living creates a huge contrast between life before and after migration (Clark-Kazak, 2011). It is through narratives from this particular positioning – through this regime of immobility - that Nakivale and its challenges are looked upon.

"*Ok, to stay here at Nakivale, with the life I live. If you understood correctly, it's been five years of sufferings. You see, I cross the border with those pants. If I compare with my life before, I can't compare. I am in rebellion against these people who brought me here. I was doing my own stuff, without problems, I had something, I was responsible. (…) You see these pictures here* **(On the first picture there is Z's former house in Congo; a big living room with a sofa and a television. On the other picture there is Z and his parents looking very proud, both men in their suits and his mother in her evening dress)**, *you see my life today and you see that I did not wish to be in this life. If I could find a good occasion to change my life (…) I think I could at least be free of doing what I want to do. Because here, there is no projects. Because you are here in the village, and tomorrow we can be displaced by the authority to go to another village. So imagined if you had started a project over there, to cultivate, to have animals, you still have to move and deal with these things. (…) no, no, since I am here I have no mean. And my friends I lost contact with them since they thought that I was already dead. My mother that I met here also thought that I was dead. For her, she couldn't even have thought that I was alive. Because normally when the rebels catch you, they kill you. You have no chance. So if you leave their camp, it is because of God.*" (Z .. , 2012)

2.6.1 Nakivale and its Challenges

The main issues inherent to the Nakivale refugee settlement were – apart from the ones referring to health, sanitation, and education - the concern for security. For a population of approximately 70,000 individuals, there were 70 policemen in the settlement, in six different police stations, within the three zones of Nakivale (it is again an 86 semi-desert square-mile area), with only one mobile unit (Commandant, 2012).

"*And here as well when we arrived in the camp we encountered other serious problems. As I was often going to the bush to fetch firewood with other mothers, someone took me by force (…) I went to the hospital and with that I have to take care of my kids without father*". (C., 2012)

In a report from GIZ to the UNHCR (2011-2012), it is mentioned that even with the protection structure in place within the settlement, "(...) *continued delayed justice for capital offenses (rape, murder, defilement and robbery) remains a challenge for many detainees and complainants/survivors*[120]." Yet, as in the GIZ report, rape is defined as a capital offense, the camp commandant however, does not seem to think as such: "*However, minor they might be, I cannot rule out petty security threats. Like assault, sometimes rape, there is domestic violence, which is obvious.*[121]" Indeed, it must be difficult, when the main authority in the settlement refers to assault or rape, and defilement as 'petty crimes', to feel secure at Nakivale, especially, as written in chapter one, since 97% of crime victims in the settlement are children and women (Protection.O, 2011-2012). However, security issues are not only in reference to gender. As mentioned earlier, refugee settlements are not necessarily 'humanitarian sanctuaries.'

It was during the refugee manifestation here. And I saw people from the Mayi-Mayi that we there. (…) it was in the camp, but far from here. Thus when I saw these people I went straight to the Juru police station. Anyway, my life here is not easy. I saw these two people; I know them well, they are part of the Mayi-Mayi. The police gave me a letter that was sent to the camp commandant and at the protection office, and the camp commandant assured me that they will protect me. And I am talking to you because my life is still in danger. (…) Thus me I feel psychologically insecure here. I found it a bit difficult. Until now I am still here, but I am always scared." (Z .. , 2012)

"Yes*! We have seen people from this village here! And my heart! (…) I don't know because we have been separated for a long time, but me I recognized them; there are others whom I have taught to that I see* (Jo., 2012)*."*

Furthermore, in terms of legal assistance, there were, at the time of my internship at Nakivale, only three legal officers available in the entire settlement and thus, unable to adequately respond to serious cases (Simon, 2012).

This daughter here when she was gone fetching woods in the bush, to save a bit the life of the family, she encounter – I don't know if they were thieves or militaries- that took her and raped her. And it is after that she became pregnant and that she delivered this girl. (…)." (Mi., 2012)

[120] GIZ Annual Report to UNHCR. Protection Office/Community Services 2011-2012. P.2
[121] Interview of Thea Grydeland Ersvik with John Bosco, camp commandant, Nakivale, August 2012

In addition, the only lawyer affiliated with GIZ was on maternity leave and the manager was not able to replace her since no lawyers wanted to accept the low salary and hard working conditions at the Nakivale refugee settlement.

"In this camp I found a lot of problems. When we left to fetch woods in the bush, there were intruders; we were two when we left to fetch wood in the bush and where the intruders met us. They stopped us there, and the other guy that was there he raped me. (…) When they told me that my uterus was out, that is when they brought me to Mbarara. These are the problems I found here. The other problem that I have here are the children not going to school. I am leading a life of sufferings and I have nobody who can help me, some sort of assistance. I put my hope that it is here that I can find something, but I don't even have hope to find something. A part of telling to him that I have nobody to assist me (...)." (M., 2012)

Also, many psychological problems, such as post-traumatic syndrome disorder, anxiety disorders, depression, etc., were not properly taken care of. The same struggle was noticed in 2007 by the Refugee Law Project: "*Up to now, there is no psychotherapy/trauma counselling for Refugees suffering psychological disorders*.[122]" Therefore, it seems that the situation has not improved at Nakivale in terms of psychological support in the past five years.

"You will see that my problem is quite a big one. In Congo I was a teacher; I have a diploma, but today I am wondering what I can do. I don't know how to speak English, I started today to go to the Somalis to find job and wash the clothes, but each time they beat me and I have a hard time to get paid.(…) There is a girl that I brought here when she was eleven year old. Today she is fifteen. She got raped. (…) So it was the Somalis that first came here to find me, but they found her. Because me, I refused that kind of friendship. However, that day when they arrived and realized that I was not there, they forced her here, inside the house. It was eight at night. But this problem really is so overwhelming I don't know what I can do about it. Indeed my child was my only hope; when I look at her and today she is crushed and I don't know what I can do for her. She does not study anymore because of shame; people are teasing her." (Jo., 2012)

Of course, security issues are not the only challenges in Nakivale; sanitation, drinking water, insufficient medical facilities, the cost for education, etc., are also strongly affecting the daily lives of its inhabitants.

[122] Refugee Law Project. "*A Report on the Field Visit by the Legal Aid and Counselling Department to Nakivale Refugee Settlement*." 3-14th July 2007 p.22

"*No my kids are not studying. Ok, you see, life is a bit hard and at school they ask for the uniform and I don't have the money to pay for the uniform and the shoes so I get organized and I go to the Somalis. I go and fetch work there. So my older kids are staying here at home to take care of the youngest.*" (C., 2012)

However, as noted by Kaiser (2006): *"To some extent these complaints are predictable and familiar to anyone with experience in a refugee setting. What is shocking is how little government officials and even staff of UNHCR and its implementing agencies seem to aspire to for the refugees under their care.*[123]*"* Indeed, many complaints I received from the Congolese interviewees were about the fact that nobody was responding to them.

"It is a catastrophe! Since I arrived here there are no changes; on the contrary, it continues to get worse. (Mi., 2012)

"Every time I arrive there at the protection office, nobody answers me; nobody opens the door for us." (C., 2012)

Everywhere I went (OPM, GIZ, UNHCR, etc.), I knocked everywhere, but there are no answers. (A., 2012)

"Always there is no amelioration. Because sometimes we think that a refugee is not considered as a person. Even if we are allowed to expose our problems, refugees are not considered; they are treating them as if they don't exist. (…) We are suffering because nobody is interested to us really, with a heart. People are not interested in refugees and it hurt us, because we are people even if refugees." (S., 2012)

"Because, even if you have problems you can expose, in any case, you can't enter the office. It is really hard to find who to talk to there. You can even, for a few months, go there and ask without seeing them, and even if you see them, no answers; you get tired. And then you sit down, and ask yourself where am I, where am I going, and who will resolve my problem (K., 2012)*."*

"I can say, really, that this place is not quite magnificent. It is less magnificent, because only to have a little nothing, you have to cry all year long before the office answers your demands (…) (Mi., 2012)*."*

[123] Kaiser, Tania. "*Between a Camp and a Hard Place: Rights, Livelihood and Experiences of the Local Settlement System for Long-term Refugees in Uganda*." The Journal of Modern African Studies, 2006, 44, p. 611

"The protection office does not give me this chance. When I arrive there, the protection agents they don't say anything to me; they don't help me. The only thing they say is 'sorry' (Jo., 2012)*."*

Yet again, in reference to the heavy bureaucratic and management structure of the Nakivale refugee settlement, it definitely hampers the quality of services provided to refugees. Moreover, in the vicinity of out-of-the-way settlements such as Nakivale, where working conditions are difficult and salaries are low, that some organizations do have different access to funds, and personalized relations between staff members can easily open the door to corruption. For instance, as the OPM can easily hold back projects and activities of other partners as representative of the ministry in charge of refugees' affair in Uganda; it is common to ensure that the office is always provided with internet access and fuel (P, 2012). Moreover, I was told in Nakivale not to accept any bribe, nor any gifts from refugees, as the gifts would always follow me. I was also informed that some refugees are desperate, and that the staff will never do enough for them, since the amount of work is too big (Officer, 2012). But, most significantly, Nakivale and its numerous challenges show the limitations and difficulties brought about by rules and decisions grounded in administrative and management rationales.

2.7 External Factors

While these issues are definitely hindering the livelihood of refugees, it is important to understand that external factors are also responsible for the deterioration of the quality of life in refugee settlements. First, the structure of the settlement system itself is problematic. It is a fact that lands are sensitive issues in the country, especially when the contention is between national Ugandans and refugees. Second, the scarcity of available land in the Nakivale area – and its quality - together with the decrease in food rations, bring about further questions on the overall management of refugees in Uganda.

2.7.1. Land Problem in Nakivale

For example, in the governmental newspaper 'New Visions', (2010) it was stated that the increasing numbers of refugees in the Nakivale refugee settlement, coupled with a high birthrate, creates space conflict between the refugees and the nationals living in the area.

"My problem is first related with the life that we are leading here. So for me at first is that the life we are leading is asking us to work. And I don't have a plot of land here. I don't have a work. I did not study. So I find that there is no solution here for me. Solutions without answers; that is why I went there to complain at the protection office". (A., 2012)

This situation is also responsible for the increasing corruption in obtaining land titles. As refugees are technically not allowed to own land, it is not rare that some of them acquire such titles through bribery, as much as some national Ugandans would do (Simon, 2012). As stated by the RLP (2002), it seems that there are discrepancies between the policies related to the Ministry of Land (from which some nationals genuinely bought land) and the ones associated with the OPM (that states that Nakivale is exclusively reserved for refugees).

"According to the Isingiro district chairman, Ignatius Byaruhanga, some people have titles for land in Nakivale, which they acquired from the Ministry of Lands. The Prime Minister's Office however, advised the district authorities that such titles were acquired irregularly and should be cancelled.[124]*"*

The contention was also confirmed in the Daily Monitor: " *More than 1,600 Congolese refugees in Nakivale Settlement camp in Isingiro District, who arrived a couple of months ago, are still crowded at the reception centre because locals have refused to vacate the land on which they are supposed to be settled.*[125]" The camp commandant responded by trying to evict more than 300 nationals from the Rubondo area, which only increased local tensions as the nationals strongly resisted the eviction (Mukombozi, 2012).The Minister spoke about the situation in these terms: *"We have already made resolutions and recommendations of this issue of locals occupying government land and this problem will be resolved soon. You should not be worried with where to*

[124] Nanyonlo, Aidah. "*Too Many Babies, Too Little Space in Nakivale Camp*". New Vision, Archive. July 2th, 2010.

[125] Mukombozi, Rajab. "*Refugees Stranded in Isingiro*." Daily Monitor Monday February 20th, 2012

allocate these refugees (…).[126]*"* Hence, this statement is quite contradictory, as well as the official discourse on refugee settlements, i.e. that the "*integration allows refugees and nationals to stay side by side with one another sharing the available resources and infrastructure. This allows peaceful and harmonious co-existence.*[127]" Thus, even with the integration policy, the relationship between national Ugandans and refugees concerning the division of land remains controversial. Coupled with the scarcity of available land, there was also complaint about the poor quality of the soil to grow crops since, as mentioned earlier, Nakivale is a semi-desert area.

"Life is difficult. Life is very difficult; especially if there are no crops. We go to the field and we try to work, but there is no crops (….) It is the field that we are renting. It is a field where you can plant seeds without harvesting anything. Since we are here, there was one crop which was good. But all the other ones were not that great. We rent fields, we harvest few. If you calculate everything that we harvest, it does not give results that are good. (K., 2012)

2.7.2. The Food Ration Decrease

Also, this land issue, coupled with the pressing matter of the food ration decrease, brings more questioning about the merit of the self-reliance strategy. For instance, According to Z, last year, refugees were receiving twelve kilos of food per person per month. Today, a refugee receives less than four kilos of food per month (Z,. 2012). As explained by a World Food Program (WFP) representative, since April 2012, the distribution of food is challenged by a worldwide shortage in maize, coupled with the need to provide food for the new influx of Congolese refugees in Uganda. Furthermore, depending on a refugee's years in Uganda since arrival, the food ration provided by WFP is supposed to decline[128]. For example, a PSN/EVI[129] individual is supposed to receive a 100% food ration. The 2007 up to current cases receive a 100% ration. Old refugee cases, from 2006 and earlier, only receive a 50% ration. Thus, within 6 years, a refugee is considered to be self-sufficient, i.e. able to grow his/her own means of subsistence. But in the current situation, even cases from 2007 and upward are not receiving a 100% ration. As food is calculated in terms of kilocalories, the refugees will be able to 'survive' on rations, but they are supposed to grow their own food on the side. This situation is again clearly stated in the Daily Monitor: "More *than 142,000 refugees supported by the World Food Program (WFP) may starve in the next two*

[126] Mukombozi, Rajab. "*Refugees Stranded in Isingiro*." Daily Monitor. Monday, February 20th, 2012.

[127] OPM Media Resource 2011. Consulted 27.09.2012

[128] This is also part of the SRS strategy

[129] Person with Specific Need/Extremely Vulnerable Individual

months as the agency said it is running short of funds to provide relief this year (…).[130]*"* This situation, declared by Mr. Ouane, the WFP country representative, did not seem as imperative for the minister: "*However, Disaster Preparedness Minister Stephen Mallinga downplayed the likely impact of the situation, saying there are other organizations that provide relief to refugees in Uganda.*[131]"As a result, it is difficult to enhance self-reliance when the livelihood of 142,000 refugees depends mainly on WFP to live and that the Minister himself does not take the situation seriously. However, it is not uncommon to hear such complaints from refugees in the country. Last July, female refugees requesting better living conditions and resettlement camped and undressed in front of the UNHCR's office in Kampala (Bagala, 2012). *"(…) they claim that there is no accommodation and enough food in refugee camps in Uganda.*[132]*"* Thus, the current situation puts into perspective the self-reliance strategy advertised by the GoU/OPM and other partners in their provision of services. Together with the decrease in food rations, it is far from fulfilling the requirements for an effective sustainability. Indeed, the WFP stated that: "(*…) a related weakness of the SRS is the lack of clarity about the conditions for self-reliance.*[133]"

"Personally, I currently receive six kilo of maize, two soda bottles of oil and one kilo and seven once of peas per months". But the suffering here (…). And another problem that I had here is that my oldest son, the one who could help us, was gone to fetch work to the Somalis. When he was building the house, he unfortunately fell on the ground and he has now problem with his basin. That is why you see that I live in misery. To eat here, to have something, you need to go far to fetch small piece of woods for the fire. And there as well the nationals are envying us and raping us, to do whatever they want to us when we go to fetch wood. And most of all the kids are not studying anymore. That is why I want to know if you can help the boy" (Ad., 2012).

It is thus what Hovil (2007) disputes that there is no such discussion in Uganda about possible alternative for the warehousing of refugees. "*Therefore, many refugees continue to live in harsh conditions, with inadequate facilities for schooling, health, and other basic humanitarian*

[130] Kalungi, Nicholas. "*Refugees at Risk of Starvation as Food Agency Registers Shortage*" Daily Monitor Saturday August 4, 2012.
[131] Kalungi, Nicholas. "*Refugees at Risk of Starvation as Food Agency Registers Shortage*" Daily Monitor Saturday August 4, 2012.
[132] Bagala, Andrew. "*Police Evicts Refugees from UNHCR Offices*." Sunday Monitor. July 29 2012.
[133] Kaiser, Tania. "*Between a Camp and a Hard Place: Rights, Livelihood and Experiences of the Local Settlement System for Long-term Refugees in Uganda*." The Journal of Modern African Studies, 2006, 44, p, 603

needs.[134]" Moreover, substitute solutions have even been received with hostility by UNHCR and government representatives (RLP, 2002; Kaiser, 2006; Hovil, 2007). "For *over fifty years, the interventions of the government of Uganda (…) have reflected a preference for rural settlement. As a result, the issue of urban-based refugees continues to be sidelined in the greater scheme of refugee protection in Uganda.*[135]" Or, in other words, that the settlement system occults and illegalizes 'coping' and 'survival' strategies used by many refugees outside the structures in place (Kaiser, 2006). For example, in reference to the mobility of the Somalis, these strategies of living or selling goods in Nakivale and in town are completely illegal, but yet still in place. Indeed, policies in Uganda are sanctioned and applied, but in practice they tend to come with great 'laissez-faire,' especially if one as the financial resources to deviate the law; if not, one will stay in the settlement.

"Maybe if we were free, maybe we could find something to help us survive. For example, the people which have some financial means, there are in the city, where they can search and find, have a house and live there while waiting. The life of a refugee begins when it start getting better." (Mi., 2012)

2.8. Heading for the past

To conclude, it is impossible to grasp the Nakivale refugee settlement without understanding the legal, political, humanitarian and sociological complexity of the structures – local, national and international - of the refugee regime. In fact, the trajectories of the Congolese refugees interviewed in Nakivale and their up-to-date immobility are intrinsically linked to the current global humanitarian system and its management of forced migrants. Thus, in the next chapter, to put Nakivale and its inhabitants in the broader political context of the Great Lakes region, the migration processes of the Congolese interviewed at Nakivale are from the 'past', before they became refugees at the Nakivale refugee settlement.

[134] Lomo, Zachary. Naggaga, Angela. Hovil, Lucy. "*The Phenomenon of Forced Migration in Uganda: An Overview of Policy and Practice in an Historical Context*." June 2001. Refugee Law Project Working Paper, No.1, p.7

[135] Refugee Law Project. "*Refugees in the city: Status Determination, Resettlement, and the Changing Nature of Forced Migration in Uganda*." 2002. Working Paper No. 6, p.3

Chapter III: Why the road

3.0. Past Tense

In Chapter II, the experience of being a refugee at the Nakivale refugee settlement was positioned within a broader international context as to explain the complexity surrounding the legal, sociological, political, humanitarian definition(s) of who is a refugee. The acknowledgement of the 1951 refugee convention for a country such as Uganda entails the deployment of an intricate multi-leveled type of organization (from international, national to local) for the reception and ordering of refugees in rural settlements. To legitimize the provision of services to beneficiaries and facilitate their management in receiving countries, humanitarian organizations are representing and categorizing refugees by a specific discourse which tends to portray them as victims and vulnerable. However, as demonstrated, the definition(s) and regulation of refugees are, on the contrary, highly ambiguous and challenging. In terms of mobility, the Congolese refugees interviewed at the settlement were experiencing an 'immobility regime' as a lack of social and financial resources hindered their mobility outside Nakivale. The difficult living conditions in rural settlements and their potential threats (such as gender-based violence or the recruitment of refugees by armed groups) - the fact that many refugees choose illegality instead and become 'urban refugees' outside the UNHCR 'urban caseload' - dispute the idea of the settlement system as being the best solution to deal with protracted refugees in Uganda. Hence, to continue the deconstruction of the humanitarian rhetoric about refugees and forced migration, chapter III aims at positioning the narratives and trajectories of the Congolese refugees interviewed at Nakivale within the multifaceted political context of the Great Lakes region. As in chapter II, the structure of chapter III moves from the macro to the micro perspective. Initially, a brief explanation of mobilities, wars and (de)colonization in Africa is given. This is followed by the outcome these factors had on shaping a particular form of 'states' in the Great Lakes region and its associated discourses. Finally, the consequences (or results?) of all these elements at the local level and thus their roles in transforming the Congolese interviewed at Nakivale in refugees are discussed.

3.1. As part of History

The Great Lakes region has seen a considerable amount of displacements since the 1990's. In 1994 for example, 2 million Rwandans fled the genocide in Rwanda mainly towards Uganda and Congo (Clark-Kazak, 2011); by 2007, DRC produced more than 1 million internally displaced persons (IDPs), plus 200,000 refugees fleeing conflicts in bordering states (Clark-Kazak, 2011). Uganda itself received 270,000 refugees from Congo and elsewhere, while generating its own population of 1.5 million IDPs in Northern Uganda[136]. (Clark-Kazak, 2011). In 2011, approximately 1.7 million people were being again displaced internally in Congo and 476,000 sought refuge in neighbouring countries (Watch, 2012). By the end of June 2012, 11,750 new refugees from Congo had settled in the Rwamwanja settlement in Uganda, in addition to the 4,030 refugees settled in Oruchinga, Nakivale, Kyaka II, and Kyangwali (OPM., 2012).One month later, 80,000 refugees arrived from Eastern Congo with the renewed fighting between the government and the M23 movement (Monitor., July, 2012). "*While the scale of these population movements appears to be unprecedented, migration in the Great Lakes is not 'new' but has historically been poorly documented and often deliberately manipulated and politicized.*[137]" For Castles (2003), the phenomenon of forced migration in the South and its associated conflicts are, at the present, intrinsically linked with the continent's decolonization during the 1960's, the difficult social and political conditions associated with state-building, and the incorporation of the African continent within the world order (Castles, 2003). The author refers to Mary Kaldor's (in Castles, 2003) concept of the 'new wars' to describe the specific forms these conflicts have taken:

"*The protagonists are not large standing armies but irregular forces. The aim is not control of territory, but political control of the population. Mass population expulsion is often a strategic goal, which is why the new wars have led to such an upsurge in forced migration. Ninety per cent of those killed are civilians. Both government forces and insurgents use exemplary violence including torture and sexual assault as means of control. (…).*[138]"

[136] Burundi is not mentioned here, but the country was also at the time experiencing conflicts and forced migration. (OPM., 2012)

[137] Clark-Kazak R. Christina. 2011. "*Recounting Migration, Political Narratives of Congolese Young People in Uganda.*" McGill-Queen's University Press. Montreal. P.28

[138] Castles, Stephen. "*Towards a Sociology of Forced Migration and Social Transformation*". 2003. BSA publication. Vol. 37(1), p.18

Again, the high numbers of IDPs and refugees in Africa is part of what Prunier (1999) called 'disorder as political instrument' (Prunier, 1999). Additionally, there exist a strong link between ethnicity, citizenship, borders, and wars in Africa (Clark-Kazak, 2011). Bordering states in situation of conflicts are highly at risk of 'spill-over effects' within their own countries, especially when their borders are conceptualize as 'porous.' As Clark-Kazak (2011) pointed out, borders between Uganda and Congo (and Rwanda as well) are ambiguous, as they are high trading axis where numerous movements/migrations of civilians and armed groups are effectuated without thorough regulations. "*Border regions in Uganda and DRC are thus marginal and central to high-level economic and political processes.*[139]" On the other hand, Chrétiens (1991) is referring to the borders in Africa as 'scars of History' but considers them as a minor problem compared to the politico-cultural blockage that colonialism enhanced (Chrétiens, 1991). Indeed, Chrétiens (1991) emphasizes that colonial regimes in Africa have stunt and cement political and social rapports that were in fact much more fluid during the 19th century than they are today. The colonial era helped the naturalization of inter-African rivalries; it mostly became a question of race and ethnicity rather than a question of politics, classes, statuses, or competition for resources (Chrétiens, 1991). Bayart, Geschiere, and Nyamnjoh (2001), are also critical about this regained importance of origins in a context where societies in the Great Lakes were marked by numerous pre-colonial migratory flows. Moreover, administrative borders have changed many times during the colonial era and before, and the region was also apparently ruled by regional federations, hence challenging this contemporary discourse about the significance of indigenous identity (ies) (Bayart and al., 2001). The Great Lakes region is built upon mobilities and Bayart (2001) argues against the utopia of a rhetoric that ostracizes and damage the 'social body' of the region, and which is specifically dangerous in reviving violence at the local level (Bayart and al., 2001).

"*Who came 'first,' from where, and how different 'peoples' interacted with others are politically salient questions in geopolitical struggles in the region. Seeking answers in historical accounts and collective memory, different groups have interpreted and're-imagined' their history, migration, and identities in often contradictory ways (…).Colonization affected borders as well as the nature and magnitude of this migration.*[140]"

[139] Clark-Kazak R. Christina. 2011. "*Recounting Migration, Political Narratives of Congolese Young People in Uganda.*" McGill-Queen's University Press. Montreal. P.64

[140] Clark-Kazak R. Christina. 2011. "*Recounting Migration, Political Narratives of Congolese Young People in Uganda.*" McGill-Queen's University Press. Montreal. P.28

This focus on ethnicity is, in a context of the formation and territorialization of the state, part of a modern type of political project in the Great Lakes region. Bayart (2001) explains that in fact 'ethnicity' (and its consolidation over the century) is indeed a product of the state itself and is strongly linked with a specific mode of sharing/appropriation of the state apparatus and not, as many argued, a way to counteract the state formation (Bayart and al., 2001). Moreover, Bayart (2001) suggests that the advantage of a dichotomist discourse such as 'indigenous versus non-indigenous' resides in its ambiguity and opacity, given that it makes it easier to manipulate (Bayart and al., 2001). However, as much internal these conflicts are, Castles (2003) is including them as being:

"(…) *an integral part of the North-South Division. This reveals the ambiguity of efforts by the 'international community (which essentially means the powerful Northern states and the intergovernmental agencies) to prevent forced migration. They seek to do this by both entry restrictions in the North and 'containment measures in the South.*[141]*"*

While claiming to resolve these situations with the help of humanitarian actions or peace-keeping missions, Castles (2003) states that the economic need of the Northern states for products such as gold, coltan and small arms has greatly contributed to forced migration and in prolonging local wars in countries such as Congo (Castles, 2003). Nevertheless, the next section first questions which form a state in-formation can take in an African context and attempts to locate where and how this specific discourse about the importance of being 'indigenous' took place.

3.2. The State in Africa

Clapham (1996) would argue that if the North and the South are part of a North-South connection, then there should be a focus on the South-North relationship as well. His viewpoint is that international politics is centered on the ideas and definitions of a specific group of states and their people, i.e. from the perception of the most powerful states. (Clapham, 1996). What these dominant states consider as 'fragile' on the other hand *"(...) are at the bottom of any conventional ordering of global power, importance and prestige.*[142]" Indeed, from the standpoint of the 'North'

[141] Castles, Stephen. "*Towards a Sociology of Forced Migration and Social Transformation*". 2003. BSA publication. Vol. 37(1), p.18

[142] Clapham, Christopher. 1996. "Fragile *States and the International System*" Chapter one in: "*Africa and the International System: the Politics of State Survival.*" Cambridge University Press, P. 3

or the 'West,' sub-Saharan states are often referred to as 'poor,' 'weak,' 'fragile,' 'subordinate', 'failed,' or even 'rogue' (Clapham, 1996). Clapham (1996) does not deny the importance of international relations in shaping contemporary events, but he rather questions by which means, within this lesser positioning in the world order, these states defined as unsuccessful, did manage to survive (Clapham, 1996)? 'Fragile' states and their representatives were helped numerous times internationally to be able to consolidate or maintain their powers and wealth. However, to question the nature of the states in Africa and thus the strategies of their rulers is more important for the understanding of politics in the African context (Clapham, 1996). *"The evident weakness of African states did not reduce them to a state of inertia, in which their fate was determined by external powers. On the contrary, it impelled then to take measures designed to ensure survival, or at the least to improve their chances of it*.[143]" Clapham (1996) claims that politics is about conflict and contestation, and as such he is challenging the words and conceptualities constructing international relations and consequently the idea of 'statehood' itself: what are states exactly (Clapham, 1996)?

"(...) states themselves are often very different kinds of organization from those that the conventional study of international relations tends to take for granted. Their interactions, both with their own populations and with other parts of the international system, correspondingly differ as well.[144]"

As a result, Clapham (1996) is contesting three main attributes of the definition of 'statehood' which, as he explains, when mutually assembled, are allowing a person or a group of persons to gain power over others (Clapham, 1996). First, the modern concept of 'statehood' in itself entails the creation of a government which seeks to maintain its sovereignty over a territory and the population (control through taxes for example) within its 'legal' borders (Clapham, 1996). The state is thus at its core a coercive organization which, with the help of its administrative institutions, acts as the ultimate judge concerning matters of the country it represents (Clapham, 1996). Hence, the main questions are: Who will represent the state (the structure) and carry out its authority (the functions) (Clapham, 1996)? Subsequently, the state alone is not sufficient to mobilize resources to maintain an overall control; the representatives of the state need an

[143] Clapham, Christopher. 1996. "Fragile *States and the International System*" Chapter one in: "*Africa and the International System: the Politics of State Survival.*" Cambridge University Press, P. 4

[144] Clapham, Christopher. 1996. "Fragile *States and the International System*" Chapter one in: "*Africa and the International System: the Politics of State Survival.*" Cambridge University Press, P.3-4

ideological background, or what Clapham (1996) referred to as 'the idea of the state' to legitimize their authority over others (Clapham, 1996). Therefore, the questions of why the state possesses the form that it has, why this group of people is in charge of it, and consequently has the capacity to take action over others are crucial for the author: *"(...) In that they represent the only means by which the state can justify the claims that it makes on the people whom it seeks to control and the support of other states and people outside it.*[145]" Indeed, the issue of legitimacy is pregnant for international relations as 'the idea of the State' is rarely shared between states themselves and non-state actors within their borders (Clapham, 1996). For instance, in liberal states, a government has the right to govern because it has been elected to do so. In a dictatorship on the other hand, the 'idea of the state' belongs to the head of state and does not necessarily seek its legitimacy from its own population (or only parts of it) (Clapham, 1996). "*The relative balance between the state as provider of welfare, and the state as source of exploitation, not only separates different theoretical conceptions of the state, but also has a powerful impact on its international relations.*[146]" The last attribute of statehood contested by Clapham (1996) is that a state needs a legal and international recognition as a state *per se* to be able to participate as an equal member in 'the system of states' (Clapham, 1996). Clapham (1996) is thus questioning the places of alternative sources of power such as warlords or rebel groups within the state system: Can these substitute forms of power have legitimacy in front of other state actors (Clapham, 1996)? Again, the contestation of membership to a particular state and claims for independence are common internationally; no state can assert the consent of its overall population (Clapham, 1996). For this reason, Clapham (1996) believes that there are many problems with these attributes of statehood, as they do not take into account specific political contexts and alternative forms of 'governmentality.[147]' Therefore, to question which form states can take, and thus what the strategies of their rulers could be, Médard (1982) defines states in the context of Africa as 'neo-patrimonial.'

[145] Clapham, Christopher. 1996. "Fragile *States and the International System*" Chapter one in: "*Africa and the International System: the Politics of State Survival.*" Cambridge University Press, P. 10
[146] Clapham, Christopher. 1996. "Fragile *States and the International System*" Chapter one in: "*Africa and the International System: the Politics of State Survival.*" Cambridge University Press, P. 9
[147] Bayart defines 'governmentality' as a specific relation between the ruler and the ruled, which can take multiple forms (Bayart and al., 2001).

" One of these is that the nature and role of the state itself, as the basic organizing concept through which an understanding of the international system is conventionally put together are far more ambivalent than they appear to be, at least, in those parts of the world which have historically given rise to the study of international relations.[148]"

3.3. The Neo-Patrimonial state

For Médard (1982), 'patrimonialism' refers to a traditional type of domination where a position of authority is held by one person such as the oldest male relative of a household, for instance (Médard, 1982). However, the use of 'neo' refers to a specific historical situation; in the current case it represents the bureaucratic apparatus in link with the contemporaneous form of the modern state (Médard, 1982). Thus, 'neo-patrimonialism' is a contemporary phenomenon where a patrimonial type of ruler can increase or maintain his authority with the help of an administration staff, external power, and the army (Médard, 1982). It entails that the state is perceived as being a private possession and as a result that the public pocket is also part of the private pocket of the ruler and his entourage i.e. what is commonly referred to as the 'privatization of the public affairs' (Médard, 1982). Indeed, as it seems to possess the characteristic of the modern state, Médard (1982) maintains that in fact, neo-patrimonialism is preventing its creation as the modern state is actually based upon this distinction between the private and the public (Médard, 1982). The most striking characteristic of a neo-patriomonial state is first that political and administrative relations, that are ethically supposed to be kept within the range of the office, are, here, built upon personal relationships (Médard, 1982). Indeed, common terms used to describe different types of personal relations within the state system are mainly 'corruption', 'factionalism', 'clientelism', 'nepotism', 'tribalism', or 'cronyism,' relationships that are also part of a ruler's personal survival strategies[149]. These elements can be found all together or separately, depending on the specificity of the neo-patrimonial system of a country (Médard, 1982). Furthermore, the neo-patrimonial mechanisms tend to reduce political resources to economic ones (Médard, 1982). As stated by Médard (1982), politics becomes business, and to make business ones need connections and

[148] Clapham, Christopher. 1996. "Fragile *States and the International System*" Chapter one in: "*Africa and the International System: the Politics of State Survival."* Cambridge University Press, P. 6

[149] For instance, Uganda, from the 1980's to the 1990's past from a military oligarchy to a neo-patrimonial regime, with an appearance of democracy (Fahey, 2009-2010). Also, as an example of corruption, and cronyism, it is possible to find in the Appendix 5 a summary of all corruption scandals reported in Uganda since 1996.

money (Médard, 1982). This 'directorial bourgeoisie' in the words of Chrétiens (1991) or 'state bourgeoisie' as Bayart (2001) named it, "(…) *have begun to constitute a genuine bureaucratic gentry, a class based not on their relation to property, but on their relation to the state apparatus.*[150]" Thus, to navigate within this circle means to acquire the right to take advantage of economic resources from public, private and parastatal sectors (Médard, 1982). "*Neo-patrimonialism is conditioned by mechanisms of production, exchange, extraction, distribution and eventually, accumulation of resources.*[151]" It means that all essential capitals are now transiting towards the state; contracts, licenses, and remuneration: all 'capacities of fraud' (Chrétiens, 1991). Indeed for Chrétiens (1991), it is a 'consumerist' vision of the public sphere; a situation that can easily lead to violence as the means used to maintain this prized position or to overthrow other groups are exponential (Chrétiens, 1991). The 'national cake' as Chrétiens (1991) named it, is thus under the rules of a 'mafia logic', the complete opposite of political pluralism (Chrétiens, 1991). In contrast, this particular form of government, and thus the personal survival of the neo-patrimonial ruler, has been excluded from international relations theories as not belonging to a proper 'idea of the state' (Clapham, 1996). But, the personal survival of the ruler is actually salient in shaping politics in the African context*: "(…) though the defense of statehood normally provides an essential element in personal survival strategies, these strategies none the less impose a particular view of statehood, which associates it with the welfare and security of the ruler.*[152]" In many instances, the structure of the state is used as a 'façade' where the ruler can maintain certain legitimacy in front of other states and its own population. However, in the background, the ruler can be involved in what Clapham (1996) identifies as a 'shadow state' where the ruler conducts illicit activities on the side to enhance his own power and survival (Clapham, 1996). These activities are rarely completely hidden though, and come with their share of conflicts, dissidences, and repressions.

[150] Médard, Jean-François. "*The Underdeveloped State in Tropical Africa: Political Clientelism or Neo-Patrimonialism,*" in Christopher Clapham (ed.), "*Private Patronage and Public Power: Political Clientelism in the Modern State*". Pinter Pub 1982 P.183

[151] Médard, Jean-François. "*The Underdeveloped State in Tropical Africa: Political Clientelism or Neo-Patrimonialism,*" in Christopher Clapham (ed.), "*Private Patronage and Public Power: Political Clientelism in the Modern State*". Pinter Pub 1982 P.185

[152] Clapham, Christopher. 1996. "Fragile *States and the International System*" Chapter one in: "*Africa and the International System: the Politics of State Survival.*" Cambridge University Press, P. 5

"The power of rulers derives not only from the material resources and ideological support of their own people, but equally from their ability to draw on the ideological and material resources provided by other states – and also non-states such as transnational religious organizations or business corporations. The weaker the state, in terms of its size and capabilities, its level of physical control over its people and territory, and its ability or inability to embody an idea of the state shared by its people, the greater the extent to which it will need to call on external recognition and support.[153]"

To position these controversial states within the world of states, the concept of 'quasi-statehood' was created to define states that are legally recognized as such on the international scene but, on the other hand, that are incapable of exercising sufficient power over their territories and populations. Furthermore, these 'weak' states are also characterized as being unable to protect and defend themselves against outside threats such as invasion (Clapham, 1996). In association with this theory of 'quasi-statehood', such half states are defined as having a negative or juridical sovereignty (which is a sovereignty assigned by others) as opposed to a positive sovereignty (which comes from within) of the state (Clapham, 1996). In 'the world of states', a negative sovereignty is believed to be *"(…) a transitional stage in the process of globalization*."[154]" Still, Clapham (1996) argues against this classification since it contributes to the dichotomization of powerful states versus others; the author would instead locate all states on a continuum, following their own internal/external changes and fluctuations (Clapham, 1996). However, it is mainly based on this belief perceiving a state as evolving towards higher stages that states in the Great Lakes region are being defined as 'failed', 'fragile, or 'quasi' since their independence in the 1960's. This is specifically the case of Congo whose quasi-statehood and multiple alternative sources of power permitted its invasion by Uganda and Rwanda twice in the 1990's.

3.4. The Great Lakes Region and the Indigenous discourse

In "*Autochtonie, Démocratie et Citoyenneté en Afrique*", Bayart, Geschiere, and Nyamnjoh (2001), identify the instrumentalization of the 'indigenous' versus 'non-indigenous' discourse as a major cause behind conflicts raging in the East African region since the 1960's (Bayart and al., 2001). In a neo-patrimonial context, where the state apparatus is a key towards privileged access

[153] Clapham, Christopher. 1996. "Fragile *States and the International System*" Chapter one in: "*Africa and the International System: the Politics of State Survival.*" Cambridge University Press P. 11
[154] Clapham, Christopher. 1996. "Fragile *States and the International System*" Chapter one in: "*Africa and the International System: the Politics of State Survival.*" Cambridge University Press P. 25

to resources, it becomes of prime importance to seize 'the idea of the state.' In many instances, rulers and groups have tended to use specific types of discourses as a mean to gain this unilateral access to the state complex. As mentioned earlier, since colonization, certain identities took greater importance than others in the Great Lakes region. For example, what Bayart (2001) labeled a 'messianic ethno-nationalism' was the sort of rhetoric used by extremist Hutus in Rwanda to discredit and legitimize the extermination of the Tutsis during the 1990's (Bayart and al., 2001). Far from negating the 'existential experience' associated with the ascription of a specific ethnicity, Bayart (2001) still defends that this specific discourse dividing indigenous and non-indigenous is part of what Hobsbawm (in Bayart and al., 2001) conceptualized as 'the invention of tradition.' i.e. the construction of specific ethnic categories, and later of identities, during the colonial era (1870-1914) (Bayart and al., 2001). Furthermore, the instrumentalization of the indigenous discourse and its diffusion were mainly possible because of "*the financial globalization of the sub-continent*[155]" and the Structural Adjustment Programme (SAP) of the 1980's. Indeed, during the economic crisis of the 1970's, countries suffered a dramatic regression of their resources (Bayart and al., 2001). Bayart (2001) thus believes that the conflict between indigenous and non-indigenous is in link with this major decrease in social and economical resources (such as banking credits, lands, commercial licenses, infrastructures, etc.), and explains why the competition to have access to these resources became prominent (Bayart and al., 2001). Together with the SAP (where economical and political conditionalities from donors became more insidious) it had the consequence of alienating most of the sovereign functions of the state. (Bayart and al., 2001). Hence, the allegation of the indigenous discourse is part of African rulers' new survival strategies: first, through the democratization of their authoritarian regimes during the 1980's and second, as part of their authoritarian restorations during the 1990's (Bayart and al., 2001). Indeed, the spreading of the indigenous discourse was possible by the implementation of the democratic electoral process, as the electoral process triggered questions such as 'who can vote,' 'who can be a representative,' and 'where' (Bayart and al., 2001). Therefore, Chrétiens (2001) speculates that the technocratic construction of the state was perfect to further develop this specific discourse; the state as a final arbitrator is now in possession of an "*authoritarian control*

[155] Bayart, Jean-François. Geschiere, Peter, Nyamnjoh, Francis. "*Autochtonie, Démocratie et Citoyenneté en Afrique*." Critique Internationale No.10 - Janvier 2001 pp. 190

over the symbolism of power and of its alternatives.[156]" Thus, rebellions or revolutions are now focusing on human groups that are not meeting the imprecise criteria of the indigenous discourse (Chrétiens, 1991). "*One of the products of this violence is the number of refugees in Africa.*[157]" This ideological discourse of indigenous versus non-indigenous in the Great Lakes region *"(…) has now reached a point where the entire region and countries are dealing with each other's intermixed genocides and ideologies.*[158]"

3.5. The State, Ethnicity and the Wars in Congo

The first major contention about identity in Congo was reported a few years before Congo's independence on the 30th of June, 1960. Indeed, Belgium apparently facilitated a Rwandese immigration towards Congo from 1937 to 1955 "*(…) to provide labour for its mineral and agricultural enterprises and to relieve population pressures in Rwanda.*[159]" The first Congolese constitution in 1964 is thus unilaterally instituting a citizenship for members of tribes who were, or arrived on the Congolese territory before the 18th of October, 1908 (Clark-Kazak, 2011). The legitimization of such a policy resided in the indigenous discourse which stated that groups of Bantu origin are the first colonizers of the Great lakes region, versus latecomers of 'Ethiopian' origin such as the Tutsi/Banyamulenge (Congolese from Tutsi background) (Bayart and al., 2001). *These policies reified 'indigenous' ethnicity and its implicit link to citizenship, thereby casting doubt on the political and economic status of people whose ancestors had historically migrated to the country*.[160]" After his coup d'état in 1965[161], Mobutu Sese Seko tried to 'de-emphasise' ethnicity in the country by promoting a national project referred to as the Zaïrianization of Congo (which is now called Zaïre) (Clark-Kazak, 2011). The 1972 law was made as to 'include' Banyarwanda (Congolese from Tutsi and Hutu background) in the Zaïrian national project by

[156] Chrétiens, J-P. " *Les Racines de la Violence Contemporaine en Afrique*." Politique Africaine No. 42. Juin 1991 p. 21 (my translation)

[157] Chrétiens, J-P. " *Les Racines de la Violence Contemporaine en Afrique*." Politique Africaine No. 42. Juin 1991 p. 21 (My translation)

[158] Bayart, Jean-François. Geschiere, Peter, Nyamnjoh, Francis. " *Autochtonie, Démocratie et Citoyenneté en Afrique*." Critique Internationale No.10-Janvier 2001 pp. 183 (my translation)

[159] Clark-Kazak R. Christina. 2011. "*Recounting Migration, Political Narratives of Congolese Young People in Uganda.*" McGill-Queen's University Press. Montreal. P.28

[160] Clark-Kazak R. Christina. 2011. "*Recounting Migration, Political Narratives of Congolese Young People in Uganda.*" McGill-Queen's University Press. Montreal. P. 29

[161] Mobutu was put in power by the CIA (Prunier, 1999).

giving them some privileges in the regions of North and South Kivu: "*(…) granted citizenship to any person of Rwandese and Burundian descent who had lived uninterruptedly in the Kivus since before January 1950. This brought economic and political benefits to rwandophones, especially through zaïrianization.*[162]" This law was repealed in 1981 and Banyarwanda lost again their rights as Congolese citizens (Clark-Kazak, 2011). This contention continued throughout the 80's and 90's and took greater emphasis after the 1994 genocide in Rwanda. Indeed, the 1994 genocide risked a 'spill-over effect' for the Great Lakes region[163]. First, the genocide had drawn numerous Hutus out of Rwanda where they flew to refugee settlements in Congo, close by the Rwandan border. By 1996, some of these refugees (allegedly responsible for the genocide of the Tutsis) organized themselves and became known as the FDLR (Front Démocratique de Libération du Rwanda/Democratic Front for the Liberation of Rwanda), also named "Interahamwe" militias, groups that became a threat for the FPR (Front Patriotic Rwandais/Rwandese Patriotic front) of Paul Kagame and Congolese citizens (Reyntjens, 1999)[164]. Moreover, at that time, Mobutu, who led one of the worst neo-patrimonial regimes in the region, made himself great enemies with Rwanda, Uganda and the USA, in what will become the First Congo war of 1996-1997 (Fahey, 2009-2010)[165]. Laurent Kabila and his AFDL (Alliances des Forces Démocratiques pour la Libération du Congo-Zaïre/Democratic Alliance for the Liberation of Congo) came into power in 1997. Less than a year later however, the alliance between Kabila, Kagame and Museveni declined as Kabila was accused of being a 'puppet of the invader" (Prunier, 1999). Kabila further chose to exclude Tutsis from the political scene and even promulgated anti-Tutsim in Congo, alienating Kagame[166]. Kabila ordered Uganda and Rwanda to withdraw their troops from Congo,

[162] Clark-Kazak R. Christina. 2011. "*Recounting Migration, Political Narratives of Congolese Young People in Uganda.*" McGill-Queen's University Press. Montreal. P. 29

[163] Burundi is not mentioned in this paper, but the Tutsi/Hutu conflict was also widespread in the country.

[164] Congo-Zaire, because of the terrible governing skills of Mobutu, was easily accessible to many rebel groups arming themselves against neighbouring states (Rwanda, Uganda, Burundi, and Angola). For example, the ADF (Allied Democratic Front) a Ugandan rebel group was posing a threat for Uganda in Congo (Reyntjens, 1999).

[165] Out of the nine neighbouring countries of Congo, five (Angola, Burundi, Uganda, Rwanda, and Zambia) decided to support Laurent Kabila against Mobutu (Reyntjens, 1999). On the other side, Mobutu was helped by Sudan, as he was supporting the country in its war against South Sudanese rebels, thus against Uganda as well, which was supporting the South Sudanese rebellion. For the same reason, Angola was against Mobutu, as Mobutu was supporting Angolan rebel groups in their struggle against the state (Reyntjens, 1999). These specific intermixed political situations enhanced a type of 'Realpolitik' that Reyntjens referred to as "*the enemy of my enemy is my friend*" (Reyntjens, 1999).

[166] In 1973, Paul Kagame and Yoweri Kaguta Museveni were both part of FRONASA (Front for National Salvation) created by Museveni during his exile in Tanzania. Kagame was part of the troops of Museveni that

which started the Second Congo war (1998-2003), and its second invasion (Clark-Kazak, 2011)[167]. As reported by Reyntjens(1999), twelve countries were directly or indirectly involved in the Second Congo war as the fighting concerned four governmental armies, two 'retired' armies and twelve different rebel groups and ethnic militia. This is why the author refers to it as the 'First African World War' (Reyntjens, 1999). "*The wars in Congo between 1996 and 2003 were in fact Polywars of numerous international and internal conflicts that overlapped and intersected in space and time.*[168]" In 2002 and 2003, Rwanda and Congo withdrew their troops but did not cease being involved in what Fahey (2009-2010) referred to as 'war, combat, or shadow economy' (Fahey, 2009-2010). Museveni has even been accused of maintaining Eastern Congo as a 'failed state' to keep it exploitable, or as part of his 'guns and butter' policy (Fahey, 2009-2010)[169].

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entered Uganda in 1981. In 1986, he even became deputy director of the NRA's (National Resistance Army) military intelligence services before entering back by force in Rwanda in the 1990's (Leloup, 1999-2000). However, their earlier friendship, their dissension over Congo, led the two leaders to grow apart. Indeed, for Prunier (1999), the first invasion of Congo by Uganda resides in the fact that Museveni is a revolutionary and a national-reformist who was seeing Mobutu's ideology as a security threat for Uganda and the Great Lakes region in general. Museveni considered that no important political changes would happen without economical transformations (Prunier, 1999). As such, he has always been an adept at increasing trade in the Great Lakes, which is why his country invaded Congo the first time and supported the rebel group led by Laurent Kabila (Prunier, 1999). Museveni also wanted Laurent Kabila to enhance a 'progressive' regime where Uganda and Congo could cooperate economically, and where Kabila could help him secure his Northern border against Sudanese military threats (Prunier, 1999). In other words, for Fahey (2009-2010), the second Congo war was a reason for Museveni to maintain is his political power in Uganda, which is why the author believes that invading Congo is part of Museveni's own personal survival strategies. As such, Congo would provide him with the necessary economical resources to further his personal aim. Museveni was also a 'donor darling' as he was following the neo-liberal economical values of the North, thus having strong allies and armed forces (Fahey, 2009-2010). Rwanda, on the other hand, had apparently a complete different agenda in 1999. Indeed, Prunier (1999) thinks that Kagame saw Congo as a 'milking cow' where the North and South Kivu could become 'satellite' regions of Rwanda, and where his soldiers could get employment and continue fighting against Hutu FDLR/interahamwe (Prunier, 1999). Thus, their divergent interests lead to the 1999 confrontation of Kisangani on the Congolese territory, where Uganda supported the Congolese MLC (Mouvement de Libération du Congo) of Jean-Pierre Bemba against Rwandan troops, and where Rwanda supported the Banyamulenge led RCD-Goma (Rassemblement Congolais pour la Démocratie) against Ugandan troops (Leloup, 1999-2000). Kisangani is quite important in the history of wars in Congo, since it is where all commercial activities and illegal traffics are transiting (Prunier, 1999). Rwanda and Uganda finally ceased fire with the Mweya accord of the August 17, 1999.

[167] In that war, Kabila was supported by Angola, Zimbabwe, Namibia, Chad, Libya, Sudan, and many French speaking states of West Africa (Prunier, 1999).

[168] Fahey, Dan. "*Guns and Butter: Uganda's Involvement in Northeastern Congo 2003-2009*". L'Afrique des Grands Lacs. Annuaire 2009-2010 p. 344

[169] Fahey (2009-2010) claims that Ugandan nationals, as well as expatriates living in Uganda, worked with Congolese rebel groups in the illegal trade of timber, gold, and the exportation of domestic products (Fahey, 2009-2010). In 1999, Janet Museveni and her son Muhoozi Kainerugaba (the wife and son of president Museveni), her brother, and Paul Kagame were said to own interests in six companies in the Eastern Congo (Reyntjens, 1999). Salim Saleh, half-brother of Museveni, was also accused of illegal trade of timber, gold, and

" *With respect to such regimes in less developed countries, the use of international war for domestic objectives may be particularly feasible when those regimes occupy a privileged position in the foreign policies of major Western powers and donors (…) also included political protection from meaningful international penalties for its actions in Congo*[170]."

3.6. The local dimension of conflicts/the reasons to flee

As argued by Autesserre (2007-2008), since 2003, rather than raging at a regional or national level, local conflicts are prominent in the recurrence of violence in Eastern DRC (Autesserre, 2007-2008). Indeed, Tutsi, Hutu, Nande, and Nyanga ethnic groups of the North Kivu have been fighting for political management and exploitation of natural resources and landownership of the province, especially in the Masisi and Rutshuru territories (Autesserre, 2007-2008). Nande and Nyanga ethnic groups, who consider themselves as traditional holders of lands, are still perceiving the 'Banyarwanda' (Congolese Hutu and Tutsi) as strangers and as such, deny their political claims and ownerships' rights as Congolese citizens (Autesserre, 2007-2008). "*Conflict arose out due to disputes over land ownership and political representation, driven by competing political elites and often manipulated by the government in Kinshasa.*[171]" As stated earlier, during the Mobutu regime, persons of Rwandese backgrounds gained ownership of the majority of lands in the Masisi and Walikale areas. However, in the 1990's, Banyamulenge (Congolese of Tutsi background) were forced to vacate their lands that they were able to reclaim within the peace accord and the political transition of 2003 (democratic transition leading to the 2006 election) (Autesserre, 2007-2008). Indeed, the 'new law' of 2004 sanctioned that a citizenship would be granted to every person and their descendants having resided in DRC since or before the 30th of

diamonds (Reyntjens, 1999). Again, Janet Museveni's brother-in-law, in concert with Indian and Israeli businessmen, was allegedly buying gold from UPDF soldiers (The Ugandan People Defense Force) during the Second Congo war (Prunier, 1999). Indeed, Rwandan and Ugandan officers were implicated in extractive and commercial activities (exploitation, digging of gold mines and diamonds); robbery of Congolese owners, and theft of military materials such as fuel, and soldiers' pay (Prunier, 1999). These goods were transported to Uganda by flights secured by the military and exported with the tax money of Ugandan citizens (Prunier, 1999). As pointed out by Reyntjens (1991), all these illicit and predatory activities would have been impossible in a stable environment (Reyntjens, 1999). Indeed, as Fahey reported (2009-2010), these exploitative activities seem to be part of Museveni's personal survival strategies or interests. They are also a strong example of 'nepotism' as a specific type of relationship within the neo-patrimonial state.

[170] Fahey, Dan. "*Guns and Butter: Uganda's Involvement in Northeastern Congo 2003-2009*". L'Afrique des Grands Lacs. Annuaire 2009-2010 p. 34

[171] Stearn, K. Jason. *"Laurent Nkunda and the National Congress for the Defense of the People (CNDP)"* L'Afrique des Grands Lacs Annuaire 2007-2008. P. 245

June 1960, date of the independence (Clark-Kazak, 2011). "*Indeed, in 2005, the return of more than one thousand Tutsi to North Kivu from neighbouring countries to register to vote as Congolese citizens provoked conflict with other residents. Some alleged that Rwandese were posing as Congolese to influence the election results.*[172]" Conversely, Autesserre (2007-2008) noted that some Tutsi chose to regain their lands by force, even the lands they had legally sold to Nande or Nyanga, which was also responsible for fueling conflicts (Autesserre, 2007-2008). It is also during this political transition that the Mayi-Mayi phenomenon increased. Mayi-Mayi[173] militias are rebel groups that decided to organize themselves to protect their lands against the RCD-Goma (Rassemblement Congolais pour la Démocratie/ Congolese Rally for Democracy), a Tutsi-led influent political group in North Kivu, and other Tutsi militias[174]. It worth mentioning that there is approximately a dozen Mayi-Mayi militia in the province, rebel groups that have different political claims and changing allegiances (Autesserre, 2007-2008). For example, some militias are fighting for their own cause, but others will however form alliances with the government of Joseph Kabila and or Rwandese Hutu militias from the FDLR/ Interahamwe, against RCD-Goma (Autesserre, 2007-2008):

"(…) In the village of Kaniola, in South Kivu. (…) it was the Mayi-Mayi fighting with the government.This was a problem with the population. The population started a rumor that my husband and my father were feeding the Mayi-Mayi in the forest. Thus, the population came and killed all my family. That is when I left with my children. But four of my children are lost; I still don't know where there are. (…) went to the priest. I found myself with one of my brothers who is here as well. When the priest saw that we were persecuted, he brought us to the city of Goma. When we arrived in Goma, the war had started there as well, and so we left until we reached Rutshuru. From Rutshuru we came here. (…) I arrived in 2007." (Jo,. 2012).

[172] Clark-Kazak R. Christina. 2011. "*Recounting Migration, Political Narratives of Congolese Young People in Uganda.*" McGill-Queen's University Press. Montreal. P.30

[173] I know very little about the Mayi-Mayi, but what I heard from Z, is that they are known has having special powers; indeed, you can't kill a Mayi-Mayi soldier when he is under a 'spell'; a spell that lasts for a limited amount of time. What Z told me, is that if you shoot at a Mayi-Mayi soldier under a spell, the bullets will fall on the ground before reaching him; if you stab one, no blood will come out. Thus, local populations are quite afraid of them (Z .. , 2012).

[174] Appendix 6 provides a small table of the major groups still fighting in Congo.

It is also in 2003 that the infamous leader Laurent NKunda[175] - a Congolese Tutsi who defected from the Congolese national army in pace with the peace accord - became the chairman of RCD-Goma. The same year, Kabila and RCD were fighting to take control of South Kivu, which resulted in the battle of Bukavu and a growing anti-Tutsism in the region. As a reprisal, the National army killed fifteen Tutsis and forced three thousand others to flee Bukavu by fear of persecution (Stearn, 2007-2008).This fighting at different times and different places in Eastern Congo can explain the long and discontinued trajectory of A. and his family:

"To get out of Congo, we got out because of the war. We were in the Katanga province. When the war started, we got out of there and went to South Kivu. During that time of the war (it was the tribal war) no one from our tribe stayed in that place. When we arrived in South Kivu, the same war was continuing because it was raging in the South of Katanga and in Eastern Congo. (…) me I am Tutsi. When the war started in South Kivu (it was tribal so I suffered discrimination), we left again South Kivu to go to Bukavu. And then we left again Bukavu when all of this continued. We were pursued, we left Congo. In the city of Goma, we had nowhere to have some rest or someone to secure us; so we left towards Bunagana. From Bunagana to Mbarara, from Mbarara to here at Nakivale. (...) it was in 2011, but my wife and kids came here way before. My wife arrived in 2010 with the kids because we got dispersed, and I found them later. (…) I met them by surprise (…). (…) *there was someone there, a benefactor that helped us at the border; because we had nothing on us. (…) there was someone there who helped us make it to the Bunagana border. And when we arrived at the Kisoro border - we were in mass - there was someone whom I asked to help us and he brought us to the Mbarara police station. When we arrived at Mbarara, it is the police who took us in charge and brought us here to the camp. (…) me, I was studying at high school level. There in Congo, we had cows, we were raising cows. In the war, our cows got stolen. The cows were what helped us pay for tuition fees, to eat."* (A., 2012)**I asked them when they left Katanga for South Kivu. A. replied that they left in 1998, more than fourteen years ago.** "*There are times when we can get some rest, because it stopped, but other times it starts again*. *When the war starts, we escape through fields or into the forest; when we find peace, we go back to the village. And we leave again when it starts again. (…) it becomes daily, but we did not live in constant fear*." (A., 2012)

This attack against Tutsi by the government was the reason Nkunda was waiting for to take Bukavu, because a "*genocide was happening.*[176]" He thus avenged the killing of Tutsis by killing,

[175] Nkunda was, in 1993, an intelligence officer in the Rwandan army. As an officer in the DRC army, he was accused of massacring civilians during the battle of Kisangani in 2002 (Stearn, 2007-2008).

[176] Stearn, K. Jason. *"Laurent Nkunda and the National Congress for the Defense of the People (CNDP)*." L'Afrique des Grands Lacs. Annuaire 2007-2008. P. 247

raping, and raiding the non-Tutsi population (Stearn, 2007-2008)[177]. The 2006 election instituting Joseph Kabila as DRC's new president did not stop the fighting in Katanga, Ituri, and in the two Kivus[178]: by 2008, and since 1996, 5.4 million deaths have been reported in DRC (Clark-Kazak, 2011). Also in 2006, the rebel group of Laurent Nkunda took the name of CNDP (Congrès National pour la Défense du Peuple/National Congress for the Defense of the People) (Autesserre, 2007-2008). As Kabila is now in power, he made a political alliance with Nande groups, again reducing Tutsi political power and land ownership in the region, refreshing their fears of persecution (Stearn, 2007-2008). Thus, Nkunda took more importance in the Kivus by legitimizing his actions as protecting Banyamulenge against maltreatment[179]. In 2006-2007 the CNDP started attacking the FDLR (Interahamwe) in Northern Rutshuru and Masisi territories, where multiple human rights abused were reported:

"*I come from Congo, from North Kivu, Walikale County, Mutombo locality. (…) I have a problem: my husband was killed when I was pregnant of my child*[180]*. I gave birth to that child when my husband was already dead. When the kid had grown up – well you know our story - I was still a widow by that time so I had to find ways to make a living for my family and then the war started. Me, I don't know. One day I was working at the field, in our village of Mutombo when Interahamwe rebels took me by force and asked me to be their wife. I have been their wife, I was married to Interahamwe for two years and I gave birth to two kids, two kids with these Interahamwe*. (…) *they were leaving with us; we were leaving with them. (…) sometimes, they were leaving for the villages to kill people and steal their belongings and they used to leave us in their camp. When I arrived in the village, in the camp, when we wanted to eat, to give us something to eat, and they did not have anything to give us, they had to go to the road with weapons to find the population and then they would come back and bring us food.For my part, I can say that there were no expectations between an Interahamwe man and a woman. Because they*

[177] After this episode of violence, Nkunda had to retreat to kivu after Kagame and RCD-Goma asked him to do so (Stearn, 2007-2008). Because of further political violence, RCD-Goma factionalizes itself; in 2004 their Tutsi-Hutu coalition ceased as Kabila co-opted Hutu leaders to join the government side (Stearn, 2007-2008). Nkunda settled in the Masisi territory and Bosco Ntaganda – also known as the Terminator – became his chief of staff in 2005 (Stearn, 2007-2008).

[178] In 2005, the peace-keeping force of the MONUC (Mission de l'Organisation des Nations Unies pour la République Démocratique du Congo/United Nations Organization Mission in the Democratic Republic of Congo) also entered Congo.

[179] However, as he was accused of numerous human rights abuses in the past, Nkunda also became a 'warlord' when he started bribing members of the national army based in North kivu as well as taxing local businessmen for his military purpose (Stearn, 2007-2008). This situation was mainly possible because of the lack in security in North Kivu, the weakness of the Congolese state under Joseph Kabila, and the quasi inexistence of the juridical system in the province to prosecute such individuals (Stearn, 2007-2008).

[180] Ad. has already three kids.

took me while I was looking for food, they asked me this: "You can choose between to be alive or to be our wife, or you will die…" It is when I refused that they shot at me. Then they brought me by force, I was lost and they brought me towards their commandant. When I woke up, he told me "It is you I love; I take you as a wife". That was why I was there for three years, and I gave birth to these two kids that you can see here. Thus, my own kids that I had with my deceased husband stayed in our village without knowing where I was. My kids thought I was dead and thus did not have the idea to find me. But then, by the grace of God, the Congolese military of the government arrived in the camp, they found us alive, and they saw that I was Congolese. They asked me to tell my stories, to take my children, and to go back to my village. When I arrived in the village, everyone was very pleased, they welcomed me very well. We had a party, they were happy to see that I was still alive. Then they presented me in front of my kids "Your mama has come back." After a while, a few weeks, the same Interahamwe entered the village to pick up their wives again. When we learned this information, we, as well, fled away. (…) when I saw that the Interahamwe were pursuing the government military in our village, me and my kids we fled until we reached the city of Goma. (…) On arrival in the city of Goma, since we wanted to take a rest there, we had a problem with the military of Laurent Nkunda who were fighting with the government military. When the military of Laurent Nkunda arrived in our neighborhood, they entered the house, they took cigarettes and smoked in the rooms. They also let bullets, ammunitions, their ammunitions, they were taking us, beating us so painful, but then we had a chance. When the help from the government arrived, we finally left. We left like this and we did not know the place we were going to. (…) OK, we left by foot because it is the bush from the city of Goma to Kisoro. And the people who helped us, they helped us only when we were tired. Upon arrival at Kisoro, there is a "papa" who came to help us and asked us where we were from, and where we were going. We answered that "we don't know the place where we are going, we don't know where we are from, but we are suffering". This man, a Ugandan national, told us about a place where we can get help, where they help refugees. "If you arrive to the Nakivale camp, you will find assistance". Thus, someone helped us to reach Mbarara. On arrival at Mbarara, they brought us to the police, and the police brought us into the camp. It was in 2009. And here as well, in the camp, it is much more difficult." (Ad., 2012)

The local populations were stuck between two groups: the CNDP, which was accusing the local populations of supporting the FDLR, and the FDLR which was making the same allegations. It resulted in more than 180,000 villagers fleeing between January and June 2007 (Stearn, 2007-2008):

"I left my country because of the war. The war of October 9, 2007. We were at home with my husband and my kids. It was around eleven or so in the morning, and we heard gunshots near our door (…) and the kids who were at school ran to our home. Me, since I was at home, I tried to find

a place where I could hide. The kids came and we hid in the house. Around night time, the gunshots were still firing, it was not even stopping. And just like that, the military entered our compound and killed my husband. They also killed my daughter and my grand-daughter, and my two parents. They were old parents, papa and mama. And both my husbands' parents as well. (…) and me in the room; there were soldiers who came in where me and my husband[181] *were and they took me by force and they started to beat me up, to torture me everywhere, on my spinal cord and on my entire leg. At that moment, my neighbours took me and brought me to the hospital. I was gone with some kids, but me I was not conscious. I stayed there around a week. It was now the fourth of November and nothing was getting better. Even from Kiwanja and Rutshuru, Kabadavunga, everywhere in Nakivumba, everywhere until the last village Opelpe. Indeed, everyone was looking for a place where to flee. As I was very sick, my children took me by the hand and we took the road for Bunagana. Half way – I didn't have any strength whatsoever - a good samaritan helped us and brought us to Bunagana, and from there all the way to Kampala. On arrival in Kampala, I was really really sick; I was agonizing. They took me to Mulago hospital but, with the help of Inter Aid, they thought it was better to bring me here to Nakivale for me to receive proper care. That is how I came here to Uganda. (…) it was during the same year; January 12, 2008. From the first to the twelfth of January, we followed the procedure with OPM to bring me to the camp."* (Mi., 2012)

Consequently, what is referred to as the Masisi war of 2007-2008 is based around these local conflicts. Indeed, 2007 has seen major fighting in Shake (January 2007), Mushaki (December 2007) and Rutshuru (October 2008) (Stearn, 2007-2008). It is also during that particular political environment that Z. was arrested:

Ok, I am a refugee here in the camp of Nakivale. I was in Congo, I was doing a lot of things, and I was doing business (…) because I was selling peas. When I was on holiday, I was selling peas. I used to travel from Rutshuru to Sake. In the village of Sake, I bought peas, and then sold them city of Goma and in the city of Rutshuru. Sometimes, I could buy oil, palm oil. I would take it to the village, and then I come out with peas. During the month of July 2007, I was arrested. We fell into a rebel environment. It was a road block. It was around thirteen kilometres before Sake; they were Mayi-Mayi. They stopped us, we climbed in the truck and then they asked us to jump down. They took everything we had such as money, clothes, and good clothes. They took our luggage. There was also mama bringing clothes to sell them in the city. (…) we were twenty-four. They counted us: the men - twenty-four men on one side - and women on the other. They brought us to a house on the side of the road. When they brought us there, they explained to us that we were spies and that we were investigated on behalf of Nkunda, RCD (Rassemblement Congolais pour la Démocratie). "No, no, no, no, we are not working with Nkunda." Me, at first, I showed them my student card, because I had it on me (…) then at night they took us from the house and brought us to a camp in the mountain. I can't really locate the place because we arived there at night, but

[181] Here Mi., is going back to the past; before her husband was killed.

*during the day, when they put us in the camp, it was hard. Ok, when they put us there – ok we were civilians - when we arrived there we also met military; some military from the government, also from the Mayi-Mayi were there, there was also military from the FDLR, there was also Interahamwe; we were all mixed in there. (…) every time in there, they didn't give you food; they gave food once every two days. It was peas, peas with maize. (…) in cells; during the day they put you in the courtyard. But in any case, we were so enclosed in there (…) they were calling us one by one to be interviewed. I told them that I didn't know. They told me "yes you can help us by becoming one of us." Anyway, I saw from far, with all the sufferings I had been through, I told them "no, no, I can't say yes or no."(…) I saw how they were killing people; they have no pity. If they want to kill, they kill. Directly. They killed eight people like that in front of my own eyes. They died in there, pouf!; I spent two years in there. (…) indeed by the grace of God, ok, me, me they tortured me. First, they wanted to cut my ear off. When they wanted to cut my ear off, by the grace of God a chief came by and told them: "no, no, not this one, don't do this." So they cut here (*there is a scar separating Z's earlobe in two) *Ah! You got lucky! And I also had ear problems because they had beaten me up so badly on my right ear, so I had problem with my tympanic cavity. In any case, it was pierced. And still today, I am stuck with this problem, because when it is cold, when rain is falling, there is air coming into my head, which moves my brain, I feel as if I am not normal. Everything is painful. (…) they also wanted to cut my hand. I was lucky. They cut a bit. (…) but, God helped me a lot in any case. He helped me a lot in that story. During those two years, I lost my head. I was a bit traumatized, because I had seen I lot of dead people, killed there. They were killing people as they wanted in there. For them, a human is not a person. During the evening, they could come in there: "You in there, you come, what were you saying to that one?" And they can amputate you like that. He put you in front there, he calls everyone: "You see this mister here he was talking. He wants to call his allies; he wants to call the military or them to come and attack us here." And then you say to yourself: "Ok, for him it is over". You have to take away his blanket, all his belonging, because, in there, we had found blankets and we were sleeping on these blankets only. Then on the wall there, they bring outside. It was like that. Well, one day in 2008, there was a group from the MONUC (*la mission des Nations Unies au Congo*) that came in there. It was during the reconciliation, reconciliation of the armed groups. Thus they came in there, when they came they said: "Here we can talk, but we can't talk with everyone", because we were more than one thousand in there (…) and me, as I was in there, they chose me to represent the civilians. There was also a major, me I know this major – he was from the government - (…) I was like that in my long underwear, and then I went out. When I was out - since I did not go out for two years - when I crossed the fence, I saw how the world was working again. And they asked me to get in the car, but I told them to wait; I asked them to give me two minutes to take a rest. (…) then we directly went to a MONUC base near Otobora. And then I was having problem with my ear which was hurting me so much (…) and I was not able to find myself in my life; two years, and I was wondering if home is here or there because during the war, all my people got scattered everywhere, so to feel at home at my place, I don't know anything! Then after two months, they told me to leave the country, because these people could kill me if they*

*catch me again. I said "Ok, thank you very much," because there I almost died twice; I showed you the ear, how they wanted to cut it off, how they wanted to cut my hand. I said: "In any case, you helped me a lot"; they offered me three hundred dollars. They told me: "You, you take this and you go to any country because you know too much of their secrets in there." That is when they brought me to the border, at Kisoro. (…) when I arrived at Nakivale, I also had psychological problems. Every time that I was sleeping, I was dreaming that I was in the hands of the people in that prison. Sometimes, I woke up up and touched myself and ah! I am in the camp! It lasted a while in here; at least eight months, because I was also thinking about vengeance. But, now at least it changed a bit, I don't have those ideas anymore (…). You see, when you arrive, you are conditioned about everything, about nothing. But, anyway, I found again something good in me, because I breathe. You can leave here to go there, because during two years I did not leave this place (*The Mayi-Mayi camp) *and I was saying to myself: "Haaa!! The others stayed there!" And yes, some of the people who where there stayed for four or five years. There was even a father who did six years. So since they caught me at the outset of the the war, it's been six years that I am here. When I think about all these people, I am telling myself that God helped me."* (Z .. , 2012)

Four years later, in 2011, it was the turn of Z' family to flee Congo towards Uganda:

"We lost each other and then after that, the second war started and thus we came here. (…) we heard gunshots. My two daughters were at school; they left with others and I did the same. We fled with a lot of people and we found each other at Bunagana. (…) we walked; the distance was very long. We suffered so much, a lot. And the feet were swollen when we were walking. We walked for many days; we were spending the night in the bush. (…) when we arrived at the camp, we were very surprised; we did not know that Z was here; we though he was dead." (L, 2012)

Between August 2008 and January 2009, the FARDC (Forces Armées de la République Démocratique du Congo/Armed Forces of the Democratic Republic of Congo) were still fighting against the CNDP. Indeed, in 2008, Nkunda and his army of rebels almost took the city of Goma, but failed. However, in January-February 2009, a concession was made and the alliances changed: now, the FARDC, FDR (another rebel group from Rwandese background), the CNDP and the MONUC are all fighting together against FDLR/Interahamwe which are still a threat in North Kivu (Mararo, 2008-2009):

"*When I left the Congo, my village is the village of Ngungu. (…) It was during the night that the war started; we flee war with the kids. In the morning, I and my husband were separated. I came here with four children and I was pregnant. I did not have the mean to go and look for my husband because there were gun shots everywhere and they also burned my house. I came here with four children and I was pregnant. (…) So I fled with my kids to Kisoro. By that time*[182]*, I also gave birth. (…) Kisoro is at the border. We walked from the city of Ngumu (Masisi territory) because we were a lot of people fleeing. (…) I did not count the days we walked because the distance was long and then we were in the bush. And then we arrived at Kisoro. There we met a lot of people that had fled the war as well. When we arrived at Kisoro, I had a child that I gave birth to on the road. I had it on me, so people we helping me on the road, with clothes (…) and they asked us to cross the border. When we crossed, a car brought us to Kampala. In the car they were asking people to pay; for me they did not ask me to pay because they saw that I was in a bad state. And I was sitting on the floor with all my kids. When they asked me for transport fees, I showed them the little money that someone gave me and he told me "no, this is not enough, but I will help you." That is when we arrived in Kampala. (…) we arrived at the police station where they welcomed us very well and we spent a long time there. Afterwards, they brought us here to Nakivale (…). (…) I came here with five children; the sixth one was born here*[183]*. You know my problem: my husband was killed. When the tribal war was raging, even my father was killed in Congo; my mother was also burned (…) and this is why I am alone here at Nakivale. When I arrived at Nakivale, life was much harder than in the past. If I could describe life at Nakivale, it is the same thing as Congo during the war. Sometimes I am telling myself that if I die today, it would be better for the kids to be left only in the hands of God."* (M., 2012)

With these new alliances, the fighting between a faction of the CNDP and Kabila's government ended with the peace accord of March 23, 2009. This faction agreed to be disarmed on the condition of being further integrated into the national army (Monitor., Nov. 2012). It allowed members of the CNDP to gain access to high positions in the government and in the FARDC (Mararo, 2008-2009). However, it did not stop the activities of the other faction of the CNDP that

[182] By the time she arrived at the border
[183] Ma. was raped while she was at Nakivale and became pregnant.

remained outside the peace accord; it is still controlling the large part of North Kivu, still illegally taxing its inhabitants, engaging them in forced labor, and perpetrating massacres (Mararo, 2008-2009). For example, in 2010, 387 women, men, and children were reportedly raped in mass by a coalition of armed groups in the Walikale territory; members of this coalition were soldiers of the FARDC (Watch, 2012). Rapes are unfortunately quite common in the region[184]:

"No, I was raped in Congo; someone wanted to hurt my kids, wanted them to join the army. (…) It was the Mayi-Mayi. With all these problems, every time we spent the night in the bush, we lacked peace there. They were killing people without control. That is why I had known so many problems; lacked peace, my sons in the army, my daughters raped, thus I decided to come here. And we are still suffering a lot. (…) we came here piece by piece; I came alone and bit by bit the other children joined me. We came here by foot from Rutshuru, Rubari village. When we came, they did not register us at the border. We did the road and we stopped often when we were tired; it was in 2011. (J., 2012) *(…) "We were twenty; we were twelve there, and here they are eight. (..) Just the fact of leaving our country was difficult. Here we can breathe life, because we are not under a threat anymore. But in terms of food, we are having doubts about the future. With this entire group, we find one kilo of food to eat, we have to feed twenty mouths, and it is hard. We now have security, but psychologically, inside, we still have questions (….). To return? That is not easy. The sister here, she has the child, she was sexually abused by the Interahamwe. There is another one who left; she has three kids. Can you imagine, a child that is seven years old, the little one here he is seven. The sister, she was threatened, she conceived this one. The other one came three years later. They came by the bush, they took the sister again, and at the same time we were forced to take the weapons and to help the Interahamwe transport ammunitions. And even sometimes, they obliged us to join the army. Thus, we knew that is was a threat. In seven years, come back, and then three kids over there without fathers. Can you imagine your family to be threatened during seven years? Our father also died at the same time (…) so when we saw that it was too much - that I couldn't support a sister and three kids at home, and the other one with one kid at home - in these inexplicable situations I told my mother: " What shall we do?" Over seven*

[184]Denis Mukwege, a well known Congolese gynecologist, stated that since he started working in a hospital based in South Kivu in 1999, he treated more than 40,000 women victims of sexual violence in Congo (Elkouri, 2013). Indeed, the first rape case he ever treated left him completely shocked; a man had introduced a gun inside this woman's vagina and fired. She was completely destroyed, with her thighs and pelvis entirely fractured (Elkouri, 2013). As he thought it was an isolated case - since he never had seen such violence in fourteen years of practice - forty-five similar cases were further reported in the Bukavu region, thus showing that in fact it was systematic violence (Elkouri, 2013). Mukwege estimated that in fifteen years, more than 500,000 women were raped in DRC, thus asking the international community what are they waiting for to act against impunity? (Elkouri, 2013) Mukwege is refuting the theory, stating that rape is a cultural problem in Congo and associated it instead as being entirely linked with the current conflict as the wounds he has seen since 2011, he has never encountered them before. In 2012, rape cases increased drastically with the renewal of fighting in the region (Elkouri, 2013).

*years, the first is seven years old, the other is five years old, and the baby here is six months. Can you imagine that the folly is always visiting our family? And we asked ourselves some questions: here, it is to expose our sisters to danger? If we would go back, what could happen? Indeed, there we are pursued. In seven years, she had three kids! Can you imagine? (…) internally, psychologically, we are deranged. To return there? I don't think so. In seven years, three kids; it is like she was married…. Me, her brother. It bothers me that my sister is bearing children that we can qualify as "without origins." You see what it does: it is a burden. (…) and here (*at Nakivale*) we feel that maybe it is better, but it is not yet a solution (…)."* (Cam, 2012)

The March 23 Peace Accord ceased in April 2012 when ex-CNDP soldiers defected from the army, and created the M23 rebel groups led by Colonel Makenga[185]. They claim the government has failed to fulfill its part of the agreement. "*Although M23 says it's fighting the government over marginalization of the Tutsis, Kinshasa says the reason for the rebellion is over control of Congo's minerals, a good chunk of which is concentrated in North and South Kivu provinces*[186]." Again, Kagame and Museveni (though to a lesser degree) - at it happened twenty years ago - are both accused of helping the rebels and fuelling the conflict (Monitor., July, 2012). On November 3, 2012, M23 took the city of Goma (capital of the North Kivu), forcing thousands of people to flee to neighbouring countries. Currently, as of June 8, 2013, the conflict is still on, but as stated on "Radio Okapi" (the Official UN radio in Congo), negotiations between M23 spokespersons and the Congolese government are supposed to start again shortly in Kampala, but nothing is close from a ceasefire [187].

3.7. The trajectories and the politics

To come back to Schapendonk (2009), the dichotomy of migration as being a simple question of uprooting/departure and regrounding/integration seemed to be inadequate when looking at the trajectories and narratives of the Congolese refugees in Nakivale. "(…) *that over the past decade, there are more people moving into and within the African continent; that the trajectories of migrants in Africa are less straight-forward than they were in the past (…).*[188]" The trajectories from Congo to Uganda were far from being uni-linear; they were processions. If we take A., for

[185] Makenga was a deputy in Nkunda's CNDP (Monitor., July, 2012).
[186] Daily Monitor, "Kabila meets Museveni over Congo Crisis." Wednesday, November 24, 2012.
[187] Radio Okapi, June 8th, 2013
[188] Jonsson, Gunvor. " *Comparative Report: African Migration Trends*." International Migration Institute. African Perspectives on Human Mobility Programme. Comparative Report. 2009. P.2

example, he and his family have been on the move on and off for fourteen years, possibly being categorized as IDPs way before crossing an international border. J., Cam., and their families waited seven years, suffered four rapes and forced labor in the army, to finally decide to leave Congo; Z. and Ad., suffered forced immobility while they were taken as prisoner/wife in Mayi-Mayi and Interahamwe camps before having to cross the border. L., C., M., and Mi. had to walk for days, sleep in the bush, hide, stop without knowing if they would reach, how they would reach, before crossing the border. C. even gave birth on the road. Indeed, all the Congolese interviewed suffered the 'polywars' in Congo since 1996. However, all of them left on the aftermath of the Masisi war of 2007-2008 and onward. Could the prominence of local conflicts and their extreme violence, the fact that war is linked to access to resources, landownership and political representations, further push for the fleeing of the Congolese interviewed to Uganda? Also, no one seemed to have been registered at the border. Reaching Bunagana/ Kisoro borders, authorities, cities or settlements, would have been impossible without the help of 'third persons,' such as other Congolese citizens or Ugandan nationals. This situation reiterates Clark-Kazak's statement (2011) about the porosity of the borders between Uganda and Congo. Many had to go directly to Kampala or Nakivale to be registered and interviewed by the REC (Refugee Eligibility Committee), even as prima facie refugees. As stated earlier in chapter II, the REC is composed of directors of different government ministries and organizations that are directly concerned with the presence of refugees on the Ugandan territory, which makes refugee issues a state affair in Uganda. Indeed, Uganda legitimizes the refugee settlement system as a question of security for the state, as well as facilitating the provision of services by humanitarian agencies. Although refugee settlements are linked with the security of the state, why then, the borders remain 'porous' between Uganda and Congo? Nevertheless, Autesserre's (2007-2008) analysis of the local aspect of violence in the Kivus is apparently argued by international actors involved in Congo. Indeed, the author states that for humanitarian actors, the micro perspective is only a consequence of the macro conflict affecting the Great Lakes region in general. Autesserre (2007-2008) critiques this position which entails that local actors are only pawns in regional conflicts, manipulated by one or the other actors in Kinshasa, Kampala, or Kigali (Autesserre, 2007-2008). Within the international community, the perception is that at the local level, the situation is a humanitarian one which, as demonstrated earlier, is far from being the case (Autesserre, 2007-2008). Occupied at the local level with a-politic and neutral mandates, Autesserres claims that in fact, humanitarian projects in

the province are having few or no impacts at all on local violence, since it is primarily a political issue (Autesserre, 2007-2008). It follows that if violence in North and South Kivu has a significant local dimension - and that the humanitarian responses to it have been inadequate – the possibility of return or later on repatriation becomes extremely difficult. In addition, as shown in chapter II, integration in Uganda for a refugee is difficult as the granting of citizenship is rare or can take up to twenty years. Even in a protracted situation of refuge, refugees are still maintained under the rural settlement system. Therefore, as a legally-recognized refugee under the care of UNHCR, with few or no financial resources and network, there is only one solution to hope for: resettlement.

Chapter IV: Beyond that Place

4.0. Future Tense

Chapter III positioned the trajectories and narratives of the Congolese refugees interviewed at Nakivale within the political context of the Great Lakes region. This chapter tried to emphasize the importance of the 'neo-patrimonial' state and the instrumentalization of the indigenous discourse in spreading conflicts at the regional and local levels since decolonization. It showed that wars were intrinsically linked with political representation and citizenship, as the formation of the state through its electoral process (and thus the legitimacy of groups to take control over others) is the main reason why numerous ethnic groups clashed in Congo, given that questions such as who is entitled to vote, who can be a representative and where, became salient. It also focused on the role that Uganda played in prolonging the war(s) in Congo, and how it seemed to participate in the personal survival strategies of the state, its ruler, and his entourage. The trajectories and narratives from Congo to Uganda disputed a uni-linear conception of migration; the roads were complex, sometimes extended over many years, and where forced immobility was also part of the process of migrating. It also stated that since 2003 in Congo, the prominence of conflicts at the local level were associated with increasing violence in the two Kivus, a situation that humanitarian organizations were unable to counteract (since it is a political issue and not a humanitarian one), and that the conflicts are still far from coming to an end. Chapter IV intends to situate the trajectories and narratives of the Congolese refugees towards 'the future.' For Schapendonk (2009), mobility outside Africa for Africans is a sort of a continuum and an 'intensification' of an already 'mobile lifestyle' (Schapendonk, 2009). The author insisted on the importance of 'imaginative travel' in migrants' trajectories, but that these dreams fueled by the increasing awareness of other places beyond Africa are also strongly hindered by political imperatives. In the context of forced migration and the protracted issue of refuge, Castles (2003) would define them as being part of containment measures in the South, and border closing from the North (Castles, 2003). Now that chapters II and III have deepened the understanding of the political context and the international and national structures influencing forced migration and its management, chapter IV intends to connect the last two chapters with chapter I and focuses on the narratives themselves and their connection to the body. Chapter IV first links humanitarianism (and Nakivale) to the concept of biopolitics, and the narratives with the concept of embodiment.

These are further associated with resettlement, the dreams and hopes of the Congolese refugees, and my presence in the settlement. And of course, to keep in mind the perspective of 'migration as process': "*Trajectories are very much about synchronization and contingent interactions with other movements and other people's trajectories. Trajectories are also very much about sequences of events.*[189]"

4.1. The Biopolitics

Fassin (2006) defined the concept of 'biopolitics' as the politics of life; which positioned 'life itself' as the object and subject of politics (Fassin, 2006). Foucault, on the other hand, focused his biopolitics on notions of governmentality and subjectivation, the government of bodies and populations (through measurements, regulations, statistics, planning, hygiene, management, etc.), and not on the governmentality of 'the living' (Fassin, 2006). Indeed, Foucault's social constructivist (or poststructuralist) theory is based on processes and socialization instituting 'the hierarchy,' "(…) *develops an understanding of social and cultural relationships as products of discourses*[190]" i.e. the link between power and knowledge (Lock, 1993). The author asserts that 'governmentality' incepts with the exercise of control over oneself, towards the government of one's own body, in following the principles of the 'good life' (Turner, 2001). This type of discipline is part of a form of power that focuses on the normalization of specific behaviors, such as having a good hygiene, a specific diet, definite educational curricula; everything that is now supported and disseminated by and within Western modern institutions (schools, hospitals, administrations, prisons, etc.). One of the most prominent reflections in Foucault's theory resides *"(...) in understanding how medical interventions standardize human experience*[191]". Indeed, for Foucault, the discourse in itself, the specific language that is produced and reproduced within the

[189] Schapendonk, Joris. "*Moving and Mediating: a Mobile View on Sub-Saharan African Migration towards Europe*." Chapter 11 in Fernàndez-Ardèvol, M. Ros, A. (EDS): Communication Technologies in Latin America and Africa: A Multidisciplinary Perspective, 2009 Barcelona, IN3, p.299

[190] Turner, S. Bryan. "*Disability and the Sociology of the Body*" Chapter 9 in Albrecht, L. Gary. Seelman, D. Katherine. Bury, Michael. "*Handbook of Disability Studies*" 2001 Sage Publication P. 255

[191] Turner, S. Bryan. "*Disability and the Sociology of the Body*" Chapter 9 in Albrecht, L. Gary. Seelman, D. Katherine. Bury, Michael. "*Handbook of Disability Studies*" 2001 Sage Publication P. 255

field of biomedicine for instance, acts as the designer of 'its own objects of analyses (Lock, 1993). In other words, "*how do patients and practitioners know what they know?*[192]"

In contrast, Fassin (2006) is criticizing Foucault's elusion from the topic of 'life itself,' the 'exact substance of life' or the 'bare life' (as Agamben named it) as the author decided instead to focus on the concept of 'normalization as power' (Fassin, 2006). Fassin (2006) rather believes that 'life itself' is what makes the 'experience of living' and its multiple shapes utterly significant (Fassin, 2006). Fassin (2006) asserts that Foucault was in fact trying to distance his personal work from the Marxist theory, and Turner (2001) that constructivism is detached from 'the experience of the condition' (Turner, 2001). Thus, by doing so, Foucault's theory is disconnected from the notion of inequality inherent to 'biopolitics' (Fassin, 2006). Again, that Foucault should have complemented his work with the work of Arendt on totalitarianism (Fassin, 2006). Indeed, Arendt was dichotomizing the 'Zoe' (which is literally the physical life of human beings) versus the 'Bios' (which is the life inscribed in a social space, proper to human beings as they are political animals) (Fassin, 2006). For Arendt, authoritarianism was thus the threat of a group reducing the 'others' (as the indigenous discourse did in the Great Lakes region) from the 'Bios' (from the social life) towards the 'Zoe' (towards the biological life) (Fassin, 2006). While this reduction served to legitimize the use of camps for the extermination of groups during the Second World War on the one hand, the focus on the 'Zoe' in the current form of refugee camps is now legitimizing their rescue by humanitarian agencies (Fassin, 2006). Fassin (2006) consequently supports a tension between the 'Zoe' and the 'Bios'; between the 'bare life' and the social life. In're-problematizing' biopolitics, the author seeks to deepen the understanding of 'life itself' (biologically, materially, through its representations and practice) towards the 'life of the living' of Arendt (which means different social realities, experiences, representations and practices) (Fassin, 2006). There is a need to question the increasing places that biology as taken – since the 19th century – in constructing the 'biohistory' of human beings (Fassin, 2006). Fassin continues by stating that we need to consider and understand where biology meets politics (Fassin, 2006). For him, refugee camps, restrictions on immigration, the humanitarian exception, the increasing connection between political asylum and medical expertise, etc. are part of values and

[192] Lock, Margaret. "*Cultivating the Body: Anthropology and Epistemologies of Bodily Practice and Knowledge*" Annual Reviews of Anthropology 1993.p. 145

representations about what is and how long life should be (Fassin, 2006). "*We need to examine how these values and morals are constituted within an historical and geographical context; how are shared these lines between the good and the bad, the just and the unjust, the truth and the lies.*[193]" Thus, (2006) defines humanitarianism as based on the principle of a moral treatment of human lives, which has been placed above other values. In that sense, the author believes that the question of 'life itself' does not come without inequality since the choices of whose life should be preserved, maintained or not, is a form of governmentality (Fassin, 2006). Fassin (2006) states that humanitarianism's growing interest in biology is not 'a-politic,' but is in fact becoming "*the perfect form of the politics of life itself.*[194]*"* The author named it 'bio-legitimacy', the acknowledgement that biological life is 'sacred' (versus the right to a 'fair life'), and as such should be protected in any case (Fassin, 2006). "*From a political life towards a biological life, from a life that we narrate to an administration to attest of a story of persecution, towards a life that we expose in front of a doctor to show pathology.*[195]" Indeed, the 'humanitarian exception' tends to garner unanimity: Who would deny that a life is not worth sparing? Furthermore, the body tends to be a prominent source of truth, sometimes even more genuine than narratives themselves, or of the political life of an individual (Fassin, 2006). Hence, where the biological dimension becomes of importance, one has interest in showing the characteristic of the 'body in pain' where illnesses, sickness, sufferings, disabilities, vulnerabilities etc., i.e. 'the condition,' must be explained to convince the interlocutor of one's need of assistance. *"(...) it accurately describes how the figure of the refugee comes to be knowable: it is necessary to cut through 'the stories' to get to 'the bare facts.' It is here that physical, non-narrative evidence assumes such astonishing power. It has all the authority of an 'immediately ascertainable fact.*[196]' Therefore, the humanitarian conception of 'life itself' has enhanced a "*reconfiguration of the moral space*[197]."

[193] Fassin, Didier. "*La Biopolitique n'est pas une Politique de la vie*." Sociologie et Sociétés, Vol.38, no 2, 2006. P.41 (My translation)
[194] Fassin, Didier. "*La Biopolitique n'est pas une Politique de la vie*." Sociologie et Sociétés, Vol.38, no 2, 2006. P.44 (My translation)
[195] Fassin, Didier. "*La Biopolitique n'est pas une Politique de la vie*." Sociologie et Sociétés, Vol.38, no 2, 2006. P.44 (My translation)
[196] Malkki H. Liisa. "*Speechless Emissaries: Refugees, Humanitarianism, and Dehistoricization.*" Cultural Anthropology, Vol. 11, No.3 (August 1996), p385
[197] Fassin, Didier. "*La Biopolitique n'est pas une Politique de la vie*." Sociologie et Sociétés, Vol.38, no 2, 2006, p.44

4.2. The biopolitics in Nakivale

As seen in chapter III, Bayart defined 'governementality' as a specific relation between the ruler and the ruled, a relation that takes multiple forms depending on a state's specific 'idea of the state.' Again in chapter III, the neo-patrimonial state was characterized as a form of state where 'the hierarchy' is instituted by the personal power of the ruler and his entourage, i.e. the state bourgeoisie (Bayart and al., 2001). In fact, the neo-patrimonial state is built upon personal relationships such as nepotism, clientelism, factionalism, cronyism, tribalism, and/or corruption. As stated previously, the neo-patrimonial mechanisms tend to reduce political resources to economic ones, where politics becomes business, and to make business ones need a network and money (Médard, 1982). The Ugandan state is a neo-patrimonial state (with the appearance of a democratic state), and as such, has a different organization of powers than the one Foucault was referring to – which is the Western model of nation-state - when he developed his theory of 'normalization as power.' Indeed, the organization of power in Uganda passes through the state and as such, power and knowledge are restrained to a small number of people, leaving a high percentage of individuals with few resources left. Then we could say that 'normalization as power' in the neo-patrimonial state does not necessarily reside in measurements, regulations, statistics, planning, hygiene, management, etc., but perhaps in 'corruption as power' and in the capacity of the ruler, with the help of the state apparatus, to use great means of violence against its population. It has been the colonial and now the humanitarian projects that enhance 'normalization as power' in Africa, through the 'liberal cultural-political ideas of progress and reform' (Chimni, 2009). I would thus propose that there were two different but embedded types of governmentality at stake within Nakivale. One is inherent to the neo-patrimonial state, which positioned the 'OPM' and its representative (and UNHCR) on top of the hierarchy, and where one's financial resources will procure a privileged access to a plot of land rather than one's position as 'recipient of basic minimum aid'. Indeed, corruption in Nakivale is not an isolated factor; corruption is endemic in Uganda[198]. Corruption is an acknowledged fact, and even a subject of derision for many Ugandans. As stated in Chapter II, even other NGOs in Nakivale have to make sure that OPM stays 'satisfied' in fuel and access to Internet for it not to 'hold-on' activities. Indeed, this particular form of governmentality also implies that 'life itself' has a

[198] Here I am again referring to appendix number V.

different meaning and a dissimilar treatment than the one linked with humanitarian governmentality, which positioned 'life as sacred.' For example, during a meeting at Nakivale where the camp commandant discussed security issues in the settlement, the security of refugees was barely mentioned, the main focus being on the safety of staff (GIZ, 2012). This thus sends us back to the camp commandant's statement as he defined assault, rape or defilement as 'petty crimes' to describe offences that strongly affect the bodies and minds of refugee women in the settlement, but that are not, on the other hand, threatening 'life itself'. And here we can understand why humanitarianism is unsettling: 'life itself' became sacred and through which the humanitarian discourse is disseminating its ethical ideal (or totalitarian fiction), without necessarily reflecting upon the possible inequality associated with such an ethic (Fassin, 2006). Why is the focus not on the right for an individual to have a fair life instead of just a 'bare life'?

Because sometimes we think that a refugee is not considered as a person. Even if we are allowed to expose our problems, refugees are not considered; they are treating them as if they don't exist. (…) We are suffering because nobody is interested to us really, with a heart. People are not interested in refugees and it hurt us, because we are people even if refugees." (S., 2012)

Thus, Nakivale is knotted around two totalitarian systems; one that states that money is power, and another one where the 'whole' of humanitarianism implies an absence of alternatives (Agier, 2011). Indeed, it seems that this is a quite convenient relationship; the refugee settlement system and humanitarian agencies depoliticize and retain the 'undesirable' (the refugees without financial assets) for the Ugandan state and brings international money in the country to take responsibility for these people. Under the 'state of emergency' and an indisputable morality, it covers the inequality of such a system and fills humanitarianism with the symbolism it needs.

"*Ugandans they welcomed us in their country and gave us the place where we are today. But, if tomorrow we want to get out of here, they won't help us. (…) me I can tell you that Americans are much more welcoming than Ugandans because Americans they take care of you. Ugandans they only give us a place, but Americans they take care of you."* (C., 2012)

However, Fassin (2006) stated that he would position instead a tension between the 'Zoe' and the 'bios', between the biological and the social life. Indeed, to comprehend the structure of power is interesting, but to understand how these constructions affect the life of the people they aim to control is also an important part of knowledge. Hence, the next section focuses on explaining the

concept of 'embodiment' and its importance in reinstating the 'body', the 'condition' as part of the experience of being a refugee living in a settlement.

To eat here, to have something, you need to go far to fetch small pieces of woods for the fire. And there as well the nationals are envying us and raping us, doing whatever they want to us when we go to fetch wood." (Ad., 2012)

4.3. The Embodiment

Fassin's (2006) point of view in interpreting 'biopolitics' stands in a phenomenological perspective. Foucault, on the other hand, rejected 'phenomenology' in his work and thus the concept of 'embodiment.' Embodiment "(…) *attempts to describe the subjectivity of the lived body in the life-world in the phenomenological tradition, whereas the term governmentality attempts to describe the production of the body as an object of professional practice in the post structural tradition.*[199]" Indeed, a 'phenomenology of the body' focuses its analysis on the subjective and on multiple human experiences of being embodied (Turner, 2001). Turner gave the example of 'rehabilitation' (the treatment of an injured body) as a normative process of healing: "(…) *which is how the 'disabled body' is discursively produced, governed, and regulated.*[200]" Hence, the disabled body is socially constructed through the prism of the medical paradigm/therapy that has been created to regulate it, to heal it. From the phenomenological standpoint however, the *"(...) starting point is to counter what they see as the mistaken enterprise of interpreting embodied experience in terms of cognitive and linguistic models of interpretation.*[201]" That phenomenology allows the individual to be subjective and have agency (Turner, 2001), which adds an interesting component to the theory of discourse. Besides, Kleinman defines 'illness' as a threat to vital function, coupled with the challenges of accepting one's own novel or constant vulnerability (Kleinman, 1988). In link with illness, Kleinman describes sickness as the *"(...) Understanding of disorder in its generic sense across a population*

[199] Turner, S. Bryan. "*Disability and the Sociology of the Body*" Chapter 9 in Albrecht, L. Gary. Seelman, D. Katherine. Bury, Michael. "*Handbook of Disability Studies*" 2001 Sage Publication P.253

[200] Turner, S. Bryan. "*Disability and the Sociology of the Body*" Chapter 9 in Albrecht, L. Gary. Seelman, D. Katherine. Bury, Michael. "*Handbook of Disability Studies*" 2001 Sage Publication P.253

[201] Lock, Margaret. "*Cultivating the Body:Anthropology and Epistemologies of Bodily Practice and Knowledge*." Annual Reviews of Anthropology, 1993.p. 137

in relation to macrosocial (economic, political, institutional) forces[202]." Indeed certain disorders and diseases are linked with difficult socio-economical environments where people easily pass from illness to sickness: "(*...) adding another wrinkle to the experience of disorder seeing it as a reflection of political oppression, economic deprivation, and other social sources of human misery.*[203]"

"My problem is first related with the life that we are leading here" (A., 2012).

"Life is difficult. Life is very difficult; especially if there are no crops. We go to the field and we try to work, but there are no crops (….) (K., 2012).

"Maybe if we were free, maybe we could find something to help us survive" (Mi., 2012).

"I think I could at least be free to do what I want to do. Because here, there are no projects. Because you are here in the village, and tomorrow we can be displaced by the authority to go to another village. So imagine if you had started a project over there, to cultivate, to have animals, you still have to move and deal with these things" (Z, .2012).

"You know my problem: my husband was killed. When the tribal war was raging, even my father was killed in Congo; my mother was also burned (…) thus why I am alone here at Nakivale. When I arrived at Nakivale, life was much harder than in the past. If I could describe life at Nakivale, it is the same thing as Congo during the war. Sometimes I am telling myself that if I die today, it would be better for the kids to be left only in the hands of God" (C., 2012).

In the phenomenological perspective, this question of embodiment is also connected to different cultural conceptions about the mind, the body, the self, and emotion(s) (Lock, 1993).To challenge the medical dichotomy between the body and the mind, Turner positions "*embodiment as a conception of a single entity that is at once a self and a body*.[204]" Lock referred to it as 'making the body social' i.e. the integration of biology and sociology (Lock, 1993).

[202]Kleinman, Arthur. "Suffering, Healing, and the Human Condition" Chapter 1. Basic Books, New-York. 1988 p.6

[203]Kleinman, Arthur. "*Suffering, Healing, and the Human Condition*" Chapter 1. Basic Books, New-York. 1988 p.6

[204] Turner, S. Bryan. "*Disability and the Sociology of the Body*" Chapter 9 in Albrecht, L. Gary. Seelman, D. Katherine. Bury, Michael. "*Handbook of Disability Studies*" 2001 Sage Publication P.254

"For me, resettlement means to send me somewhere outside Africa. Because if you leave me here in Africa, it means to suffer always; wars are everywhere.(…) it is like when the others with whom we suffered in the settlement are leaving, when they leave to go there, sometimes they call us; they call us to tell us that there it is better than the camp. And I am also suffering. Sometimes, it is my back, because someone hit me, someone shot a bullet at me. So this is the bullet someone shot at me when I refused myself to the Interahamwe, so they attempted to kill me by shooting bullet at me. It was the first time that I refused, but when I saw that they hit me, then I accepted. Thus, every day I get sick when I think of all the problems I have. Every day I have a crisis. And the two kids I gave birth to with the FDLR- I have a son B and J. These are the kids I gave birth to with the Interahamwe rebels, with someone who took me by force. Ok, also these kids, they don't have any means. Here in front of you, they don't study, they get sick, and when they go to school they are chased away[205]*. I suffer also a lot in my stomach; you can take picture of my medical papers if you want"* (Ad., 2012).

Indeed for Kleinman, embodiment is also a link between the body, the self, and society (Kleinman, 1988). "*When chest pain is reduced to chronic coronary artery disease for which calcium blockers (…) while the patient's fear, the family's frustration, the job conflict, the sexual impotence, and the financial crisis go undiagnosed and unaddressed, it is a failure.*[206]" For example, in chapter II, the RLP (2007) was stating that psychological disorders in Nakivale were not being properly taken care of and that, as noticed, the situation was still the same in 2012. Hence, if embodiment is the conception of a single entity of body and self, if the mind is not properly taken care of, all activities to improve livelihoods of refugees in Nakivale might fail. Also, that 'rape' for instance, is an utterly embodied experience for many women in the settlement:

"Someone took me by force" (C., 2012).

"(…) that took her and raped her. And it is after that she became pregnant and that she delivered this girl (…)" (Mi., 2012).

"They stopped us there, and the other guy that was there he raped me. (…) When they told me that my uterus was out, that is when they brought me to Mbarara. "(…) I am leading a life of suffering and I have nobody who can help me, give me some sort of assistance. I put my hope that it is here that I can find something, but I don't even have hope to find something (…)" (M., 2012).

[205] Ad, has been accused of being a witch by some neighbours, thus her children are also being rejected by other kids (Ad., 2012).

[206] Kleinman, Arthur. "Suffering, Healing, and the Human Condition" Chapter 1. Basic Books, New-York 1988 p.6

"However, that day when they arrived and realized that I was not there, they forced her here, inside the house. It was eight at night. But this problem really is so overwhelming I don't know what I can do about it" (Jo., 2012).

Furthermore, Turner (2001) positioned embodiment sociologically (which is the horizontal plane) and philosophically (which is the vertical axis) (Turner, 2001). On the social perspective, the individual, as part of the social life, is socialized within a society by satisfying specific 'social roles', which makes one "(…) *understand the contingent and arbitrary characteristics of social being.*[207]" The philosophical standpoint, however, is an awareness of one's limited and exclusive embodiment (Turner, 2001).

"(…) but here we also have a problem. You can see as well that I have a problem, that I am suffering so much. We sleep on the floor, and I have back problems, with my ribs, I suffer so much. When the rain is falling this is so used **(the plastic sheeting)** then it is wet. *To eat is also a big problem. (…) If you could help me, assist me to get out of the camp, get out of this story, I could be so happy. (…) to bring me to another place; somewhere else even; where I can find peace and where I can be free to do something else"* (L, 2012).

Accordingly, for Turner (2001), it is the understanding of the unpredictability of one's own social situation and 'biological frailty' that makes the legal focus on vulnerabilities and human rights so important (Turner, 2001). "*It recognizes the complex interplay between the objectified body of medical discourse, the phenomenal body of everyday experience, and the body image that as it were, negotiates the social spaces between identity, experience, and social relationships.*[208]" If transferred to Nakivale, the Congolese refugees interviewed were keenly aware of this subordinated 'social positioning' and 'biological frailty.' In link with resettlement, there is an increasing interaction with the awareness of one's own biology and vulnerability and the discourse inherent of the biopolitics of humanitarianism.

[207] Turner, S. Bryan. "*Disability and the Sociology of the Body*" Chapter 9 in Albrecht, L. Gary. Seelman, D. Katherine. Bury, Michael. "*Handbook of Disability Studies*" 2001 Sage Publication P.260
[208] Turner, S. Bryan. "*Disability and the Sociology of the Body*" Chapter 9 in Albrecht, L. Gary. Seelman, D. Katherine. Bury, Michael. "*Handbook of Disability Studies*" 2001 Sage Publication P.254

"The essential for us would be that this situation ends. An ending for us might signify to go further than here. Because to stay in that situation is frustrating; you see that it is another war that is an indirect one; with the belly, with life, with the future. Consequently, for us it would be to make us move from here to somewhere else, were we can have guaranty, be assisted in a reassuring way. (…) because you see Africa, the situation is almost the same everywhere. There it was weapons and rapes; here it is food and the future. Maybe outside of here, we will be able to ensure the future of our children (…)" (Cam, 2012).

4.4. Biopolitics of resettlement

"(…) I will focus on humanitarianism as a form of government, arguing that it works with an understanding of biology as immutable, so that suffering can be legible and treatable wherever it is found. What I am suggesting, then, is that while biology and the evidence it is seen to provide fuels hope for a better life whatever the context it simultaneously provides a means for stratifying populations and maintaining discriminations that derive from colonial and imperial histories by rendering those histories invisible.[209]"

Indeed, resettlement is associated with what Rose and Novas (2003) called 'the political economy of hope' or the 'moral economy of hope' (Rose, 2003). "*I am interested in how bodies and their biological measures and values allow for and fuel a form of hope for a better life, and yet simultaneously reveal the limited possibilities to enact this hope.*[210]" Rose and Novas (2003) are correlating citizenship with what they called the 'biologization of politics' (Rose, 2003). Ong (2006) also observed that until recently, there is a tendency in the West to focus on health based claims in link with citizenship rights, or what she labelled 'biological citizenship' (Ong, 2006). "*Increasingly some form of legal recognition is awarded in the name of humanity, i.e. the right to a healthy body, regardless of the citizenship of the patient.*[211]" This is part of Agamben's dichotomization of citizens who have legal rights and the others, the excluded groups who are living in a zone of 'indistinction' (Ong, 2006). For Agamben (and Turner), it is the transformation with human rights of the excluded into full citizens that will reinstate humanity within the current world order (Ong, 2006). Ong (2006), however, is critical of this standpoint:

[209] Ticktin, Miriam. "*How Biology Travel: A Humanitarian Trip*." Body and Society 2011 Vol.17(2&3): p.141
[210] Ticktin, Miriam. "*How Biology Travel: A Humanitarian Trip*." Body and Society 2011 Vol.17(2&3): p.141
[211] Ong, Aihwa. "Mutations in Citizenship" Theory, Culture and Society 2006 P. 504

"*Furthermore, the focus on citizenship and human rights gives short shrift to other modes of ethical reflection and argumentation. It is by no means clear that the right to survival will everywhere be translated into citizenship or merely legitimized on the grounds of common humanity.*[212]"

For Ong (2006), this focus on human rights is linked to what she called 'the humanitarian industry' and its proliferation of organizations and their need to represent 'the politically dispossessed' (Ong, 2006). Ong (2006) refers to it has the 'counter-politic of sheer life': "*A situated form of political mobilization that involves ethical claims to resources articulated in terms of needs as living beings.*[213]" These demands are under the right to a 'biological survival', or 'biowelfare' (Ong, 2006).

"For me in my psychology, I see that it is where I can find a little bit of sustainable solutions concerning my problems. A solution, for example, for my children who are not studying (…) for me who is sick so I can have medication and, since I am a widow, to have some sort of assistance, to have help with taking care of my family (…). I can't even think about going home because I don't even have the house; I don't have the husband; I don't even have someone left where to go and sit down and rest. (…) because all the people who killed at my home - they are a lot there - and I don't know them. If I go back there with my children, they could take the opportunity to eliminate me. I don't really like that place, I don't want to go back. (…) for me, I don't have any choices; it is anywhere where someone will bring me (…) if someone brings me to Kampala, and they tell me that it is better and that I can find work, then Kampala is good (…) Because I came here in this stage of illness, and I still continue to suffer. From time to time they bring me to Mulago Hospital **(Kampala)** *to make some scans; they prescribe me medicines for my leg and my spinal cord and some other trauma (…) because I could get lost from home; I didn't even know where was home for almost two years. If I go to the office by myself - very close by - I can get lost on my way back home. It is the result of the tortures I suffered, the consequences of the sexual violence (…) I still lose fluid though my vagina, and it is not good at all. I am very not well, and it hurts, really hurts my heart and everywhere. Because where I am, I am not well in society because you know, these things they smell. So, even when I am in the bus, even if I am at the hospital or at church, I am ashamed to stay within a group of people. Hence, this problem still is present even today (…). If someone could take responsibility for me, so I could receive proper medical care at the hospital. Here you can see CT scans* **(there are more than ten scans)** *for me and this child. (…) I have another CT of my abdomen because of the operation they did over there; they got rid of the entire uterus (…)"* (Mi., 2012).

[212] Ong, Aihwa. "Mutations in Citizenship" Theory, Culture and Society 2006 P. 504
[213] Ong, Aihwa. "Mutations in Citizenship" Theory, Culture and Society 2006 P. 504

These growing claims towards the 'right to life' are related to what Pandolfi called 'mobile sovereignty', "*where politics is displaced from the state onto a humanitarian apparatus of transnational processes and NGOs.*[214]" As much as Ong (2006) and Rose and Nova (2003), Ticktin (2011) believes that 'illness' is becoming a prominent way to travel and to get papers, as a way to attain this juridical-legal status, the true right of a citizen (Ticktin, 2011).

(…) I examine how biology has become a central tool in the ability to travel. How did pathology (i.e. illness) or violations of anatomy (i.e. torture, sexual violence) become the 'best' ways to get papers as an undocumented immigrant -better than selling one's own labor power? I suggest that biological evidence – of illness, of torture, of immunity levels- are used as key measurements of suffering, which justifies humanitarian exceptions, in that case for papers.[215]"

In a protracted issue of refuge, where possible choices are contained by the two 'totalitarian systems' inherent of Nakivale – and when repatriation or integration are not available as potential solutions – the symbolism of 'hope' for refugees is left in the hands of the UNHCR. It thus narrows the choices and possibilities associated with the concept of 'migration as a process' entirely towards the resettlement system.

"(…) *created the notion of biology as manipulable, one cannot understand the contours and the substance of 'hope' without understanding that biology takes shape at the intersection of circuits of capital and regimes of governance such as humanitarianism which are connected to biomedicine and biotechnology.*[216]"

4.4.1. Resettlement System

Resettlement is also part of the international humanitarian management of refugees born after the Second World War. As in the 1951 convention for refugees (but resettlement is not regulated under the convention), African countries were also, at that time, left out of the resettlement program of the UNHCR, since 'African refugees' were then not yet a 'subject of international law' (Sandvik, 2010). As stated by Sandvik (2010), this exclusion of the 'African resettlement

[214] Ticktin, Miriam. "*How Biology Travel: A Humanitarian Trip*" Body and Society 2011 Vol.17(2&3) p. 145

[215] Ticktin, Miriam. "How *Biology Travel:* (Ticktin, 2011)*A Humanitarian Trip*" Body and Society 2011 Vol.17(2&3) p.139

[216] Ticktin, Miriam. "*How Biology Travel: A Humanitarian Trip*" Body and Society 2011 Vol.17(2&3): p.141

candidate' did not only reside in the allocation of 'quotas' and 'national legal structure' (Sandvik, 2010):

"*While the significant presence of African refugees in contemporary resettlement programs may be explained by pointing to the evolution of a more inclusive Western humanitarianism or to political factors such as change in domestic quotas allocations, or in the demands of home constituencies, these explanations are only partial. (…) Examining the configuration of the legal status of African refugees will enable a better understanding of the degree to which the legal instruments, norms and institutional practices of international organization such as UNHCR are constituent of practice, in addition to the demands of realpolitik.*[217]"

Resettlement is part of the three 'non hierarchical and durable' solutions (repatriation, integration, and resettlement) proposed by UNHCR to solve some of the protection challenges associated with refugeness. Thus, resettlement basically means to be taken from a first country of asylum (as a legally recognized refugee) to a third country of settlement which has agreed to welcome the candidate with a permanent resident status (Sandvik, 2010). However, even as non-hierarchical, Sandvik states that UNHCR is not always consistent with its own policy, as the organization tends to be ambiguous between promoting different durable solutions and implementing specific favorite ones (Sandvik, 2010). "*Until 1985, voluntary repatriation was the preferred solution, while resettlement was promoted in practice. From the mid-1980's, resettlement became the least preferred option in policy and practice, until its resurgence in the late 1990's.*[218]" Sandvik is thus questioning the reasons behind the resurgence of resettlement as a favored solution during the 1990's since the decade before, countries such as Canada, USA and Australia did not have quotas allocated specifically for African resettlement candidates (Sandvik, 2010). Sandvik argues that it came from a tension between 'political imperatives' and 'humanitarian obligations' of the international refugee management system (Sandvik, 2010). There were three original factors hindering African resettlement. First, the decolonization and its consequences during the 1960's were perceived as being temporary and domestic issues (Sandvik, 2010). Furthermore, UNHCR was not entitled to get involved in Africa before 1961. "*The organization had to navigate in a highly charged post-colonial context, where 'international protection' and the promulgation of*

[217] Sandvik Bergtora Kristin. "*A Legal History: the Emergence of the African Resettlement Candidate in International Refugee Management*." 2010. International Journal of Refugee Law Vol.22 No.1 p.23

[218] Sandvik Bergtora Kristin. "*A Legal History: the Emergence of the African Resettlement Candidate in International Refugee Management*." 2010. International Journal of Refugee Law Vol.22 No.1 p.21

legal standards and processes were politically sensitive matters.[219]" UNHCR chose instead to focus on providing humanitarian services and enhance development (Sandvik, 2010)[220]. In 1971, only three hundred African refugees considered as highly educated were resettled outside Africa, a situation which, before the 1980's, was considered by African governments and the OAU as a 'brain-drain' threat. (Sandvik, 2010). "*The idea of in-continent resettlement has been a recurrent topic in African refugee management. (…) is seen as a way of encouraging regional responsibility and addressing concerns of brain-drain.*[221]" From a Western point of view however, resettlement was indeed badly connoted during the 1980's since it was perceived as a 'pull factor' for economic migrants, hence blurring the category between forced and voluntary migration. The international community thus preferred repatriation as a more sustainable solution, and to avoid this specific group of migrants within their borders. This was also legitimized by a specific discourse portraying African refugees as mainly from a rural background, hence more difficult to integrate in western countries of resettlement (Sandvik, 2010). This situation changed by mid-1990's with "*(…) the synergy between human rights, notions of vulnerability and geographies of international law.*[222]" In 2004[223], this restructuring of the international management of refugees resulted in the drafting, by the UNHCR, of a 418-page document titled the '*Resettlement Handbook.*' Resettlement as an instrument of international protection and law is now linked with the provision of advanced assistance (through thorough screening and individual assessment) for refugees, "*while forging stronger connections between resettlement and global migration management.*[224]" There are now eight different 'victim categories'[225] (divided among emergency/urgent/normal cases) defined by UNHCR to provide protection to "*a more diverse*

[219] Sandvik Bergtora Kristin. "*A Legal History: the Emergence of the African Resettlement Candidate in International Refugee Management*." 2010. International Journal of Refugee Law Vol.22 No.1 p. 24

[220][220] As Sandvik said it, Africans are not perceive as subject of law, but as subject of development.

[221] Sandvik Bergtora Kristin. "*A Legal History: the Emergence of the African Resettlement Candidate in International Refugee Management*." 2010. International Journal of Refugee Law Vol.22 No.1 p. 39

[222] Sandvik Bergtora Kristin. "*A Legal History: the Emergence of the African Resettlement Candidate in International Refugee Management*." 2010. International Journal of Refugee Law Vol.22 No.1 p. 25

[223] The Resettlement Handbook has been last updated in 2011.

[224] Sandvik Bergtora Kristin. "*A Legal History: the Emergence of the African Resettlement Candidate in International Refugee Management*." 2010. International Journal of Refugee Law Vol.22 No.1 p. 23-24

[225] Legal/Physical protection need, threat of *refoulement,* expulsion and arbitrary arrest and/or detention, threat to physical safety or fundamental human rights in the country of refuge, survivor of violence and/or torture, medical needs, women and girls at risk, family reunification, children and adolescent at risk, and lack of foreseeable alternative durable solutions (UNHCR, 2011).

group of vulnerable candidates presenting a wider range of personal narratives of suffering.[226]" Sandvik (2010) claims that the inclusion of African resettlement candidates during the 1990's was also the result of an interaction between 'vulnerability' and the representation of 'African sufferings' through the mediatization of conflicts such as in Sierra Leone, Congo, Rwanda, etc (Sandvik, 2010). *"Famine, HIV/AIDS, mass rape and genocide are all relatively new interventions of international law, and builds on an imagery of Africans in need of rescue. In many ways, the African resettlement candidate is still the object of a politics of difference.*[227]*"* This growing representation of African as sufferers and vulnerable had a reversal effect; African resettlement candidates, who had been ignored by international law are, at this time, distinguished as the 'most preferred resettlement candidates' (Sandvik, 2010). *"As a result, the designation of a small group of 'vulnerable' individuals facilitates the application of the label 'illegal' to the majority.*[228]*"* Again, resettlement may be perceived as rescuing and caring for sufferers, but it is also part of a global system favoring containment measures in the South for a majority of refugees (through refugee settlements in neighbouring countries or under the IDP categorization), and border closures in the North (Castles, 2003). As a 'regulatory mechanism', resettlement *"must also be alert to the ways in which the substantive categories and procedural standards of contemporary resettlement are designed to provide global migration control with a gloss of humanitarianism.*[229]*"*

4.4.2. Resettlement in Uganda

As stated by the Refugee Law Project, in Uganda, the resettlement as a durable solution gave, in 2002, priority to three of the eight 'victim categories': "*threats to legal and physical protection need, medical treatment for conditions that are correctable in a resettlement country, and reunification of the nuclear family.*[230]" The category labelled 'Refugees without local integration prospects' given in the Resettlement Handbook is rarely used as it could potentially open the door

[226] Sandvik Bergtora Kristin. "*A Legal History: the Emergence of the African Resettlement Candidate in International Refugee Management*." 2010. International Journal of Refugee Law Vol.22 No.1 p. 46
[227] Sandvik Bergtora Kristin. "*A Legal History: the Emergence of the African Resettlement Candidate in International Refugee Management*." 2010. International Journal of Refugee Law Vol.22 No.1 p. 46
[228] Sandvik Bergtora Kristin. "*A Legal History: the Emergence of the African Resettlement Candidate in International Refugee Management*." 2010. International Journal of Refugee Law Vol.22 No.1 p. 26
[229] Sandvik Bergtora Kristin. "*A Legal History: the Emergence of the African Resettlement Candidate in International Refugee Management*." 2010. International Journal of Refugee Law Vol.22 No.1 p. 47
[230] Refugee Law Project. "*Refugees in the city: Status Determination, Resettlement, and the Changing Nature of Forced Migration in Uganda*." 2002. Working Paper No. 6 p.21

to too many claims for resettlement (RLP, 2002). This, again, seems to be part of containment measures since Uganda's integration policy is extremely limited and linked to the almost ineffective SRS policy (Self-reliance strategy). Categories such as 'children' and 'elderly women' also have precedence if they meet the criteria mentioned above (RLP, 2002).

"*The main actors in resettlement are UNHCR and the governments of the recipient countries. The host country hence plays little formal role. However that does not mean that Uganda is disinterested in resettlement. The presence of individual refugees may exacerbate political disagreements.*[231]"

In 2002, for example, a Congolese refugee criticizing the invasion and the presence of UPDF soldiers in Congo was potentially at risk in Uganda - the first country of asylum - and thus eligible for resettlement (RLP, 2002). "*Refugees subject to untargeted violence or abuse of their human rights are not eligible*.[232]" Nevertheless, the process of resettlement is delineated by seven steps in the UNHCR Resettlement Handbook. First, applicants must contact the UNHCR field office for a 'case identification' by the Community Services Department (R., 2012). For instance, there is in Nakivale a UNHCR field office where people can apply directly in the vicinity of the settlement. Within the field office, cases are assessed and personal narratives verified. If the situation of a refugee classifies him /her as a potential resettlement candidate, the file is transferred to the UNHCR field officer who will conduct official interviews[233] with the help of other UNHCR staff (RLP, 2002). These staff members have a weekly quota of interviews to conduct; if the quantity is not met, interviews are cumulative to the following week's requirements (R., 2012).

"Within this new regime, the selection of resettlement candidates was to be based on a form of 'rigorous and individualized processing' capable of identifying particular personal circumstances and characteristics. Detailed legal criteria were developed. The idea of the 2004 Resettlement Handbook was that by constructing a rigorous procedure of individual selection, within the confines of asylum and host country quotas, only deserving refugees' truly in need of protection would be found eligible for resettlement.[234]"

[231] Refugee Law Project. "*Refugees in the city: Status Determination, Resettlement, and the Changing Nature of Forced Migration in Uganda*." 2002. Working Paper No. 6 p.21

[232] Refugee Law Project. "*Refugees in the city: Status Determination, Resettlement, and the Changing Nature of Forced Migration in Uganda*." 2002. Working Paper No. 6 p. 21-22

[233] Interviews are made in Nakivale, Mbarara or Kampala; when demands for interviews reached the country of resettlement, it sometimes entail that a refugee can have to travel there if there are no immigration/consulate representatives available in the first country of asylum (RLP, 2002).

[234] Sandvik Bergtora Kristin. "*A Legal History: the Emergence of the African Resettlement Candidate in International Refugee Management*." 2010. International Journal of Refugee Law Vol.22 No.1 p. 43

To prepare the resettlement submissions, the field officer organizes a list of recommended refugees and their files, and when these cases are approved, sends it to the RSH (Regional support Hub) or "Hub" based in Nairobi. The RSH is the UNHCR regional office supervising activities in the East African region, and thus receives resettlement files from every country in the area (R., 2012). The Hub will then assess the files and these files will be sent back and forth between the Hub and the field office until no more mistakes or discrepancies can be found in an application (R., 2012). When candidates are finally selected, the files are sent to countries of resettlement which will undertake their own interviews based on their specific national criteria. It is worth mentioning that resettlement countries in most instances deal with resettlement cases through the UNHCR system, which makes alternative arrangements difficult (RLP, 2002). If a country denies a resettlement claim, there is always the possibility to send the file to another country, but it takes time. Then, the departure agreement and installation monitoring are also organized by the country of resettlement and with the IOM (International Organization of Migration) (RLP, 2002). These seven steps can be extremely long, between five to ten years if an applicant is not categorized under an emergency or urgent status (R., 2012). It definitely makes resettlement and its procedures an entry restriction towards the North, even if quotas for resettlement are quite high in certain countries (R., 2012). Furthermore, the procedures within the first country of asylum are left in the hands of the resettlement and protection officers in the field office, depending mainly on their availability[235] and personal dedication, thus personalizing the methods and sometimes also opening doors to corruption (RLP, 2002). For instance, there is a section in the UNHCR Resettlement Handbook titled "*Combating Fraud and Corruption in the Resettlement Process*."

The resettlement system is thus increasingly mixing the importance of biology in determining an individual's chances of being resettled, but the body is always connected with the identification of 'victim categories' that are still prominent in representing specific ideas of what are sufferings and vulnerabilities.

[235] In 2002, RLP stated that only one resettlement officer was allocated for 37, 000 annual demands of resettlement in the Southwestern region of Uganda (RLP, 2002).

"*This relates to another way in which categorization processes are politicized; they are used to classify and rank individuals and groups according to need or priority. (…)* "*This provides incentives for people to self-identity as 'vulnerable,' even if they do not believe themselves to be so or to fulfill 'vulnerable' criteria.*[236]"

Thus, this incorporation of embodiment, the discourse about the medical/physical condition and sufferings, can be found in the narratives of the Congolese interviewed at Nakivale. All categorized as 'recipients of basic minimum aid', none of them have however been perceived as an 'emergency' or 'urgent' cases by resettlement agents. As such, their lives have been labeled as in need of lesser care and they are left within the pool of the containment measures. Nevertheless, as stated earlier, resettlement has reached a significant notoriety in Africa where its bureaucracy, procedures, and agents are filled with symbolism and represent hope: the awareness of one's own 'frailty' within the dual biopolitics of Nakivale channelled their dreams for a better future in the sole hand of the UNHCR.

"*I applied for resettlement because the life of suffering that I live with the children (...) I think a lot and I see that they are suffering like that, I myself cry until I reach home.*" "*For me, the life at Nakivale it is so difficult: I would like to throw myself in the lake, be able to kill myself (...) but I have these kids.*" (…) *For me 'resettlement' means help, an assistance to see how I can live with my children. Apart of that I don't know.*" (...) **I asked her if there was a possibility to lead a good life in Nakivale if she would stay. She answered no.** "*We have been in Nakivale for a while now and we don't have a good life. It is not today that life can change at Nakivale.*" **I again asked her if she had some ideas, solution about how to better life in Nakivale?** "*So for me, I can't change my life; I depend on people from outside to change my life here. (…) you see the life that we are leading here; it is made of suffering, so we are closed to our own self. We don't have a clue, so we can't lessen our suffering. So if there was a means to kill ourselves, I am one of these…. So I suffer so much here and I don't know how to tell you. Four years that I am here (…)*." **I asked her if she thought that all her problems were to fade once that she is outside of the settlement and she replied**: "*Yes it is better, if I found myself outside it will change; I have hope.*" "*For me, I can imagine that someone helps me get out of the camp here; because I can't go back to Congo. In Congo, I missed security; my husband was killed. And if I am brought somewhere else, somewhere different than this camp, I know that I will find peace*." **I asked her if Kampala would be a solution but she said no. She was categorical in the fact that she could not be resettled in Africa:** "*No, no, no, in African countries there is no peace*." **So I asked her again where is peace then?** "*It is in a third country outside of Africa for example*." **So again I asked her where this third country was and she replied** "*So for me, I would like America, Canada or Norway.*" **These perceptions about "abroad" were gathered from what C. heard**

[236]Clark-Kazak R. Christina. 2011. "*Recounting Migration, Political Narratives of Congolese Young People in Uganda.*" McGill-Queen's University Press. Montreal. P.73

from other refugees, her neighbours for example, who have family members abroad: "*When they are talking, they say that at least there you have the security (…).* "*For me, peace and security is to have peace inside of you. You see the life of my children here: they have nothing. They can't prepare something here in the camp. If for once I can get assistance, I get my kids out of here and they might be able to prepare the future.*" **I asked her if she was aware that there could be other difficulties with being resettled, and she answered**: "*I know that I can encounter that outside, but these are not the same problems (...). I don't refuse the fact that there will be impediments, but it is better to be there, than here.*" **I finally asked her if 'hope' was a good or a bad thing for her:** "*Me, I don't have hope, but I can say that you assist me, that people assist me because I have children who are suffering. (...) From your side you have the connections to know how you can help me (….) Thus, from your side, you can know how to help me and if you find the means to get me out of here, to bring me somewhere where I can cultivate."***I then told her again that I was not a resettlement agent and that I could not help her to be resettled outside Africa***: "No, I know that God can help you to find a way, and show you how to help us"** (C,. 2012).

4.5. Resettlement, the Narratives, and the Mzungu

In chapter II, it was demonstrated that the specific technocratic construction of the state was perfect to further develop the indigenous discourse since the state as final arbitrator was now in possession of an "*authoritarian control over the symbolism of power and of its alternatives*.[237]" In the vicinity of a refugee settlement such as Nakivale, humanitarianism indeed acts as a final arbiter, as it now has control over the symbolism of morality, hope, the future, and its alternatives. Moreover, Agier stated that humanitarian actors have a propensity to enhance a "*proliferation of categories that makes the management of flows of people more complex, and the real figures more opaque, as well as the conditions of life of all these who came under these categories.*[238]" This blurring of categories, the dual regime at Nakivale, and the control over the symbolism of hope are also constructing a specific figure of 'wazungu' - or foreigners - which, as stated by Clark-Kazak, are perceived as being more influent than Ugandans in terms of resettlement.

[237]Chrétiens, J-P. " *Les Racines de la Violence Contemporaine en Afrique*." Politique Africaine No. 42. Juin 1991 p. 21 (my translation)

[238]Agier, Michel. 2011. "*Managing the Undesirables, Refugee Camps and Humanitarian Government*." Polity Press P.22

"First of all, for me, I can't go back to our country because it is still tribal war; until now, tribalism still exists and war is still raging. All I had there – they killed all my family because of tribalism - I don't even think I can go back there. At least it would be better to assist me here because that is what I am asking for; assistance. **I also asked him if life would improve at Nakivale, would he stay**. *"No, life here can't change; it is made of suffering. Thus for me, it is to get out. (…) Ok, in my case, I really suffer, I am abandoned to myself and then you, you are here in front of me and if you tell me "go there you will find peace" then me I am ready to go there and be safe. That is all I want (…). There is no difference between Kampala and here (…) it is still in Africa (…) because in Africa there is still tribalism; everywhere in Africa (…). I give you the example of your own country.***" I thus told him that he did not know which country I was from and that he could not know if he would find peace there.** *"First of all you did not tell us what your country was! But if you and I were to leave together, we could find peace. Even if it's not you, you could find a friend or a neighbour where we could find peace (…). In Nakivale it is like we are in prison (…). I don't see any hope because we are limited, imprisoned (…) for things to get better, visitors who come here should help us (…) because international assistance always comes from outside; we are in the hands of the UNHCR"* (A., 2012).

Furthermore, many activities at Nakivale are built upon this specific form of interviews I conducted with the Congolese refugees, which focus on individual life stories and 'narration of sufferings.' For example, as explained in chapter II, an individual wishing to be granted a refugee status must go through a 'refugee status determination' which entails the narration of one's own vulnerability to an administration. Again, if a refugee wants to receive additional support in the settlement and thus be categorized as a 'PSN' (person with specific needs) or EVI (extremely vulnerable individual), the selection is made through personalized interviews before a staff from different organizations to determine a person's specific needs. Again, applications for resettlement are presented in front of resettlement agents and are based on personal vulnerabilities to determine if one is in need of further assistance.

"If someone arrives and wants to record, it depends. We can always ask for assistance because we have nothing. We have nothing: we left without clothes, without anything, only like that. If someone comes and maybe it is a demon, we will still ask for something! Because we don't know what we are going to do: we have nothing, we suffer even here, although there is a bit of security, but we are still suffering. We can ask for help because we don't have anybody to help us really" (Z., 2012).

This specific form of activities in Nakivale instituted a particular type of relationship and normalized certain types of narration about the self and the body.

"There is no problem for me if I can find a job. Because the suffering here reaches unexpected levels! Because I studied! I have a diploma from the state; I have that. And I did work in Congo for twelve years! Here, they force you to cultivate, but I have never cultivated in Congo before. Indeed, I don't have the strength for this (…). **I then asked her if to go home would be a solution for her.** *"Oh no! There we don't go! They killed my husband, my mother and my sister-in-law; if they find me there then it's over. At home, they accused us of collaborating with the Mayi-Mayi. (…) for me, resettlement is a hope; it makes me forget about my problems and it gives me hope that one day I will be someone. (…) you, you put yourself at my place; if you were me with all these problems that I have, if you had to go through all these stories, what can you do? So I am asking you to put yourself in my place so if it was you, seeing a visitor here, what can you say?(…) so I am suggesting you to take me as a friend; to be as my mother. Again, put yourself in my place; think a bit about my problems. Thus, if I see you, I suppose that you can soothe me a bit; that you can wipe my tears. Because when I expose my problems to someone, I cry"* (Jo., 2012).

In chapter I, 'narrative' was positioned as "*a particular construction of the self and life worlds*[239]", which is strongly linked with temporality and space. Narratives are a powerful means of persuasion again since their function is to share one's intentional states.

"(…) First of all, I would like to thank you to have come and visit us. We are ready to give you information, it is our pleasure and it also sooths us. Pray to God for us, for our lives to change; because if we stay here, we might die" (Mi. D. o., 2012).

Indeed, with her research in Kyaka II, a refugee camp in Western Uganda, Clark-Kazak (2011) noticed that "young *refugees are also engaged in vulnerability discourses, presenting themselves in different ways at different times.*[240]" Clark-Kazak's (2011) point is not to deny the condition of vulnerability, but to understand that it also fully a part in the specific discourse associated with humanitarianism and the provision of services to refugees (Clark-Kazak., 2011). Indeed, this situation tends to 'produce' exaggerated numbers of people self-identifying as vulnerable (Clark-Kazak., 2011). The 'politicized categorization' of a concept such as the vulnerability one is "*relational and contextual and thus inherently political.*[241]"

[239] Brockmeier, Jens. Carbaugh, Donald. 2001. Introduction. In "*Narrative and Identity; Studies in Autobiography, Self and Culture,"* Brockmeier and Carbaugh (ED) 2001 P, 1

[240] Clark-Kazak R. Christina. 2011. "*Recounting Migration, Political Narratives of Congolese Young People in Uganda.*" McGill-Queen's University Press. Montreal. P.69

[241] Clark-Kazak R. Christina. 2011. "*Recounting Migration, Political Narratives of Congolese Young People in Uganda.*" McGill-Queen's University Press. Montreal. P. 74

"Me, I ask for an assistance and peace because I am hurt. I can't forgive the people who did that to me. When I think about that and when I take my child it still hurts. If I find these people I could hurt them (…) and when the kid is sick, I see the child crying here, and that again he is sick, it hurts me more. If I could find a place where I can be safe and without thinking of the people who did that to me, that can help me, because here we are very close, very close to home. Me, I want to be very far for me and my child to stop thinking about the Bantus who did that to me. Because even if I am here I still think. (…) far it is where God will act is miracle; where I will find peace with my kid, my kid whom I don't like" (De, 2012).

Accordingly, my questioning, as an outsider, of their trajectories in a past/present/future temporality definitely adds to this proliferation of categories and the exposure of one's life to 'officials'. Indeed, these numerous activities and procedures are confusing for refugees and rarely explained to them.

"*For me, in any case I am sick. (…) Since I arrived here at Nakivale, I am sick. My problem is that I need to get an operation to heal. I just spent a few years at the hospital and I don't find any solutions. (…) we thought about going home: how will I go back to my house? Even if I reach it, how will I, even if I go back to Congo, there is no means to reach Congo. (...) but here even if medical treatments are free, the doctor does not receive you (…) the response to my disease are medications. (…) if there was possibility for me to go to live in town, to Mbarara or Kampala I would be ready* (…). *I don't know if it is the doctor who brought my file to them because I suffer (…) but when the doctor saw my case, that my disease is so serious that I can't lead a life here, he brought my file to the UNHCR office. But now it's been two years*! (…) *I still don't know if a follow-up has been done, but yesterday I went to the hospital because I was feeling bad, and when I arrived the doctor told me "your file is already at the UNHCR; why did you come? If you feel bad don't come to the hospital; we don't have the means to help you, your disease needs to be treated outside." (…) when I went to the UNHCR office to explain my case, to explain to them that I could die in here, they told me the same and then I realized that someone can die in here without assistance."* (K., 2012) **She thus asked Z. if I was working for UNHCR. I had to tell her that I was an intern with GIZ and that I was a student in master's degree program writing a thesis about refugees. Even when I told her that, she asked:** "*I would like to know if you can help me at the UNHCR to talk about my case, to talk with people and to know why my file is still on hold."* **I explained to her the entire process associated with the resettlement system, and realized that no one ever told her how resettlement is proceeding.** "*If you are telling me that it can take up to five years to get resettled, five years before taking medications, how will I live? Will I be alive? (…)* "*Me, I suggest that the UNHCR first deal with the files of people who are sick. They should give resettlement to these people. (…) for me resettlement means that they will send me to another country. Since the doctor gave my file to the UNHCR, I have hope, even if they don't tell me anything, don't promise anything, it gives you hopes (…) hope is good!"* (K., 2012)

Chapter V: Conclusion

5.0. The Research

Triggered by an internship at the Nakivale refugee settlement in Southwestern Uganda, this thesis project is aimed at questioning the humanitarian representations and discourse encountered in the vicinity of the refugee settlement. To challenge the merits of such a system of containment, the objectives were to analyse forced migration through an interdisciplinary framework and in a temporal perspective in order to generate alternative ideas about 'refugeness'. From a top-down approach, from the macro to the micro, the point was to question the influences of the structures and institutions is shaping a specific viewpoint on who and how one is supposed to be a refugee. What are the historical and political conditions resulting in the migration of the Congolese interviewed at Nakivale, from Congo to Uganda? Therefore, how and by which means the context (the refugee settlement) influences the discourse, the way refugees described themselves, their trajectories and experiences? How my presence - as parts of a North-South divide and transnational social space – had an effect on the way people were sharing their physical and psychological experiences of Nakivale, how they 'made the body social'? (Lock, 1993)

5.1. The Process of migrating

As such, the concept of '*migration as a process'* was proposed as a means of positioning the subjective experience(s) of being a refugee and a migrant at Nakivale in a historical and dynamic perspective, and of disputing the idea of the permanence of refugee settlements. It was a way to disconnect or to decentre 'migration' as being 'forced,' to question what could migration be from Congo to Uganda if not intrinsically linked to the humanitarian system. '*Migration as a process*' has thus been separated in three different temporalities - present, past, and future – again to open up a broader viewpoint on migration instead of a normative sedentary standpoint about it. The 'present tense' has hence shown that Nakivale could be conceived as an 'immobility regime' for the Congolese interviewed. Their lack of financial and social resources forced them to stay put within the refugee settlement system in Uganda, and thus to live mainly on basic humanitarian

aid. Indeed, the socio-economical situation at Nakivale was far from satisfactory and definitely not the first choice of migratory pattern for the Congolese interviewed. In addition, the 'past tense' demonstrated that 'forced migration' from Congo to Uganda had nothing to do with the normally expected 'uprooting/departure' and 'regrounding/integration' conception of migration. In fact, the trajectories and movements were multiple and far more important within the national border than when crossing an international one. This first implies that to cross an international border, even at war, was perhaps decided out of reflection, and not necessarily as an urge; that through the two wars and numerous instances of violence[242] people could possibly not move, or decided to stay, to move further, to return , to move again, etc. Categories become blurred if, as Chimni (2009) stated, sociological phenomena and not legal categories are supposed to be the focus of knowledge, hence that the difference between forced and voluntary migration resides in the type of movement, and personal degree of agency and coercion (personal assets, network, financial resources, etc) (Chimni, 2009). Again, the 'refugee' category was most probably a last resort, thus positioning the IDP (internally displaced person) category as being much more common than the one of 'refugee.' When migration (or immobility) were parts of one's life - since wars have occurred in North Kivu since 1996 – as a way to survive, or to improve one's own physical, psychological, economical, and political situation, a permanent settlement such as the one in Nakivale might not be the best 'sustainable solution' of refuge. In addition, the 'future tense' focuses on the place and symbolism that migration outside Africa has taken for Congolese refugees interviewed at Nakivale. How 'imagined world' and hope for a better future were prime in their wills and wishes to leave Nakivale and their past behind. These wills and wishes have been linked to the mobility of third persons - myself in that case –to understand what are the possible representations associated with 'outsiders' (Mzungu) for migrants in a situation such as the one they are experiencing at Nakivale, while hoping for resettlement. However, since the symbolism of 'hope' has been recuperated by humanitarianism, and that resettlement is partof strategies of containment and border closure, the potential support that my trajectory seemed to offer is definitely hampered. Finally, 'migration as a process' was also a way to understand the sensitive issue that mobilities are in the Great Lakes Region, and their highly political results and consequences.

[242] It could also be linked to the prominence of local conflict in North-Kivu since 2003. A situation, which resulted in violence being perpetrated within communities and thus forced people to flee further out of the country.

5.2. Forced migration in an interdisciplinary framework.

To further dispute the humanitarian discourse about refugees, the intent was to focus on Castle's (2003) '*Sociology of forced migration in a context of global social transformation*' (Castles, 2003). Through an interdisciplinary framework (social, political, legal, and humanitarian) ordered from the macro to the micro perspective, it aimed at analysing, historically and contextually, events, structures, and institutions that having shaped categories and representations of the contemporaneous figure of the refugee and are part of the 'North-South relationships'.

5.2.1. Present

Chapter II – which is in the present tense – focuses on identifying the ambiguity surrounding the legal, political, sociological, and humanitarian definition(s) of what is (and should be) a refugee. In linking refugeness with the access to formal citizenship, the system ordering refugees rendered them vulnerable unless granted citizenship by another nation-state since it excludes individuals from political life. That is why Agier (2011) labelled 'empty place' this sort of no man's land between the two – the loss and the granting – of a formal status. This emptiness is thus filled by the UNHCR's mandate to protect and provide humanitarian aid to legally-recognized refugees worldwide, with the help of numerous international and national NGO/GOs. As the majority of flows of forced migrants tends to be located within the southern hemisphere, a solution adopted by the UNHCR and receiving states is to welcome forced migrants in refugee camps or settlements in order to manage and provide humanitarian aid to 'undifferentiated sufferers.' For Malkki (2002), refugee settlements are part of well-established international technologies of power focusing on the control of spaces and movements of undesirable migrants (Malkki, 2002). The settlement system, coupled with the conception of refugees as 'victims' and 'vulnerable,' is part of the a-politic and neutral mandate of the UNHCR, imperatives which are in link with the respect of state sovereignty in countries of refuge. For Zetter (1991), this labelling of refugees is however far from being neutral, since it marks the beneficiaries and legitimate actions on them and for them in the liberal cultural-political project of progress and care (Chimni, 2009). The receiving country in an African context, on the other hand, is also depoliticizing refugees by representing them as a security threat for the state. In Uganda for instance, the integration of refugees is officially

allowed, but only through the settlement system and without or with few possibility of obtaining citizenship, i.e. devoid of access to the electoral process. As the state denies refugees' political activities in the country, the state is not hindered to finance and organize refugees' political activities. In that case, refugee settlements can be perceived as a convenient place to recruit armed forces and, as observed by Harrell-Bond, to attract international aid (Harrell-Bond in Zetter, 1991). Furthermore, as stated by Clark-Kazak (2011), Uganda maintains 'porous borders' with neighbouring countries, letting informal economies untouched. Indeed, Uganda implements laws, but practices strong 'laissez-faire' policies. Thus, the refugee settlement is part of a convenient containment measure for refugees who are perceived as an economical burden (whose livelihoods are taken care of by international assistance under the supervision of the OPM), but the porous borders, the 'laissez-faire' policies, and an access to financial resources will easily lead a refugee's way out of the settlement. For the 'undesirables' however - translated to the micro perspective - the challenges brought about political imperatives are many. Indeed, the difficult living conditions in rural settlements and their potential threats (such as gender-based violence or the recruitment by armed groups), the unavailability of quality lands, the extensive powers of the camp commandant – and thus OPM - in the settlement where low salaries, personalized relationships, harsh working environment, and organizations' unequal access to funds can easily lead to corruption. Nakivale where the narratives of refugees focused on how they are not being listened to, are not being considered as persons, where they feel that their livelihoods are in a constant threat, where access to food fluctuates depending on external factors and not on self-sufficiency. This is why many refugees choose to enter illegality instead and become 'urban refugees' outside the UNHCR aid structure. Again, all these elements strongly dispute the idea of the settlement system as being the best solution for refugees, but which is instead part of fifty-year long political project of the state of Uganda.

5.2.2. The Past

Chapter III seeks to apprehend the 'past', the political, social, and cultural events constructing the Great Lakes region since the waves of decolonization during the 1960's (and earlier). Again, from the macro to the micro, to understand the trajectories and personal narratives of the Congolese interviewed at the Nakivale refugee settlement in their complex and broader historical context. Indeed, conflicts in the Great Lakes region are linked with decolonization, the formation of states

and their further incorporation into the world order of the Cold War (Castle, 2003). These conflicts are part of a new and modern type of warfare implicating irregular forces, using mass expulsion, torture, and mass killings (or what Prunier (1999) named 'disorder as political instrument') to gain political control over populations (Castles, 2003). Far from being a neutral ground in these conflicts, many countries within the international community are also responsible prolonging these wars. Although financing humanitarian actions are aimed at ending conflicts, they are, on the other hand, maintaining these same conflicts and then enhancing forced migration because of the need for natural resources and selling weapons; two activities that are more fruitful in times of war than in times of peace. This ambiguity is reinforced when, as stated by Castles (2003), Northern states are keen on regulating forced migrants by enforcing strong containment measures in the South (under the banner of humanitarianism) and restrict entry to the North (Castles, 2003). Nonetheless, in the context of these formations and territorialisation of states, a specific type of political project was developed in the Great Lakes region. Indeed, the state in Africa has been defined as 'neo-patrimonial, which means that a patrimonial type of ruler can now maintain or enhance his authority with the help of an administration staff, external powers and the army, i.e. powers facilitated and channelled through the specific form of the modern state (Médard, 1982). In a neo-patrimonial context, the state (the public sphere) itself becomes the private possession of the rulers and access to its wealth and resources are shared within a 'state bourgoisie' which is made of personal relationships. As stated by Bayart (2001), ethnicity in the Great Lakes region is a product of the state itself, as it is linked with these specific modes of production, exchange, extraction, distribution, and accumulation of resources. This discourse dichotomizing indigenous versus non-indigenous in the Great Lakes region is connected to colonization by the way it 'invented tradition' (Hobsbawm in Bayart and al, 2001) and mobilities. Consequently, state, ethnicity, citizenship, borders, and wars have been intrinsically entangled by focusing on the legitimacy of groups from Bantu origins over resources (in terms of political representations, exploitation of natural resources and ownership of lands) against late-comers and migrants from Ethiopian background. Particularly in Congo, the indigenous discourse was constructed to delegitimize and deny political claims of the 'banyamulenge' (Congolese of Tutsis background) as citizens. Since rebellions are now focusing on human groups, this resulted in the spreading of unbelievable violence and a huge number of deaths and displacements. As stated by Autesserre (2007-2008), the conflicts in the North and South Kivu since 2003 are prominent at the

local level, which renders them utterly complex and difficult to end. In this chapter, the narratives gathered are extremely personal and difficult. The experience of wars, of death, of torture, of loss and fear etc., and the numerous movement associated with their flights are embodied experiences which have shaped their past, loaded the present tense, and influenced the future.

5.2.3 The future

Chapter IV aimed to discuss the specific type of biopolitics inherent to the Nakivale refugee settlement and the resettlement system, and their influences on 'the future', the dreams and hopes of the Congolese refugees interviewed. It was suggested that there were two different governmentalities within the refugee settlement; one inferred by the neo-patrimonial state and its 'power as corruption', and humanitarianism through its 'power as normalization.' These two conflicting (but similar) sorts of control also offered different conceptions on the importance of 'life itself.' Where the indifference of the first one confers to the latter an increasing importance, as its perception of 'life as sacred' positioned humanitarianism as the guardian of morality and fill its actions with symbolism, humanitarianism has become a 'totalitarian fiction' (Agier, 2011) where no suitable alternatives are described and where resettlement is perceived as the only solution to 'hoping for a better future'. Accordingly, outsiders are also affected by this symbolism of hope and represent, again, the only possible choice. Furthermore, with the increasing globalization and access to information, the contrast between one's life and the life of others becomes evident. On the other hand, humanitarianism is part of the neo-patrimonial project of depoliticization and containment of the 'recipient of basic minimum aid', and draws international money in Uganda, but maintains the life of refugees in a 'bare state'. The inequality of such a governementality challenged the indisputable morality of that ethic: is life sacred, or does one have the right to a fair life? (Fassin, 2006) Beside the discourse, the use of 'phenomenology' becomes extremely important to understand the effect of this double governementality in constructing the experience of being a refugee in the Nakivale Refugee Settlement. In the perspective of embodiment, where the body is defined as a single entity of 'body and self' (Turner, 2001), narratives are thus constructing the self/body in a cultural context of time and space. Since they are centered on people's intentional states, their beliefs, desires and narratives thus become a powerful means of persuasion and an important way to understand 'the condition', the inequality or the 'embodied frailty' experienced by the Congolese refugees interviewed at

Nakivale. Indeed, this increasing importance of 'life itself' for the 'regime of care' enhanced a reconfiguration of the moral space and is now the exact location where the 'zoe' met the 'bio'; where biology met politics (Fassin, 2006).Biology has increasingly become salient in determining one's probability of being resettled, or to access 'human rights', the true right of a citizen. Through the resettlement system, however, this importance of biology is also shared with different types of 'victim categories', which are also important in the discourse of the Congolese refugees in describing their physical, social, and medical needs. Also, since many activities of organizations in the settlement are based on 'narratives of sufferings' to grant access to different statuses, they did socialize the refugees in structuring specific types of personal narratives and might have confused my position as a student with the one of an official listening and writing one's personal stories[243]. But in any case, the expectations and symbolism associated to resettlement are so eminent that they often implicated God. In addition, The ambiguity inherent to this 'proliferation of categories' in link with the humanitarian management of refugees, obscures and renders difficult, for all, the understanding of each other's complexity and diversity. From the past to the present and towards the future, the trajectories of the Congolese interviewed at the Nakivale refugee settlement have been intrinsically linked with the double governementality intrinsic to neo-patrimonialism and humanitarianism, or the liberal cultural-political idea of reform and progress (Chimni,2009), as this dynamic can also be found in Congo.

[243] I also, as part of my internship, conducted interviews during the PSN/EVI verification. This may also have confused my position and purpose in the settlement.

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Interview (Thea Grydeland Ersvik) with Bosco John, Camp commandant, Nakivale august and September 2012

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Interview with J,. Nakivale September 11th, 2012

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Interview with L,. Nakivale September 12th, 2012

Interview with M,. Nakivale September 12th, 2012

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Interview with Simon, Community services GIZ, July 2012

Meeting at GIZ, Community services, Nakivale August 7th, 2012

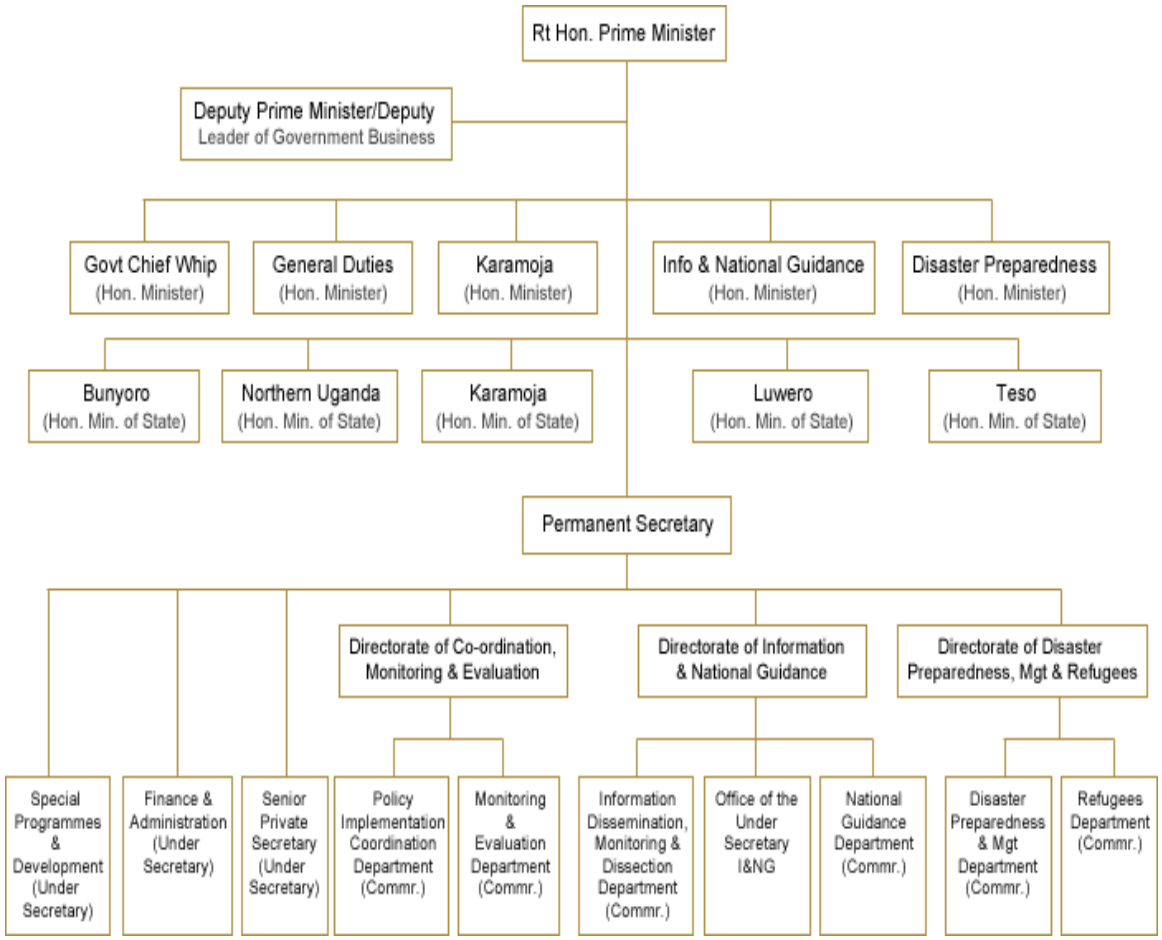
Meeting at GIZ, Community services,Nakivale August 29th, 2012

Meeting with Omondi, Walter (Refugee Desk Officer), Mbarara September 24th 2012

Appendixes

Appendix I

Diagram of the Office of the Prime Minister: Official Website (2012)



Appendix II

Refugee Settlements in Uganda and UNHCR's offices http://www.unhcr.org/images/operationsMaps/country-uga.jpg

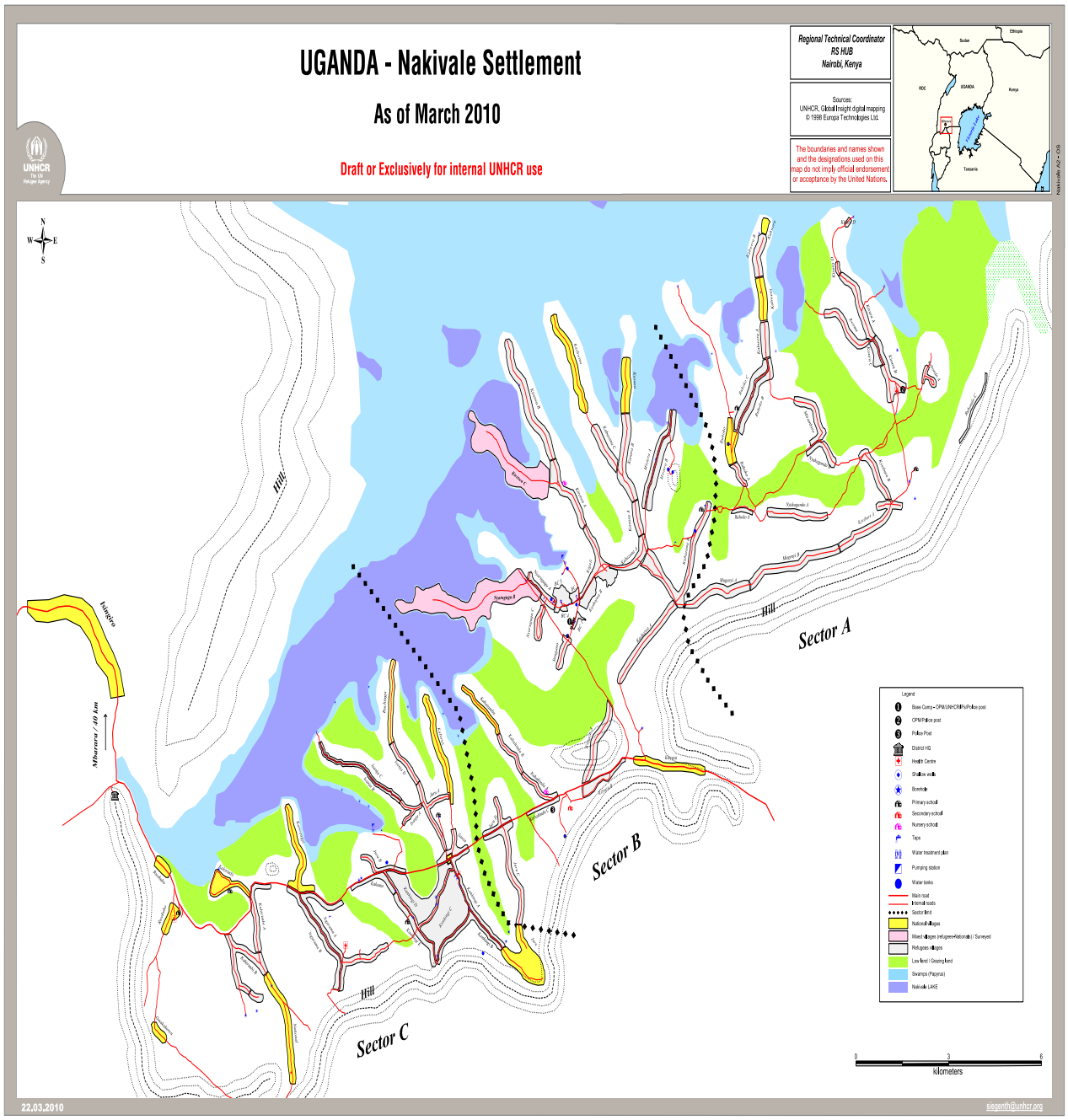
Appendix III

The Main Road at the Nakivale Refugee Settlement

Photos by Émilie Blackburn

Appendix IV:

The Nakivale Refugee Settlement and its villages



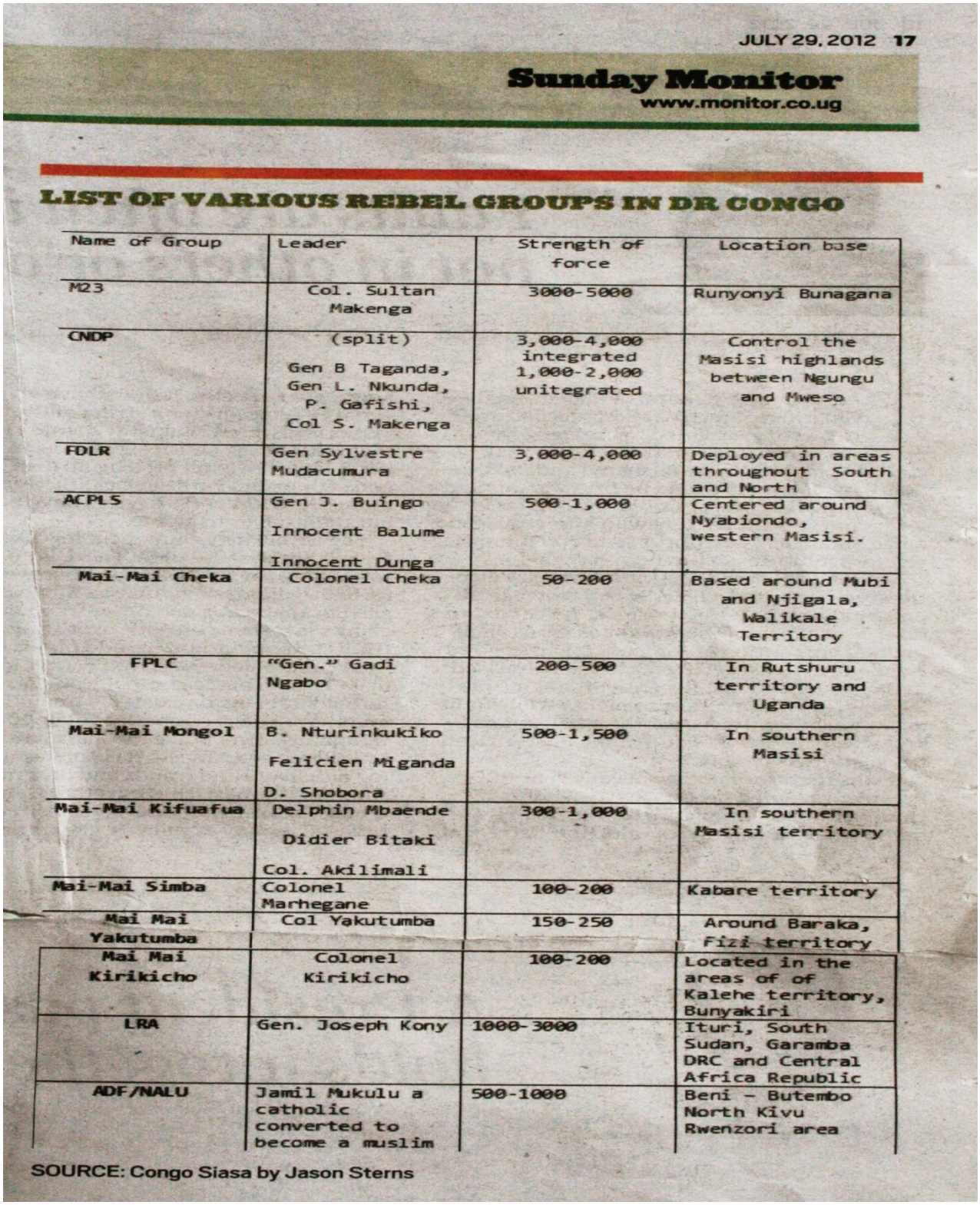
Appendixes V

Corruption scandals in Uganda since 1996 (“The state as a national cake”)

Photo taken from the original Newsmagazine “The Independent”

Appendixes 6

Main rebel groups in Eastern Congo (Photo taken from the original Newspaper)



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Sunday Monitor
www.monitor.co.ug

LIST OF VARIOUS REBEL GROUPS IN DR CONGO

Name of Group	Leader	Strength of force	Location base
M23	Col. Sultan Makenga	3000-5000	Runyonyi Bunagana
CNDP	(split) Gen B Taganda, Gen L. Nkunda, P. Gafishi, Col S. Makenga	3,000-4,000 integrated 1,000-2,000 unitegrated	Control the Masisi highlands between Ngungu and Mweso
FDLR	Gen Sylvestre Mudacumura	3,000-4,000	Deployed in areas throughout South and North
ACPLS	Gen J. Buingo Innocent Balume Innocent Dunga	500-1,000	Centered around Nyabiondo, western Masisi.
Mai-Mai Cheka	Colonel Cheka	50-200	Based around Mubi and Njigala, Walikale Territory
FPLC	"Gen." Gadi Ngabo	200-500	In Rutshuru territory and Uganda
Mai-Mai Mongol	B. Nturinkukiko Felicien Miganda D. Shobora	500-1,500	In southern Masisi
Mai-Mai Kifuafua	Delphin Mbaende Didier Bitaki Col. Akilimali	300-1,000	In southern Masisi territory
Mai-Mai Simba	Colonel Marhegane	100-200	Kabare territory
Mai Mai Yakutumba	Col Yakutumba	150-250	Around Baraka, Fizi territory
Mai Mai Kirikicho	Colonel Kirikicho	100-200	Located in the areas of of Kalehe territory, Bunyakiri
LRA	Gen. Joseph Kony	1000-3000	Ituri, South Sudan, Garamba DRC and Central Africa Republic
ADF/NALU	Jamil Mukulu a catholic converted to become a muslim	500-1000	Beni – Butembo North Kivu Rwenzori area

SOURCE: Congo Siasa by Jason Sterns