

## **Observations on the refugee response in Uganda of relevance for the CRRF-process**

This note represents the outcome of a mission to Uganda from 20-24 November 2017, undertaken by the Danish Permanent Representative to the UN in Geneva and the Head of the Humanitarian Team in the Ministry of Foreign Affairs of Denmark. The purpose was to engage in local consultations with a broad range of actors from all levels of government, UN agencies, NGOs and donors with a view to assess progress and challenges in rolling out the *Comprehensive Refugee Response Framework* (CRRF). Uganda is often – and rightly – praised for its refugee response, which in many ways precedes CRRF and has served as an important source of inspiration for the new framework.

The note presents a brief analysis of contextual challenges, stakeholders and progress in the CRRF-process so far. This leads to a set of specific observations of relevance to the continuing refugee response in Uganda – and to a range of more generic and systemic recommendations that are directed to the global CRRF-process and through that to the Programme of Action that will be part of the upcoming Global Compact on Refugees (GCR). These systemic recommendations are as follows:

- ***To UNHCR:***
  - *As a standard operating procedure, UNHCR should develop an exit strategy as early as possible in emergency operations, or preferably even before as part of its approach to preparedness and contingency planning;*
  - *This entails avoiding to invest in unsustainable, parallel systems for emergency service delivery, and instead to base the response to emerging and potentially protracted refugee situations on national development frameworks and local development priorities to ensure inclusive and sustainable responses;*
  - *To do so, UNHCR must systematically reach outside the usual range of humanitarian actors, including government refugee departments, in order to engage with appropriate and relevant government agencies at local and national levels; and with bilateral and multilateral development actors, including civil society, covering relevant sectors.*
  
- ***To the UN system as a whole:***
  - *All UN organizations must recognize the development challenge of refugee situations and hence recognize their collective responsibility in responding in ways that leaves no one behind;*
  - *On this basis, UN organizations should be active and engaged respondents in a coherent, system-wide manner, based on the principles of a New Way of Working and in full alignment with national and local development priorities in displacement-affected countries.*
  
- ***To the World Bank:***
  - *With the new response mechanisms through the IDA 18 sub-window for refugees and host communities along with the Global Concessional Financing Facility, the World Bank should take*

*on a leading and convening role through providing the analytic and strategic basis for a coherent response across the assistance community as a whole in affected countries;*

- *This may well necessitate enhancing the displacement-related expertise and capacity in country offices.*

- ***To bilateral donors:***

- *Bilateral donors must stand ready to commit additional development resources from the outset of refugee situations in a predictable and flexible manner that supports UNHCR, relevant government departments and civil society actors in providing inclusive and sustainable services and livelihood opportunities for refugees and host communities - in recognition of the Global Public Good provided by host countries;*
- *In this, they need to ensure full transparency about ongoing engagements to ensure efficient coordination and resource allocation.*

- ***To host governments:***

- *Governments should ensure the full involvement of line ministries and other relevant entities in the planning and implementation of activities in support of refugees and host communities, based on the national and local development priorities and through close collaboration with bilateral and multilateral assistance actors, including UN organisations, NGOs, bilateral donors and the World Bank.*

- ***To NGOs:***

- *In promoting sustainable solutions to refugee situations, international NGOs should engage in supporting national and local capacities, based on agreed development priorities.*

## **The Ugandan situation**

The Government of Uganda is to receive full credit for having maintained an open door policy towards refugees for the past many decades. Apart from unrestricted entry, the protection regime has included full access to basic rights, including the right to work, to move freely, to trade, along with access to land as a basis for livelihoods. In this respect, the Ugandan approach has been one of the most important sources of inspiration for the CRRF. However, in recent years, Uganda's welcoming attitude has been severely challenged by a number of factors, including:

- A massive and sudden influx, 826,000 since July 2016, and with a great likelihood of this continuing in coming years in light of ongoing instability in both DR Congo and South Sudan. UNHCR is planning for a total of 300,000 new arrivals from South Sudan in 2018.
- A growing economic crisis, with economic growth currently only just keeping pace with population growth.
- Basic social services are under severe pressure. The availability of health services, education, and water supply falls far short of demand in many parts of rural and urban Uganda, not least in refugees affected areas.

- Uganda remains a priority partner for donors but development cooperation has been affected by accountability problems arising out of systemic and endemic corruption and other governance issues, leading to a substantial reduction in budget support.

In view of all these challenges, the steadfast determination of the Government of Uganda in maintaining open borders and a welcoming, inclusive attitude to refugees is all the more impressive. It should, however, be clearly recognized that Uganda is facing significant social and economic pressures in respect of its refugee response, making additional international support for this response all the more important.

### **The response to refugees in Uganda**

When the new influxes from South Sudan started in early 2014 and increased massively from August 2016, emergency response was managed efficiently by UNHCR in close cooperation with the Refugee Department of the Office of the Prime Minister (OPM). A range of implementing partners were signed on, based on a process involving expressions of interests from organizations being vetted by UNHCR and finally decided upon by OPM. Countrywide, UNHCR has 19 national partners and 21 international partners, many of which are also funded directly by bilateral (typically humanitarian) donors. The UNHCR/OPM partner selection process appears to be rather lengthy, leading to significant uncertainty among existing partners. This contributes to making longer-term planning and engagement difficult.

The refugee response is characterized by a number of challenges, including the following:

- The massive and sudden influx led to a fast track approach to reception and onward transfer of refugees where factors such as family sizes and vulnerability do not seem to impact on land entitlements to the same extent as earlier on. The fast track approach has been maintained, even though the rate of arrival has decreased during recent months.
- Whereas plot sized originally were up to 100 x 100 mtr (1 ha), new arrivals are being offered smaller plots, typically 50 x 50 or less. By itself, such reductions in plot sizes would appear to undermine the idea of land distribution leading to sustainable livelihoods for individual refugee families.
- Refugees, the vast majority of whom have a farming background, are predominantly settled in marginal areas with inferior soil quality and insufficient ground water availability. All formal settlements for South Sudanese refugees are located in West Nile.
- While security seems reasonably stable, there appears to be an acute lack of Ugandan police in settlement areas.
- Provision of health services and education is clearly insufficient. However, there are indications that the coverage is more or less the same for refugees as for the host population, with the possible exception of reproductive services, where the host population appears to be accessing services to a higher degree. New facilities are established by UNHCR and partners, typically in consultation with the local authorities and based on national standards. However, because of budget restrictions, many do not meet such standards nor are they fully supplied with regard to staff, equipment, scholastic material etc.

- Water supply is a serious challenge. In Rhino Camp, home to some 120,000 refugees and a host population of 20,000, water supply is almost entirely dependent on water trucking, primarily from the Nile and to some extent from production wells, incurring massive running costs. While it is broadly acknowledged that this is unsustainable, alternative solutions are hampered by the seemingly low availability of ground water resources but also by the absence of credible and comprehensive hydrogeological surveys let alone a masterplan for water supply in or close to the refugee-affected areas in West Nile. Similarly, in at least one settlement in the southwest of Uganda, water trucking has been taking place for more than two decades. Only recently, the first piped water scheme was installed by an implementing partner, but it has only substituted a small part of the water trucking and it has not been possible to identify funding for new piped water schemes, even as preparations are underway to receive large numbers of new refugees from DRC. This is clearly inefficient and unacceptable. It underlines that sustainable and economical solutions should be part of contingency planning and initial resource mobilization, in recognition of the fact that large displacement situations typically end up being protracted. In spite of Uganda's decade-long experience with large-scale protracted displacement, it was only recently that UNHCR initiated a working group with the Ministry of Water and Environment and UNICEF to address the deficiencies in this core sector.

### **Stakeholder analysis and CRRF-related recommendations**

***Government of Uganda and UNHCR:*** During the past several decades, overall government responsibility for refugee protection and assistance has been firmly assigned to the Refugee Department of the Office of the Prime Minister (OPM), working in close partnership with UNHCR. As refugees historically have been settled in relatively sparsely populated areas close to the border where local government systems were simply too weak to cope with the sudden massive challenges, it has been necessary for OPM and UNHCR to develop modalities that in reality constitute a parallel service provision system. Over the years, this approach has become more and more institutionalized and as such, the only existing mechanism for responding to refugee needs. Throughout, there seems to have been only limited substantive involvement of other government departments, including line ministries, but this might be changing now.

The lack of a whole-of-government approach is also reflected at the local level, where Local District Governments play a significant role in provision of assistance to refugees but do not receive sufficient funding to lift this burden, nor are they included in core decision-making. At best, they are consulted by OPM on identifying and negotiating access to land and by UNHCR on mixed refugee and host community activities. In 2017, this has also included UNHCR grants to 3 districts, totaling 2.5 million USD, and based on the ReHope strategic framework.

In short, Local District Governments seem to have no formal role in the current refugee policy. However, OPM acknowledges the challenges from the limited involvement of other parts of government at all levels and agrees with the CRRF-vision that there are no better ways of assisting refugees and host communities than by going through the local district government

structures. According to the Refugee Commissioner, the main reason for this not happening is insufficient capacity and resources at local level.

*Key conclusions & observations:*

- *The expected influx of an additional 300,000 refugees from South Sudan in 2018 is an obvious opportunity for testing the new CRRF-approach to emergency response through better incorporating relevant government offices at all levels along with development actors, including national and internal NGOs as well as bilateral donors, in the required analysis and planning – thereby also promoting an operationalization of the New Way of Working in refugee response;*
- *Uganda was among the first countries in which UNHCR piloted a new approach to multiannual programming, thereby also creating the basis for multiannual contributions. It would seem pertinent to extend the benefits of this to NGO-partners through developing multiannual partnership agreements;*
- *Access to land and other livelihood opportunities along with drinking water should be at the core of planning the response to future influxes, in particular with regard to determining where refugees are settled. To quite some extent, the likelihood of future influxes is predictable in volatile regions such as East and Central Africa, so there are no real excuses for not having preparedness plans and measures in place;*
- *Much more systematic efforts need to be invested in assessing whether alternative settlement options exist for the current caseload in the West Nile region;*
- *Steps must be taken immediately to undertake the required hydrogeological analyses in current settlement areas as a basis for the development and funding of a master plan for sustainable water supply. This work must be led by the Ministry of Water and Environment, with appropriate support from UNHCR, UNICEF and bilateral actors with a current engagement in the WASH-sector;*
- *Generally, UNHCR should invest far more in reaching out to development partners at all levels – and avoid setting up structures and mechanism, that may end up reinforcing the existing modus instead invigorate new approaches.*

***The UN system and the World Bank:*** As the mandated agency, UNHCR has been the key partner for the government in responding to refugee influxes and leading the coordination of all involved assistance actors during the last several decades. So far, the roll-out of the CRRF does not seem to have resulted in any major changes in its overall approach. Hence, UNHCR remains deeply involved not only in protection but also in the full range of care and maintenance activities, even with respect to refugees who have been in Uganda for several years. In Uganda, UNHCR fully supports the vision of the CRRF as the basis for its future work but notes the absence of development partners willing to take over key responsibilities in Uganda, e.g. in service provision, within the framework of area-based programmes in support of both refugees and the host population.

One relatively recent attempt to change this was introduced with the ReHope programme, formulated by UNHCR and subsequently adopted by the UNCT as a joint strategic framework. Later, the World Bank stepped in as a funding partner through a USD 50 mill. loan to the Government's Settlement Transformation Agenda. It seems, however, that UNHCR remains the only agency engaged in responding to refugee needs and there is only scant involvement of other UN agencies active in support of the host population. Other UN agencies appear to expect UNHCR to undertake fund raising on their behalf and failing that, they tend to focus on their own development programmes outside of the ReHope framework.

*Key conclusions & observations:*

- *Relevant UN organizations need to be active partners in rolling out the ReHope strategic framework, thereby contributing to coherent, area-based programmes focused on addressing needs related to governance, infrastructure and vulnerabilities among refugees and host communities and in full alignment with national and local development priorities. It would, for instance, be highly relevant with a strong UNDP-led focus on strengthening relevant aspects of district local government capacity;*
- *Based on the recent approval of a USD 50 million loan to implementation of the Settlement Transformative Action within ReHope and the possible provision of resources through the IDA 18 sub-window for refugees and host communities, the World Bank should seek to be a leading actor in getting multilateral and bilateral development actors to join in a coherent, transparent and comprehensive response to long-term needs among refugees and host communities. This should be done through existing structures, including in particular the CRRF Steering Committee and secretariat. The focus may include efforts to enhance collection and analysis of core data on the demographic profile and the impact of displacement on both refugees and host populations – and it may well require additional staff with the required displacement-related expertise in the country office.*

***Bilateral donors:*** Since the adoption of the New York Declaration and the launch of CRRF at the global level, bilateral donors in Uganda have increasingly become more engaged in refugee and host community response. However, this is channeled outside of Government as bilateral donors are increasingly withdrawing from providing various types of budget support. Instead, they appear to focus on developing their own projects and programmes, informed by and within the scope of the national development framework, and implemented through a variety of partners, including I/LNGOs, CBOs, and their own structures. While these activities in general are consulted and coordinated with relevant authorities, this approach has at least two negative consequences. Firstly, it weakens Government delivery systems even further. Secondly, it creates new challenges in terms of coordination and aid transparency, as reflected at all levels - from districts to the national level. Apart from this, there are no clear indications that CRRF so far has been able to ensure additional aid flows of any significance to Uganda for the refugee response, nor has it led to a handing-over of responsibilities from UNHCR to development actors. This reflects that UNHCR does not seem to be involved in deeper conversations with development donors about such programmes. UNHCR appears to recognize this and reports having established dedicated functions to strengthen such linkages to facilitate the CRRF process. .

*Key conclusions & observations:*

- *Bilateral donors should be more focused on ensuring transparency and coordination of all types of assistance efforts in refugee-affected areas – on who is doing what where and through which partners;*
- *While promoting an inclusive response to refugee situations, bilateral donors should ensure full alignment with local and national development priorities and involvement of relevant government offices;*
- *Bilateral donors should seek to engage UNHCR in a dialogue about plans and outcomes within a coherent framework for assistance to refugees and host communities;*
- *Donors should also ensure that the inclusion of refugees in development activities is fully funded through the provision of additional resources.*

***International and local NGOs:*** The weak local capacities are reflected in the strong involvement of international NGOs in service delivery and protection, including with respect to SGBV, vulnerable women and girls along with unaccompanied minors. Most of these NGOs are humanitarian and they only got a limited focus on strengthening national governmental and civil society capacities. However, they are indispensable for the overall efforts in support of both refugees and host communities, and they appear to consult extensively with government structures, including in particular local government, thus aligning with local and national development programmes and priorities.

Whereas humanitarian coordination structures are said to be highly efficient and with line ministries co-chairing sector working groups, both international and local NGOs argue that the CRRF roll-out process until now has been insufficiently transparent and not sufficiently inclusive of them.

*Key conclusions & observations:*

- *International and local NGOs working with refugee response interventions should align themselves to national development frameworks and district and local plans and priorities;*
- *In promoting sustainable solutions, international NGOs should engage in supporting national and local capacities.*

### **The CRRF process so far**

As expected, Uganda was among the first countries to declare itself ready for a CRRF roll-out. This happened in late 2016, but so far actual progress appears limited. A Steering Committee, comprised of a broad range of members from the government, donors, UN agencies and NGOs (see annexes), was finally established in October 2017, and it has now approved the Terms of Reference for a Secretariat, which, however, is yet to be formed. The Secretariat will be placed in OPM but outside the framework of the Refugee Department and with reference to the Permanent Secretary.

The Secretariat staffing remains uncertain, in particular with regard to the placement of Ugandan government officials. Two donors along with a group of international NGOs have announced plans to second senior experts. In this perspective, there appears to be a risk that the Secretariat may end up being donor driven, without the required broad ownership and involvement of relevant ministries within the Ugandan government, such as the Ministry of Finance, Planning and Economic Development, the Ministry of Local Government and line ministries. In any case, the engagement of these ministries in the process seems somewhat unclear and possibly rather weak.

The significant delay in setting up the core governance and support structure is likely to have led to a continuing lack of clarity as regards the actual scope and direction of the CRRF process. Further, it has not served to build the required linkages and coordination between the government, development actors and humanitarian organizations.

While the humanitarian coordination structures appear to function quite well, the Secretariat has the potential to address the critical lack of a transparent overview of development activities

in refugee-affected areas. This represents an opportunity for UNHCR, OPM and local district governments to engage in a forward-looking dialogue with development actors, promoting coherent responses to identified gaps within the framework of national and local development priorities and in accordance with national standards.

*Key conclusions & observations:*

- *UNHCR along with donors should advocate for active participation in the Steering Committee by senior officials from relevant ministries;*
- *Ensure that the Secretariat is nationally owned and with the majority of staff being sourced from relevant ministries, thereby also facilitating operational linkages to these;*
- *The Secretariat must be up and running as soon as possible, making the best possible use of the current window of opportunity created by donor support for the CRRF process.*