COLLECTED FOR ONE REASON, USED FOR ANOTHER: THE EMERGENCE OF REFUGEE DATA IN UGANDA

Annabel Mwagalanyi

De Montfort University (United Kingdom)

P06285689@my365.dmu.ac.uk

ABSTRACT

Although there is substantial research on the surveillance of refugees in developed countries, there is relatively limited research on the topic in developing countries. This is partly because these countries have only recently begun implementing modern surveillance technologies to manage their refugee population. However, the consequences of these trends are huge for example; spillover effects to other countries, cultural differences in understanding biometric data collection and social divides. This may exist among religions and ethnic groups resulting in misunderstanding, mistrust and systematized oppression. Technological advancements may have good intentions but function creep often exists where the original purpose the data is collected for goes beyond this resulting in unintended consequences (Maitland, 2018). Due to their growing numbers and their changing demographics, it is becoming more urgent to study the lived experiences of refugees in this region as they are becoming increasingly subjected to digital governance, surveillance, and control.

KEYWORDS: refugee, asylum seeker, surveillance, technology, biometric.

1. INTRODUCTION

This paper focuses on the emergence of digital surveillance technologies, used for governing the refugee population in Uganda. Yes, it is new in one way (because of technological advancements) but in another way its old. Actually, practices that are very similar to surveillance of migrants in the African continent are not new. Migration, displacement and surveillance in the African continent are practices that are known since biblical times. Exodus 12:32 describes the mass movement of peoples, and practices of registering data about individuals and families were recorded in various resources. In addition to this, Weaver (1985) wrote of Ethiopian refugees in Khartoum arguing that population movements across Africa have deep roots in its history, as many were displaced due to natural disasters and conflict with neighbouring communities.

As a result, migrant surveillance is both old and new, specifically, what is new is the uncertainty with regards to the unintended consequences and although governments justify the use of digital surveillance technology to facilitate more inclusion, in reality, it might compromise the lives and dignity of refugees in at least four ways:

1. Even if this information is collected for good purposes (e.g. for fair distribution of food and resources) it could be used in the future for the bad, giving future governments more power in an unstable region.
2. Surveillance affects refugees' behaviour and perception of the host country.
3. Data can have errors or be compromised which could lead to people being treated inappropriately. With the absence of legal frameworks such as the General Data Protection Regulation (GDPR), this makes it more of a problem.
4. Aggregating data is conducive to treating people as monolithic collectives rather than particular individuals (racial profiling).

Refugee data collection is often carried out at the arrival stage of the journey to a refugee camp or a country border point. In Uganda refugees are welcomed at a transit centre and are required to hand over information concerning them, using biometric systems such as fingerprint and iris scans. Once this data is collected it may grant the refugee a chance to move unto a camp or organised settlement area. This is also to enable the refugee to receive assistance or the chance to seek asylum. In the interim, it acts as a form of documented identity. By 2030 the United Nations' goal is to ensure all human beings have some form of identification (UNHCR, 2018), but this is a difficult task as many hurdles need overcoming such as the misuse of refugee data when it is used above and beyond what it was intended for originally. There is the occasion when the data is used for legitimate reasons and in line with government policies; however, it has a significant impact on refugees' lives (e.g. EURODAC fingerprinting asylum system in the European Union (EU)). We have always had surveillance technology in operation in some form or another but the emergence of new technologies raises concerns in developing countries such as Uganda with over 1 million refugees, heavily dependent on foreign aid but yet still in need of measures to help manage the refugee crisis. This paper will, therefore, attempt to discuss these issues in more detail. The aim is to gain insight that could influence policymakers, appreciating the consequence of surveillance technologies in developing countries.

2. DOCUMENTED IDENTITY IS THE GATEWAY

In 2018, the UN refugee agency rolled out a major refugee verification operation and the project aims to ensure all refugees are registered and receive the protection and assistance they need (e.g. biometric identification and food ration cards). The organisation uses its software. The Ugandan phase of the project was the biggest in the agency's history (UNHCR, 2018). The United Nations (UN) also reports that in 2018 the population was 42 million and more than half of its population was under the age of 30. This project is in line with sustainable development goal 16, advocating for peace, justice and stronger institutions. In other words, ensuring that by 2030 there is a legal identity for all and to ensure that there is "public access to information and protection of fundamental freedoms." This would have to align with national legislation and international agreements (Peace, justice and strong institutions - United Nations Sustainable Development, 2020).

For a refugee, it is important to receive documented identity as it acts as a gateway to education, employment and health services, which by law all human beings are entitled to (Maitland, 2018). Furthermore, identification also provides self-worthiness acting strongly as an integration tool

to society pulling a refugee away from living in isolation which many find themselves when forcibly displaced. However, receiving documented identity is a double-edged sword because on the one hand it is a gateway, on the other hand, there is an imposition of an identity that the refugee did not necessarily choose, in a foreign language; someone is telling you who you are. It puts them in a vulnerable situation because they do not know who they can trust, what will happen to their data. Also, a refugee knows that in a way they are not necessarily wanted by the host country.

Countries where there is instability caused by political conflicts and poverty face greater concerns beyond imposing their own identity on individuals that seek refuge on their soil. In fact, governments may seek quick solutions in these emergency situations, after all, it is not ideal to be seen as unwelcoming to refugees especially in Uganda. To illustrate this, let us consider the self-reliance strategy for refugees, which is encouraged by the government and UNHCR in Uganda. The idea is to encourage refugees who have remained in the country for 5 years or more to be able to support themselves; relying less on foreign aid or "handouts" from the state. This neo-liberal approach would see little intervention from the government, refugees granted plots of land to do grow crops and trade within local markets. However, some of the refugees expected to follow this approach are based in isolated areas where accessing nearby villages to trade and make money are 60km away. The Refugee Law Project (RLP) from Makerere University (an organisation dedicated to provide a voice and legal aid to refugees) staff advocate for the need for local integration of refugees and their host communities as opposed "to confining refugees to isolated and harsh settlements" (Ilcan et al, 2015, p.8). RLP argues that a self-reliance strategy (SRS) could work but it has to go hand-in-hand with other aspects such as giving refugees the rights to remain in the country e.g. via citizenship by naturalization. This would then result in easier access to integrate into society. However, despite some refugees being in the country for 15 years, it is a real challenge as there are several cases where they are considered not eligible for permanent residency argues Ilcan, Oliver and Connoy, (2020). This strategy is a concern because although refugees are given a level of freedom there is the risk of some being excluded from integration because of living far away. Uganda is experiencing massive deforestation in heavily populated refugee regions due to the need of firewood to assist with house construction, fuel and to create charcoal for cooking. Local's in the area are displeased by this so refugees often state they have been targeted, physically sometimes because of this (Okiroro, 2019). The UN and World Bank also warned that the lack of resources would result in tension and program director from International Refugee Rights Initiative stated: "If nothing is being done, this will seriously put to the test the considerable hospitality that Ugandans living in refugee-hosting areas have been showing in recent years" reports Okiroro (2019). Refugees perceptions of the host country can change in these situations especially when their lives are being threatened by the host community.

With little government intervention, as the SRS approach recommends raises questions about the ethical responsibility of caring for vulnerable populations.

Developing countries may find technical difficulties in building and maintaining a robust identity system but the past testifies of misuse of identity even when it is recorded in its simplest form, on paper. During the Rwandan genocide, ID papers showed details of tribes and this made it easier to find and target Tutsis whose lives were then terminated (Economist, 2019). Kenya is another country that has been accused of discriminating against the Nubian minority. Despite this community living in the country for over a decade, they had to endure extra vetting procedures, prove their nationality and contest for obtaining an identity card (Balaton-Chrimes, 2013). The other 42 tribes in Kenya did not have to do this. An example of how governments can

misuse data to fulfil hidden agendas, negligently overlooking that it is a human right for an individual to have documented identification.

More research is required to understand internal factors which may act as barriers to the gateway of providing documented identity for refugees in these communities. Several European countries have developed stricter policies to address the refugee crisis and the process of collecting biometric data such as fingerprints, facial recognition, and iris scans have gone beyond initial intention as research conducted in Europe suggests.

3. DEVELOPED COUNTRIES AND SURVEILLANCE TECHNOLOGIES

A key European system associated with the digital surveillance of asylum seekers and irregular migrants crossing borders in the EU region illegally is known as EURODAC (European Dactyloscopy Scheme). But the EU's biometric database, operational since 2003, is the subject of public controversy. EURODAC operates as control technology sharing and communicating information using “asylum seekers and irregular migrants” (Kuster and Tsianos, 2016). A key feature of the system is the Automated Fingerprint Identification System (AFIS), active in countries that apply the Dublin III regulations. The regulation states that the first country (or member state) in which the asylum applicant had entry to, Europe is responsible to conduct the asylum process. Critics of EURODAC claim it violates human rights. The reason for this argument is because the initial purpose of the system was to gather all asylum claims made in the EU region but was then integrated with Europol a law enforcement agency in Europe (Sànchez-Monedero, 2018). This extension was made without consent and left refugees’ asylum records being contrasted with criminal records. Another criticism is police have access to databases, often treating refugees like criminals and suspects. EURODAC has birthed non-state initiatives, including private border patrols and counterfeit border checkpoints. Further developments include iBorderCtrl, an automated deception detection system using artificial intelligence. The system uses a virtual agent to conduct asylum interviews asking questions about refugee’s backgrounds and intentions. This raises concerns as the question is asked, how can a machine be depended on to interpret the intentions of a human-being? How reliable is this approach and could it potentially favour a certain type of refugee? However, the Guardian newspaper spoke to experts in the field of AI who argued it is almost impossible to design an experiment that evaluates deception behaviour. The program assumes refugees potentially may be lying and this has a negative impact as it can make them feel they are treated unfairly and that the host country is being hostile.

Another example of impacting refugee life is the use of data from mobile phones and social media in the EU. The data is used during asylum evaluation interviews to detect a person's accent for example (Meaker, 2018). In this scenario refugees are in a predicament because digital devices such as mobile phones have become an indispensable tool, guiding them along migration routes and supplying information for their asylum claims. Agencies have access to text messages, location reports and browsing history despite it being deleted by the phone owner. This raises the question of who benefits from systems of detection and control such as EURODAC in a time where its methods are being adopted by developing countries to tackle the refugee crisis. A key point to note is that the findings discussed present the current impact technology advancements have had in developed countries, little being said of the global south region.

Modern identity systems promise to bring many benefits to Africa. But as they proliferate, so too will the temptation for politicians to misuse it (The Economist, 2019). However, this also raises the questions, are African countries in need or seeking for the promises of these IT

solutions? After all, in Uganda, for example, the government is often of the hope that refugees will return back to their country of origin and may be happy with just the basic verification systems provided by humanitarian organisations such as the UNHCR (as long as they can prove the who, why and when refugees are in the country might just be good enough). It is important for policy makers and local government to be aware of the wealth of having a robust account of the refugee population, avoiding the predicament of having real bars of gold (the data) but not knowing its monetary worth. This especially applies to the "donors' confidence" from abroad who supply monetary and food aid. At the same time research from Nakivale refugee camp (one of the oldest refugee settlements in Africa) suggest that refugees in Uganda remain in the country for protracted periods of time, which can be 5 years or more (Ilcan, Oliver and Connoy, 2020) reflecting how long for their countries of origin may experience unrest. Therefore, being able to monitor this population is vital.

In addition to this, UNHCRs documentation process, as many other international humanitarian organisations, the usual agenda is to dictate and use a "one size fits all" approach such as that of documenting refugees across the globe. Countries without home built IT solutions to either strengthen or contest UNHCR's identification process have very little input, hence, running the risk of it not being suitable in the long run for the particular country in which it is being used. This can be considered in light of "technology failure" and a good example is provided by Kingston (2018). Looking at human behaviour, aid workers identified that "if a refugee burns their finger while cooking, it may take several days before their fingerprint are accurately identifiable" stated Kingston (2018, p.48). This raises the risk of the refugee not being able to obtain food rations, for example, which could have a negative impact on their entire household. In refugee camps the make up of the family may include a parent or guardian responsible for collecting food rations, but if they can't due to a burnt finger, they can not delegate someone else in the family because only their fingerprint would be registered on the system. These strict rules to the identification system are setting stone and refugees have to comply. In these instances the overall mental stress caused is potent.

Data protection laws are inadequate in the African continent and cannot be automatically enforced like the General Data Protection Legislation in Europe, some African countries have recognised this working and are working on a solution. The impact of this is that refugees, a group perceived as citizens of nowhere and whose interests are not represented by governments, are at high risk for exploitation. Although they have very little control over the situation they are in, their identity is being challenged and constructed anew by forces greater than themselves. Some experience enforced iris scans in return for aid, their phones may be seized as a form of identity verification and biometrics are used for categorization or evaluation of their rights and benefits. Due to the lack of legal frameworks governing data in Africa, there have been instances where mobile phone operators such as Orange were discovered to be offering Africans fewer digital rights than their European subscribers. In 2018 Ugandan officials exaggerated refugee figures by 300,000, fake names were created in refugee settlements and defrauded millions of dollars in aid (Okiror, 2019). This resulted in officials from the office of the office of the prime minister being suspended. This demonstrates how refugee data can be misused, impacting their lives (e.g. less aid due to sponsor reducing aid) all due to short-term greed. Africa has been lagging when it comes to addressing privacy issues around data argues Gwagwa (2019), but it cannot afford to do so any longer because the state can shrivel and censor data traffic for self-serving purposes. New technologies are often created to help solve humanitarian issues but often exceed their initial intentions leaving unintended consequences

(Maitland, 2018). Soliman (2016) pointed out if the data falls in the wrong hands creates vulnerabilities for refugees, however, if the data is not shared can leave many countries open to security threats. It is of great importance that governments, policymakers and organisations are made aware of the potential damage new technological developments create bearing in mind that not all humanitarian disasters have a technological solution.

4. CONCLUSION

In light of this paper, it seeks to advance the view that technological advancement in developing countries such as Uganda can prove to be beneficial for refugees especially when it comes to integrating into the host community. Identity helps obtain access to food, education, health care and employment in some cases. This, however, is complex in nature because despite the positive aspect of having modern technologies to help combat the refugee crisis it acts as a double-edged sword by trying to impose a new identity on the refugee. Furthermore, refugees are aware that the host country might not want them there and this feeling of rejection is made even more apparent when locals protest to their presence as well, which could cause fear and mental distress for some refugees. However, it is important to appreciate the social context in which modern identity systems seek to operate because cultural differences and religious beliefs can have a substantial impact on the success or failure of these systems. For example, some cultures may advocate for the man in the family to be the only one dealing with the identification processes. This would automatically exclude women in these families unintentionally. Therefore when devising recommendations and solutions it is crucial appreciate that every humanitarian crisis does not always have a technological solution, however, if applied the consequences of the impact biometric data collection has on refugees can not be ignored. Lastly, the surveillance of refugees in developed countries requires further research to unearth what the future entails as the refugee population in this region is growing in number due to continued natural disasters, war and conflict. Engagement is needed with policymakers, stakeholders such as the Office of the Prime Minister (OPM), non-government organisations in the country (e.g. UNHCR) and charities to gain a more informed view.

ACKNOWLEDGEMENTS

I am grateful to God for granting me the wisdom to express my research interest in this paper. I salute all refugees striving hard to find life again. To my two supervisors, Dr Ofer Engel and Dr Kutoma Wakunuma, thank you for encouraging me to apply for the ETHICOM conference. To Emmanu'-EL Apostolic Church, Leicester, I thank you for your continued inspiration and support.

REFERENCES

Ajana, B. (2013). *Governing through biometrics*. Basingstoke: Palgrave Macmillan

Balaton-Chrimes, S., 2013. Indigeneity and Kenya's Nubians: seeking equality in difference or sameness? *The Journal of Modern African Studies*, 51(2), pp.331-354.

Capurro, R. (2008). Intercultural information ethics: foundations and applications. Journal of Information, Communication and Ethics in Society, 6(2), pp.116-126.

Dahir, A. (2019). *Africa isn't ready to protect its citizens personal data even as EU champions digital privacy*. [online] Quartz Africa. Available at: https://qz.com/africa/1271756/africa-isnt-ready-to-protect-its-citizens-personal-data-even-as-eu-champions-digital-privacy/

Ilcan, S., Oliver, M. and Connoy, L., (2020). *Humanitarian Assistance and The Politics Of Self-Reliance: Uganda's Nakivale Refugee Settlement*. [online] Centre for International Governance Innovation. Available at: <https://www.cigionline.org/publications/humanitarian-assistance-and-politics-self-reliance-ugandas-nakivale-refugee-settlement> [Accessed 13 April 2020].

Kuster, B. and Tsianos, V.S., 2016. How to liquefy a body on the move: Eurodac and the making of the European digital border. In *EU Borders and Shifting Internal Security* (pp. 45-63). Springer, Cham.

Maitland, C. (2018). *Digital lifeline?* Westchester Publishing Services.

Okiror, S. (2019) Inquiry finds refugee numbers were exaggerated by 300,000 in Uganda. the Guardian. Retrieved 16 April 2020, from https://www.theguardian.com/global-development/2018/oct/30/inquiry-finds-refugee-numbers-exaggerated-in-uganda.

Okiroro, S. (2019). Massive deforestation by refugees in Uganda sparks clashes with local people. the Guardian. Retrieved 17 April 2020, from https://www.theguardian.com/global-development/2019/feb/18/massive-deforestation-by-refugees-in-uganda-sparks-clashes-with-local-people.

Rand.org (2019). *Tracking Refugees with Biometrics: More Questions Than Answers*. [online] Available at: https://www.rand.org/blog/2016/03/tracking-refugees-with-biometrics-more-questions-than.html

Refugees, U. (2019). Uganda launches major refugee verification operation. [online] UNHCR. Available at: https://www.unhcr.org/news/latest/2018/3/5a9959444/uganda-launches-major-refugee-verification-operation.html

Sandvik, K., Gabrielsen Jumbert, M., Karlsrud, J. and Kaufmann, M. (2014). Humanitarian technology: a critical research agenda. *International Review of the Red Cross*, 96(893), pp. 219-242.

The Economist. (2019). *African countries are struggling to build robust identity systems*. [online] Available at: https://www.economist.com/middle-east-and-africa/2019/12/05/african-countries-are-struggling-to-build-robust-identity-systems

The Economist. (2019). *Establishing identity is a vital, risky and changing business*. [online] Available at: https://www.economist.com/christmas-specials/2018/12/18/establishing-identity-is-a-vital-risky-and-changing-business

The New Dark Age. (2019). *AI Border Guards are Being Tested at the Edge of Fortress Europe, Away From Public Scrutiny*. [online] Available at: https://williambowles.info/2019/12/06/ai-border-guards-are-being-tested-at-the-edge-of-fortress-europe-away-from-public-scrutiny/

Understanding datafication in relation to social justice' (DATAJUSTICE) starting grant (2018-2023).

United Nations Sustainable Development. (2020). Peace, Justice and Strong Institutions - United Nations Sustainable Development. [online] Available at: <https://www.un.org/sustainable development/peace-justice/> [Accessed 8 April 2020].

Weaver, J.L., 1985. Sojourners along the Nile: Ethiopian refugees in Khartoum. *The Journal of Modern African Studies*, *23*(1), pp.147-156.