



**UNIVERSITY OF NAIROBI**  
**INSTITUTE OF DIPLOMACY AND INTERNATIONAL**  
**STUDIES**

**A CRITICAL ANALYSIS OF UGANDA'S REFUGEE REGIME: LESSONS**  
**FOR EAST AFRICAN COMMUNITY PARTNER STATES**

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**award of Masters in International Studies at Institute of Diplomacy and**  
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## DECLARATION

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## **DEDICATION**

To my dear wife, Sheeba Mpeirwe and my lovely children, Fidel Asingwire, Ellaine Kibaju, Malaika Bianca Itamba, and Machel Mpeirwe. You always wanted the best out of me.

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## ABSTRACT

The research study has analyzed the refugee policy in Uganda, which is deemed as one of the most progressive in the world. A lot of literature has been extracted from policy documents, Acts, reports, books and newspapers articles and other materials that talk about refugee policies and how refugees have been treated in different parts of the world. The following questions have been answered in the study 1) How the internal refugee regime evolved, 2) How the refugee policy of Uganda has been effective, 3) the challenges and opportunities that Uganda has faced in the course of implementing their refugee policy and 4) What lessons can be learned by other East African countries from the progressive refugee policy of Uganda.

The study adopted case study research design where a detailed study of Uganda refugee policy, the beneficiaries, and policy makers have been involved. The case study was after exploring and describing how Uganda's refugee regime has been working and how it is the best amongst the East African partner states. Theoretical framework was borrowed from Kunz's exile and resettlement theory. 100 refugees from Uganda were interviewed and complemented by 10 key informants from policy makers, refugee camp managers, UNHCR officials, NGO staff and EAC officers. The Refugees were interviewed through a questionnaire which was send to them through emails. The Research assistant called the KIs to interview them. The data was then entered in Excel template, cleaned validated and exported to SPSS for analysis. South Sudanese were found to be majority of the refugees hosted in Uganda. Uganda's' refugee policy was found to be very effective in the manner that refugees can access basic needs and social amenities such as move freely, they can get employment, they can access education just as the Ugandans, they live in settlements and are given good health care. Uganda has various ways of empowering refugees. However, the goodies do not come without some challenges. In the competitive world where jobs are getting scarce, the refugees face the same challenge, at times; water is a scarce resource to both the refugees and the host community. There are also some difficulties in accessing food while some refugees have reported cases of harassment by authorities. The open door policy, refugee response framework, refugee regulations, education sector strategic management are some of the lessons to be learned by EA at large.

The study recommends Uganda to analyze and understand the gaps that affect effective implementation and sustainability of her refugee policies. The international community and other well-wisher can give funds to sustain the refugee projects. With increasing refugees and refugee projects, there are potential negative impacts to the environment and over exploitation of resources. Uganda can consider repatriating those that are willing and feel safe to go back home. The government of Uganda should work towards improving their economy and create more job opportunities if at all refugees need to be considered in the new jobs created.

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## LIST OF ACRONYMS

EASAF	East African Standby Force
EAC	East African Community
IPSTC	International Peace Support Training Centre
IDPs	Internally Displaced Persons
UNHCR	United Nations High Commission for Refugees
UDHR	Universal Declaration of Human Rights
OAU	Organization of African Unity
RPA	Rwandan Patriotic Army
SPLA/M	Sudanese People's Liberation Army/Movement
NDC	National Defense College
IRO	International Refugee Organization
NGOs	Non- Governmental Organizations
ReHoPE	Refugee and Host Population Empowerment
JICA	Japanese International Cooperation
WASH	Water, Sanitation and Hygiene
UNDP	United Nations Development Programme
SMEs	Small and Medium Enterprises
CSOs	Civil Society Organizations
RLP	Refugee Law Project
WFP	World Food Programme
CRRF	Comprehensive Refugee Response Network



## CHAPTER ONE

### INTRODUCTION TO THE STUDY

#### **Background of the study**

In 1921, the terminology Refugee regime was coined by the League of Nations, High Commissioner, Dr. Fridtjof. The term was later rebranded to, international refugee regime<sup>1</sup> that encompasses the convention of UNHCR and refugees that was done in. Since 1980s , there have been emergence of overlapping institutions like the international migration and the Internally Displaced Persons (IDPs).<sup>2</sup> The international refugee regime frameworks the rights, responsibilities and obligations of the states that send and receive asylum- seekers and refugees.<sup>3</sup> The international law of refugee supports migration from one country to another and is grounded on protection. It was formed to reduce the effects of the war in 1912-1913<sup>4</sup>, 1914-1918<sup>5</sup> and many other conflicts that people were experiencing. The regime has a legislative piece, 'the convention held in 1951 ' that relates to the position of asylum seekers and refugees. From the convention, a refugee was referred as someone that leaves his/her home country for fear of oppression because of his religion, ethnicity, political alienations or nationality. The convention was clear that refugees deserved to be protected due to their vulnerabilities.

The convention held in 1951 on status of refugees' status identifies the rights of refugees from and protects them from mistreatment in the countries they seek refuge.

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<sup>1</sup> Protection Challenges of Refugees. Retrieved from: [http://www.icrc.org/eng/assets/files/other/581-606\\_feller.pdf](http://www.icrc.org/eng/assets/files/other/581-606_feller.pdf)

<sup>2</sup> Betts, Alexander. "Institutional Proliferation and the Global Refugee Regime." *Perspectives on Politics* 7, no. 1 (2009): 53-58. <http://www.jstor.org/stable/40407214>.

<sup>3</sup> Ibid P.2

<sup>4</sup> Nation RC. Wars in the Balkans 1991-2002 (2003)

<sup>5</sup> Becker, A. The Great War: World war, total war. *International Review of the Red Cross*, 97(900), (2015). 1029-1045. doi:10.1017/S1816383116000382

The 1951 convention was adopted for the purpose of protecting refugees today.<sup>6</sup> The convention entered in to force in 1951 and later on amended to cover not only persons fleeing events of Second World War, but also conflicts. It is supplemented by subsidiary protection regimes in other countries.

The convention unites the former international instruments relating to asylum seekers and refugees and also provides comprehensive rights of refugees internationally. The earlier version of the instruments applied to a few categories of refugees. The convention that was held in 1951 emphasises on protection of refugees from all forms of persecutions inclusive of political persecution. A refugee is person that is not willing or not able to go back to their country due to fear of oppression based on religion, race, belonging to a certain social group, nationality or a political inclination. The 1951 convention uses a rights-based approach which is reinforced by important values such as non-penalization, non-discrimination. It further states that the convention laws must be realistic without perception in gender and all forms of discrimination. It also has safeguards against expulsion of refugees. Refugees should be treated without prejudice. They should access courts, basic primary education, work, provision of documents, such as passports and travelling documents.<sup>7</sup>

The global refugee regime has been developing gradually, and strives to cover anxieties that were not initially thought of when the first declarations and conventions were conscripted. Because of this, there are various gaps in the system. Still in this 21st century, the problem of refugees is still prevalent and pervasive.<sup>8</sup> There is no continent that is protected from the challenge of involuntary displacement which

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<sup>6</sup> The Convention enabled States to make a declaration when becoming party, according to which the words “events occurring before 1 January 1951” are understood to mean “events occurring in Europe” prior to that date.

<sup>7</sup> UNHCR, the 1951 convention and Protocol relating to the Status of refugees in the World (1951)

<sup>8</sup> UNHCR, 2007. Global Appeal

births refugees. Some countries have shown extraordinary generosity and love for refugees by accommodating them. The global distribution of refugees is uneven with the largest number of refugees being managed by UNHCR's and living in the developing countries and often faced with conflicts.<sup>9</sup> However, the current developments have indicated that even the most developed states are not left out. The mass entry of refugees in Europe and USA from war-torn parts of Africa, Middle East and Asia in the recent times exemplifies this problem.<sup>10</sup>

The international rights for refugee protection were developed due to the effects of the Second World War which was in response to displacement of populations.<sup>11</sup> It's morally and humanly imperative for states to host fleeing populations and offer hospitality to them at all times. But the costs of this act seem relatively high in the eyes of different nations hindering a universal quest to establish a coherent system to handle this universal challenge. The international system has put efforts from time to time to handle this challenge through treaties and conventions in the changing context of the global arena. The 1967 Protocol and 1951 Convention<sup>12</sup> were meant to assure refugees of their rights. In response to this, several States around the world have developed regional laws and standards for guarding refugees and asylum seekers.<sup>13</sup>

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<sup>9</sup>Hathaway, James C., "Reconceiving Refugee Law as Human Rights Protection", *Journal of Refugee Studies*, 4(2), 113, 1991.

<sup>10</sup>Lee, Luke T., "Internally Displaced Persons and Refugees: Towards a Legal Synthesis" *Journal of Refugee Studies*, 9(1), 1996, 27-42.

<sup>11</sup> Meissner, Doris M. et al, *International Migration Challenges in a New Era*. New York: The Trilateral Commission, 1993.

<sup>12</sup>Implementation of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees - Some Basic Questions on Implementation of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees - Some Basic Questions EC/1992/SC.2/CRP.10, 1992.

<sup>13</sup>Inter-Parliamentary Union and the United Nations High Commissioner for Refugees, 2017. *A guide to international refugee protection and building state asylum systems*

The conflicts, together with the imposing group in Africa yielded a succession of many refugee groups. It is because of these population displacements that the preparing of the 1967 Protocol and later its adoption were done together with the Organization of African Unity (1969) OAU Pacton Refugees' challenges in Africa.<sup>14</sup>In 1969, the OAU had a Convention that affirmed the Convention held in 1951 as "the essential and all-inclusive pact identifying with the position of displaced people". It receives the outcast definition documented in the 1951 Convention, yet in addition extends it to incorporate any individual constrained to leave their nation in view of "outside animosity, occupation, remote control or occasions genuinely exasperating open request in either part or the entire of his [or her] nation of starting point or nationality"<sup>15</sup>.

This implies people escaping common aggravations; boundless viciousness and war are considered as refugees. Obviously, numerous people might be refugees under the particulars of the two Conventions. The OAU pact makes other significant focuses. It avows that "the award of shelter to displaced people is a quiet and philanthropic act" that isn't to be deliberated as an "antagonistic demonstration" by any states that are members of OAU.<sup>16</sup>

The East African area shows an interesting contextual analysis for displaced person the board and insurance. Not just have practically all East African nations separated from Tanzania experienced rough clashes that constrained a huge number of their natives out as evacuees or political haven searchers, however a few nations in

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<sup>14</sup>UNHCR. OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969

<sup>15</sup>Hathaway, James C., "Reconceiving Refugee Law as Human Rights Protection", *Journal of Refugee Studies*, 4(2), 113, 1991.

<sup>16</sup>Ahimbisibwe, F, *The Host State and Refugee Security in Uganda: The Case of Rwandan Refugees in Nakivale Settlement*, (Doctoral Dissertation), Mbarara University of Science and Technology, Mbarara, 2015

the area have likewise assumed key jobs in facilitating a large number of outcasts found at the horn of Africa.<sup>17</sup>The 1959 war and Genocide in Rwanda constrained millions out of Rwanda.<sup>18</sup>Until this point, Burundi remains politically precarious as a result of President Pierre Nkurunziza refusal to step at the end of his ruling. In Kenya, the 2007 post-election brutality constrained millions to escape the once generally serene nation to get security.<sup>19</sup>The LRA rebellion in Northern Uganda dislodged millions<sup>20</sup> while the present South Sudan struggle has made the world's most exceedingly awful contemporary philanthropic emergency.<sup>21</sup>Most essentially, the locale has assumed a critical job in displaced person the board and assurance. The Dadaab camp in Kenya's has been a home to over 200,000 refugees in the last two decades.<sup>22</sup>The Bidi-Bidi camp in Uganda's is currently the world biggest settlement camp with in Africa, hosting over 270,000 dwellers<sup>23</sup>,practically every one of them hosts South Sudanese refugees.<sup>24</sup>Uganda's liberal displaced person the board approach which nearly regards exiles as its very own natives giving them lands to till and plant food crops, work licenses, access to human services and schools, has been praised as the best refugee protection and welfare in the planet.<sup>25</sup>This theory gives an exhaustive survey of the East Africa displaced person the executive's structure both from lawful, monetary and political points. In doing as such, the paper gives a relative examination

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<sup>17</sup> Ibid pp. 122

<sup>18</sup>Hintjens Helen M. *Explaining the 1994 genocide in Rwanda*. The Journal of Modern African Studies (1999) pp. 241-286. Printed in the United Kingdom. Cambridge University Press.

<sup>19</sup> Roberts Mara J. Conflict Analysis of the 2007 Post-election Violence in Kenya, 2009

<sup>20</sup>Ochan Clement. Assessing Uganda's cross-border pursuit of the Lord's Resistance Army. Feinstein International Centre, 2009

<sup>21</sup>United States Institute of Peace. South Sudan's Civil War and Conflict Dynamics in the Red Sea. Special Report, 2018

<sup>22</sup>World Bank. Desk Review on Livelihoods and Self-Reliance for Refugees and Host Communities in Kenya, 2019

<sup>23</sup>Ibid. page 10.

<sup>24</sup>Lee, Luke T., "Internally Displaced Persons and Refugees: Towards a Legal Synthesis" Journal of Refugee Studies, 9(1), 1996, pp. 27

<sup>25</sup> Ibid pp. 42

of various displaced person the board approaches in East African.<sup>26</sup>Most explicitly, the paper investigates Uganda's outcast administration 'best practice and how the district can gain from this exceptionally hailed practice'

Throughout recent decades, notwithstanding challenges, Uganda has been a great goal for displaced people and refuge searchers from neighbouring clash harassed zones and nations in the locale, for example, Congo, South Africa, Burundi, Eritrea, Rwanda, Kenya, Ethiopia, Somalia, Sierra Leone. Mozambique South Sudan, Senegal and Zimbabwe. The nation has had a long history with cordiality for outcasts going back similarly as World War II during which refugees escaping the viciousness in Europe in 1942 were facilitated in Kojja and Nyabyeya in later relocated to Canada, Britain and Australia in 1942<sup>27</sup>.

In 1955, Uganda turned out to be profoundly drenched in the "refugee issue" after roughly 78,000 from South Sudan fled to the country following the Anyanya war; be that as it may, after the marking of the agreement signed in Addis Ababa in 1972, which led to repatriation of many.<sup>28</sup> This influx was followed by many other refugees Kenya after the struggle for independence including the Mau Mau of Kenya (1953-56).<sup>29</sup> Rwandese, basically of Tutsi root, getting away from the deplorable common conflict of 1959 additionally escaped to Uganda.<sup>30</sup> Correspondingly, Congolese, in the consequence of Patrice Lumumba's death in 1961, looked for

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<sup>26</sup>Reith Stefan and Boltz Moritz, 2011. *The East African Community: Regional Integration Between Aspiration and Reality*

<sup>27</sup>Ahaibwe G. & Ntale A. (2018, January 24). Can Uganda afford more South Sudan refugees? *The Observer*, Retrieved March 4, 2018, from <http://observer.ug/viewpoint/56708-canuganda-afford-more-south-sudan-refugees.htm>

<sup>28</sup>Shinn David. Addis Ababa Agreement: was it destined to fail and are there lessons for the Current Sudan Peace Process? In *Annalesd'Ethiopie*. Volume 20, année 2004. pp. 239-259. <https://www.cmi.no/file/1867-Addis-Ababa-agreement.pdf>

<sup>29</sup> Lewis, Amanda Elizabeth, "A Kenyan Revolution: Mau Mau, Land, Women, and Nation." *Electronic Theses and Dissertations*. Paper 2134 (2007). <https://dc.etsu.edu/etd/2134>

<sup>30</sup>Ahimbisibwe, F. *The Host State and Refugee Security in Uganda: The Case of Rwandan Refugees in Nakivale Settlement*, (Doctoral Dissertation), Mbarara University of Science and Technology, Mbarara, 2015

security in Uganda.<sup>31</sup>The nation likewise got a few exiles from Somalia and Ethiopia during this period<sup>32</sup>.

As peace was restored in Rwanda in 1994, as a result of the ruling of the Rwandan Patriotic Army (RPA), numerous refugees were returned back home. This, thus, produced a flood of refugees to Uganda, the greater part of them of Hutu plummet, who fled after the Rwanda Genocide. The same thing happened in Congo in 2000, when Ugandan government and the UNHCR the advanced repatriation venture.<sup>33</sup>

### **1.1 Statement of the Research Problem**

East African has experienced a number of conflicts that have generated influx of refugees in some number countries. Uganda being one of them continues to receive refugees who mostly come from Somalia, South Sudan and periodically from Kenya during electoral tensions. These refugees especially those from South Sudan, DR Congo and Somalia pose a direct threat to Uganda's stability and security. Many at times there is a fight that emerges between the refugees and the host country especially on matters concerning the environment and exploitation of resources? This means that there is a direct harmful impact of refugees in the countries where they are hosted because their activities harm the environment and those who are affected the most are the local population where the refugees are hosted. Terrorists find a safe haven in the refugee camps to train, and execute their heinous acts. The spread of arms and weapons have also led to an increase in organized crime and this has a direct security threat to the region. It is therefore important for states such as Uganda to

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<sup>31</sup>Alex Veit. Death in the Congo: Murdering Patrice Lumumba, *African Affairs*, Volume 116, Issue 464, (2017) Pages 547–548, <https://doi.org/10.1093/afraf/adx026>

<sup>33</sup> Ibid pp. 233

address the issue of refugee regime if they are to guarantee their security and sustainable utilization of natural resources.

## **1.2 Research Objectives**

The general objective of the study was to critically analyse Uganda's refugee regime and get lessons that can be adopted by the East Africa partners.

The specific objective objectives for the study were:

- 1.2.1 To understand the evolution and development of the international refugee regime
- 1.2.2 To analyse Uganda's refugee regime.
- 1.2.3 Identify lessons from Uganda's refugee regime for adoption by the East African Partner states.

## **1.3 Research Questions**

- 1.3.1 How did the international refugee regime evolve?
- 1.3.2 How has Uganda's refugee regime been effective?
- 1.3.3 What are the challenges and opportunities in the implementation of Uganda's refugee regime?
- 1.3.4 What lessons can the East African Partner states adopt from Uganda's refugee regime?

## **1.4 Study Hypotheses**

- 1.4.1 There are significant lessons that the EAC partner states can learn from Uganda's successful refugee regime.
- 1.4.2 East African partner states can adopt Uganda's refugee policy for efficient management of refugees.



## **1.5 Justification of the Study**

### **1.5.1 Academic Justification**

The study critically analyses Uganda's refugee regime and what lessons can be learned by East Africa community at large. The study findings will provide a rich source of information for scholars conducting further research or a research on related issues. The study report and journal article published shall be disseminated through National Defence College (NDC) website, and journal articles that can easily be accessed by future students. The research findings shall add to literature.

Scholars and researchers shall have a better understanding on refugee regime, refugee policy formulation and implementation. The 1951 convention of refugee's regime shall be well understood and how Uganda has effectively implemented the convention to support refugees from the neighbourhoods.

### **1.5.2 Policy Justification**

Refugees, internal displacement, and migration in general, are almost ever present phenomenon the EAC region<sup>34</sup>. A seemingly living and dynamic cycle of conflict operates within the horn of Africa where EAC draws membership spotting most states in the region in an almost automatic pattern of political and socio-economic conflicts. one is almost certain that there will always be at least a state in conflict in this region at any given time. This leads to obvious state of migration and displacements leading to the refugees issue in fact has been observed recently that states in this region, just like it's the trend in the entire continent, experience internal conflicts every time a

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<sup>34</sup>Government of Uganda, United Nations & UNHCR (2017, June 22-23). *Uganda Solidarity Summit on Refugees: Translating New York Declaration Commitments into Action*.

national election are held. Some of these conflicts are solved in good time and speed while others last long enough to produce cases of displacement and migrations.

Going by the above, it's therefore imperative for the region and its member states to have in place regimes that will address this condition when it occurs. This study, seeking to examine one of the region's best practice in refugee regime with an aim of providing possible recommendations for EAC at large is therefore timely and justified, more so because it seeks to address a real and ever present condition in the region.

## **1.6 Literature Review**

The subject of evacuees has lived with us from the earliest starting point of time. History is obfuscated with occasions and models like the present day evacuee issues insofar as records can endure. The changes in the universal framework from medieval to renaissance age demonstrates a moderate yet enduring development of outcast status and the legitimate structures organised by states and the global framework to deal with the present situation.<sup>35</sup>

IRO was the last to go before UNHCR – the present universal body commanded with the evacuee related issues. The IRO was made in 1947 to manage the issue of displaced people in Europe in the repercussions of the World War II which ended by June 30, 1950. It was obvious, in any case, that the thorough idea of the undertaking it had been allotted—to solve each part of the displaced person issue

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<sup>35</sup>Kourula, Pirkko, *Broadening the Edges: Refugee Definition and International Protection Revisited*. The Hague: MartinusNijhoff Publishers, 1997.

<sup>13</sup> UNHCR. *Voluntary repatriation - A Background Study Prepared for the Roundtable on Voluntary Repatriation UNHCR/IIHL San Remo*, July, 1993

<sup>14</sup>Cuny, F. and Stein, B 'Prospects for and Promotion of Spontaneous Repatriation.' in Loescher and Monihan (eds) *Refugees and International Relations*, 1989, Clarendon, Oxford

from enrolment and assurance of status and "lawful and political insurance"—blocked ending up of that worldwide exertion.

The UN general assembly initiated UNHCR in 1949 to deal with issues of refugees which were later formed towards the end of 1950 to give universal security to displaced people and to look for changeless answers for their issues by helping governments to encourage their wilful repatriation. On January 1, 1951 UNHCR started its work.

Upon UNHCR first appearing in quite a while, were invited as non-natives in numerous nations over the world. This underlying period didn't encounter issues as mind boggling as the world is encountering today. In post-war Europe, the displaced people came majorly from the neighbouring nations and their admission fortified key targets during the Cold War; and, as an additional in addition, they met work deficiencies. Be that as it may, today the expression "Evacuee" has a specific disgrace and suggestion joined which has genuinely confounded UNHCR's obligation to guarantee that global assurance is accessible to them, as a proxy for the insurance of their national experts, which they were losing<sup>36</sup>

There are, obviously, numerous explanations behind this expansion in unpredictability, which contrasts from nation by nation and locale by district. In total, the reasons are: changing idea of uprooting; the expenses of numerous sorts of facilitating outcasts; the spread of sporadic movement and dealing of individuals, which obscured the "vagrant/exile" differentiation; and a developing gap between the individuals needing security and the means to attaining it.

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<sup>36</sup> Ibid P. 5

The 1951 Convention was the gauge; it contained, somewhat, just the rudiments, thinking back the differentiation that exists among from time to time. This turned out to be clear in the decade that pursued, with UNHCR's assurance exercises venturing great past Europe into nations, especially on the African landmass, encountering the excruciating procedure of decolonization. The individualized and mistreatment based way to deal with characterizing recipients and their privileges in the 1951 Convention was not all that supportive here. The mass quantities of evacuees and the summed up clashes which accelerated their uprooting guaranteed a developing confound. The General Assembly felt it important to stretch out UNHCR's command to ensure and help gatherings of refugees according to the convention held in 1951 and the protocol of 1967.<sup>37</sup>

The issue of refugees" was widened past casualties of summed up struggle and brutality. The OAU Convention was additionally a noteworthy development from the Convention held in 1951. This was in its acknowledgment of the security ramifications of displaced person streams, in its increasingly explicit spotlight on arrangements—especially on wilful repatriation, as opposed to the incorporation inclination of the 1951 Convention—and through its advancement of a weight sharing way to deal with exile help and assurance. The introduction of AU has seen a colossal adjustment in the mainland displaced person system endeavouring to line up with the multifaceted nature and recurrence with which the landmass needs to manage the refugee related issues.<sup>38</sup>

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<sup>37</sup> UN *Protocol Relating to the Status of Refugees*. United Nations, Treaty Series, vol. 606, (1967, January 31). p. 267. New York.

<sup>38</sup>Mattheisen, E. 'Because I am a stranger' Urban refugees in Yaounde, Cameroon, Working Paper No.244, (2012) New Issues in Refugee Research, UNHCR.

The 1970s were in certainty a time of repatriation. A huge number of displaced people returned. This period additionally demonstrated to be a significant one as far as encouraging the ideas of universal solidarity and weight partaking in the troublesome quest for arrangements. One of the more significant achievements in such manner was the 1979 International Conference held in Geneva on refugees that came when the world was following with vital concern the situation of Vietnamese escaping their nation in unstable vessels, standing up to the risks of the ocean and privateers who were returned back as they arrived in the neighbouring nations. A three-way understanding rose up out of the Conference: ASEAN nations vowed to give transitory shelter; Vietnam embraced to advance methodical flights instead of unlawful exists..<sup>39</sup>The regional bodies over the globe have been taking unmistakable fascination on the issues of exiles by joining its angles in their resolutions, controlling legitimate structures to fit in with the present day displaced people needs.

The East African district, much the same as some other all around is looked with the genuine and consistently living test of outcasts establishing a glimmer purpose of constrained movement. With nations at the same time facilitating and helping inside dislodged people, outcasts, returnees, casualties of dealing, just as work transients, the locale hangs out in the administration of evacuees. Be that as it may, the pattern is getting to be intricate and dynamic in the present outcast emergency reality.<sup>40</sup>Countries that receive refugees like Uganda, Kenya, Tanzania, Burundi and

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<sup>39</sup>Macchiavello, M. (2003) "Forced migrants as an under-utilized asset: refugee skills, livelihoods, and achievements in Kampala, Uganda", UNHCR Working Paper No.95, New Issues in Refugee Research, UNHCR, Geneva

<sup>20</sup>Dryden-Peterson, S. &Hovil, L. A Remaining Hope for Durable Solutions: Local Integration of Refugees and Their Hosts in the Case of Uganda, *Refugee*, 22(1), 26-38. Ginyera, P. (Ed.) (1998). *Uganda and the Problem of Refugees*, Kampala, Makerere University, 2004

Rwanda face several challenges in managing the refugee. The guidelines and policies in the management of refugees vary from country to country. However, Uganda has stood out in the best management of refugees due to the formation of the self-reliance strategy of the refugees, which has improved their conditions. On nation level, nations that are beneficiaries of refugees in East Africa face a heap of difficulties in the administration of displaced people; besides the laws, approaches and frames of mind towards refugees change from nation to nation. Uganda has made a progress from alleviation to an improvement independence procedure due to the remarkable of refugees and the extended circumstances under which they are living.

## **1.7 Theoretical Framework**

### **1.7.1 Exile and Resettlement Theory**

In explaining the classification of refugees, Kunz categorized them into three explicit groups, as per their attitudes towards displacement. The displaced people whose difference to political and social happenings at home was common to countrymen and refugees. Refugees regularly hold little enthusiasm for what happened in their country and made them to flee.

According to Kunz, events related refugees who feel angrily separated from their kindred natives. A third category of displaced person incorporates individuals who chose to leave their country for personal reasons. The self-distanced refugees feel alienated from their home not by any dynamic approach, but by their way of thinking.

Kunz does not clearly discuss the issues related with deportation, because moving to another country cannot really be solved through repatriation.<sup>41</sup>

In the African setting, the lion's share distinguished classification can be connected to a critical extent of the present outcast populace, just as practically all refugees made in the time of hostile to provincial wars. Kunz takes note of that "... these displaced people recognize themselves energetically with the country, however not with its administration."<sup>42</sup>. These refugees be that as it may, did not through and through relinquish their countries, rather as a rule they effectively took part in freedom battles. When freedom happened, they were on edge to return home to continue their previous lives. Some later displaced person relocations in Africa will in general fit into Kunz's occasion's related class.

Refugees that have been exposed to segregation and frequently through and through savagery feel that they are undesirable or dangerous in their very own countries. In the wake of getting to be refugees, the longing to return home must be stirred considerable change back at home. Ethnic clashes frequently lead to the making of occasion's related outcasts in Africa. A case of this sort of movement is Rwandese and Burundians dislodged to one another's nation and to Uganda, Zaire, and Tanzania. Most of these outcasts were uprooted by the ethnic clash between the Tutsi and Hutu. Prior to the ongoing change in the states in 1994, little expectation was seen for the large number of outcasts who had fled Burundi and Rwanda. Numerous displaced people in Tanzania had agreed to an all-encompassing period and had been allowed citizenship by the Tanzanian government. In Africa, self-estranged evacuees have assumed just a minor job in the larger scale displaced person

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<sup>41</sup> Ibid p. 43

<sup>42</sup>Ibid p43

picture. A few cases have been reported, anyway where people have been dislodged on account of philosophical contrasts between them and the governments.<sup>43</sup> Jehovah's Witnesses were self-estranged, and liable to separation and badgering preceding their choice to escape. In southern Africa, huge numbers of the refugees were involved in apartheid. In South Africa took place late which enabled the vast majority of the nation's exiles to return home, where they have had the option to take an interest effectively in that country's new popular government. Individual instances of self-estranged evacuees flourish on the mainland.<sup>44</sup> Notwithstanding, all things considered, oneself distanced displaced people classification is increasingly applicable to different regions of the world than it is to Africa.

## **1.8 Methodology**

### **1.8.1 Case Study**

The research design adopted in this study was a case study. This entailed in-depth and a detailed study of Uganda's refugee regime from the beneficiaries and the policy makers that have been involved or affected by the Ugandan refugee regime in one way or another. The case study was after exploring and describing how Uganda's refugee regime has been working and how it is the best amongst the East African partner states. The study combined objective and subjective data to achieve a better understanding of Uganda's refugee regime.

Case study was used because it is flexible and allowed the researcher to explore further while developing the study. It gave the researcher an opportunity to

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<sup>43</sup>Subulwa Angela, 2012. Negotiating displacement during the colonial and early independence period along the Zambia- Mozambique border. *Historical Geography*. Volume 40 (2012) pp. 147-167)

<sup>44</sup>Mohamud Mohamud, 2018. *Social Justice Theories and Refugee Resettlement in New Zealand: A Content Analysis of Political Party Positions 2001-2017*.



delve deep and use a variety of data sources to get a better understanding of Uganda's refugee regime. One limitation with case study research design is that the information obtained is unique to the context and cannot be replicated in any other study. Due to its subjectivity, the researcher may have been biased especially when conducting the in-depth interviews.<sup>45</sup>

### **1.8.2 Data collection**

Primary data was gathered through refugee interviews by use of a structured questionnaire. This was complemented by Key informant guides through policy makers, camp managers at refugee camps, UNHCR officials, policy makers in East African partner states and other NGO staff working in the humanitarian context in Uganda. Through these methods, the researcher got appropriate information that is customized to the specific research issue at hand. The concerned and reliable party are the ones involved in collection of the primary data hence the data is fully audited.<sup>46</sup>

The structured questionnaire was designed according to the three objectives as per the study. The first section was looking for general information of the respondent and demographics information. The second section had questions on understanding the evolution and development of the international refugee regime. The second section had questions on the effects of refugee regime in Uganda whereas the fourth section was eliciting the information relevant to Identifying lessons from Uganda's refugee regime for adoption by the East African Partner states.

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<sup>45</sup>Creswell, J. W, *Research design: Qualitative, quantitative, and mixed methods approaches*. Sage publications, (2013).

<sup>46</sup> Jones, Constance, "Advantages and disadvantages for research in psychology." *Social and Personality Psychology Compass* 4, no. 11, (2010), pp 1008-1017.

Data collection tools were pre-tested to ensure that they were valid and reliable during the exercise. Pre-testing was done with five individuals chosen from the target group. Afterwards, the questionnaire was emailed to the target respondents to fill and send the information back for analysis. Due to limited resources, the research went for 300 refugees and 50 key informants.

The study borrowed heavily from secondary sources of data ranging from legal and academic publications, authorized journals, books, magazines and legal frameworks of the Ugandan constitution and related laws.

### **1.8.3 Analysing and Presenting Data**

The data was cleaned and verified, and then entered SPSS which is the software used in data analysis which was done according to the objectives and variables of the study. Descriptive statistics gave the summary about the data. This was expressed in mean and mode. The hypothesis shall be tested by computing the p-value to find out whether Uganda's refugee regime is the best among the East African partner states. The analysed data was presented in tables, graphs and charts. Presentation was done in a precise, systematic and orderly manner.

## **1.9 Chapter Outline**

Chapter one introduces the study. It is composed of background, statement of the problem, justification of the research study, the conceptual framework, empirical and theoretical evidence, research objectives, research questions, hypotheses and methodology of the study. Chapter two is looking international refugee regime came in to being. Chapter three analyses of the Uganda's refugee regime that will include the challenges and opportunities towards implementation of the regime.

Chapter four delves in to what lessons can be learned from Uganda's refugee regime by the East African partner states while chapter five is composed of the summary, conclusion and recommendations that can be adopted in further studies.

## CHAPTER TWO

### THE EVOLUTION OF THE INTERNATIONAL REFUGEE REGIME

#### Introduction

The 1969 OAU Convention and the 1984 Cartagena Declaration on Refugees<sup>47</sup> arose matters of enormous scale displaced person developments and the associations with inward difficulty and equipped clash were perceived despite the fact that at the time they were simply observed as territorial issues. Presently be that as it may, constrained relocations and displaced person developments are continuously perceived as happening all the more for the most part in the conditions of furnished clash or mass ejection.

The analysis and assemblage of lawful arrangements material to inside uprooted people, getting on outcast law and global compassionate law, the universal human rights law (by similarity, considering by definition it just relates straightforwardly to those outside their nation's fringes). This has anyway not been acknowledged for the exiles with he just fascinating most punctual connection being the UN General Assembly goals 33/165 of every 1978.<sup>48</sup> The effectiveness of the Convention has however been questioned with the continued tendency among human rights movements to separate children from leaving room for more work to be done to enhance efficiency. "Custodians" of various scopes of international law have in the past been largely focused on guarding their specificity and distinctiveness than developing the relationships between them.

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<sup>47</sup> Ibid P. 745

<sup>48</sup> Ibid P. 588

## 2.1 History of the Refugee Regime

The shortcomings and difficulties surrounding the present international refugee regime have negatively affected those that the authority is meant to protect.<sup>49</sup> Understanding the history is therefore crucial for one to comprehend the existing complexities. The international refugee regime has been built over time through a series of reactive measures produced by the regime. It has been created following a certain pattern: a conflict arises and an institution is set up so as to address issues of the conflict. At the beginning of time, there have been conflicts between various state and territorial entities. Quite often, the conflicts have resulted into dangers which necessitate the people to flee from their homes.<sup>50</sup> Despite the refugee problems having existed for a while, the international community has not found a shared sense of responsibility to offer services and protection to displaced persons.<sup>51</sup> The refugee dilemma was only truly recognized in the 20<sup>th</sup> century deserving a needing attention and solution. It was the League of Nations which in 1921 provided the first definition of the word refugee and begun what was later known to be the international refugee authority.<sup>52</sup> In the wake of the World War I and Russian Revolution, over a million people fled Russia to seek safety in other countries.<sup>53</sup> The relief effort was however lacking efficient coordination and communication measures with equivalents and to effectively mobilise resources to assist this group.

The following achievement for the universal displaced person system was on December fifteenth, 1946, during the founding of the IRO by the UN General

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<sup>49</sup>Triola Nicole, 2014. The international Refugee Regime: AS Failing System

<sup>50</sup>Kumssa, A., Williams, J.H., Jones, J.F. et al. Conflict and Migration: The Case of Somali Refugees in Northeastern Kenya. *Glob SocWelf* (2014) 1: 145. <https://doi.org/10.1007/s40609-014-0006-9>

<sup>51</sup>Erica. International Refugee Protection 50 Years On

<sup>52</sup> Ibid pp. 584

<sup>53</sup>Gilbert, On the History of the International Protection of Refugees.

Assembly.<sup>54</sup>The fallout of the Second World War was annihilating and the main worry of the IRO was the resettlement of evacuees from over the globe, instead of concentrating on restoration or reparation.<sup>55</sup>As the displaced person numbers flooded, it was winding up obvious that the foundation would not have the option to finish the resettlement by 1950, which was the year the association had been intended to get broken down. In organization with other various establishments, the IRO resettled more than one million individuals somewhere in the range of 1947 and 1951.<sup>56</sup>Because of proceeded with critical need of the IRO administrations, the Commission on Human Rights kept in touch with the Secretary-General mentioning to attempt an examination inspecting the exile circumstance and to make proposals for the UN to consider pushing ahead.<sup>57</sup>

The international refugee system was made through a progression of reactionary reactions to rough clashes over the globe which on the whole made the interwoven framework that is right now set up today. A significant number of the restrictions experienced by the framework are in this way best clarified through its creation. The Convention held in 1951 relating to the Status of Refugees ended up one of the most essential issues of the system as it was not initially drafted to help the heaviness of the whole worldwide system. The repercussions of the Word War II and the utilization of retrospection had required the formation of an assemblage of worldwide law and in this manner the drafters of the show were constrained to tending to the quick challenges that were confronting the global network.<sup>58</sup>

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<sup>54</sup> Ibid P. 729

<sup>55</sup> Gallagher, Dennis. (1989). The Evolution of the International Refugee System. *International Migration Review*, 23(3), pp.579

<sup>56</sup> Gilbert, On the History of the International Protection of Refugees.

<sup>57</sup> Ibid P. 588

<sup>58</sup>Wood Michael, *International Law and Use of Force: What Happens in Practice*, *Indian Journal of International Law*, Vol. 53 (2013) pp. 345-367.

This thus called for new legislations to fill in the gaps created by this backward-looking so as to build a successful International Refugee regime. One of the shortcomings of the convention held in 1951 is with regards to gender, where various groups of sees were missed. Those drafting the Convention had not in mind the concerns of LGBT refugees since the matter had not been acknowledged as of the time of fashioning the convention. LGBT acceptance is a topic of focus by the entire all countries in the twenty-first century.<sup>59</sup>There are efforts being put in place to put orientation on gender because the group deserves defence as enshrined in article 5 of the 1951 Convention, although it has proved not to be working.<sup>60</sup> Other United Nations institutions have made publications with directives and proposed clarifications on how gender should be defined.

There are two significant issues: hazy terms and overpowering carefulness controlled by the individuals who settle on the choices on haven applications. The lacking of clear significant definitions and terms has straightforwardly brought about leaders having an uncalled for measure of authority over those looking for exile status because of their gender. The different genuine impediment of the worldwide displaced person system talked about is that of States that are members of the EU made for not having the option to share troubles between themselves.<sup>61</sup>However, the international refugee regime is supposed to be a system for protection of the rights and provision of resources for those persons faced with life frightening persecution. New conventions, pacts and laws that are not reactionary but have a future focus must be drafted. The point of new enactment must be to support a global displaced person system, and the

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<sup>59</sup> UN, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 4 September 2018

<sup>60</sup>ICRC, Protocols Additional to the Geneva Conventions of 12 August 1949, May 2010

<sup>61</sup> Ibid pp. 78

framework ought to be custom fitted to the reason. Change can't be recommended; change must be requested.

## **2.2 International Refugee Law and Humanitarian Law**

The global refugee law and universal philanthropic law have a calculated parallel between them. Both were framed to address assurance of people in the hands of their home state.<sup>62</sup>On the other hand, global law for human rights was made to ensure people are not mistreated.<sup>63</sup>Global law on humanitarian rights has stretched its degree into non-worldwide equipped clashes, and picked up acknowledgment for identifying with all people inside the domain or locale of a State, regardless of whether just briefly; including during times of outfitted clash (however a few limitations can be connected to others that are not nationals when faced with crisis).<sup>64</sup>Within the refugee laws, similar developments are being witnessed but there is need for a radical rethinking.

### **2.2.1 The Changing Nature of Refugee Situations**

Non-Governmental Organizations (NGOs), just as others, have experienced the impediment to lawful reasoning and its application in the region of outcast security. This is due to the tendency by NGOs to abide by the law when working.<sup>65</sup> It is currently critical to acknowledge the rationale and actuality that all the three branches have been intended to improve the assurance of the human individual.<sup>66</sup>Partly, this may have happened since during the formation of the Office for the High

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<sup>62</sup>Brett Rachel and Lester Eve, Refugee law and international humanitarian law: parallels, lessons and looking ahead: A non-governmental organization's view, IRRC, September, Vol 3, (2001), pp. 713-726.

<sup>63</sup> Ibid P. 134

<sup>64</sup> Ibid P. 145

<sup>65</sup>Bret. Refugee law and Humanitarian Law

<sup>66</sup> Ibid 73



Commissioner for Refugees, the issue was only an impermanent issue that would before long be explained, and on the grounds that human rights in its earliest stages, thus the High Commissioner's order was seen as being "helpful". Essentially, the Cold War dynamic which described numerous long stretches of reactions under the 1951 Convention implied that the insurance of evacuees was not regularly totally recognized as "requiring" a reinforcement of universal law for human rights.

Simultaneously, the ceaseless idea of a portion of the dislodging circumstances that proceed without understanding one of the "conventional" displaced person ways to go back home and resettle in neighbourhood incorporation or a third nation has obviously demonstrated the need to reconsider or build up the assortment of law pertinent. In the ongoing past, NGOs started to recognize the requirement for global human rights laws to be connected to haven searchers and displaced people and to place without hesitation systems and universal and territorial human rights bodies apply the guidelines. The emerging inquiry is whether universal philanthropic law applies (past the particular articles in the 1977 Protocol I and the 1949 Fourth Geneva Convention that accommodate the treatment of outcasts as ensured people in circumstances of equipped clash).<sup>67</sup>

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<sup>67</sup>UNHCR Global Consultations on International Protection, 8-9 March 2001, Geneva. Statement by the ICRC on "The civilian character of asylum: Separating armed elements from refugees

## CHAPTER THREE

### A CRITICAL ANALYSIS OF THE UGANDA REFUGEE REGIME

#### Introduction

As compared to her neighbouring countries and beyond, Uganda is a renowned state in East Africa for hosting refugees. Majority of the refugees in Uganda originates from Congo, Burundi and S. Sudan. Since 1940s, Uganda has been praised for her generosity towards refugees.<sup>68</sup> The country has the best refugee policy amongst the East Africa partner states. Since the last three years, Uganda's international refugee policy has gained attention due to migration crisis in South Sudan, Sudan and Europe. Her neighbouring countries and East Africa partner states need to borrow lessons from this generous policy and analyse the practicability and sustainability in their context.

#### 3.1 Population of Refugees in Uganda

As refugees continue to capture attention in the world, it is of essence to note that approximately 84% of refugees are hosted in the third world countries meaning that they take the biggest share of the world's humanitarian burden.<sup>69</sup> With an annual per capita income of U.S. \$666, Uganda hosts over 2 million refugees.<sup>70</sup> In 2017, more than 1.5 million refugees had arrived with hundreds who kept on arriving on daily basis. The country has few resources to offer to the refugees and represents the

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<sup>68</sup>Charity Ahumuza, "Uganda's Refugee Protection Regime, 2017. <http://www.vidc.org/en/spotlight-online-magazine/spotlight-412017/ugandas-refugee-protection-regime/> on 21<sup>st</sup> April, 2019

<sup>69</sup>Edmond, Charlotte, 2019. 84% of Refugees Live in the Developing Countries. World Economic Review. <https://www.weforum.org/agenda/2017/06/eighty-four-percent-of-refugees-live-in-developing-countries/>

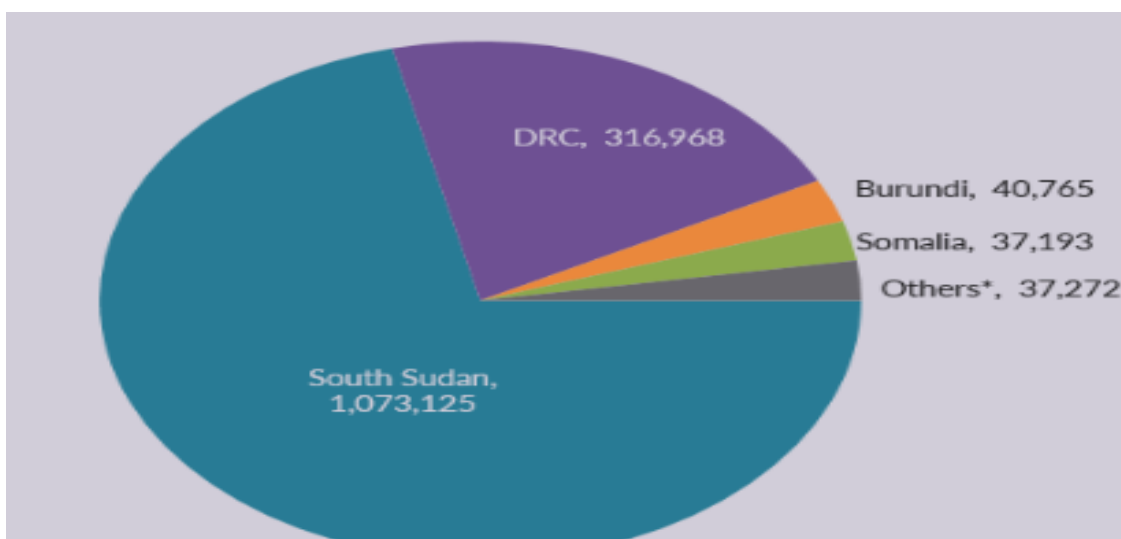
<sup>70</sup>CoggioTesa, , 2018. Can Uganda's Breakthrough Refugee- Hosting Model Be Sustained? Migration Policy Institute. <https://reliefweb.int/report/uganda/can-uganda-s-breakthrough-refugee-hosting-model-be-sustained>

exemplary policies for Refugees in Uganda. In 2016, the country's refugee population stood at approximately 573 000, majority of whom were South Sudanese, Congolese and Burundians. The refugees were resettled Western Uganda in a land gazetted for refugees.<sup>71</sup> Since 2016, Uganda has continued to receive more influx of refugees. On a daily basis, the country was receiving an average of 4000 south Sudanese which were fleeing from the 2015/2016 clashes from the newest state in Africa. As of 2018, Uganda had over 1.2 million refugees, the new ones being resettled in the Northern Uganda. The Bidibidi refugee camp is the biggest in Uganda, which up to 2018 was hosting over 270,000 refugees.<sup>72</sup> More than 71% of refugees in Uganda originate South Sudan. The refugee numbers are expected to have reduced with the normalising situations in South Sudan whether the Sudanese are gradually going back to their original home.

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<sup>71</sup> Momodu Sulaiman. 2019. Uganda stands out in Refugees Hospitality. African Renewal. <https://www.un.org/africarenewal/magazine/december-2018-march-2019/uganda-stands-out-refugees-hospitality>

<sup>72</sup>In November 2018, organizations supported under relief web raised a complaint to the international community on the large numbers of refugees hosted in Uganda and the mismatching funding.



**Figure 1: Refugees in Uganda as of July 2018. Source: Migration Policy Institute, 2018**

There are twenty refugee settlements in Uganda, distributed across 5 districts. In these districts, over 33% of the population is made up of refugees. Globally, this has been recorded to be the highest ration of refugees to the host population. All the districts are in Northern region of Uganda.

**TABLE 1: DISTRICTS IN NORTHERN UGANDA AND THE NUMBER OF REFUGEES THEY HOST**

District in Uganda	Number of Refugees Hosted.
Arua	271,000
Adjumani	257,000
Moyo	286000
Yumbe	286,000
Koboko	4620

### 3.2 The Progressive Refugee Framework in Uganda

Uganda's progressive refugee law for protecting human rights is protected by Uganda's act on refugees which was enacted in 2006 and refugee regulations which were formulated in 2010. The Uganda's refugee act of 2006 mirrors the UN convention held in 1951, that relates to the protection of refugees and the Convention organization to bring African Unity that was held in 1969, that govern exact features of refugees in Africa.<sup>73</sup> Uganda's refugee regime has been praised to be outstanding, worldwide.

Before the 2006 Act, the refugee management in Uganda was governed by the control of Aliens Act Cap 64 of 1960 (CARA).<sup>74</sup> This Act was very inconsistent with the international standards and did not have a criterion for claiming refugee status. It also lacked processes and structures for determination of refugees' status but only for group status and not individuals. Regardless of how much time they spend in the settlements, the refugees were not allowed to gain citizenship. The 2006 Act brought a new dawn to the refugees in Uganda. They now have rights and freedoms such as right to identification documents, right to poses and get rid of movable property, right to access elementary education and tertiary education and wards of certificates and diplomas that are recognized, right to engage in agriculture, right to engage in industry and commercial trade, right to practice your profession, right to access informal and formal job prospects and accessing courts for legal assistance.<sup>75</sup> The Act provides for freedom of worship and moving freely whereby refugees are allowed to

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<sup>73</sup>Lucy Hovil, Uganda's refugee policies: The history, the politics, the way forward, 2018. This paper was given significant input from YotamGidron. David Kigozi, Thijs Van Laer, Olivia Bueno, Andie Lambe and SalimaNamusoby (IRRI board member) reviewed the report and commented on it. IRRI shared a copy of the report with the Refugee Department of the Office of the Prime Minister (OPM) prior to publication, and discussed it with an OPM official on 15 October 2018 in Kampala.

<sup>74</sup>Ibid p.4

<sup>75</sup>Uganda Reform Commission. 2006. Refugees ACT 2006.

[https://www.ulrc.go.ug/system/files\\_force/ulrc\\_resources/refugees-act-2006.pdf?download=1](https://www.ulrc.go.ug/system/files_force/ulrc_resources/refugees-act-2006.pdf?download=1)

settle in refugee camps, towns. This allows the refugees to interact with the host communities. A refugee community is allowed to be located on agricultural land and exempted from work permit. There is special recognition of unaccompanied minors.<sup>76</sup>

### **3.3 Refugee and Host Population Empowerment in Uganda**

Uganda has taken initiative to promote safeguarding of refugees and to live peacefully with Ugandans. The Refugee and Host Population Empowerment (ReHoPE) is the self-reliance strategy of refugees in Uganda that was introduced by the government and UNHCR so as to reduce reliance of sustaining refugees through donor funding and address the socioeconomic needs of the Ugandans and refugees they host. The programme ensures that the host community benefits 30% of the assistance given to the refugees. Uganda does not view refugees as a burden but as contributors to national development.<sup>77</sup> In 2011 and 2016, Uganda conducted Universal Period Review Cycles and drafted the National Action Plan on Human rights that includes refugees. This is an aspect that other countries can draw lesson to learn from.

ReHoPE is working for more equal treatment of long of the poor host populations and the long-term refugees. It is however foreseen that the framework might bring coordination challenges and raise questions on who to lose. It might also bring a lot of resistance towards changing the status quo. Under ReHoPE, basic refugee services are embedded in the local government structures. The refugee primary schools in Uganda are integrated within the Uganda system, with the government doing all the operations, both in primary and secondary schools.

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<sup>76</sup>Ibid

<sup>77</sup>ReHoPE, The Refugee and Host Population Empowerment (ReHoPE) strategic framework in Support of Uganda's Inspirational Refugee Model, 2018. Retrieved from <http://global-smart.org/en/solution/refugee-and-host-population-empowerment-rehope-strategic-framework-support-ugandas> on 22<sup>nd</sup> April, 2019

Water operations that were introduced by the UNHCR were later handed over to the district authority, and the refugees are expected to pay local prices for the water. All these efforts have faced some resistance from the refugees, but they have been made to understand that the efforts are towards reducing the dependency syndrome in the refugee settlements. The major focus of this approach is livelihoods and to support UNHCR in their changing focus from protection alone, but to self-reliance and independence.<sup>78</sup>

There have been significant efforts to support both humanitarian needs as well as support development in the country. The UN Development program has introduced and facilitated training on sustainable farming and fishing and to support both farm and non-farm income generating activities. There is a public-private partnership funded by JICA to facilitate, market access of rice. All these efforts have been welcomed by advocates of development especially those that work with UNHCR with the long-term displaced persons.<sup>79</sup>

### **3.4 Uganda's Self-Reliance Strategy**

In 2015, Uganda was the ranked 3<sup>rd</sup> in Africa in hosting refugees. Other countries are Ethiopia and Kenya. This was not only due to the refugees from South Sudan, but also from Burundi and DRC Congo. The refugee arrivals from that time were amongst the lucky ones since Uganda is one of the best environments for refugees. According to the UNHCR<sup>80</sup>, Many countries will keep and restrict refugees in the camps while Uganda allows them to work, do business and be free in the country and access to

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<sup>78</sup>Kamanga, Khoti. "International Refugee Law in East Africa: An Evolving Regime." *Georgetown Journal of International Affairs* 3, no. 1 (2002): 25-35. <http://www.jstor.org/stable/43133472>.

<sup>79</sup> ReHoPE, 2018, Refugee and Host Population Empowerment Strategic Framework- Uganda. Retrieved from <https://reliefweb.int/report/uganda/rehope-refugee-and-host-population-empowerment-strategic-framework-uganda-june-2018-0> on 22nd April, 2019.

<sup>80</sup>UNHCR supports refugees in the world. In Uganda, UNHCR has been working with the office of the prime minister and district local governments in coordinating Refugee response in Uganda.

national resources. The line ministries in Uganda have response plans for refugees in areas of education, WASH, Infrastructure, health care, Environment and Energy which provide livelihoods and strategy. UNHCR is currently mobilising more resources to support these plans. Their aim is to support education, environment, livelihoods, and protection interventions, strengthen accountability and risk management.<sup>81</sup>

Up to April 2017, Uganda was hosting over 1 million refugees. Uganda's physical size same as that of the United Kingdom, yet the country was hosting more refugees than the combined European member states in 2015, when there was a huge European refugee crisis. Since South Sudan became an independent state, it has experienced two serious civil war and conflicts, one in 2013/2014 and the other one in 2016/2017. The war torn countries in the neighbourhood led to men, women and children fleeing away to the neighbouring countries. Most of these people were received in Uganda. In 2017 alone, approximately 2800 refugees were arriving in Uganda from South Sudan, on a daily basis.<sup>82</sup> The refugees suffered conflicts and famine, besides other basic human needs such as education, shelter and clothing. At this point, Uganda has largest refugee camp in the world, at Bidi Bidi in Northern Uganda. At some point, the UNHCR had described the refugee camp to be at a breaking point because it was hosting over 270,000 refugees.<sup>83</sup>

The Influx of refugees from S Sudan to Uganda was a humanitarian crisis. Uganda mattered in this point because it has the most progressive refugee policies world-wide. The country has a self-reliance strategy, which allows refugees to seek

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<sup>81</sup>Retrieved from <http://reporting.unhcr.org/node/5129> on 21<sup>st</sup> April, 2019.

<sup>82</sup>UNHCR, 2017. Breaking Point' imminent: Government of Uganda, UNHCR say help for South Sudan refugee inflow urgently needed

<sup>83</sup>Ibid p.2



employment and move freely. The policies have allowed Uganda to absorb more refugees. The strategy has given refugees unparalleled chance to engage with markets. The refugees can access land for agriculture and those in town can engage in businesses.

The Refugee policy for Uganda has received a lot of praises from the UN refugee Agency. In the nine refugee districts in Uganda, 30 per cent of the donor funds for refugees goes to the host community who are also allowed to access the services that are meant for refugees. For instance, Nsamizi is a vocational training institute that work with approximately 230 cooperatives members whom are both Ugandans and Refugees.<sup>84</sup>

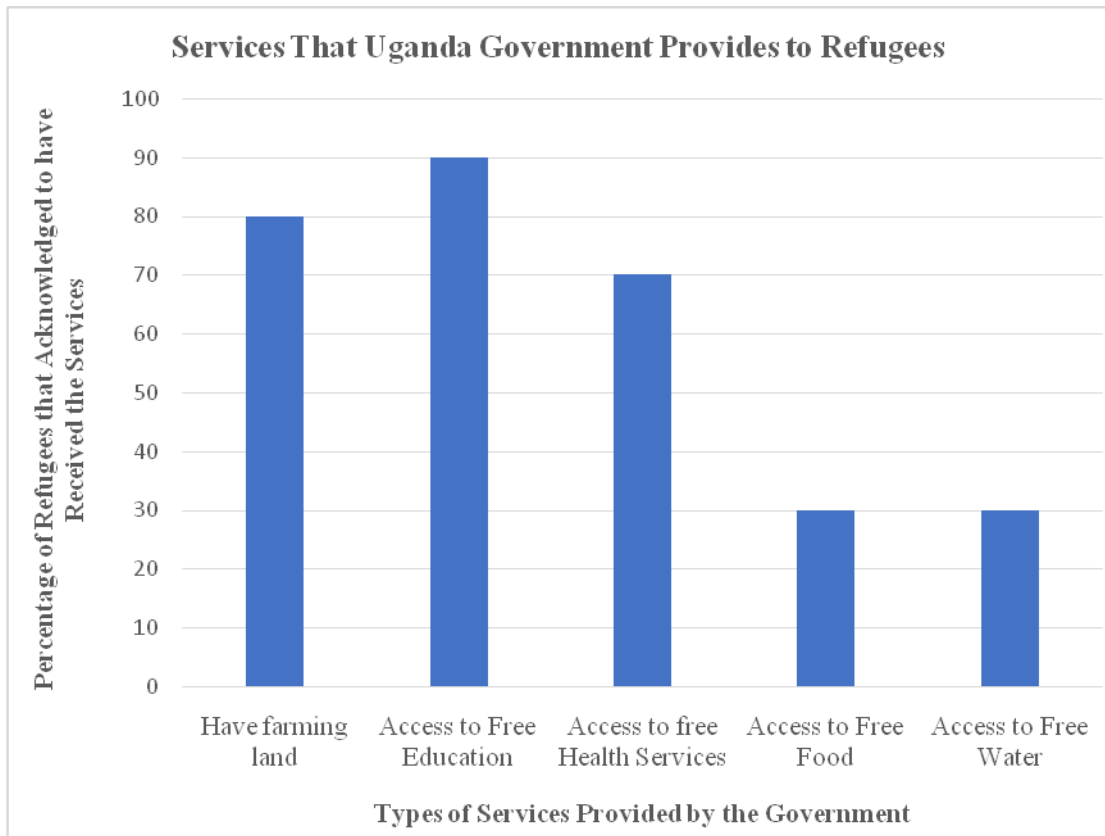
The self-reliance strategy has benefited all without discrimination. Majority of the refugee households in South Sudan have an income generating source, which reduces dependency levels in the country. In Kampala and other towns, refugees run businesses that have employed locals and other refugees, therefore creating employment opportunities. Studies have shown that economically, Uganda benefits from the refugee's presence. The benefits range from source of labour for their industrial sectors, farms and other jobs, customers to their products and from markets. Old refugee camps such as Nakivale, Kyaka II and Kyangwali have thriving markets that connect to wide commercial networks. These camps host a variety of refugees such as Somalis, Rwandese, Congolese, Burundians and South Sudanese.<sup>85</sup>

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<sup>84</sup> Lydia Poole, 2019. The Refugee response in Northern Uganda. Resources beyond International humanitarian assistance

<sup>85</sup> Betts, Uganda's progressive Refugee Policies have survived the influx of people fleeing South Sudan, 2017. <https://www.independent.co.uk/news/world/politics/can-uganda-s-progressive-refugee-policies-survive-the-influx-of-people-fleeing-south-sudan-a7681856.html>

Interviews conducted from 100 sampled refugees revealed that 80% of the refugees have access to farming land, 90% have access to education, and 70% have access to health services while 30% had access to free food and water. These are extremely encouraging statistics based on the fact that it is refugees reporting on the services they gain from a foreign country.



**FIGURE 2: SERVICES THAT UGANDA GOVERNMENT PROVIDES TO REFUGEES**

The statistics illustrated in the above figure conform to the favourable refugee policies in Uganda. The refugees are settled, provided with basic needs to get started with life and allocated with nine by nine metre plot of land to do farming. By this the refugees can produce food for their household. However, one refugee in Kyangwali<sup>86</sup> refugee settlement reported that with the high numbers of refugees that were reporting

<sup>86</sup>This was reported by Emmanuel from DR Congo

to the camp in 2016/2017 were not allocated farming land because there was more land set aside by the government. Initially, the refugees were being allocated with bigger parcels but with time, the plots have been reduced in size while others cannot continue farming because there is totally no land for farming.

Uganda began allocating refugees a farming land in the early 1960s, a policy which ensured that the refugees were able to produce food for family use. Possession of the land remained with the government of Uganda. The refugees were also allowed to build small mud homes in the parcels they were allocated. The overall goal for this policy was for the refugees to be self-reliant and be able to feed themselves. As there many refugees from Congo in 2018, the government reorganized the settlements so that on one side, there was settlement, and on the other, there was extensive agriculture.<sup>87</sup>

Access to education was highly scored by the refugees and the residents of Uganda. The government has education policy that allows refugees to study in the same schools and classrooms as the residents. Refugees were happy about the policy and had embraced the opportunity by taking their children to school. In Kyangwali Refugee Settlement, it was reported that primary education was not difficult to afford by the refugees, secondary education for the refugees was not realized and fulfilled. This was associated with challenges such as inadequacy, deprivation, discrimination and marginalization. The refugees highly valued and regarded secondary education since they knew that it opened their doors to employment and self-reliance. The refugees had a challenge to going to secondary schools due to age, language barrier, discrimination, poverty and lack of school fees. Similar findings have been

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<sup>87</sup>Halima Athumani, Uganda Pressed for Land Amid Refugee Influx, 2018.

documented through a study that was carried out in Kyaka II and Navikale Refugee camps.<sup>88</sup>

The increased numbers of refugees in Uganda has been accomplished through a corresponding and integrated care of the national and international community. The government and aid agencies in Uganda are working to promote integration of services. The integration of the services has been enhanced by the Uganda National Integrated Response Strategy for Public Health 2014-2018 which has been used by the UNHCR. South Sudan has worked in promoting the health of the residents and refugees, but not without challenges. Public health response in the developing countries remains a big challenge due to weak health systems caused by inadequate funding, high disease burden and low human resource capacity. Integration of health services should be promoted to improve efficiency as well as equality in health service delivery.<sup>89</sup>

The scores for food and water accessibility by refugees in Uganda were relatively low. Poverty in Northern Uganda limits people from accessing nutritious and quantity food in the region. In December 2018, South Sudanese refugees in Bidibidi camp went on strike for the lack of food. The strike was as a result of introduction of new policies which forced refugees to walk for long distance to get food, some of whom missed the food. The refugees broke the gate for World Food Programme, stole food, destroyed documents and went away with office equipment such as laptops.<sup>90</sup>

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<sup>88</sup>Sylvia Bohibwa, *The Right to Education of Refugee Children in Uganda*, 2011

<sup>89</sup>BioMed Central, *Integration of Health Services, Access and Utilization by Refugees and Host Populations in West Nile Districts, Uganda*, 2019.

<sup>90</sup>Ariaka Robert, *Refugees Strike over Lack of Food*, 2018

The international agencies working with the government of Uganda has worked in providing clean water for refugees in the country. In January 2019, the refugee camps in Uganda were hit by water crisis to the drought that hit hard most parts of both south and Northern Uganda. The condition was worse such that school children had to skip classes to que for the scarce commodity, accompanied by their mother and women in the households.<sup>91</sup>

### **3.5 Challenges and Opportunities of Uganda's Refugee Regime**

The role played by Uganda in hosting refugees and making them feel at home has been assumed that will continue since the president, Yoweri Museveni has always been in support of the policies and his commitment is unwavering. In the recent years, the Syrian crisis has been more vigorous with more people fleeing their homes to seek for refuge elsewhere. Refugee budgets from the international community have left Uganda together with other African countries and have been focussed on the Syrian crisis.<sup>92</sup> However, Uganda has quietly accepted the change and continued to accept significant numbers of refugees especially in 2015, 2016 and 2017 when South Sudanese and Congolese were fleeing in to the country. With the underfunded humanitarian appeals, food and shelter have been prioritised while long term support for education and livelihoods may not be feasible in future.

In 2017, Uganda was overwhelmed with the huge numbers of refugees and really needed to be supported by the international community. The country did not send any refugees away, but continued to accommodate them. Uganda has continued with their approach which should not be taken for granted. As the population in Uganda is growing and the challenge on unemployment, the country's opposition is

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<sup>91</sup>East African Magazine, Water Crisis Hits Uganda Refugee Camps, 2019

<sup>92</sup>UNDP, *Uganda's Contribution to Refugee Protection and Management*. 2017.

likely to use refugees as a political agenda.<sup>93</sup> The international community therefore needs to take steps to ensure that Uganda's refugee policy remains sustainable as it was always meant to be.

There are complex politics in Uganda that the international community must understand. Partly, the international refugee regime has been unique in Uganda because of various reasons. One, Uganda has a surplus arable land that can be allocated to refugees, but this has also been possible due to politics. The country operates under no-party democracy; leaders rely on backing to retain power and their networks of support.

Secondly, like other countries, Uganda values external recognition. Therefore, historical leaders have been fighting for and supporting the progressive refugee policy not because they wanted to support the refugees, but because they wanted to access and distribute resources in their respective refugee hosting units. For instance, Brigadier Moses Ali, a cabinet serving minister who was there since the days of Idi Amin led discussions with the West in 2000s to be independent because his constituency, Nile Valley benefitted directly from the support given to refugees by the Westerns.<sup>94</sup> With this point noted, the international community ought to understand that they need to keep the Uganda leaders happy.

Refugees must be helped to build a living like the international community investing in the communities hosting refugees. It can be very difficult to host and support refugees if the hosts do not share the benefits in terms of services, markets and social amenities. The host communities in Uganda have recognised and enjoyed

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<sup>93</sup>UNDP, *New Responses to the Refugee Crisis: Promises and Challenges in Uganda*, 2017. retrieved from <https://reliefweb.int/sites/reliefweb.int/files/resources/ugandacasesstudy.pdf> on 22nd April, 2019

<sup>94</sup> Retrieved from <https://theconversation.com/can-ugandas-progressive-refugee-policies-survive-the-influx-of-people-fleeing-south-sudan-75882> on 22<sup>nd</sup> April, 2019.

these benefits. Supporting refugees' livelihoods and availing capital to them allows interaction in markets.

For Uganda to continue absorbing and sustaining large numbers of refugees, it requires assistance that is beyond humanitarianism. SMEs in Uganda need access to capital for locals and refugees to engage in entrepreneurship. Foreign direct investment is necessary for sector-specific economic growth. The investors can build companies that not only support corporate social investment, but also but generate agrarian markets for farmer's products. With the introduction of ReHoPE and being asked to pay some fee for services such as water and sanitation, refugees resisted because they felt that they were being their rights. However, they were meant to understand that this was for the sustainability of the program. Linking humanitarian with development has been a challenge since humanitarian programs are funded for a period of one year. This is not enough period and money to implement development projects. ReHoPE is facing funding issues but some donor such as joint UN-World Bank program have committed money to enhance the program.<sup>95</sup>

Refugees in Uganda have shown increasing levels of self-employment, but they struggle un their business ventures due various challenges. Language barrier, xenophobia, lack of initial customers has always been a challenge.<sup>96</sup> As ReHoPE program prioritises livelihoods, this is of less priority to fresh refugees with other urgent like food and shelter mostly for children and women. Linking humanitarian and development is about seeing development of the two linked. However, attention is still paid to the needy refugees. Vulnerability assessments are conducted often to find out the condition of the refugees. The government's self-reliance strategy and

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<sup>95</sup>De Renzio, "Accountability Dilemmas in Foreign Aid", 2016

<sup>96</sup>Hussein, M. and L. Azoulay, helping refugees become self-reliant: The Ugandan model. Great Insights Magazine - Volume 7, Issue 1. Winter 2018.

ReHoPE overemphasises on farming and technical skills such as mechanics, tailoring and such. They overlook professionals such as doctors, teachers, nurses, lawyers and such. Certificates of professionals who are refugees in Uganda are rarely recognised.<sup>97</sup> There have been considerable efforts to have opportunities for refugee professionals in Uganda.

There have been some few cases of resentment where local communities believed that refugees are given better services than them, e.g. receiving better treatment in hospitals. In Northern Uganda, the host community complain that they have given their land for use by refugees yet the government gives better services to the refugees than the residents., the residents did not have food, but refugees were supplied with enough food. The residents reported that they did not have proper medical services but the refugees who came were given medical services. The host communities lacked water while there was plenty of water in the refugee camps. The communities felt that the government was doing a lot to assist them. Some demanded to get priority jobs with the NGOs that serve the refugees.<sup>98</sup> Initiatives to promote peaceful coexistence and to promote good neighbourliness have been enhanced by ReHoPE. Joint livelihood programs for refugees and host community promotes good neighbourliness. In some districts in the North, there have been a number of occasions where the number of refugees equalled the number of host community. This brings about competition for resources. Ugandans have been nurtured to develop a positive attitude towards refugees. This has been enhanced through the Refugee Law project.<sup>99</sup>

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<sup>97</sup>UNESCO, the 2019 Global Education Monitoring Report highlights numerous pioneering initiatives being taken by Chad, Ethiopia, Kenya, Rwanda and Uganda for the education of refugees, 2018. Retrieved from <https://en.unesco.org/gem-report/sites/gem-report/files/4%20-%20Sub%20Saharan%20Africa%20-%202019%20GEM%20Report.pdf> on 22<sup>nd</sup> April, 2019.

<sup>98</sup>Athumani, Uganda Pressed for Land Amid Refugee Influx. 2018.

<sup>99</sup> Retrieved from <https://www.devex.com/news/in-uganda-a-new-approach-for-refugees-and-for-ugandans-88774> on 21<sup>st</sup> April, 2019



The structure of the refugee regime has taken into account the foundation of Civil Society Organizations (CSOs) to supplement government mediations. The Refugee Law Project (RLP), an out-achieve task of the School of Law Makerere University, is one such activity.<sup>100</sup> Set up in 1999 with the centre objective of giving free legitimate help to refugees, the RLP has extended its order to giving direct lawful and psychosocial bolster administrations to constrained aliens in Uganda including exiles, asylum seekers, deportees and internally displaced people. With seven workplaces and near 100 staff, the RLP works under five topical projects specifically: Access to Justice, Gender and Sexuality, Mental Health and Psycho-social prosperity, Conflict Transitional Justice and Governance, and Media for Social Change.<sup>101</sup>

WFP has been appropriating money among exiles, as a team with the Uganda Government and UNHCR, since 2014. Money based exchanges not just engage individuals by enabling them to choose for themselves what they consume, but also helps to give them influence.<sup>102</sup> This lift, as confirmed by the investigation, expands the quality of the refugees' commitment to the nearby economy. Presently, WFP is helping 650,000 evacuees, 10% of whom are accepting their nourishment help with the type of money exchanges. WFP is growing its utilization of money exchanges to achieve in excess of 200,000 exiles by mid-2017.<sup>103</sup>

While political reasonableness as a primary impelling cause for positive change isn't generally awful in as much as there is basic augmentation to utilize that

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<sup>100</sup>Black, R., Fifty years of refugee studies: From theory to policy. *International Migration Review*, 35(1), (2018) 57-78.

<sup>101</sup>Sanyal, R. A no-camp policy: Interrogating informal settlements in Lebanon. *Geoforum*, 84, (2017). 117-125.

<sup>102</sup>Lucy Hovil (2018). Uganda's Refugee Policies: The History, the Policies and the way forward: Rights in Exile Policy Paper.

<sup>103</sup>Zhu, H., Filipski, M., Valli, J., Gonzalez, E., Gupta, A., & Taylor, J. E. Economic Impact of Refugee Settlements in Uganda. *World Food Programme, Kampala, 2016. Retrieved from: <http://documents.wfp.org/stellent/groups/public/documents/communications/wfp288256.pdf> List of formal interviews conducted.*

liberality, it is basic that motivation is enough fathomed. To begin with, there is a threat that the advancement of dynamic displaced person strategies winds up being mostly an expository exercise and, in this way, the arrangements are in actuality close to window dressing. This is doubly risky: in addition to the fact that it means that they neglect to convey, however they make a smoke-screen that presses out significant discourse and discussion on powerful choices.

Likewise, the formal reception of new universally sponsored approaches very effortlessly includes a lot of procedural work at the high levels of governance yet is principally adapted towards keeping up the current situation on the ground in the refugee facilitating locale instead of acquainting any progressions with it. The hazard isn't just that apparently dynamic approaches just continue the current circumstance, however, that simply like the more established refugee arrangements they should enhance or "change", they are underlined by tricky targets that practically speaking diminish refugees' entrance to security, rights and sturdy arrangements<sup>104</sup>. The SRS, for example, defended a continuous spotlight on settlements, which legitimately and basically confine displaced people's opportunity of development. The 2006 Refugee Act apparently tried to change this legitimately, yet the act of settlement-based guide arrangement kept the viable limitation set up and, shockingly, the CRRF has not switched this pattern.<sup>105</sup>

In this way, refugees in municipal territories in Uganda – including her neighbours keep on being to a great extent barred from any help past a legitimate status, and some of the time can't get to even that. Again, in this manner, evacuees are

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<sup>104</sup>Chimni, B. S. From resettlement to involuntary repatriation: towards a critical history of durable solutions to refugee problems. *Refugee Survey Quarterly*, 23(3), (2004) 55-73.

<sup>105</sup>Lucy Hovil Uganda's Refugee Policies: The History, the Policies and the way forward: Rights in Exile Policy Paper, 2018.

adequately being characterized as the individuals who reside in assigned settlements. It is nothing unexpected that approach by UNHCR undertaken in 2009 h on outcasts in urban territories, never pulled in similar dimensions of consideration and excitement that settlement/camp-centred strategies did, in Uganda as somewhere else. Generally speaking, and not just in Uganda, rejection remains "the default position for the individuals who have been banished from their state." <sup>106</sup>

Additionally, in the midst of the developing spotlight on access to administrations and independence, the possibility of neighbourhood coordination and access to citizenship as a tough answer for the state of extended constrained uprooting has been for all intents and purposes surrendered. In Uganda, the CRRF mainstay of "extended arrangements" explicitly alludes to arrangements in 3<sup>rd</sup> nations, a strong arrangement that the government can do less to advance and is so once in a while accessible to exiles that nobody genuinely believes it to be a feasible answer for any significant number of them. Resettlement openings are astoundingly restricted all around, yet considerably in Uganda. Refugees know about this, obviously, and there has been a slight yet outstanding pattern among South Sudanese evacuees as of late to leave Uganda for Egypt, the same number of accepts that they are bound to be resettled from that point.<sup>107</sup>It makes one wonder with respect to how the framework can work in the event that one of the three pillars is so obtrusively affronted.

The securing of land for evacuee settlements, for example, is regularly underestimated and displayed as a direct procedure in which neighbourhood networks basically surrender their territories out of unity with exiles and apparently with the

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<sup>106</sup>Hovil, L., & Lomo, Z. A., Forced displacement and the crisis of citizenship in Africa's Great Lakes region: Rethinking refugee protection and durable solutions. *Refuge: Canada's Journal on Refugees*, 31(2). (2015).

<sup>107</sup>Hovil. Uganda's Refugee Policies

expectation that new resettlements will upgrade advancement and animate monetary development. In all actuality, the procedure is regularly exceedingly dangerous. As an ongoing IRRRI paper appeared, a few networks in the Acholi area, where arrive was as of late gained to suit South Sudanese exiles, are both wary of the administration's goal to restore the. Majority are from South Sudan and comparable complaints arise in different parts of northern Uganda.<sup>108</sup>

What need to be recognized is that in the days of policy making, and haggling power the refugees are stumpy: while worldwide on-screen characters have the assets and the administration has the ability to endorse the strategy that universal performing actors need to see actualized, the locals and exiles have neither monetary assets nor adequate political use to impact the arrangements that are intended to profit them.<sup>109</sup>

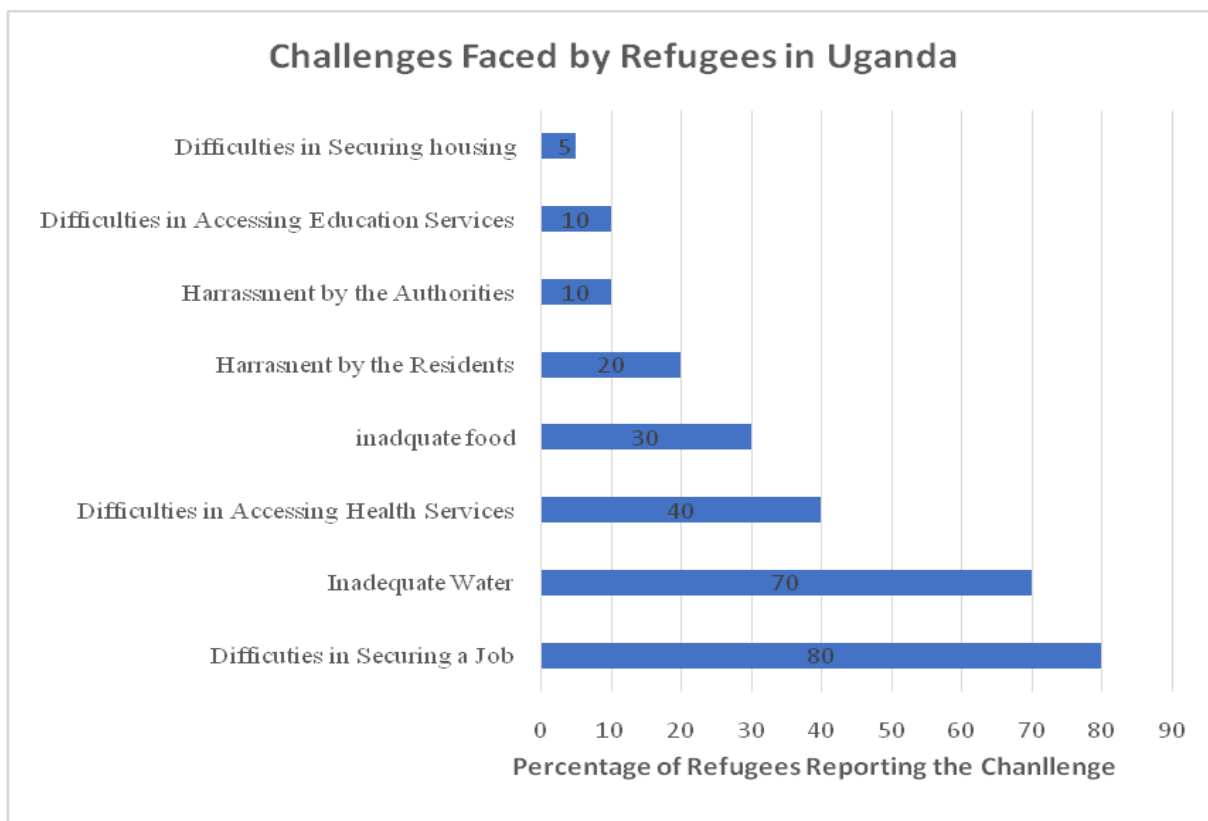
The inability to adequately consider the various neighbourhood settings in which refugees are being facilitated in both northern and West Nile Uganda where they are recouping from long periods of civil war by those in administration and other numerous renegade groups. Not just did clashes devastate jobs but also led to displacement and aggravation– in particular underestimation of northern and north-western Ugandan people group and nearby experts by the national government. A portion of this disappointment and dissatisfaction is as of now happening in Northern part of Uganda, where non-displaced person related issues, are rapidly unwinding into brutality focused at the exile reaction on-screen characters.

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<sup>108</sup>Sanyal, R. A no-camp policy: Interrogating informal settlements in Lebanon. *Geoforum*, 84,(2017) 117-125.

<sup>109</sup>Clements, K. T., Shoffner, T., &Zamore, L., Uganda's approach to refugee self-reliance. *Thinking*. 2016.

The study documented 8 challenges that were reported by the 100 refugees sampled from the population. 80% reported that they had difficulties in securing a job in Uganda, 70% reported that they cannot access and afford clean water. Accessing health services was a challenge reported by 40% of the respondents while inadequate food in their households was reported by 30% of the refugees. Other challenges reported by the refugees were harassment by residents (20%), harassment by Police (10%), Difficulties in accessing education services (10%) and difficulties in Securing Housing reported by 5%. The government of Uganda was committed to implementing their policies in providing for the basic needs and social amenities as well as protecting the rights of refugees hosted in the country. The figure below summarises the hardships faced by the refugees in Northern Uganda.



**FIGURE 3: CHALLENGES FACED BY REFUGEES IN UGANDA**

### **3.6 Conclusion**

A lot of credit must be given to the government of Uganda and her community for receiving refugees and giving them the required hospitality and settling them on their land. Uganda has vowed to continue providing home and safety to refugees. There have been various initiatives under Uganda’s refugee regime, to keep them outshining other countries in East Africa. The Refugees Host and Empowerment Programe, the self-reliance strategy, the Refugee Law Project based at Makerere University, amongst other initiatives. In their Undertakings, Uganda has been faced with various challenges, but the country’s strong leadership focus on the affairs of refugees and benefits, the country is not despairing but forging ahead with humanitarian and development projects mean to build refugees and their hosts.

## CHAPTER FOUR

### THE UGANDA REFUGEE REGIME: LESSONS FOR THE EAST AFRICAN PARTNERS STATES

#### Introduction

Uganda achieved her independence in 1962 and since then, she has been hosting refugees. The country has been hailed world-wide for her progressive refugee regime, whereby her refugee laws and policies have been described to be very generous. In 2016, the United Nations Summit described policy for refugees in Uganda as a model to be emulated. The refugee Act passed in 2006 and the 2010 Refugee Regulations allows refugees to integrate with the hosts and access same public services like hospitals, schools and others. Refugees in Uganda have access to labor market, can engage in business. They have been granted freedom of movement and pursue livelihood opportunities.<sup>110</sup>

The government of Uganda through donor funding has been hosting thousands of refugees from the neighboring South Sudan, DRC Congo and Burundi. Today, Uganda hosts refugees in large numbers. It ranks third globally, after Turkey and Pakistan.<sup>111</sup>

#### 4.1 Open Door Policy for Refugees

While thousands of women, children and men flee their countries due to conflicts and disasters, some countries are still not sure whether to accept or reject the refugees and asylum seekers. Even those that have accepted, they do not make them feel at home.

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<sup>110</sup>UNDP, Uganda's contribution to Refugee Protection and Management, 2017.

<sup>111</sup>Ibid P.4

Uganda has beaten the odds through an open door policy which has allowed refugees seek protection in the safe nation. The open door policy is based on our traditional way of Africans of welcoming visitors, no one that is running for safety should be turned away. Uganda is poor countries with her own challenges which have not stopped her from maintain their policy of accepting refugees. Uganda's economy is growing slowly at the rate of 4.5% but they have continued to be applauded as the most refugees' generous country in the world.<sup>112</sup> The international community has recognised Uganda for the exemplary refugee policy which has been used today and in the past. The country has remained a symbol of integrity with regards to refugee protection regime. Not many countries in the world respect refugee policies or even have the policies for provision and protection of refugees.

#### **4.2 Refugees in Uganda Live in Resettlements**

In Uganda, refugees live in settlements and not camps per se. The government provides them with plots of land to practice agriculture and construct shelters so as to be self-reliant. This empowers refugees as well as giving them rights as citizens. Every refugee has been given this right regardless of their country of origin, or ethnicity.<sup>113</sup> Uganda has 28 settlements for which are homes to over 1.5 million refugees.<sup>114</sup> One of the newest settlements is the Bidi Bidi Refugee resettlement in north-western Uganda, which up to December 2018 was hosting 270,000 South Sudanese Refugees.<sup>115</sup> As of 2017, Bidi Bidi was the ranked the largest of aññ refugee settlements globally. Achol-Pii refugee settlement is the largest settlement in Uganda

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<sup>112</sup> SulaimanMomodu., Uganda Stands out in Refugee Policy, 2017. Retrieved from <https://www.un.org/africarenewal/magazine/december-2018-march-2019/uganda-stands-out-refugees-hospitality> on 22<sup>nd</sup> April, 2019

<sup>113</sup>Ibid p.5

<sup>114</sup>UNHCR data portal. 2018

<sup>115</sup>With the ongoing peace talks in South Sudan, IOM and UNHCR has recorded significant numbers of South Sudanese going back to their home country.



which was receiving Congolese in the 1960s which was closed in 2002 due to insecurity.

### **4.3 Freedom of Movement and Right to Employment for Refugees**

Moving freely is a basic human right which greatly enhances refugees to enjoy other human rights. By refusing the refugees the freedom to move freely, their quality of life is threatened. Denying refugees freedom of movement does not make any empirical sense and is against the Universal Declaration of Human Rights.<sup>116</sup>

Uganda's refugee policy provides for freedom the right to move freely and right for employment for Refugees and right to own property. Freedom of movement allows refugees to participate in social and economic life to attain self-sufficiency. Some refugees are taken through vocational training and given capital to start businesses. When refugees are given tools and opportunities, they are no longer a burden to the host community. Actually, their engagement in business is a boost to the economy of the host community and the entire country. Refugees in Uganda have brought new ideas and turned some sleepy villages in to dynamic business hubs.<sup>117</sup> Women have joined hands to establish women groups and run businesses together. The women groups are based on mutual trust in the settlements.

The UN Capital Development Fund together UNHCR, NetHope and other partners have turned to private sector for help. They appealed to mobile providers to extend network coverage to new refugee settlements in Norther Uganda. MTN, Airtel and Africell have installed cell towers across the region and brought internet access to millions of host communities and refugees. The improved connectivity is now

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<sup>116</sup>Hovil Lucy & Chrispus Okello. The Right to Freedom of Movement for Refugees in Uganda

<sup>117</sup> NRC, 2018. Refugee entrepreneurs boost host communities, 2008. Retrieved from <https://reliefweb.int/report/uganda/refugee-entrepreneurs-boost-host-communities> on 22nd April, 2019.

enhancing food and medicine distribution as well as distributing grants to refugees through mobile money as capital for their small scale enterprises. This is part of Comprehensive Refugee Response Network (CRRF) that calls for more actors and partners to be involved in refugee response. Through the internet, young Ugandans and refugees can access online learning platforms which are a good and affordable learning option for those that cannot afford huge fees or full time schooling.<sup>118</sup>

#### **4.4 Public Services Are Shared by Refugees and Host Communities**

##### **4.4.1 Education**

Uganda encountered an overwhelming inflow of displaced people somewhere in the range of 2016 and 2018 making it one of the biggest outcast facilitating nations on the planet. The gigantic evacuee inundation was an extraordinary compassionate emergency which was additionally considered as a youngsters' emergency where kids under 18 years old where kids made 61% of the populace. The youngsters in the host networks are influenced by this deluge as the exile kids now and again dwarfed the host network kids. The administration of Uganda has been giving equivalent rights to outcasts and haven searchers. The privilege to instruction is among those rights which were submitted through the displaced person Act 2006, Refugee Response Framework for Uganda, Refugee Regulations 2010 and the Education Sector Strategic arrangement 2017-2020. Exile kids in Uganda are treated with a great deal of poise.

Education gives hope to all children despite their origin, or ethnicity. Education brings normalcy to the lives of children after a long suffering. Children in challenging conditions are provided with a protection mechanism so that they are able

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<sup>118</sup>UNHCR., For Refugees and Locals in Uganda, the internet is changing lives, 2018. Retrieved from <https://www.unhcr.org/news/stories/2018/9/5ba8b3ba4/refugees-locals-uganda-internet-changing-lives.html> on 22dn April 2019.

to cope with the difficult conditions and attain full potential in their lives. Education has the potential to break and end the vulnerability brought about by conflicts, civil wars and displacements. Uganda's education response plan is for all, Refugees and their hosts. The plan was developed to ensure that learning outcomes are improved for the ever increasing numbers of all children. Various stakeholders have had a stake in ensuring that children raised in Uganda get the right education. CSOs, UN Organizations and the Ministry of Education and sports have assisted through generous financial assistance, technical expertise and practical input. These partners have supported to ensure that children can access inclusive and quality education.<sup>119</sup>

The phenomenal enormous inundation of Refugees in Uganda in 2016 and 2017 put weight on the nation's administration arrangement in particularly well-being and instruction. Today in Uganda, evacuees share all the social administrations together with the host networks. The displaced person facilitating areas are the least fortunate, so flood of exiles apply weight on the effectively constrained assets. Uganda has therefore organised so that there is coordinated education delivery. There is change from humanitarian focus to integrated services for sustainability. There have been deliberate efforts from the other sectors to support education section in terms of health, nutrition, Child protection, WASH, livelihoods and Gender. In their education strategic plan, Uganda uses multiple funding modalities. The ministry of Education and Sports funds the district school programmes as various development partners are

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<sup>119</sup>Ministry of Education and Sports., Education Response Plan for Refugees and Host Communities in Uganda. 2018. Retrieved from [http://planipolis.iiep.unesco.org/sites/planipolis/files/ressources/uganda\\_education-response-plan-for-refugees-and-host-communities-in-uganda.pdf](http://planipolis.iiep.unesco.org/sites/planipolis/files/ressources/uganda_education-response-plan-for-refugees-and-host-communities-in-uganda.pdf) on 23rd April, 2019.

also encouraged to fund the programmes to cater for the dire needs children in Uganda.<sup>120</sup>

#### **4.4.2 Health Services**

Health services in Uganda are the responsibility of both public and private sub-sector. Each of the sub-sectors covers 50% of the described outputs. The health systems in Uganda consist of district health communities, village health teams and health centres. There are also referral hospitals in the region and national ones. District health hospitals are managed by local governments. Community health departments manage the referral hospitals.<sup>121</sup>The government health care units and hospitals in Uganda take care of both the host communities and the refugees. The Health care facilities take care of in-patient, out-patient consultation, nutrition, screening / treatment, immunization, referrals, HIV/ TB services and mental health/ psychosocial support.

In 2019, Uganda propelled Health Sector Integrated Refugee Response Plan (HSIRRP). The arrangement makes a chance to guarantee a well-planned access to wellbeing administrations by the two exiles and the host networks. Uganda has consistently been on the lead in executing the Comprehensive Refugee Response Framework (CRRF). The nation has additionally demonstrated promise to the Declaration that was made in 2016 in New York on Refugees and Immigrants, the UN

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<sup>120</sup>Ibid p,44.

<sup>121</sup>Ministry of Health. The Second National Health Policy. Promoting people's Health to Enhance Socio-economic Development. 2010. Retrieved from [http://www.who.int/profiles\\_information/images/6/6f/The\\_Second\\_National\\_Health\\_Policy.pdf](http://www.who.int/profiles_information/images/6/6f/The_Second_National_Health_Policy.pdf) on 23rd April, 2019.

1951 show and the Global minimal on Refugees which requires the general public to remain in solidarity with outcasts.<sup>122</sup>

The Integrated plan is a great step forward for the health sector in Uganda for a healthy and productive refugee and host communities. The plan shall contribute to economic growth, national development and harmonious co-existence. The purpose of the plan is to upsurge equitability with regard to access of excellent health services to both refugees and boost communities, to mobilise and manage resources and to strengthen governance, leadership and coordination in the controlling of the integrated refugee health response. In the plan, there is critical donor support needed to implement it.<sup>123</sup>

#### **4.5 Conclusion**

Uganda is a low income country that hosts big numbers of refugees in Africa, since 2016. With the high number of refugees, there have been massive demands by refugees for essential services such as schools and hospitals. Even with limited resources, Uganda has extended her African hospitality and shared their resources with refugees from DRC Congo, Burundi, South Sudan, Somalia and Rwanda. The Comprehensive Refugee Response Framework was adopted by 193 UN member states in 2016. Since then, Uganda has been developing detailed plans in Education and health sector to accommodate refugees.

The open door policy in Uganda has enabled welcoming of refugees and giving them land for farming, allow them to move freely and right to jobs as well as to

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<sup>122</sup>Action Against Hunger. Uganda Launches Health Sector Integrated Refugee Response Plan.2019. Retrieved from <https://www.actionagainsthunger.org/story/uganda-launches-health-sector-integrated-refugee-response-plan> on 23<sup>rd</sup> April, 2019.

<sup>123</sup>Ibid p1. Paragraph 3.

operate businesses and own property. Uganda's refugee regime has proved to be the best in the world whereby they don't complain of refugees but rather share what they have. This has attracted the consideration of the international community. Incorporating the system to benefit all has brought a lot of benefits to the country such as development in infrastructure, education system, health system, roads, WASH programs and more.

## CHAPTER FIVE

### SUMMARY, CONCLUSION AND RECOMMENDATIONS

#### 5.1 Summary

Globally, Uganda has been praised for her progressive refugee policies, which have created a conducive environment for the settlement and provision of basic needs, social amenities and protection of human rights for refugees. Refugees fleeing to Uganda have been welcomed, provided with a home and the human basic needs. Uganda has refugee policies that are anchored on settlement, education, health services, and freedom of movement, job and business opportunities which are deliberately offered to refugees.

Many of the refugees in Uganda are from South Sudan DR Congo, Burundi, Somalia and Rwanda, in that order. The refugees have been settled in five districts in Northern Uganda and the government has supported and provided them with services such as farming land, education, food and water among others such as empowerment programmes which promotes self-reliance. Even as the refugees enjoy these services, some have complained of challenges in securing job, water, health services, food, harassment, education and accessing housing, in that order.

At times, the policies have faced challenges with inadequate funding and non-committal by some government personnel, Uganda has always situated itself as one of the main powers that advance reception of the AU Convention for Protection and Assistance of the inside displaced people and for outcasts. In any case, the authority in Uganda has utilized the approach instruments to propel their more extensive objectives to the detriment of outcasts' needs and insurance.

## 5.2 Conclusion

Uganda's open door policy for refugees has incurred costs to both the government and the host community.<sup>124</sup> There is need to pump in more money for the sustainability of the humanitarian programmes in Uganda. The study provided a solid foundation for argument of why East African member states should emulate refugee policies in Uganda.

At the beginning of the study, two hypotheses were formulated, 1) Uganda's refugee regime has been implemented effectively among the East African partner states 2) East African partner states can adopt Uganda's refugee policy for efficient management of refugees. The two hypotheses were proved to be positive. The first hypothesis was measured on the basis on the services that the Uganda government has provided to the refugees such as Health, food, water, education, social amenities and a safe environment. The p value calculated was  $p < 0.09$ . Showing that the provision of these services was highly significant to the refugees due to the progressive policies. This was attributed to the fact that Uganda needed a political mileage with the international community, and Uganda residents were used to hosting refugees within their localities.

The second hypothesis was proved negative. The calculated p value was  $p > 0.03$ . it was therefore rejected. This can be explained by the fact that the interviewed policy makers had mixed opinions concerning the refugee policies in Uganda. Firstly, the policy makers acknowledged that Uganda had done well in implementing the policies. However, emulating the policies by other East Africa member states may not be possible since different states have different political interests. 50% of the 100

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<sup>124</sup>UNHCR. Refugee Humanitarian needs overview, 2017.



policy makers interviewed agreed that Uganda had capitalised on the implementation of refugee policies since it was their well cultivated strength in winning the international community. Others had a view that President Museveni and his government had it in their plans to excel in this, which might not be the case in the upcoming regimes. Every country has different interests that they pursue from the international community. It is however imperative to receive and handle refugees in a hospitable manner, which many East African states have been doing.

### **5.3 Recommendations**

The study, the researcher draws the several recommendations that can be adopted by EA and the International community:

- 5.3.1 Uganda has respectful environment for refugees and generously allowed people to settle in their country. As much as the country wants to maintain their status quo and success stories in their refugee policies, there is need for improvements. The national and international actors have disregarded the broader political crescendos that affect Uganda's refugee policies. These are key implications towards implementation and sustainability of the policies. The government needs to do an analysis and understand the gaps between bombast and certainty and the blind spots for the refugee policies.
- 5.3.2 The international actors need to provide adequate funding to support the implementation of Uganda's refugee policies. The Uganda government has decided to capitalise on their progressive refugee policies due to altruistic concerns and of course the national political gains which come with international aid. If the international community fails in their commitment to

deliver the promises on funding, then the whole system might collapse and refugees rendered to suffering.

- 5.3.3 The host communities where refugees have been settled have had complaints of unequal treatment with comparison to the refugees who they have volunteered their land. This shows that there is competition of resources. Before Uganda becomes a refugee crisis area due to limited and inadequate resources, there is need for a robust discussion on the durable solutions. There needs to be a paradigm shift from repatriation of refugees is the only solution, to a dramatic increase of settlement in the wealthier states. This is a topic to be discussed at the international context.
- 5.3.4 The government should have proper consultation with the host communities and their leaders for durability and sustainable hosting of the refugees. They should create local conditions for genuine buy-in of their ideas in hosting refugees. This can be through improvement of the economy and availing more opportunities.

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## APPENDICES

### Appendix 1: Research Questionnaire Questionnaire

#### Introduction

My name is Michael Katungi, a student pursuing a master's degree in International Studies from the University of Nairobi, in collaboration with the National Defence College. Part of my programme requires that I conduct a study touching on security and international relations, from the area of my choice. My research topic is to critically analyze Uganda's Refugee Regime and the Lessons that can be adopted by East African Partner States.

From My experience working with the government of Uganda as a civil servant, I have witnessed how my country has been hosting refugees in the previous years as compared to the neighbouring countries, hence the desire to probe further about the refugee regime and what lessons can be drawn by other countries from the successful model

**Voluntary Participation:** Participation in this study is voluntary. This interview does not promise nor purport to address the needs which you express nor does it have monetary benefits –cash or in-kind.

**Confidentiality:** We value your privacy and will ensure that the answers you provide are treated with confidentiality. Results from this survey will be released and presented in form of codes, averages and statistics. Individual information will not be revealed without your consent and no identities will be revealed.

#### Section A: Profile of the Respondent

1. Date of Interview
2. Gender of the respondent
  - a. Male
  - b. Female
3. Age of the Respondent
  - a. 15-24 years
  - b. 25-34 years
  - c. 35-44 years
  - d. 45-54 years
  - e. 55-64 years
  - f. 65 + years
4. Academic level of the respondent
  - a. Primary school
  - b. Secondary school
  - c. College
  - d. University
5. Marital status of the respondent
  - a. Single
  - b. Married
  - c. Widow (woman who has lost her husband)
  - d. Widower (man who has lost his wife)

6. What is your Occupation?
  - a. Works for government
  - b. Works for NGO
  - c. An expatriate
  - d. Business person/trader
  - e. No job
  - f. Other (specify)
7. Residential status
  - a. Refugee
  - b. resident
  - c. Internally Displaced Person in Uganda
  - d. From a neighbouring country

### **Section B: Uganda's refugee regime**

#### **Questions for Refugees**

1. Which Refugee settlement did you live in Uganda?
  - a.
2. What services were you provided with?
  - a. Land for farming
  - b. Free education
  - c. Free health services
  - d. Free food
  - e. Free water
  - f. Others. name them
3. What are some of the challenges did you face while hosted in the refugee settlement?
  - a. Harassment by the authorities
  - b. We got little food
  - c. Difficulties in securing a job
  - d. Difficulties in securing housing
  - e. Difficulties in accessing education services
  - f. Difficulties in accessing health services
  - g. Others. Name them

#### **Questions to Policy Makers (Both Ugandans and East African Partner states)**

4. Are you aware that Uganda's refugee regime is the best in the world?
  - a. Yes
  - b. NO
5. How many refugees live in Uganda currently? (Give a round figure of all)
6. Do you know the origin of the refugees and by their numbers?
  - a. South Sudanese
  - b. Burundians
  - c. Somalians
  - d. Congolese
  - e. Kenyans?



7. In your opinion, how do you think Uganda's refugee regime has been effective?
  - a.
  - b.
  - c.
  - d.
  - e.
  - f.
  - g.
  
8. What are some of the challenges faced in the implementation of Uganda's refugee policy?
  - a.
  - b.
  - c.
  - d.
  - e.
  - f.
  - g.
  
9. In your opinion, what is the future of Uganda's refugee regime?
  - a.
  - b.
  - c.
  - d.
  - e.
  - f.
  
10. What lessons can the East African Partner states adopt from Uganda's refugee regime?
  - a.
  - b.
  - c.
  - d.
  - e.
  - f.