UNIVERSITY OF NAIROBI

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Challenges to Security enforcement in East Africa:
Case Study of the Impact of refugees' influx in Uganda (2010-2017)

By

Twinamatsiko Odede Kataitwa

Supervisor: Dr. Patrick Maluki

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Declaration

I declare that this research project is my original work and has not been presented for a degree in any other University.

Twinamatsiko Odede Kataitwa

R50/35335/2019

Sign: ………………… ……………… Date: ………………………….

This research project has been submitted for examination with my approval as university supervisor.

Supervisor: Dr. Patrick Maluki

Sign: ……………………………… Date: …………………………….

Dedication

This work dedicated to Almighty God for the blessings; my family for their support and trusting me.

Acknowledgement

I take this opportunity to thank the Almighty God for seeing me through this project. I am profoundly indebted to my Supervisor for his professional guidance, advice and limitless patience in reading through my drafts and suggesting workable alternatives, my sincere appreciation for you. I would like to thank all those who contributed in one way or another towards the completion of this study.

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List of Abbreviations

ACERWC	African Committee of Experts on the Rights and Welfare of the Child
ACHRP	African Charter on Human AND Peoples' Rights
ACRWC	African Charter on Rights and Welfare of the Child
AU	African Union
CARA	Control of Alien Refugees Act
CSOs	Civil Society Organizations
EAC	East African Community
FGDs	Focus Group Discussions
GoU	Government of Uganda
HRC	Human Rights Committee
MIDIMAR	Ministry of Disaster Management and Refugees
MOFA	Ministry of Foreign Affairs
MOIA	Ministry of Internal Affairs
OAU	Organization of African Unity
OPM	Office of the Prime Minister
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	Development Programme
UNGA	United Nations General Assembly
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNSC	United Nations Security Council
UPDF	Uganda Peoples' Defence Forces
UPF	Uganda Police Force
WW	World War

Abstract

This research study assesses the effects of refugees' influx to security enforcement primarily in Kampala City, Uganda. The study specifically assesses transnational crime as an emerging threat and thus analyzes the current security enforcement system and institutional frameworks in Uganda. The study also assesses the physical security, protection and practice of refugee legal security for refugees among refugees and defines how the influx of refugees has impeded the enforcement of national and human security. The study also used case study research design. This design allowed exploration and understanding complex issues from past study studies. This particular study was considered because examination of enforcement requires systematic and in-depth research. This research explored the impact of urban refugees' influx and evaluated current security enforcement policy and institutional frameworks in Uganda. The study found that the influx of refugees in Kampala City was impacting security enforcement. The study findings revealed that the present policy and institutional framework mechanisms in Uganda are drawn from domestic legislation and international norms. It was further found that the influx of refugees impeded security enforcement at their respective locations differently, enthusiastic about the contextual approach and dealing with each of the refugee groups working in accordance with their nationalities. The findings from the study revealed that refugees knew their rights specifically to; life, food, health, jobs and education. This was found that people's rights to life, protection and equality, non-discrimination and asylum were still violated because of the prohibition of forced repatriation. We are aware of the position and obligations of the host state and UNHCR. The assessment focused on Uganda's security enforcement mechanism and institutional frameworks. The findings established that the existing policy and institutional framework mechanisms in Uganda were anchored on both domestic legislation and international norms. The purpose of the research has been attained based on findings and recommendations to policy and academic contribution made by the study.

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CHAPTER ONE

1.0   Introduction

The study explores impact of refugees' influx on security enforcement in East Africa in particular Uganda. Chapter one discusses historical perspective of refugees' influx, refugee policy and practice in Ugandan. The main concepts discussed include: Refugees, Security, Security enforcement and Human Security. This chapter finally outlines "problem statement, specific questions and objectives, literature review and theoretical framework, generate hypotheses and confirms the research methodology used in the study".[1]

1.1   Background

Uganda's concerns with "refugees' influx commenced during the Second World War when Europeans exiled by the war were settled on its territory".[2] "The 7,000 Polish refugees were displaced by the worsened situation of the World War II and were settled in two locations in central and western regions of Uganda. This exodus was shortly followed by refugees generated by conflict spillover effects of the numerous struggles for independence from neighboring countries".[3] Promulgation of the 1995 Uganda Constitution[4] contained unique provisions "for refugees and other voluntary immigrants". For example, Article 13(2) of Chapter 3 stipulates that "any person who entered and lived lawfully and willingly in Uganda twenty years before the promulgation of the Constitution shall have the right to obtain citizenship".[5] It also applied to voluntary citizens who have lived in Uganda since the Constitution came into force for more than 20 years. On the other hand, a deeper study reveals that since refugees may be viewed as illegal

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[1] Pajares, F. Elements of a proposal. (2007). Retrieved on 5 April 2020, from
   http://des.emory.edu/mfp/proposal.html.
[2] Pinycwa Gingyera (Ed). "*Uganda and the Refugee Problem, Kampala, University of Makerere*": (1998), pp. 3–7.
[3] Ibid, p 5.
[4] Uganda Constitution of 1995.
[5] Chapter 3, Article 13(2), of Uganda's 1995 constitution.

immigrants, they are not protected by the aforementioned Article. The terms used for "any migrant are also indistinct, because in principle refugees are not considered eligible. These issues are considered a challenge by security enforcement officials. Findings of new issues in "Refugee Research indicated that the red-tape involved in the process of acquiring citizenship was so cumbersome because host governments were reluctant to facilitate local integration".[6]

Section 4 provides for "requirements in place of refugee status according to the Uganda Refugees Act 2006. The above Act in this section recognizes a refugee's mark as contained in the 1951 Convention".[7] Accordingly, it defines "a refugee as a person who, because of a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a specific social group or political opinion, is outside the country of his nationality and is unable or unwilling to take advantage of that country's security because of such fear; or who is not a national and is outside the country".

In Uganda, since establishment of a new constitutional order in 1986 up to 2006, country's legal system lacked a streamlined national refugee policy. The existing regal instrument particularly, "Control of Aliens Act of 1960" had become out-of-date and not representing the realism in Uganda, particularly rise of urban refugees. As a result, the endorsement of the 2006 Refugee Act was a way out. Such as, Article 14 of Aliens Act provided: "It shall be an offence for any person other than a refugee residing in, or a person employed in, a refugee settlement to enter or be within the refugee settlement except with the general or special permission of the Director or the Settlement commandant".[8] Refugee is "an individual or group of people forced to leave their homes because of armed conflicts, persecution, genocide and human rights violations".[9] Although,

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[6]Karen Jacobsen. "*The Solution Forgotten: Local Refugee Integration in Developing countries*." New Issues in Refugee Research, Working Paper No.45, (Geneva: UNHCR, July 2001).
[7]The Refugees Act of 2006 adopts the concept of a refugee in the 1951 convention.
[8] Uganda: Alien Refugee Control Act, Cap. 64 Article 14, of 1960.
[9] UN Convention 1951, Clause 1(2), on the Status of Refugees.

numerous regional and international instruments have tried to describe who a refugee is, it remains a hitherto elusive term, thus posing security enforcement challenges. According to the definition above the 'refugee' mark has different meanings depending on time and position. The concept of 'security' has had its meaning broadened beginning with national security to include human security. Pursuant to Ayoob, "the concept of security should be formulated in relation to state making. He argues that security or insecurity is defined in relation to both internal and external vulnerabilities that threaten or have the potential to bring down or weaken states structures, both territorial and institutional, and governing regimes. Hence, security needs to be defined in primarily political terms".[10] "It is thus logical for the developing world to examine the concept of their national security in relation to state formation".[11] State security could be stated as "the collective actions taken to defend the present state and its structures against threats by the external forces of aggressive states, as well as from opponents of the prevailing order within the country."[12] Therefore, 'state security' in the hosting state effectuate security of refugees as it may negatively impact on them. This can be due to violence, intimidation and abuse of power on part of security enforcement officials like the police force, armed guards or other government representatives in the host state. To date, security is viewed "in relation to migration and broadly its link with societal and basic safety of individuals. However, proponents of "human security" argued that individual and global security are therefore related".[13]

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[10] Mohammed Ayoob, The Third World Security Predicament: State Making, Regional Conflict and the International System, Boulder, CO, (Lynne Rienner, 1995), pp 6-9.

[11] Ibid, p5.

[12] See also Buzan, Barry: "Social Security, Security of State and Internationalization," ibid., pp. 40-59

[13] See also Suhrke, Astri: *Human Security and States Interests* Vol. 30, part 3, (September 1999), pp. 265-276.

All states understand the need for a human-centered approach to security and one of its key components is "the Responsibility to Protect".[14] Pursuant to "the 1994 UNDP's Human Development Report", the concept human security means that individuals can express their broadened range of judgement without restrictions".[15] The report viewpoints are; "Collective concern, mutually dependent, ensured by early prevention and people-centered".[16] The study also establishes the relationship among States' enforcement and Non-Governmental Actors' role[17] in support to national goals. It further explores state desired control of movement and latter's readiness to act as linkage between migration, crime and human security. As a consequence, analysis of broadened migration pushes further than the typical examination of state policies in terms of legislation and focus on enforcement structures. In this context, we can reconceptualize State and its regulatory systems by classifying the employment levels presented to policy-makers in controlling migration.

1.2   Problem Statement

Inflows of "refugees" and "asylum seekers" migrating from "South Sudan," "DRC" and "Somalia" have made their way to the city of Kampala, Uganda since 2010. Arising out of urbanization, increasing population, coupled with high levels of unemployed youth and urban refugees, Kampala city is facing increasing pressure in provision of basic services including security and social services. The situation has led to physical insecurity, violence and discrimination, in the inhabited overcrowded slums in the peripheral areas of Kampala City. This situation is blamed on increase of refugees, some of whom are former combatants who are thought to be engaged in illegal small arms trade. It is therefore important that policy makers and academics address the issue of refugee

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[14] General Assembly. "2005 World Summit Outcome 2005", A/60/150. (15 September, 2005), p 143.
[15] UNDP, *Report on Human Development*." (Oxford: Oxford University Press, 1994), p. 22-25.
[16] Ibid.
[17] Humanitarian Assistance for Displaced Persons from Myanmar", Springer Science and Business Media LLC, 2014.

influx, policy and institutional framework gaps in order to provide the required steps for successful security enforcement. These are prevalent issues that are either moderately or superficially addressed and require rigorous study and scientific analysis with the aim to create a reference material in the East African region in general and Uganda in particular as regards urban refugee issues.

1.3   Research Questions

The study is guide by the following are questions:

1.   What are the impact of refugees' influx and on the security enforcement in Uganda?

2.   What is the relationship between organized crime and the role of refugees in Uganda's criminal acts?

3.   What are the policies and institutional mechanisms appropriate for enforcing security in Uganda?

1.4   Objectives of the Study

Specific objectives. Specifically, the study is guided by the following objectives:

1.   To examine the impact of refugees' influx and challenges to security enforcement in Uganda.

2.   To establish whether there is a relationship between organised crimes and role of refugees in this practice in Uganda.

3.   To analyse the policy and institutional framework necessary for security enforcement in Uganda.

1.5   Literature Review

The section on literature review has two sub-sections that anchor the research thesis on. The two sub-sections are literature of both theory and empirical research. The theoretical literature discusses the perspectives of scholars concerning the philosophy of defense, defense compliance,

refugee protection, other security threats and law enforcement challenges. Many scholars expressed differently the views on the interpretation of the security concept in their scholarly works; while the Cold War Security Discourse articulated security from a state-centric viewpoint, the scholars of the post-Cold War period rejected this view.

1.5.1 Theoretical Literature

Security theories and meanings develop alongside changes of ideas on the correct frame of reference depending on the complexity of an occurrence or problem.[18] According to Baldwin, "Security is regarded as the primary aim of states; and designated states as to their functions, including the formulation and enforcement of regulations".[19] He also claims that, hopefully, the general public should rely on law enforcement agencies to protect them and their properties as well as enforce the court's decision. For example, municipalities and cities, as well as law enforcement and law courts ensure law, security and order is maintained in order to host refugee communities and individuals, even as they can receive assistance from UNHCR and other agencies.[20] As a result, the concept 'security' was broadened extending from the classical state spreading out to individuals and societal associated security.

Bailes posits that as a result of globalization nation states' authority have "broadened range of security aspects such as internal security issues which include crime, law enforcement and internal order."[21] The scholars whose arguments support security from the state centric perspective include Ayoob and Dalby among others. According to Ayoob, the concept of security should be "framed in relation to state formation. In line with this notion, security is conceived primarily as being

[18] JK Bailey, Jean Marc Ricklin and Baldur Thorhallsson, "Small states survival and strategy," (2014), p 27.

[19] Baldwin, David A. "*The Security Definition*" Analysis of International Studies. (1997), pp5-26.

[20] John Lever, Julie Knight, and Andrew Thompson. Mobility, Labour and Temporary Migration. A Comparative Study of   Polish Migration to Wales. ISBN: 978-1-78683-0807-ISBN: (Cardiff: Wales University Press. August 2017).

[21] Bailes, A.J.K. "*In a 40 Year Perspective, the Field of Security and Peace Studies*," (2006).

politically grounded and as regards the efficiency of states and survivability of regimes".

"However as a result, security assessments of the developing states must take into account both domestic and external threats".[22] Therefore, it's important for developing world to link national security to development of state. To Dalby,[23] a state's security was guaranteed through nuclear armaments, development in military technology and the protecting state borders. However, with emerging threats and new developments following the "Cold War" description of "security" widened embracing new dimensions. Security has since then been redefined to include security threats like; refugee movements, threats to environment, intra state conflicts, genocide, ethnic cleansing, organised crimes and terrorism among others.

Scholars whose viewpoints were opposing the state centred idea of security consist of; Buzan Barry, Ken Booth, Baldwin, Keith Krause and Michael Williams among others. They claimed that there was need to re-conceptualize the idea of security owing to "the security realities of the post-Cold War era that include issues like; individual and human insecurities, societal and international security aspects".[24] Buzan posits that security is comprehensive and apart from military and state security, it has other elements of socio economic nature and the personal emotion of security or individuals' insecurity within society. He further argues that, "human security may go beyond military considerations to encompass elements like political, economic, society and environment," but queries human security as referent objects for security." From this study, it is noted that the security concept definition by Cold War security discourse articulated security from the state centric perspective, while post-Cold War era scholars re-conceptualize to accommodate

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[22]Ayoob, Mohammed, "*The Predicament for Third World Security"*": State Building, Regional Conflict and the International System: (London: Lynne Rienner Publishers: 1995), pp 4-9.

[23] Dalby Simon, "*Contesting an Essential Concept: Readings of the Dilemmas in Contemporary Security Discourse*" by Keith Krause & Michael C. Williams (Eds), Critical Security Studies: Principles and Cases, Minneapolis: (Minnesota Press University: 1997), pp 4-6.

[24] See Baldwin, D.A, "*The Concept of Security*", Review of International Studies, 23(1), (1997), pp 5-26.

emerging threats and new developments accrued due to "Non-State Actors" becoming players in the global arena. This study concurs with "security concept" descriptions and the attendant consideration that law enforcement is its subset.

1.5.2 Security perspective

Given the above meanings of the security concept, it makes sense to challenge the perspectives of security with a view to understanding its use and employment. Various analysts have expressed the security viewpoints in the international system differently. One scholar, for example, argues that three security viewpoints emerging in the international relations debate are: "State-centered security, transnational security, and human security".[25] The two original viewpoints give the state appropriate priority for security provision. At the other hand, human security guarantees human beings and the human community moral primacy beyond the desires of "States or the international society" to which they belong. Further to the "conceptualization of human security,[26] several debates had occurred on various interrelated forms of security other than the importance of human resource development, human welfare and basic human needs, prior to the approval of the UNDP report".[27] In traditional approach, strategies for security did not combine the freedom from fear as the foundational approaches in ensuring human security and development. For example, states consistently implemented traditional human security without respect to "human rights" and "liberties". Thus, incorporation of human security as conceptualized; integrates minimum core issues of human rights and developments, contrasting the traditional approach to human security. Therefore, the contemporary approach to human security formulation[28] combines both human

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[25] J. Jackson-Preece. Security in International Relations, p 19.
[26] Brauch, H.G., Oswald Spring, Ú., et el (Eds.), "Facing Global Environmental Change", Springer Science and Business Media LLC, (2009)
[27] UNDP, Human Development Report (Refer to no 11 above).
[28] Kaldor, M. Human Security: A Relevant Concept? Polities étrangère, (4), (2006), pp 901-914.

rights and the human development.[29] Additionally, "state-centric security perspective refers to a state's ability to protect itself from external threats and the state, remain the key player in International Relations".[30] In line with the above, security prominently emerges in pursuit of states' national interest. Scholars whose perspectives is the notion of state-centric security while emphasizing military power include; Ayoob Lippmann, Buzan Barry and Maniruzzaman among others. The Realists perspective is the notion of the behavior of states (power projection) within the international framework. They claim that the state is "the main unit and reference point for security, with the armed force representing national security, while private military and defense firms have developed a new breed of security guards and private soldiers working in war zones and highly volatile areas under harsh legal limitations".[31] For Buzan security is defined "in political links in conjunction with threats to state establishments, boundaries, and political systems".[32] He also developed a broader meaning of security that embraces both core as well as peripheral possibilities. Ayoob views security further to "take into account weaknesses that have the potential to bring down or seriously fail state organizations and central regimes".[33] According to Lippmann, the realist school perception of national security is the militarist perspective with emphasis "on military response and control of threat. Lippmann contends that a nation is secured when it does not have danger of war to preserve its real interest".[34] Maniruzzaman agrees with this view, and perceives national security as "the defense and maintenance of nation's political independence and

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[29] Peter Uvin. Human Rights and Development: (USA Published 2004).
[30] L. Preece-Jackson. "*Security in Foreign Affairs*", Foreign Programs in Economics, Marketing, Finance and Social Sciences, (University of London, 2011), pp 19-21.
[31] Pascal Bongard, Jonathan Somer. " Monitoring armed non-state actor compliance with humanitarian norms: a look at international mechanisms and the Geneva Call ", International Review of the Red Cross, 2012.
[32] Buzan y al. Security: A new Analytical Paradigm. Lynne Renner Publishers, London, (1998), p141.
[33] Ayoob, M. "*The Third World Security:*" State Building, regional Conflict and The International System. London, (Renner Publishers Lynne, 1995), pp 7-9.
[34] Lippman, Walter, "*USA International policy*:" The Republic Shield, Little, (Brown & Co., Boston, 1943).

territorial integrity".[35] Buzan et al. argue that politico-security concerns "the structural strength of such social order(s) as states, structures of control and the beliefs that give them acceptability". He further posits that; state faces political dangers especially the weak states with questionable military forces combined with external threats. Algar and others[36]argue that, there are other security risks aside from military threats, it includes universal concerns and conflict prevention while Weaver and other[37]lays emphasizes on the identity of a society and thus advocate for society security.

As discussed in para 1.1, human security, the individual(s) is central and people's defense against classical and new sorts of threats is critical. Pursuant to UNDP Report "human security means that individuals can pursue their broader choices without harm and at liberty". [38] In the same report development perspectives were advanced in the following areas: "Mutual concern, mutually dependent, ensured by early prevention and people-centered".[39] Proponents of human needs and rights comprise; Cilliers, Lincoln and Hubert among others. Cilliers argues that "what is central is the safety of individuals and communities and well-being of people instead of the state only". In support to the above argument, Lincoln Chen posits that "the objective; the ultimate ends of all security concerns while forms of security are basically means of attaining human security are the human needs".[40] Additionally Hubert says that, "the importance of human security is people's safety against all forms of danger and lack of restrictions to people's rights and liberties

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[35] Talukder Maniruzzaman. "*The Bangladesh Revolution and its Consequences*", (Books Foreign of Bangladesh, Dacca, 1980).

[36] Edward Algar et al (eds), "*Human Security and the Environment: International Comparisons*", (UK; Edward Elgar Publishing LTD, (2002), pp31-32.

[37] Waever et al., *Identity, Migration and the New Security Agenda in Europe*, London 1993, p.23

[38] UNDP, Human Development Report (Oxford: Oxford University Press, 1994), p 23.

[39]Ibid., pp. 22-23.

[40] Lincoln Chen. "*Human Security: Concepts and Approaches*." Common Security in Asia New Concepts of Human Security. Eds. Tatsuro Matsumae and Lincoln C. Chen. Tokyo: Tokai University Press, (1995), p.139.

in addition to their livelihoods". [41] Summarizing the above arguments, it evident that human beings owing to their complex nature need protection, it is the state to guarantee the human security and has the duty to "provide social and economic needs"[42] including well-being and choices of the communities. Basically, the above works on security has been analysed from the perspective of established states. As such, it emphases more or less pressures to state ideals that come from external the Region including East Africa. Therefore, human security requires proper structures and instructions that will safeguard the values, morals and culture of people as demonstrated by Uganda. This study therefore, acknowledges "human security" as a fundamental "human right to security" and protection of people by applying refugees to conventional and non-traditional threats in the host country. The following sub-section discusses the theories of human security, essentially the human safety paradigm and comprehensive security

1.5.3 Human Security Theories

Human security approaches in this study are anchored on "human security paradigm and comprehensive security".[43] The primary objective is to safeguard and ensure all people are protected from any harm regardless of their culture, religion or nationality. Human health and wellbeing are the primary goal of security. In addition, human security describes security "as the personal protection and safety of individuals, which materializes not only from the protection of the state as a political body[44] but also from the protection against structural violence".

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[41] Hubert, D. "*Human Security: Safety for People in a Changing World*" A Paper presented at a regional conference on The Management of African Security in the 21st Century, NIIA, Lagos 23-24 June (1999).
[42] Rumu Sarkar. "International Development Law", Springer Science and Business Media LLC, (2020).
[43] Luc Gnacagja and Salvano Briceño. "Facing Global Environmental Change", Springer Science and Business Media LLC, 2009
[44] Ramesh Thakur, "A Political World View", Security Dialogue, Vol. 35, No. 3, 2004, p. 348.

1.**5.3.1 The "Human Security" Paradigm**

Human Development Report of 1994 argued, "the traditional approaches to issues of security was rather too narrow and against this background, a more specific list of seven security concerns was thus provided".[45] Consistent with this report, Human Security Commission contended that, "the necessity for transformed Human security paradigm is linked to two underlying forces: One, human security is desired in reaction to the impediment and the interconnectedness of both longstanding and fresh security dangers from enduring and tenacious insufficiency to ethnic conflicts, illegal human trading, environmental change, health epidemics, transnational terrorism," "and sudden monetary and fiscal downward spiral". "Such dangers tend to attain transnational magnitudes and travel beyond usual planning of security that pay attention to outside armed hostilities only". Two, human security is required as a broad policy that employs the wide range of new projections to counter such dangers in a unified way. Human security fears cannot be undertaken through traditional means only. "As an alternative, they call for a fresh consent that recognizes the links and the interconnections amongst progress, civil liberties and national security".[46] According to Howe, "there are robust connections concerning human security and national security, progress and civil liberties domains of debate".[47] This interrogates linkages between the civil liberties and national security. "This interconnection has significant inferences for policy-making as it implies that human insecurities cannot be undertaken in seclusion through disjointed reactions".[48] Instead, "human security involves comprehensive approaches that emphasize cooperative and multi-sectoral reactions that combine the programmes to enforce the

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[45] United Nations Development Programme, Human Development Report, 1994, New York, 1994, pp22-23.
[46] The Commission on Human Security was established in January 2001 in response to the UN Secretary-General's call at the 2000 Millennium Summit for a world "free from want" and "free from fear." The Commission consisted of twelve prominent international figures, including Mrs. Sadako Ogata (former UN High Commissioner for Refugees) and Professor Amartya Sen (1998 Nobel Economics Prize Laureate).
[47] Howe, B. The protection and promotion of human security in East Asia. London: (Palgrave Macmillan, 2013).
[48] Aydar Gazizullin, The Significance of the 'Human Security' Paradigm in International Politics, (Feb 29 2016).

rule of law and control corruption". "With human security as the goal, there must be a robust and more unified response from populations and countries around the world, that is to say the hosting state and communities should collaborate and deliver support the needy refugees".[49] Both "human security" and "comprehensive security" influence numerous non-military issues, such as; "political, economic, social, and environmental factors".

1.5.3.2 Comprehensive Security

The question "of security where the state as the main referent could be considered relevant view was during the period, where states appeared to be in a perpetual contest for power."[50] Buzan says that, "security is a relational phenomenon since one cannot understand the national security of any given state without understanding the international pattern of security interdependence in which it is embedded".[51] His approach, "is more holistic, the depth of his analysis is constructivist in that he explores each element of what he considers to be the security package one by one in order to arrive at a more informed conclusion".[52]   Buzan views security as "the pursuit of freedom from threat and the ability of states and societies to maintain their independent identity and their functional integrity against forces of change, which they see as hostile". Each state end overs to survive in the anarchical international system and this depends on the efficiency of internal security sectors like police or law enforcement agencies."[53] The agencies responsible is to; "detect dangers that might merit emergency action and expert measures including the use of force and becomes part of routine tasks".[54] Later works in wider view, "security integrated, military sector is about

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[49] UNDP, "Millennium Development Goals: A compact among nations to end human poverty", Human Development Report, (2003).
[50] Barry Buzan, People, States and Fear, 8.
[51] Barry Buzan, People, States and Fear, 187.
[52] Marianne STONE: Security According to Buzan: A Comprehensive Security Analysis, Sciences Po – Paris, France Columbia University, School of International and Public Affairs – New York, USA, (2009).
[53]Buzan 1991, p.432.
[54]Buzan, Barry: „New Patterns of Global Security in the Twenty-first Century ". in: International Affairs, 67.3 (1991), pp. 432-433.

relationship of forceful coercion, the political sector is about relationship of authority, governing status and recognition, the economic sector is about relationship of trade, production and finance the social sector is about relationship of collective identity while the environmental sector is about ecological issues".[55] This theory takes views the security of individuals, their freedom from threat in society and the independent identity of that social group against hostile forces in this case the refugees making the theory relevant to the study.

1.5.4 Refugee Theory

Some scholars claim refugee work lacks a hypothesis or a general epistemological methodology, and social scientists are attracting minimal interest.[56] Johannson noted that refugee issues have no strong and comprehensive theoretical context but theoretical and empirical methods can be used to examine refugee issues and their behavior.[57] It is noted that since the refugee problems are multifaceted, it is important to address the issues from different angles.[58] This research will be anchored on Rogge's typology of refugees and the typology of Kunz. These types include refugees living in the vicinity of Kampala City, experiencing refugee problems and being part of security enforcement structures supported by international and regional human rights instruments.

1.5.4.1 Rogge's Typology

According to Collins, "the terms forced and impelled were introduced into the migration literature by Petersen".[59] These are involuntary migrations classified in accordance to choice of individuals involved in forced migration".[60] Rogge built an African refugee typology focused on "an overview

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55 Buzan, Barry/ Wæver, Ole/Jaap de Wilde, "Security: A New Framework for Analysis, Boulder, 1998, p.7.
56 Rose, P Some Thoughts about Refugees and the Descendants of Theseus, International Migration Review, 15(1-2): (1981), p 8-15.
57 Johannson, R The Refugee Experience in Europe after World War II: Some Theoretical Considerations in G. Rystad (Ed), The Uprooted, Lund, Lund University Press, (1990).
58 Lisa Visagie, Helene Loxton, Paul Stallard, Wendy K. Silverman. "Insights into the Feelings, Thoughts, and Behaviors of Children with Visual Impairments: A Focus Group Study Prior to Adapting a Cognitive Behavior Therapy–Based Anxiety Intervention", Journal of Visual Impairment & Blindness, 2018.
59 Petersen, W. "A General Typology of Migration, American Sociological Review," 23(3): (1958), p 261.
60 Collins, J. S, An Analysis of the Voluntariness of Refugee Repatriation in Africa, op.cit: 17.

of the triggering agent for the refugee situation, the migration goal and whether the migrants exhibit refugee characteristics".[61] Consequently, the Congolese and south Sudanese who forcefully fled their countries belong to this classification. Also, using Rogge's refugee typology, the Somali refugees are impelled, because they fled persecution or perceived danger following the 1991 overthrow of Mohamed Siad Barre, and subsequent instability in Somalia. According to "the refugee characteristics, such refugees are protected by the 1951 Convention".[62] Likewise, various stakeholders mandated with safeguarding of human rights local, regionally and international "often discuss particular concerns and rights not addressed in the 1951 Convention,[63] and make supervisory or enforcement frameworks available". Human rights stakeholders' role is crucial in further identifying and securing these various ways; that is, upholding the freedom to accept refugees.

1.5.4.2 Kunz's typology

The typology is classified in three general groups resulting from the views of refugees to their movement. The majority groups-identified; always keep away from leaving their host countries till they are coerced and expected to return home while the displaced minority groups frequently pursue ways to flee and establish a new identity.[64] A third class opted for a multiplicity of intents to leave their country. Collins, Kunz's addresses, that "the most likely to want to repatriate are refugees who retain a strong attachment to both the feeling of homeland and people who did not

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[61] Ibid.p19.

[62] Article 2(3) of the ICESCR provides that: "Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

[63] UN human rights instruments, including the Covenant on Civil and Political Rights (ICCPR) and the Covenant on Social, Economic and Cultural Rights (ICSECR), as well as many other UN instruments offer quasi-judicial petitioning systems which provide enforcement mechanisms absent from the 1951 Convention. For example, articles 40 and 41 of the ICCPR establish the country reporting system and the petitioning or communications system, respectively.

[64] Kunz, E.F. 1981 "Exile and Resettlement: Refugee Theory," International Migration Review, XV, p44. In Stein, B. N. The experience of being a refugee: Insights from the research literature, (1986).

flee as refugees". In the African sense, the category described by the majority can be attributed to a sample of the refugees who [65]identify with countries but not its governments. Majority refugees in this study belong to the group of refugees linked to events in Kunz because they fled from their respective countries to Uganda due to ethnic tensions. The Congolese refugees do not plan to return unless there is a desire for socio-economic and political reform at home in East DRC and South Sudan. In all situations, a hosting state would be significantly affected by the threats of unsustainable and irregular employment and internal controls on host populations and refugees naturally render security enforcement more difficult. Thus restrictive legislation and enforcement of security by use of police, border controls and patrols may limit these enabling conditions for urban refugees. In this study, it is reported that almost all of Kampala's refugee communities are opposed to resettlement, and are in favor of integration as a viable solution in the current localities.

1.6   Empirical Literature

This section explores past research on refugees' trends in the world, continent sub-regional and Uganda in particular. The analysis is anchored on "scholars' research findings and practitioners' practical experiences and knowledge generated overtime on refugee policy and challenges posed by Urban refugees in Kampala, Uganda".[66] Literature focuses on the categories most affected during the internal conflicts and external threats both real and perceived. The question of "ensuring the protection of vulnerable refugees in urban settings continues to present a major challenge to UNHCR, NGOs and government partners".[67] Findings suggest that, "refugees face complex urban

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[65] Ibid. p 131.
[66] Hilde Refstie, Chris Dolan and Moses Chrispus Okello. "Urban IDPs in Uganda: victims of institutional convenience" and Richard Mallett. "Transition, connection and uncertainty: IDPs in Kampala" in Marion Couldrey & Maurice Herson., "Forced Migration Review; Adapting to urban displacement:" With growing numbers of displaced people in towns and cities, humanitarian and development actors need to rethink approaches to helping the urban displaced live in security and with dignity. Refugee Studies Centre, (Oxford University, February, 2010) and Jacobsen, Karen and Loren Landau (2005). "Recommendations for Urban Refugee Policy." Forced Migration Review 23.
[67] Buscher, Dale. "Case Identification: Challenges posed by Urban refugees." Annual Tripartite Consultations on Resettlement (Geneva, 18-19 June, 2003).

environment problems that must be resolved by the international community in order to provide services to the present population".[68] "The causes and drivers for refugee influxes and therefore the spillover effects to neighbouring countries that later become hosting states. The burden imposed on the host communities, state economy and stress impacted on the environment".[69] The Urban refugee question which becoming a trend as rural settlements and camps are abandoned in favour of urban settlements. "A final important research focus would be to explore the connection between urban refugees and the global phenomenon of rural-urban migration as strategy for livelihood".[70] These urban settlements have turned out to be unbearable due to the uncomfortable life of dwelling in slums in urban peripheral localities. Findings show rise of urban refugees and increased unemployment in informal settlements slums of Kampala City rising policy issue. For instance, "unemployment is just one of many factors triggering frustration among young refugee in Syria".[71] Such changing trends need absolute harmonized domestic and international refugee regimes to facilitate the management of those modern, dynamic and urgent changes that affect societies across the globe.[72] Practitioners argue that "the refugee dilemma in cities has become endemic requiring states and international community collaboration".[73] For instance, in Kampala City, vulnerable refugee communities fall prey of corrupt government officials like police, protection officers under department of refugees and corrupt networks ready to fleece asylum seekers among others. The Refugee Integration & Legal Matters Officer argues that, "though many

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[68] Ibid.

[69] Hovil, Lucy. "Self-settled Refugees in Uganda: An Alternative Approach to Displacement?" Journal of Refugee Studies Vol. 20, No. 4, (2007).

[70] Macchiavello, Michela "Livelihoods Strategies of Urban Refugees in Kampala." Forced Migration Review 20, (2004), p26.

[71] Drew Mikhael and Julie Norman. Refugee youth, unemployment and extremism: countering the myth, 2018. www.fmreview.org/syria2018. Accessed on 12 January 2020.

[72] Lucy Kiama and Rufus Karanja. "Asylum space in Kenya: evolution of refugee protection over 20 years." www.fmreview.org/25th-anniversary (November 2013). Retrieved on 3January 2020.

[73]UN High Commissioner for Refugees Concept Paper: High Commissioner's Dialogue on Protection Challenges, Challenges for persons of concern to UNHCR in urban settings, (Geneva, 9-10 December 2009).

manuals, guidelines and standards have been developed to deal with various aspects of protection, recent evaluations and investigations have revealed that there are many persisting gaps in the practical implementation of these guidelines in the field".[74]

At the global level, "refugee situation is amplified due to prevailing transnational crisis in the age of migration proliferation and intensified intrastate conflicts".[75] Over the years, refugee problems and their migration have become inevitable and people are scared to have refugees unknown. Today's refugee problems are "international security concerns and a number of resolutions not only described refugees as threats to security[76] also allow enforcement measures". The wave of refugees across the globe as well as the resurgent refugee crisis have over time developed into major issues in international relations.

Most of this wave under research was driven by "the Syrian crisis, the Middle East as in Iraq and Yemen, and the huge influx of Rohingya refugees to Bangladesh at the end of 2017".[77] A Changing World's Population Size and Distribution as a Security Concern[78] is either composed of "immigrants or offspring of their immigrant parents resulting in rise of 20.4 million refugees under the mandate of UNHCR in 2018".[79] Socio-economic, political, and security issues exacerbate the situation especially for the recipient nations. Accordingly, security of refugees is essential and safety issues from returning to risk, access to fair and effective asylum procedures, and steps to ensure that their basic human rights are protected when securing a longer-term solution.

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[74]Adv. Innocent Ndahiriwe, Refugee Integration & Legal Matters, Office of the Prime Minister /Department of Refugees on interviewed on 6 March 2020.

[75] Castles, S., De Haas, H., & Miller, MJ. *The Age of Migration: International Population Movements in the Modern World*. Houndmills, Basingstoke, Hampshire: Palgrave Macmillan Higher Education, (2014).

[76] See UN Security Council Resolutions S/713/1991; S/RES/841/1993; S/688/1991; S/ Res/1199/1998; General Assembly Resolutions A/36/148/1981 and A/41/324/198.

[77] Ibid.

[78] Wolfgang. "Changing Population Size and Distribution as a Security Concern," p 203 in "Facing Global Environmental Change", (Springer Science and Business Media LLC, April 2009).

[79] Sarah Deardorff Miller: "*Assessing the Impacts of Hosting Refugees*" World Refugee Council Research Paper No. 4 August (2018).

In Africa, "political tension, terrorism and war have forced people to move within countries or abroad in search of basic safety and security".[80] "Somalia, Eritrea Chad, Rwanda, Sudan, Ethiopia, Uganda, Central Africa, Guinea, the Democratic Republic of Congo (DRC), Angola, Togo and Burundi", for example, are the major conflicts that generate refugees by region and country. Forced migration, have linkages with "unstable politics, persistent economic decline, poverty, and environmental deterioration that shape trends and patterns of international migration in the region".[81] Following the above trends, Africa leads both global and foreign asylum seekers and refugees in the world's migration patterns.[82] "The AU Migration Framework (2018-2027) offers detailed and coherent policy guidance for African Union Member States and regional economic communities, to tackle migration and development challenges on the continent, such as border protection, illegal migration, forced displacement and human rights".[83] Security practitioners claim that to some degree "illegal migrants, organized crime syndicates and refugee elements supported by corrupt government officials are also linked". As a result, migration security and insecurity have become interwoven, a growing trend that complicates both the problem of refugees and transnational criminal networks, especially the emergence of urban refugee dilemmas.

1.6.1 Refugees Problem and Security Enforcement in East Africa Host States

East Africa Sub Region accounts for slightly over 2.2 million refugees resulting "from conflicts spill over borders via refugee flows".[84] They are legitimately hosted in accordance "to the "AU

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[80] Aderanti Adepoju, *Migration and social policy in sub-Saharan Africa*, February (2008).

[81] Hutchful, E. *Understanding the African Security Dilemma*, (Pluto Press, London, 2000).

[82] Sulaiman Momodu: Africa most affected by refugee crisis from December 2016 - March 2017; Africa Renewal: (2017).

[83] The AU Migration Policy Framework (MPFA) Plan of Action (2018 – 2027),2006.

[84] B. Posen, 'Military Responses to Refugee Disasters', International Security, vol. 21, no. 1, 1996, pp. 72-111; M. Weiner, 'Bad Neighbors, Bad Neighborhoods: An Inquiry into the Causes of Refugee Flows', International Security, vol. 21, no. 1, 1996, pp. 5-42. 6

Refugee Convention of 1969" governing Refugee Problems in Africa which notes with concern the approach towards solving the problem of refugees".[85] An asylum seeker also is "recognized as a neutral, non-political act embedded in a system of multilateralism". Therefore, various conventions and protocols urge states to safeguard and protect all citizens. However, the sub-region is faced with "the challenge of growing complexity of integrating the differing security interests and strategies of the various parts of the international refugee regime".[86] The problems in the EAC arise "from need of illegal groups for territorial strongholds has heightened and expanded the conflict across the country and continuing protection concerns related to refugees, in protracted situations are partly responsible". "Also the rise of fear of asylum seekers, which has led to a tendency to see refugees not as victims but as perpetrators of insecurity".[87]

However, some of the actors involved in policy making have begun to view the issues of refugees as political matters rather than immigration issues.[88] Consequently, in most cases their requests are not met because they are viewed as a threat to the host country. For instance, "UNHCR Executive Committee (EXCOM) conclusions similarly describe refugees as a security threat".[89] That is the reason why "refugee construction" as security threats is analyzed.

Refugees' protection is shared obligation amongst Sub-Region and the international community. State responsibility is reflected by, "recognition that the security concerns of states as well as refugees are best met by ensuring that the multilateral and humanitarian character of

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[85] The instruments of accession were deposited at the African Union in Addis Ababa on 19 May 2016.

[86] Loescher, Refugee Movements and International Security; Myron Weiner, International Migration and Security, Boulder: Westview Press, 1993; Martin O. Heisler and Zig Layton-Henry, 'Migration and the Link between Social and Societal Security/ in Ole Waever et al, (eds.), Identity, Migration and the New Security Agenda in Europe, London: Frances Pinter 1993.

[87] Ana Maria, Ibanez and Carlos Eduardo Velez. Civil conflict and Forced Migration, the micro determinants and welfare losses of displacement in Colombia, (2007), p 661.

[88] Myron Weiner, The Global Refugee Crisis: Challenge to states and Human Rights, New York: Harper Colins, 1995, p.l also Weiner, Security, Stability and International Migration, p. 91.

[89] EXCOM, Note on International Protection, Conclusion No. 61 (XLI), Par. 10; EXCOM, Civilian and Humanitarian Character of Refugee Camps, Conclusion 94 (LII) October 2002.

refugee protection is maintained". "It also recognizes that long-term state security is ultimately dependent on the security provided to non-state actors such as refugees and that, inversely, refugee protection may be impossible in situations of acute and continuous state insecurity".[90] "In all partner States, it is free and Safe Movement in East Africa being party to the AU Refugee governing regime concerned with solving the problem of refugees".[91]

For example, "Tanzania scrapped the 'Open Door Policy' arising out of refuge insecurities hence putting emphasis on voluntary repatriation of the refugees".[92] In Kenya, "Refugee Act came into force in 2007, defining refugee status, with exclusion and cessation clauses and closure of the border between Kenya and Somalia".[93] "The operationalization of the Act was followed by repatriation of 76,589 Somali refugees although the country still hosts 473,971 refugees".[94] Consequently, Kenyan authorities have continued "to allow refugees to enter the country, under the agreement that they all relocate to designated camps. However, victims of the security crackdown in 1998 and 2002 in Eastleigh, were Somali refugees and illegal immigrants respectively".[95] The ensuing "revelations indicated that illegal immigrants were associated with illegal firearms into the country abusing hospitality and were by then largely blamed for the state of insecurity in Kenya".[96] "Uganda Refugee Act of 2006 and the 2010 Regulations permit the country to an 'Open Door Policy' towards refugees towards all refugees from neighboring

[90] Gil Loescher. "Refugees as grounds for international action" in Joanne van Selm and Edward Newman. Refugee protection policies and security issues: Refugees and forced displacement: International security, human vulnerability, and the state, (United Nations University Press, 2003), pp31-40.

[91] University of the Witwatersrand and Samuel Hall. "Free and Safe Movement in East Africa Research to promote people's safe and unencumbered movement across international borders" www.opensocietyfoundations.org. A report by the African Centre for Migration & Society, Cape Town, South Africa, (2018).

[92] Kamanga, K. The (Tanzania) Refugees Act of 1998: *Some legal and policy implications*. Journal of Refugee Studies, 18(1), (2005), p100-116.

[93] Hope, K. R. (2012). *The political economy of development in Kenya*. New York: Continuum International Pub. Group.

[94] Kenya National Bureau of Statistics (KNBS) will include refugees and stateless persons in its population mapping (census), (2019).

[95] Murunga, Godwin Rapando. "*Conflict in Somalia and Crime in Kenya: Understanding the TransTerritoriality of Crime.*" African and Asian Studies 4: (2005), pp138-160.

[96] Murunga, et al. ibid

countries. However, some Articles of Uganda's Refugee Act contradict the National laws of Uganda".[97] "The largest refugee populations in the Kampala city are from the DRC (49%), Somalia (25%) and South Sudan (5%)."[98] On the enforcement aspects when Al-Shabaab militants' attacked fans in Kampala, had disguised as asylum seekers. For instance, "it was a result of trafficking of firearms in the region from Somalia, driven by influx of refugees, causing long term detrimental consequences in the region". "In addition, conflicts have spill-over effects such as the disruption of the local economy, human right violations and the disappearance of vital state functions, effects that are evident in the neighbouring countries in the region".[99] Another incident is "the 2010 riots of Rwandese refugees and one of them ended up stealing a weapon from camps security."[100]

Arising from the gaps in the enforcement laws highlighted above, refugees have been contravening the national laws of Uganda hence accused by security actors as sources of insecurity. In line with these incident, the government perceive the influx of refugees as source of violence through the porous borders and opportunity for insurgents to move inside. This claim is explained by "a related incident, took place on 21st July, where a deportee Rwandan asylum seeker was arrested in Bushenyi Township with armed with a stolen gun from a police post from Nakivale refugee settlement."[101] Most refugees in Uganda's urban areas, including Kampala, have rejected the official rural settlement system and are "self-reliant" as observed in urban areas "like Nairobi

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[97] Uganda Refugee Act of 2006 and the 2010 Regulations contradict the 1995 Uganda constitution.
[98] Agora (2018) Understanding the needs of urban refugees and host communities residing in vulnerable neighborhoods of Kampala. Kampala: Agora (www. reachresourcecentre.info/system/files/resource-documents/ agora_kampala_all_in_one_report_26072018_vf.pdf).
[99] United Nations High Commissioner for Refugees. (2016). The state of the world's refugees: Oxford: Oxford Univ. Press, (2016).
[100] Major-General Kale Kayihura, "Annual Crime and Traffic/Road Safety Report-2010," Uganda Police, 11, http://www.upf.go.ug/Reports/Annual%20Report%202010%20Final%20 (Launch).pdf (accessed August 7, 2019).
[101] Ibid.

and Mombasa, Kisumu and Kajiado in Kenya."[102] This study revealed that urban refugees and asylum seekers in Kampala are largely "invisible" within the national political context and UNHCR support. It came clear that "Kampala City Authority provides security although, this claim needs to be verified since it was deal negotiated on their behalf by CSOs to enhance their coexistence with host communities. This study also established that government's refugee legitimization procedure is wanting, and therefore calls for "sustained political and diplomatic efforts, monitoring of human rights and strengthening civil society through the construction of democratic institutions to provide adequate economic resources and political support".

1.6.2 Summary of Literature Gaps in the Review

Insufficient literature on insecurity aspect brought about by an influx of refugee has been done. Most researchers dwell on the general concept of refugees and their migration. This means that the literature review does not fully answer the question on whether controlling the influx of refugees in a country can help in enhancing security. This means that literature on the association of urban refugees with terror activities has not been covered extensively.

As such this study adds to knowledge on how Uganda can deal with security dangers due to refugees' influx in the peripherals. Subsequent section deals with theoretical framework explain the research path make research findings more meaningful and in alignment to the theoretical constructs in the research field and ensure generalizability.

1.6.3 Theoretical Framework

This research was anchored in the human security paradigm as a theoretical framework for security enforcement and refugee inflows into Kampala. Traditionally, the security of the nation under conditions of an anarchic international system is a duty state. However, it can be argued that non-

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[102] UNHCR. "Kenya Comprehensive Refugee Programme 2016." Programming for Solutions, Lynwood Court, Westlands, (Nairobi 2016).

military external and internal threats are often more politically significant and urgent on most nation-states. For example, refugee influx and transnational crimes are frequently such threats that call for attention as spill-over effects arise from areas prone to conflict. Emerging challenges in the 21st century have therefore expanded and deepened analysis in other fields of security.[103] Following the pioneer works on a UNDP paradigm, research in "human security" was spurred. The expansion applies to the inclusion of non-military threats such as mass influx of refugees, destruction of the environment, overpopulation and terrorism. The intensification refers to "paying attention not only to external threats to states but also to the security of individuals and groups".[104] The CHS basic arguments for the human security model are:[105] First, human security is needed in response to the existence and interrelationship between old and new security threats; from persistent and ongoing poverty to ethnic conflict, trafficking in human beings, climate change, health pandemics, international terrorism and sudden economic and financial downturns.[106] Such threats tend to take on transnational dimensions and move beyond traditional concepts of security focused primarily on external military aggressions. Secondly, human protection is required as an integrated solution that takes advantage of the broad range of new opportunities to counter these threats. Traditional methods alone cannot address threats to human security. Structural causes may usually be linked to human development goals while the organizational causes are linked to human security goals.[107] Rather, they need a new consensus that recognizes the interdependencies and relationships between development, human rights and national security. While the most frequently

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[103] Buzan, Barry: „New Patterns of Global Security in the Twenty-first Century ". in: International Affairs, 67.3 (1991), pp. 432-433.
[104] Paris, R. (2001). Human security: Paradigm shift or hot air? International Security. 26(2), 97.
[105] Marc-André Franche with Michi Ebata. United Nations Development Programme National Human Development Report Unit/HDRO Bureau for Conflict Prevention and Recovery: Conflict Prevention NHDR Thematic Guidance Note, (2004), pp 20-24.
[106] Ibid, p22
[107] UNDP Conflict Prevention NHDR Thematic Guidance Note, (2004), p 25.

referred to definitions of human security practice are freedom from fear and freedom from desire, a growing array of alternate ideas continue to emerge about how to better practice human safety. It is primarily an analytical tool that focuses on safeguarding the citizen, not the state.[108] Hence the primary purpose behind the idea of human security is the need to restore people's security. Refers to human health and wellbeing.[109] It is "human focused as well as security-oriented. It is human-centered in the sense that it focuses on people as individuals as well as groups of individuals or communities; and it focuses on security because it focuses on freedom from fear."[110] Furthermore, the definition of the human security paradigm means "simple human needs as defined by the United Nations Development Plan and continuing from several key points including; citizens as the subject of human security, threats to human security remain fundamental threats, components of human security are interdependent and paradigm focuses mainly on security and liberty".[111] This definition is often referred to as "a specific concept of the freedom from wanting". Therefore, whatever decreases this standard is believed to pose a threat to the security and welfare of refugees by extension.[112] The human security strategy needs not only an extensive assessment and analytical depth to evaluate vulnerabilities and capacity of the affected community(s), but also evaluation of the intervention resources required to help avoid and mitigate the recurrence of insecurities. It is therefore through this dual assessment that the interrelation between weaknesses, strengths and resources can be explored most effectively.[113] Wideners and narrower supporters claim that "states are 'essential evils' and are still important in the

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[108] Richard Jolly and D.B. Ray, "The Human Security Framework and Human Development Reports", NHDR Occasional Report 5, May 2006, UNDP, p. 5

[109] Yukiko Nishikawa, "Human Security in South East Asia: Viable Solution or Empty Slogan?", Security Dialogue, Vol. 40, No.2, 2009, p. 215.

[110] Ramesh Thakur, "A Political World View", Security Dialogue, Vol. 35, No. 3, 2004, p. 348.

[111] Howe, B. The protection and promotion of human security in East Asia. London: (Palgrave Macmillan, 2013).

[112] Ibid.

[113] Richard Jolly and Deepayan Basu Ray: The Human Security Framework and National Human Development Reports: A Review of Experiences and Current Debates United Nations Development Programme National Human Development Report Unit, (May 2006), p17.

international system today. Non-state actors alone do not have the ability to address risks to human safety. They will need States to cooperate."[114] In the African context where the sub-region and Uganda are inclusive, strengthening states is a prerequisite for ensuring people's security on their territories. "Refugee security may take place if the states are willing host and not towards more discretionary forms of refugee protection."[115] Non-state actors such as UNHCR may play a complementary role for States in ensuring refugee security. From the theory of third world insecurity, it is clear that countries such as Uganda "face enormous dilemma when it comes to imposing stability and maintaining security and safety in order to combat threats both from outside and from within."[116] It can be argued that in countries such as Uganda, where security structures are evolving and taking root, it is still vulnerable to smuggling of small arms and weapons across unpatrolled porous borders, security enforcement calls for a whole approach to government.

Consequently, as Uganda integrates into the international community and increasingly introduces "the robust legislative system for the maintenance of hosting refugees as an international responsibility, humanitarian issues still present a dilemma" [117] when influx is imminent. Therefore, this theoretical framework guides the study in establishing the underlying security enforcement challenges in Uganda.

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[114] Buzan, B., O. Wæver, et al. Security: A new frame work for Analysis. Boulder, CO, Lynne Rienner Publishers.; Doty, P., A. Carnesale, et al. (1976). "Foreword." International Security 1(1), (1998).

[115] UN High Commissioner for Refugees: "The state of the World Refugees and internally displaced", Published in the United States by Oxford University Press Inc., (New York, 2006), p2.

[116] Emmanual K. Dadzie, Goran Melander and Peter Nobel, 'Report of the Seminar Legal Aspects on the African Refugee Problem/ Goran Melander and Peter Nobel ed., African Refugees and the Law, Sweden: Almqvist & Wiksell International, 1978).

[117] UN High Commissioner for Refugees: "The state of the World Refugees and internally displaced", Published in the United States by Oxford University Press Inc., (New York, 2006), p2.

1.7 Justification of the Study

This research will lead to academic and policy considerations. It shall provide appropriate and research-based evidence to demonstrate that the State is guarantor of security provision to its citizen. The study will critically analyse the current security enforcement system in addressing the security problem of refugees[118] in Uganda, especially those urban refugees who are mainly in Kampala. Policymakers seek solutions to these issues, but they are poorly defined and misunderstood by the institutions themselves. Indeed, they also change their interpretations according to audience. Hence, this study would 'build awareness of refugee securitization and refugee policy, justified by the perceived danger of terrorism or violent extremism, and hence need to adjust refugee policies both in third country resettlement and country of first asylum.[119] In particular, this study shall be beneficial to "the UNHCR, the international refugee agencies, the Government of Uganda".

Looking at academic justification, there is a knowledge gap in the refugee securitization study in the area of security studies. However, it is clear that securitization of urban refugees as an existential threat in urban areas has an extremely negative effect on refugee lives. Although considering the position of states to ensure security of all persons within their borders, often security responses are disproportionate to refugees without official resident permits, thus adulterating the duty to follow international law and providing refugees and asylum seekers with both humanitarian relief and legal protection. Hence, this research seeks to contribute human security studies in broad relation to internal security enforcement aspects.

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[118] Interview with the Somali refugee resident in Katwe urban of Kampala City working with an oil company on 27 December, 2019.

[119] UNHCR. "Resettlement: A Vital Instrument of International Protection", Division of International Protection Resettlement Handbook. Geneva, (1998), pp 5-8.

1.8   Hypotheses

    1.   The influx of refugees into Uganda has a negative impact on security enforcement.

    2.   Organized crime networks collaborate with urban refugee elements to carry out their criminal activities in the Kampala City.

    3.   Reforms to policy and institutional frameworks are required to ensure effective security enforcement in Uganda.

1.9   Research Methodology

This section discusses the methods used in the study, like; "research design, study site, target population, sampling size and techniques, data collection methods, data analysis and presentation, limitations and ethical considerations".

1.9.1   Research Design

The study utilized a case study research design which allowed exploration and understanding complex issues from reports of past studies. It was considered for this particular study since analysis of impacts of refugee influx on security enforcement involves holistic and in-depth investigation. For instance, this case study method as a recognized tool considered "the influx of refugees' problems for instance; unemployment, poverty, crime, congestion and drug addiction among others".[120] The case was "impact of refugees' influx in Kampala City thereby representing other major cities in developing countries". This work was also "an exploratory and empirical study in which the visualization of the data constituted an extremely important element in the analysis of the data. That is, data on the effects of the influx of refugees was the basis for evaluating both enforcement and existing policy and institutional mechanisms for enforcing security in

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[120] Johnson, M.P. Decision models for the location of community corrections centers. Environment and Planning B-Planning & Design 33 (3): 393-412 May, (2006).

Uganda".[121] The design enabled the researcher to gain "a clear understanding of the impact of refugees' influx on security enforcement in Kampala taking case study of Somali, Congolese and South Sudanese refugees".[122] Study explored the challenges that impede security enforcement as impacted by refugees' influx.

1.9.2 Study Site

This study was conducted in Kampala Metropolitan Area where about 10% of refugees hosted in Uganda are settled. This study considered the locations of the three urban refugees' communities living in the peripherals of the Kampala City, namely Kisenyi for the Somali, Makindye for the Congolese and Makerere- Kikoni for South Sudanese refugees' communities. These locations appeared to be both congested and informal settlements. While the three localities are part of Kampala City Authority' influence and management, its isolation from the city community may be a deterrent to others. Recognizing these challenges and the three locations' potential to become further urbanized, several organizations both private and NGOs have devised extensive plans to revitalize these locations. These locations in the study site were accessible and offered all relevant information necessary for the successfully attainment of the study objectives.

1.9.3 Target Population

The study targeted significant government institutions such as; "the Prime Minister's Office, the Ministry of Refugee Affairs, the Ministry of internal affairs, the Ministry of Security and the Ministry of Defense including the United Nations Commission for Refugees[123] that provided relevant information for a successful study". Primary respondents were refugees' communities

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[121] Bogumil M. Konopka, Felicja Lwow, Magdalena Owczarz, Łukasz Łaczmański. "Exploratory data analysis of a clinical study group: Development of a procedure for exploring multidimensional data" (August 23, 2018).

[122] Researcher's main focus was to analyse impact of refugees' influx in Uganda, particularly Kampala.

[123] Relevant government ministries and departments as well as Intergovernmental organisations handling refugee matters in Uganda.

from "Somalia, South Sudan and Democratic Republic of Congo who settled in peripherals of Kampala City".

1.9.4 Sampling Techniques

Sample size consisted 80 respondents. Study used Snowball sampling technique to select 50 respondents from three refugees' communities in two separate batches of 25 each. The study composition was 48 respondents "for Focus Group Discussions (FGD) selected as follows: 16 respondents selected among DRC, South Sudan and Somalia refugees' communities each as well as 2 interpreters (one South Sudanese and one Somali) making a total of 50 participants. The study opted for 16 respondents from each group at an average of 8 participants as recommended for typical size of a focus group discussion should be between 8 and 12 participants".[124]

Key informants were 30, also selected using "the snowball sampling technique"[125] because it recommended that respondents must have knowledge of the community under consideration. For instance, Snowball sampling is a technique aimed at research subjects were got getting the first subject then another subject provided the third subject, and so on. Consequently, subject matter experts were selected using this technique as follows: relevant Ministries, 9 officials; Host community leaders, 9 officials; Uganda Police, 6 officials; Humanitarian agencies, 2 officials; DRC, South Sudan and Somalia Embassy/ High Commission, 3 respondents and 1 scholar from Makerere University. The study took "advantage of snowball sampling technique to identify respondents' social networks to provide the researcher with an ever increasing set of potential contacts and also[126]reach targeted population as well as give the best results based on explorative, descriptive and qualitative approaches".

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[124]Khan, Me & Lenore Manderson, "*Use of focus groups in social and behavioural research*", Health Policy and Planning; (1992), p 56-66).

[125] Vogt, W. P. Dictionary of Statistics and Methodology: A Nontechnical Guide for the Social Sciences, London: Sage. (1999).

[126]Thomson, S. (1997). Adaptive sampling in behavioural surveys, NIDA Research Monograph, 296-319

1.9.5 Data Collection Methods

(FGD's) and (KII) approaches were adopted as [127] data collection methods. FDG facilitated to get detailed information regarding refugee security, their perceptions towards repatriation and refugee-host community relations among others. As noted by Bloor et.al, "FGD facilitate generation of rich data associated with an issue because the discussions are conducted in respective local languages".[128] "KII targeted specific people who by virtue of their positions have knowledge, information and experiences vital to the research."[129] Primary data was collected using interview guides administered to participants, got first-hand information. Personal interviews shall be guided interviews. Secondary data[130] were collected from "books, e-books, previous published articles theses, conference papers, case studies magazines and various research reports".

1.9.6 Data analysis and Presentation

The data that was collected through questionnaires, interviews, libraries and internet was analyzed using descriptive statistics and inferential calculations.[131] It was presented in the form of "narrative, charts, graphs and tables".[132] Interpretive content analysis and inferential statistics was used in coming up with the research findings. From interpretation, the study was able to draw conclusions and make recommendations.

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[127] Patton, M.Q. Qualitative Evaluation and Research Method, 2nd Ed. Newbury Park, CA: Sage, (1990).

[128] Bloor M, et.al (2001), *Focus Groups in Social Research,* London, Sage Publications

[129] Heyrman, J.; Goedhuys, J. The multiple main informant survey: A tool for evaluating qualitative foreign results. In the European Academy of Teachers of General Practice / Family Medicine; 2005; available online: https:/euract.woncaeurope.org/sites/euractdev/files/documents/resources/documents/themultiple-keyinformantsurvey-amethodforthecomparisonofinternationalqualitativedata-jan-heyrmanand.pd (accessed on 16 April 2020).

[130] Haradhan Kumar Mohajan. "Research Methodology" 2017 accessed on 21 September, 2019 at https://mpra.ub.uni-muenchen.de/83457/ MPRA Paper No. 83457, posted 28 Dec 2017 07:25 UTC.

[131] Mugenda, A.G. (2011). *Social Science Research, Theory and Principles.* Nairobi: Applied Research & Training Services.

[132] Ibid, p 24.

1.9.7   Scope and Limitations

This study on the refugees' influx and security enforcement was a highly sensitive issue to both the state and refugees' communities. The study analysis was restricted to impact of refugees' influx to enforcement in Uganda from 2003 to 2018. The covered facts include establishing existing policy and institutional frameworks for security enforcement in Uganda. The study covered relevant empirical literature on impact of refugees from Somalia in Horn of Africa and neighboring states like; DRC and South Sudan. At the same time the challenges of spillovers that impeded security enforcement and roles of refugees in transnational crimes in Kampala City. The limitations of Language problems arose since most refugees speak Somali and Sudanese dialects. The study used interpreters to overcome this limitation. The time limitations emerged as a result of COVID 19 lockdown but it provided another opportunity to exploit online interviews with Key informants that yielded quick and effective results.

1.9.8   Ethical Consideration

Informed consent is the most important ethical aspect that guides a research. "According to Armiger, it implies that an individual perceptively, willingly plus logically, then in a perfect and noticeable manner, contributes own consensus".[133] Participants were briefed on the purpose of the study and relevant authority and documents were sought. Efforts were made to ensure that, questions discussed in FGD minimized both psychological and emotional stress questions to the refugees' respondents. This ensured that the respondents provided accurate information without fear.[134]

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[133] Armiger, B. (2019). Ethics in Nursing Research: Profile, Principles, Perspective. *Nursing Research*, 26 (5), 330-333

[134] Marianna, M. (2011). What are the Major Ethical Issues in Conducting Research? Is there a Conflict between the Research Ethics and the Nature of Nursing?. *Department of Nursing Health Science Journal*, 5(2), 3-15

1.10   Chapter Outline

This study is structured in five chapters as follows:

a.   Chapter One 'discusses how influx of refugees impacts on security enforcement in East Africa focusing on Uganda. The chapter analyses background of refugees' influx in Uganda, statement of the research problem, specific questions and objectives of the study, reviews theoretical and empirical literature and defines a theoretical framework. Also, this chapter generates the hypotheses, confirms the research methodology and discusses the main concepts including refugees, security, security enforcement and Human Security.'

b.   Chapter Two 'examines the impact of refugees' influx and challenges to security enforcement in Uganda. It covers an understanding of refugees' influx at various levels, refugee policy and practice in Uganda, impact of refugees to enforcement in Uganda context, also refugee security perspectives are explored and examined. The existing challenges to security enforcement are explored as well.'

c.   Chapter Three 'establishes whether there is a relationship between organised crimes and challenges to security enforcement in Uganda. This chapter covers examine an understanding of transnational organised crimes trends at 'global, regional and sub-regional' level. It explores organised crime networks in the East Africa region, enforcement policies and practice with reference to Uganda. Community policing as an enforcement strategy and challenges to security enforcement in Uganda are explored and examined.'

d.   Chapter Four 'analyses policy and institutional frameworks for security enforcement in Uganda. It analyses existing National Policy and Institutional frameworks related to Protection of Refugees. It also explores challenges faced in urban refugee management and protection in the Uganda context.'

e.   Chapter Five 'presents the summary of the findings, Conclusions and Recommendations.'

CHAPTER TWO

IMPACTS OF REFUGEES' INFLUX ON SECURITY ENFORCEMENT IN UGANDA

2.0   Introduction

'In Chapter One this study, discussed background of influx refugees in the Ugandan context, statement of the research problem, specific questions and objectives of the study, reviewed the theoretical and empirical literature, and the identified human security paradigm as the analytical framework. Additionally, chapter presented the hypotheses, research methodology and discussed the main concepts including refugees, security, security enforcement and Human Security. In chapter two the study examines how influx of refugees impacts on security enforcement in Uganda. The chapter further examines the details of refugees' influx at "global, regional and national levels"[135], "refugee policy" and practice in Uganda, impacts of refugees in the Uganda and refugee security perspectives are explored and examined. The existing challenges to security enforcement are explored as well.'

2.1   Understanding Influx of Refugees: Historical perspective

Pursuant to UNHCR "by the end of 2018, 70.8 million individuals were forcibly displaced as a result of conflict, persecution, generalized violence and human rights violations". "Out of 70.8 million, 25.9 million persons were refugees[136], 41.3 million Internally Displaced Persons and 3.5 million asylum seekers".[137] "Conflicts in some parts of sub-Saharan Africa also contributed to this rise, such as the (DRC) and South Sudan. The UNHCR's Annual Global Trends report notes that most of this increase was between 2012 and 2015 and by the end of 2016; Uganda was hosting 940,800 refugees and asylum-seekers, the highest number in the country's history". "Uganda then

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[135] Level of Analysis in this study.
[136] 20.4 million Refugees under UNHCR's mandate and 5.5 million Palestine refugees under UNRWA's mandate.
[137] UNHCR, Refugees Global Trends (2018).

was the 5th largest refugee hosting country in the world and the largest in Africa."[138] "By January 2018, this number stood at 1,165,700, a decline from the 1,350,500 reported at the end of 2017".[139] The majority of "these refugees come from South Sudan with 788,800 at the end of 2018, followed by DRC with 303,100 individuals". "There were also sizeable populations of refugees from Burundi (32,500), Somalia (18,800) and Rwanda (14,000). In 2018, Uganda continued to receive new refugee arrivals throughout the year, the reported decline was mainly due to a verification exercise undertaken between March and October 2018".[140]

At the global level, Uganda is "party to the international refugee law particularly the 1951 UN Convention and its Protocol of 1967".[141] Uganda has also "ratified the international human rights law instruments including the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Civil and Political Rights (ICCPR), the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR),[142] 1984 Convention Against Torture and other Cruel;[143] Inhuman or Degrading Treatment or Punishment, the 1989 Convention on the Rights of the Child; the 1979 Convention on Elimination of All Forms of Discrimination Against Women (CEDAW)".[144] "Under international law the government has a duty to ensure that the rights of refugees under those treaties are promoted, protected and fulfilled including environmental refugees".[145] "With the exception of certain refugee nationalities, Uganda generally has pursued

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[138] UNHCR: (2016). Uganda-Monthly Refugee Statistics, (Update), and UNHCR, (2016a): 15. Retrieved on 30 November, 2019 from data. unhcr.org/drc/ download.

[139] Government of Uganda and UNHCR Refugees Global Trends, (2018).

[140] Ibid.

[141] UN Convention Relating to the Status of Refugees of; (July 28, 1951 and its Protocol of (January 31, 1967)

[142] UN International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights of December 16, (1966).

[143] Adopted and opened by General Assembly resolution 39/46 of 10 December 1984-entering into force 26 June 1987, for signature, ratification and accession.

[144] UN Convention on the Rights of the Child, of September 2, 1989; on Elimination of All Forms of Discrimination against Women of December 18, 1979.

[145] Andreas Rechkemmer. "Societal Impacts of Desertification: Migration and Environmental Refugees?" In Facing Global Environmental Change", Springer Science and Business Media LLC, 2009.

an "open door policy to many refugees fleeing their countries of origin".[146] At 'regional level', Uganda ratified the "1969 OAU Convention on Refugees a regional refugee regime that protects refugees. Uganda is also a party to regional human rights instruments: the 1981 African Charter on Human and Peoples' Rights (ACHPR), the 1990 African Charter on Rights and Welfare of the Child (ACRWC) and the 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa[147] (also known as "Maputo Protocol")".

At 'national level', refugees are "protected by the Refugees Act, 2006 and the 2010 Refugees Regulations, the national laws that guide Uganda's refugee protection. Refugee and human rights law further provides for state obligations towards refugees". "From the late 1950s to early 1980s and 1990s to today, Uganda's policy can be characterized as open and hospitable to the majority of refugees".[148] According to UNHCR, "Uganda is over all welcoming of refugees". The admission rate is one of the highest in the world, and Uganda is unique in the region in hosting refugees. Refugees are kept in refugee settlements where are supposed to be self-reliant. Those in the settlements are provided land, which they can till for a living. "According to Government policy, refugees who are self-sufficient are allowed to stay in urban areas and those who need humanitarian assistance reside in settlements".[149] As the "Uganda refugee model allows for freedom of movement of refugees, some have chosen to reside in urban areas rather than settlements, while others commute between settlements and urban areas. While the situation of refugees in settlement is well understood, this is not the case for urban refugees".[150] Therefore, this situation calls for "better assessments of urban refugees, more engagement with policymakers,

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[146] Somali refugees go through rigorous interviews before accessing refugee status.
[147] OAU Convention on Refugees,1969; the 1981 African Charter on Human and Peoples' Rights; the 1990 African Charter on Rights and Welfare of the Child (ACRWC) and the 2003 Protocol to the African Charter.
[148] The Uganda Refugees Act, 2006 and the 2010 Refugees Regulations.
[149] Frank Ahimbisibwe. "Uganda and the refugee problem: challenges and opportunities", African Journal of Political Science and International Relations, 2019, pp 62-67.
[150] Ibid. p 63.

and enhanced support to refugees and hosting communities in these areas. "This research posits that while Uganda has been commended as a hospitable country, a number of challenges ranging from increasing numbers of urban refugee, high levels of the unemployed youth, increasing pressure in provision of basic services including security and social services especially in Kampala city threaten the country's hospitality". "The study however believes that there are a number of emerging opportunities which if seized could provide effective protection to the refugees.[151] The chapter is structured as follows: The next sections offer various impacts of refugees and refugee security in Uganda". Subsequently the study analyses the challenges to security enforcement and opportunities of hosting refugee. It concludes with policy implications.

2.2. Refugee policy and Practice in Uganda

2.2.1 Current Situation

The existing "situation of refugees in Uganda is to a certain extent challenging. Refugees live in hostile conditions, facing numerous humanitarian and security threats".[152] "The administrative framework for Uganda's asylum policy and practice falls under the mandate of the Office of the Prime Minister (OPM), Department of Refugees. Although the domestic asylum policy and practice of Uganda are governed by the Refugee Act 2006".[153] "Refugees living in urban centres are inadequately protected under Ugandan law, consequently many of Uganda's international commitments to refugees go unmet. There are numerous humanitarian and insecurity problems faced by asylum seekers and refugees currently in Uganda". The United Nations High Commissioner for Refugees (UNHCR) has had no clear policy of creating urban settlements for those not expecting to return home in the near future in an attempt to promote refugee self-sufficiency. Although refugees in Uganda have the legal right to live and work freely and without

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[151] Researchers' observations, analysis and recommendations on urban refugees in Uganda.
[152] Researchers' observations, analysis on the situation from 26-29 December, 2019.
[153] Protection Officer, the Office of the Prime Minister (OPM), Department of Refugees, 27 December, 2019.

fear in towns and cities, there are a number of significant social and economic barriers including public discrimination and the cost of rent, basic services and business licences that restrict the ability of displaced populations to realise this right in practice".[154] "In the absence of support from government and humanitarian institutions, urban refugees in Kampala rely on religious and community based organisations and diasporic networks for social and economic support. This therefore calls for interventions of humanitarian organisations to spend more time in order to better understand which forms of assistance work best for urban refugees".[155] Beyond this, "further research is required on the potential for 'middle-ground' interventions, such as bridging safety and provision of social services, to improve the situation of newly arrived urban refugees without disadvantaging their local counterparts. In addition to facing humanitarian problems, refugees often live in peripheral congested slum areas that are dangerous and vulnerable to violence. As many of the refugee urban settlements are located in areas where violence is common, this indicates that security in and around refugee localities is likely inadequate and should be a cause of major concern to both the government and the UNHCR. Insecurity impacts every aspect of people's lives: it hampers aid work, stunts development, and creates a culture of fear and suspicion amongst people who have already been through considerable suffering". [156] "The 2006 refugee Act that addresses legal issues like taxation, freedom of movement and employment, provides a positive contribution to local integration efforts to some good extent".[157]

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[154] The Refugee Law Project (RLP) was established in 1999 to provide legal aid to asylum seekers and refugees in Uganda.
[155] Researchers' observations, analysis on the Urban Refugee situation in Kampala City, from 26-29 December, 2019.
[156] Researchers' Recommendation of further research regarding Urban Refugees in Kampala, from 26-29 December, 2019.
[157] Clauses in 2006 Uganda refugee act that address refugees social and legal requirements.

2.2.2   Practice

A notable dimension in the case of Uganda is "the government's open policy approach to the refugees".[158] "Refugees in Kampala are required to register first with the police and then the Office of the Prime Minister, where they are given an identification card and a letter outlining their right to work. UNHCR's implementing partner in the city, is responsible for providing additional forms of support to refugees in situations of particular hardship, on a case-by-case basis. However, urban refugees are generally ineligible for humanitarian assistance, on the grounds that they should be able to access paid work alongside the host population. Authorities recognized the diminished donor interest in funding a protracted refugee assistance program, and also that self-reliant refugees would cost less in food and other support services".[159] However, 'Uganda' as "a country is getting overburdened with its refugee caseload, given the turmoil in its neighborhood. There is need for burden sharing and further protection by way of resettlement to third countries".[160] The lack of a clear meaning term in "the Act presents practical problems in the resettlement process, hampering burden sharing, more resettlement security, and the likelihood of alternative viable resettlement options".[161] That means that Uganda needs support in implementing refugee programmes, if resettlement is to succeed.

2.2.3   Refugee Act of 2006

The prospect for "refugees in Uganda are better than in most African environments. Owing to 'enabling legal structure' supported by a strategic framework, save for 'logistical challenges".[162] For instance, "the Refugee and Host Population Empowerment (REHOPE) Strategic Framework

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[158] Uganda's borders are open to those persons fleeing persecution and conflicts but have to be verified.
[159] Cole, G (2014) Refugees' integration in Uganda will require renewed lobbying. Forced Migration Review Vol 48, (2014), pp 68–69.
[160]Refugee Law Project. "Critique of The Refugees Act, (2006)."
[161] Ibid, p 4.
[162] Onek, Hillary, Musa Ecweru, and Joel Boutroue. 2018. Joint Statement on the Progress of the Joint OPM-UNHCR Biometric Refugee Verification Exercise. Government of Uganda and UNHCR statement, June 25, 2018.

is a transformative strategy and approach likely to merges a wide range of stakeholders in a harmonized and cohesive manner to ensure more effective programming for refugees".[163] It is "a response to specific challenges faced in delivering protection and achieving social and economic development for both refugee and host com-munities. It supports the Government of Uganda's integration of refugees into the National Development, through the Settlement Transformation Agenda (STA), thereby making refugees part and parcel of the national development agenda".[164] The "Refugee Act of 2006 provides for the rights refugees being hosted in Uganda".[165] "Refugees are permitted freedom of movement, the right to work, to own property, and to access education and health services. In addition, the refugees in settlement have access to agricultural land is a huge benefit and provides the foundation for sustainable livelihoods for over half the refugee population, even though the amount and quality of land currently available are unlikely to allow refugees to move much beyond subsistence farming. Refugees are allowed freedom of residence, either in rural settlements or in urban centres".[166] "The good asylum system allows refugees to stay in urban centres if they do not wish to stay in settlements. The OPM in Uganda, has remained committed to providing sanctuary to all refugees who flee to Uganda individually or arriving en masse from neighbouring countries, mainly from DRC, Somalia and Southern Sudan".[167] But they are required to "comply with municipal laws and live in harmony with the host communities. In the case of urban refugees,[168]they host security apparatus to monitor incoming refugees".

[163]Government of Uganda, United Nations & World Bank June). REHOPE — Refugee and Host Population Empowerment Strategic Framework-Uganda, (2017, pvii.

[164] Frank Ahimbisibwe. "Uganda and the refugee problem: challenges and opportunities", African Journal of Political Science and International Relations, 31 December 2019, p 67.

[165] The Refugees Act, 2006.

[166] UNHCR policy on refugee protection and solutions in urban areas, (2009).

[167] UNHCR, OPM prepare for possible surge in refugee arrivals from neighbouring DRC and South Sudan, (2019).

[168] Kampala City Council Authority, Enforcement Officer, 28 December, 2019.

2.2.4 Registration

Fulfilling "the obligation to register and document all refugees and asylum seekers within its borders, the Government of Uganda launched the Refugee Information Management System (RIMS)". "This was mainly in compliance to the requirements of the Registration of Persons Act, which was passed by Parliament in February 2015. This Act makes it mandatory for all persons in Uganda to be registered and that such registration must be compatible with the National Registration Database".[169] "In 2015, the Government of Uganda commenced the registration and documentation (ID Cards) of all its Citizens for the first time in the history of the Republic. Although refugees and asylum seekers were always registered in the Progress database, the Government through the Office of the Prime Minister launched RIMS to comply with the requirements of the Act. The Act recognizes the Office of the Prime Minister as the sole custodian of refugee registration in Uganda. The outstanding issue in this regard is the synchronization of RIMS to Progress to enable proactive mapping of solutions, programming, follow-up and protection of persons with specific needs".[170] For example, "a verification exercise of the refugee community registered in the Refugee Information Management System (RIMS) was conducted in March 2018,[171] following allegations of corruption and the identification of several weaknesses in the refugee registration system".

2.2.5 Legal Integration

Uganda legally accepts refugees until they follow the requirements of justice. However, "the opportunity for legal integration remains restrictive. Therefore, refugees in Uganda who may have gained de facto integration, de jure integration by citizenship and naturalization applications are

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[169]The Registration of Persons Act, 2015.

[170] UNHCR. IT case management tool called progress, (Profile Global Registration System. (2002).

[171] Refugee Information Management System (RIMS), which started in March 2018.

next to zero. This is due to provisions of the Citizenship and Immigration Act, as well as Uganda's Constitution,"[172]which specifically exempts children whose parents or grandparents were refugees from birth-by-birth access. The Ugandan Constitution explicitly denies Ugandan citizenship by birth to children born to refugees in Uganda.

The Ugandan Constitution explicitly denies "Ugandan citizenship by birth to children born to refugees in Uganda".[173] This establishes that beyond its "hospitable asylum policy, the inability of the government to offer a positive legal path to citizenship exacerbates the isolation long-term refugees[174]feel in their host country". Therefore, being eligible for consideration by birth or registration to qualify for citizenship is not permissible under the law for refugees in Uganda.

2.2.6 Protection and Safety of Refugees

The legal framework for ensuring "the safety of refugees is in place and is largely covered by the provisions of the Refugee Act of 2006 that provides, inter alia, for freedom of movement and access to legal redress, and includes provisions on non- discrimination".[175] "The rule of law applies to all persons within the Ugandan territory and refugees have access to courts".[176] However, "the quality of law enforcement is linked to gaps in human and financial resources in order to equip the police with the necessary tools such as appropriate office space in city peripheral areas, mobility to enable proper patrols in all corners of slum locations". "Deployment of adequate police officers, to closely monitor routine activities and movements of urban refugees, has been not possible due to lack of formal settlement and permanent jobs of individual refugees".[177] Due

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[172] See Article 10 of the 1995 Constitution of Uganda, as amended in 2005.

[173] Constitutional Court in 2010 seeking to have the Court pronounce itself on refugee access to naturalization and citizenship. The judgement was delivered on 6th October 2015.

[174] Hovil, L., Hoping for Peace, Afraid of War: The Dilemmas of Repatriation and Belonging on the Borders of Uganda and South Sudan UNHCR New Issues in Refugee Research Paper No. 96, 2010, <http://www.unhcr.org/4cf5018b1.html>, accessed 10 June 2017

[175]The Uganda Refugee Act of 2006.

[176] The Uganda Constitution of 1995.

[177]Human Rights Watch; Hidden in Plain View: Refugees Living Without Protection in Nairobi and Kampala, 21 November 2002, 2815, available at: https://www.refworld.org/docid/3e314172e.html [accessed 11 December 2019]

to this, "many refugees face serious challenges to their social and economic survival. They are also at great risk from a lack of protection for their physical safety; there are serious shortcomings with the determination procedures used to decide whether a person should be recognized as a refugee and afforded protection. In Uganda, the refugee status determination it is done jointly by UNHCR and the government".[178] The following section discusses "Positive and Negative Impacts of Refugees" in Uganda.

2.3   Positive and Negative Impacts of Refugees in Uganda

Over the last six years, spillover effects have led to management issues over Uganda among host communities, partners and refugees.[179] The country is situated in "an unstable region where conflicts continue to generate refugees and asylum seekers that are forcibly displaced as a result of persecution, conflict, generalized violence or human rights violations. For instance, the conflicts in South Sudan, the Democratic Republic of Congo and Somalia are responsible for considerable refugee flows into Uganda". "The increasing numbers of refugee populations in refugee settlements and transit camps put much pressure on the country's resources and social services to effectively handle their basic needs. In a number of occasions some of the refugees prefer to reside in urban areas than in settlements, where unfavorable conditions expose them to a wide range of vulnerabilities and risks".[180] As a consequence, such situations have led to "physical insecurity, violence and discrimination, in the inhabited overcrowded slums in the peripheral areas of the urban areas posing the greatest challenges to security enforcement facing the national refugee regime. Arising out of urbanization, coupled with increasing youth unemployment, the refugee

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[178] The Refugee Law Project (RLP) was established in 1999 to provide legal aid to asylum seekers and refugees in Uganda.

[179] Iffat Idris. "Integrated approaches to refugee management in Uganda," UK Department for International Development and other Government departments. (University of Birmingham 24 January 2020), p 4.

[180] Myron Weiner, 'Bad Neighbours, Bad Neighbourhoods: An Inquiry into the Causes of Refugee Flows' International Security, 21 (1), 1996, pp.5-42.

influx situation is further viewed to impact on the economic, security, environmental, social and political aspects of the host community, country and environs".[181] 'The need for examination of refugee influx is driven by the challenges caused by a lack of comprehensive knowledge on its impacts. The lack of organized information has largely prevented the use of refugee data by government institutions for policy development. In Uganda, "the Prime Minister's Office, the Ministry of Refugee Affairs[182] hold responsibility over primary areas of refugee policy and activities, which presents its own challenges in respect to coordination and management of refugee influx and related issues".

2.3.1 Economic Impacts

Economic risks may be inside or peripheral, deliberate or unintended, resulting in material loss or strain on various state institutions thus undermining the health and survival of people and the burden of hosting by extension refugees. According to Poole, "refugees threaten the economic security of the state by creating substantial economic burden, straining housing, education, sanitation, transportation and communication facilities while increasing consumption".[183] Empirical examples describe; "how local Ugandan populations experience feelings of injustice when witnessing the amounts of resources and services offered to refugees is becoming increasingly bleak, thus generation friction among refugees and national populations. This consequently creates a divide between the guest (refugee) and the host population, when this happens[184]the refugees are viewed as economic burden".

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[181] Muggah, "Safe havens: why cities are crucial to the global refugee crisis, (2017).
[182] MDAs responsibility over primary areas of refugee policy and activities in Uganda.
[183] Poole, L. The refugee response in northern Uganda: resources beyond international humanitarian assistance. (London: ODI 2019). (www.odi.org/ publications/11274-refugee-response-northern-ugandaresources-beyond-international-humanitarian-assistance.
[184] Sarah Dryden-Peterson and Lucy Hovil: A Remaining Hope for Durable Solutions: Local Integration of Refugees and Their Hosts in the Case of Uganda, (2004), pp 27-29.

Although, "these refugees have the legal right to live and work freely and without fear in towns and cities, there are a number of significant social seclusion and economic isolation including cost of rent, basic services and business licences that restrict them to realise this right in practice".[185] "For that reason, it calls for refugee safety and provision of protection in order to ensure physical and legal security through implementation of legal rights and principles as provided in Refugees Act by both police and enforcement agencies".

2.3.2   Environmental Impacts

According to Miller, "environmental impacts of refugees to hosting communities creates a sudden and massive demand on scarce natural resources such as water, food and fuel among others and social services with long-term implications".[186] For example, this implies that the refugees affected in Uganda dwell in rural settlements and informal urban settlements. It should be noted that there has been silent and immense strain on limited infrastructure by refugees settling in urban settings resulting in disputes and other associated environmental problems such as health risks. Hence, this calls for refugee safety and protection to ensure physical and human security by police and enforcement agencies upholding KCCA guidelines and laws. Having discussed the environmental impact on security enforcement, there is need to also explore impacts on environment.

"The large-scale arrival and prolonged presence of refugees can have negative impacts on the environment, including deforestation; de-vegetation; erosion; the destruction, degradation and pollution of water sources and catchment areas; illegal poaching and fishing; and overgrazing".[187] "Also, heavy trucks that transport food and other relief may damage roads".[188] Refugees are

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[185] Sarah Dryden-Peterson and Lucy Hovil, p 29.

[186] Miller, S D. "Assessing the impacts of hosting refugees:" Centre for international Governance Innovation. Journal on Refugees, Canada, (2004).

[187] Rutinwa, Bonaventure and Khoti Kamanga, "*Impact of Refugees in Northwestern Tanzania*." Executive Summary, Study by Center for Study of Forced Migration, University of Dar es Salaam, (2003).

[188] Dzimbiri, Lewis B. "*Political and Economic Impacts of Refugees*: Some Observations on Mozambican Refugees in Malawi." Refuge 13 (6): (1993), p 4–6.

"victims of environmentally-hostile like arid locations with minimal vegetation and variable access to sufficient water, particularly for livestock and growing vegetables".[189] "Large camps like, Dadaab in Kenya or Zaatari in Jordan can have particularly negative effects on the environment, including soil erosion, loss of habitat and wildlife, air pollution, water contamination and water depletion".[190] "Also be located near national parks or reserves, which can create risks for the conservation of those areas".[191] 'Negative effects on environment call for remedial measures by stakeholders including regulatory agencies, wildlife authority, environmentalist, local police and enforcement agencies to enforce regulatory processes through implementation of legislation as well as overall conduct of environmental awareness campaigns.

2.3.3   Social Impacts

These are effects of an activity within the community on the social structure and wellbeing of individuals and families. For example, in the Kampala City case it is the social impact that urban refugees have on periphery communities. The UNHCR notes that "when large numbers of refugees arrive in a country and especially when they are in a destitute situation and do not share ethnic or cultural linkages with the host community there is always a risk that social tensions, conflicts and even violence might arise".[192] As Kampala City is a cosmopolitan, groups of refugees arriving must find help from their nationalities living in the surroundings of the city. Nevertheless, as the refugee population in Kampala continues to swell with the services and resources being strained, there are some community leaders who say signs of straining relationships are still uncommon but

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[189]Martin et al. *Environmental Resource Management in Refugee Camps and Surrounding Areas*: Lessons Learned and Best Practices. Environmental Impact of Refugee Camps: Resource Usage and Management Project, Final Report. Washington, DC: Georgetown University Walsh School of Foreign Service. (August 2017) p 11.

[190]Martin et al. p14.

[191]Shepherd, Gill. "*The Impact of Refugees on the Environment and Appropriate Responses*." Overseas Development Institute, September, (1995).

[192]UNHCR. "*The Role of Host Countries: The Cost and Impact of Hosting Refugees*." EC/62/SC/ CRP.18, (May 2011). p 31.

they do exist. Where refugee groups do not share ethnic or cultural ties with the host group and may be connected with an incident, such as terrorist attacks in Kampala, there has been victimization of Somali refugees since. After such event there is always the risk of social conflicts, disagreements and even violence. The hosting community's adverse social consequences call for remedial action to reduce or end conflicts between refugees and host communities.

2.3.4 Political Impacts

The political impacts are concerned with "the organizational stability of states, systems of government and ideologies that give them legitimacy. It also deals with the relationships of authority, governing status and recognition".[193] It has been reported that "non-formal political engagement of refugees in their host countries sometimes undermines the organizational stability of the state by threatening its identity and its organizing ideology as well as the institutions that express them".[194] Host states are; threatened in circumstances where refugees "introduce a broad base of social actors to raise awareness of the use of violence and to promote aspirations of freedom, dignity, civil participation and shared development".[195] In some cases, they try "to connect the political struggle for human rights and against the marginalization and persecution of refugees, with the global root causes of displacement, to establish political outlets that in many cases participate in negative activity".[196] According to Rutinwa and Kamanga, "local government and administrations, including law enforcement and the judiciary, may face additional pressures upon hosting refugee populations, even if they receive assistance from the UNHCR[197]and other

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[193] Buzan et al. Security, the State, the 'New World Order,' and Beyond.' On Security. Ed. Ronne D. Lipschutz. New York: Columbia University Press, (1998), pp 7-8.

[194] Zakaryan, T. Antara, L Political Participation of Refugees: The Case of South Sudanese and Congolese Refugees in Uganda, (2018), p13.

[195] Nora Jasmin Ragab and Lina Antara. Political Participation of Refugees: "The Case of Afghan and Syrian Refugees in Germany," International Institute for Democracy and Electoral Assistance, 2018, pp 12-20.

[196] Ibid. p 18.

[197] Rutinwa, Bonaventure and Khoti Kamanga, "*Impact of Refugees in Northwestern Tanzania.*" Executive Summary, Study by Center for Study of Forced Migration, University of Dar es Salaam, (August, 2003).

agencies". For example, "security enforcement agencies are under pressure from host communities to maintain security and stability. This necessitate appropriate security enforcement responses of enacting appropriate legislation and practitioners utilizing feasible mechanisms and procedures".[198]

2.3.5 Security Impacts

The refugees impact the countries "through which they pass and which are not their final destination. In some situations, refugees have left their country and moved towards neighboring countries and abroad in search of better life".[199] Health protection is, however, also threatened by the lack of "hygienic conditions during taking care of migrants, which could result in spreading diseases. Furthermore, many people perceive them as a threat to social cohesion and stability, consequently leading to resentment and hostility of local population".[200] This means they bring issues with them to other nations, putting pressure on social systems, increasing distrust, and spreading transmissible diseases due to poor hygiene. "The security concerns of hosting refugees are raised regularly by host states. The studies conducted in refugee hosting states research findings indicate that refugees have the potential to destabilize the countries that take them in settlements. This may arise in the form of political activists seeking to use the host country as a base for mobilizing and recruiting insurgents".[201] According to Salehyan, "refugee influx expand rebel networks to involve the host state when refugee militants create bases on external territory and form social ties with host opposition groups of a similar ethnicity or political orientation".[202] It

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[198] Researcher's analysis on security impacts by refugees in host states and among host communities.

[199] Jovanka KUVEKALOVIĆ, Gospava STOJANOVIĆ, Marina FILIPOVIĆ. "Conference Paper on Security Implications of the Migrant Crisis in Europe in 2015-16:" The Third International Academic Human Security Conference, At Belgrade, (2016), pp 28-32.

[200] Jovanka et al., p28.

[201] Aristide Zolberg, Astri Suhrke and Sergio Aguayo, *Escape from Violence: Conflict and the Refugee Crisis in the Developing World* (Oxford: Oxford University Press, 1989).

[202] Salehyan, Idean, and Kristian Gledtisch. 2006. "Refugees and the Spread of Civil War." International Organization 60(2): 277-97.

also claimed that, "at the extreme, refugee inflows may lead to spillover violence on the host country's territory".[203] Findings in Kampala Metropolitan, for example, suggest that refugees feel vulnerable and insecure, since residential areas are too exposed and crowded. To implement legislation, host country needs appropriate compliance responses from relevant enforcement agencies in order to resolve security impacts.

2.4 Challenges to Refugee Security Enforcement

There are an "estimated 100,000 refugees and asylum seekers in Kampala and unknown numbers in other secondary cities. The largest refugee populations in the capital are from the DRC (49%), Somalia (25%) and South Sudan (5%)".[204] Despite "opting out of Uganda's 'self-reliance' model, these 'self-settled' urban refugees are in many ways more self-reliant than their settlement dwelling counterparts. Indeed, some Somali refugees in Kampala have higher incomes than Ugandan nationals, other urban refugees and settlement residents".[205] "Urban refugees generally have better livelihoods options, but they struggle with discrimination, expensive rent, difficulties in obtaining business licenses and access to services".[206] Many "aid actors acknowledge that there is a major gap in terms of both knowledge of and assistance to urban refugees, particularly those residing in secondary cities." "Uganda is struggling to provide services to her own population. Interrogating the challenges affecting Uganda is important in understanding the quality and quantity of protection of refugees on her soil. These challenges are one way of understanding the burden faced by poor refugee hosting countries. The presence of refugees comes with economic,

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[203] Gleditsch, Kristian Skrede. 2007. "Transnational Dimensions of Civil War." Journal of Peace Research 44(3): 293-309.

[204] Agora (2018) Understanding the needs of urban refugees and host communities residing in vulnerable neighborhoods of Kampala. Kampala: Agora (www. reachresourcecentre.info/system/files/resource-documents/ agora_kampala_all_in_one_report_26072018_vf.pdf).

[205] Betts, A., Chaara, I., Omata, N. and Sterck, O. Refugee economies in Uganda: what difference does the self-reliance model make? Oxford: Refugees Studies Centre, (2019). (www.rsc.ox.ac.uk/publications/refugeeeconomies-in-uganda-what-difference-does-the-selfreliance-model-make)

[206] Monteith, W., Lwasa, S., Nsangi, G., Sseviiri, H. and Byarugaba, D. Upholding the rights of urban refugees in Uganda. London: (2017).

environmental, security, political and diplomatic challenges that influence the decisions and policies on refugees".[207] For example, "states can adopt restrictive policies on refugees in an attempt to alleviate those burdens. The extent of the problems can also be understood by donor countries and humanitarian organizations and ways to help developing countries. States have responsibilities under the burden sharing principle [208]to assist each other in meeting the needs of refugees".

2.4.1   Increase in Refugee Numbers

It is increase in refugee numbers. This situation gets worse with the unceasing influx of refugees fleeing conflicts in neighboring countries. The rise in refugee numbers[209] is putting much pressure on the country's resources and social services. The Government of Uganda in 2017 reported that the exceptional refugees' influx from South Sudan combined with limited food supplies; drought and youth unemployment especially in some areas where refugees were outnumbering the indigenous populations the hospitality was waning".[210] The same challenge was "raised in 2017 annual reports by the United Nations and UNHCR. As a consequence, the UNHCR argued that this inflow of refugee into Uganda and their protracted stay was putting excessive pressure on overstrained state and host community resources".[211] In addition, Reports from the Refugee Law Project suggested that 'the rise in the number of refugees has the potential to cause friction between refugees and host communities, [212] in rivalry for increased social services".

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[207] Betts A, Louise B, Josiah K, Naohiko O. "Refugee Economies: Forced Displacement and Development," Oxford, Oxford University Press, (2017).

[208] Milner J: Refugees and the Regional Dynamics of Peace Building, Refugee Survey Quarterly 28(1):13-30, (2009).

[209] Ibid.

[210] Government of Uganda, Report by the Ministry of Refugees, (2017).

[211] UNHCR; Global Trends: Forced Displacement in 2016, Geneva, UNHCR, (2017). Retrieved December 9, 2019.

[212]Refugee Law Project (2014, January). South- Sudan Crisis: Impact on Northern Uganda (A Rapid Assessment Report), Retrieved December 9, 2019.

2.4.2 Protracted Refugee Situations

Situation in which refugees became active players in the host countries' social structures, where they have developed a variety of coping mechanisms[213] to resolve the challenges of a worsening humanitarian situation. Their lives may not be in danger but after years in refugee, there is increased scarcity of basic needs.[214]. In this situation, a refugee is sometimes unable to break free from forced reliance on outside assistance. The UNHCR further states that a prolonged situation of refugees in "developing countries is one in which 25,000 or more refugees of the same nationality [215]have been exiled for five years or more". According to the World Bank 2017 annual report, "Uganda was hosting a large number of refugees caught in protracted situations, unable to return to their countries of origin, sometimes for decades".[216] "Most of the refugees in Uganda were in a situation of protracted displacement with limited prospects for a durable solution".[217]

'Cases of refugees' confined in "a protracted refugee situation in Uganda included; the Congolese, South Sudanese and Somalis. Protracted refugee conditions present a challenge to countries of asylum hosting permanent refugees without any likely solution to their trouble. In a situation where international support is inadequate, host countries are faced with a problem of responding to the requirements of refugees. They have reacted by restricting refugee rights, encampment, restricting movement and employment".[218] In the near future, refugee flows and unresolved refugee conditions will continue so long as wars exist and peace initiatives do not bear fruit. That is to say, the search for sustainable solutions like; voluntary resettlement remains a challenge as well

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[213] María López Belloso and Irantzu Mendia Azkue. "Local Human Development in contexts of permanent crisis: Women's experiences in the Western Sahara:" Institute of Development and International Cooperation Studies (Bilbao) University of the Basque Country, Journal of Disaster Risk Studies, Vol. 2, No.3, (December 2009), p 59.

[214] UNHCR; Protracted Refugee Situations, Executive Committee of the High Commissioner's Programme, Standing Committee, 30th Meeting, UN Doc. EC/54/SC/CRP.14. (2004), p1.

[215] UNHCR, 2004: ibid. p2

[216] World Bank annual report (2016), p 17.

[217] World Bank, (2016), p 6.

[218]UNHCR. State of the World's Refugees: Human Displacement in the New Millennium, Oxford, Oxford University Press, (2006), p 114-115.

2.4.3   Limited Resources and Little International Support

Uganda has limited resources and little international support meet "the needs of a large number of refugees considering their enormous basic requirements. In fact, Uganda's 'open-door asylum policy and progressive development-oriented model' presents a challenge, and calls for supplementary international support. The exceptional surge in refugee numbers and the protracted stay of refugees is imposing excessive pressure on overstrained state and host community resources. On the contrary, according to the world population review of 2018 Uganda was reported to be having a fast growing population at an annual growth rate of 3.28%".[219] This presupposes, Uganda is also facing big challenges in meeting the demands of its people. One of the concepts of refugee security, as has already been pointed out, is responsibility sharing, in which states support each other to look after refugees. According to 'Amnesty International', states "have obligations to provide support to each other to host refugees as provided by international human rights and refugee law. This is the principle of responsibility sharing that makes it possible to ease the burden of hosting refugees[220] especially in developing countries". Nevertheless, developed states have ignored this idea. Consequently, the idea that has been "undermined by repeated failures by the international community in the recent past is faced with large numbers of refugees[221] in the midst of diminishing international support". "The refugees from South Sudan in Uganda were viewed as victims of a systemic and shameful failure of international cooperation in 2017, according to Amnesty International reports. The major challenge facing Uganda's response to refugees by far is the international community's considerable lack of concern. The international community's disappointing response has placed severe pressure on Uganda as a result of insufficient UN and NGO funding to meet refugee needs. This challenge that Uganda faces calls for "international

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[219] World Population Review, 2018.
[220] Amnesty International, 2017: p 5.
[221] Amnesty International, 2017: pp 5-6.

action to relieve the suffering of the Congolese, South Sudanese and Somalis" as vulnerable people in dire need of aid in the region.

2.4.4 Conflict Spill over and Hosting burdens

According to Milner direct threats emanate "from 'refugee warriors' and armed exiles causing a 'conflict spillover' whereas indirect threats posed by refugees originate from altering either the levels of 'grievance' or the 'opportunity structure' in a country of asylum". "That direct security threats come as a result of refugee warriors and armed exiles engaging in rebel and military activities in hosts' territory. This in turn brings in revenge from the country of origin in attempts to neutralize the security threats posed by the armed refugee groups".[222] For indirect security threats,[223] refugees are involved in crimes such as thefts, resource-based disputes, and employment competition among others with nationals. Refugees have an impact on sanctuaries in the host areas. When the refugees fail to adhere and adapt to the new way of living in their new area and the host community may isolate them, that results in tensions and conflict seas in most cases. "Uganda is grappling with conflict spillover and the burden of hosting refugees from different backgrounds. The provision of safe havens to refugees by many countries including Uganda is not a new thing, recent global events have been shading lights on the effect refugees have on the living conditions of the host communities. On security aspect, refugees pose direct and indirect threats for the host countries and communities".[224]

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[222] Milner, J. Sharing the Security Burden: Towards the Convergence of Refugee Protection and State Security. (Refugee Studies Centre Working Paper No. 4), University of Oxford, (2000), p 17.
[223] Frank Ahimbisibwe. "Uganda and the refugee problem: challenges and opportunities", p 67.
[224] Over 1.2 million refugees in Uganda and 10% are urban refugees, yet the conflicts are ongoing in the region

2.5 Chapter Summary

Chapter two provides an overview of the influx of refugees at global, regional and national level, discussing and analyzing refugee policy and practice in Uganda, the impact of refugees in the Uganda context and the perspectives of refugee security in Uganda. Also, the current security enforcement issues have been discussed.

CHAPTER THREE

THE RELATIONSHIP BETWEEN TRANSNATIONAL ORGANISED CRIMES AND "INFLUX OF REFUGEES IN UGANDA"

3.0   Introduction

'Chapter three examines an understanding of transnational organized crimes trends in Uganda. It explores organized crime networks and role of refugees in this practice with reference to Kampala. The challenges to security enforcement in Kampala City are examined.'

3.1   Understanding Transnational Organised Crime Trends: An Evolving Challenge

"In the past two decades, external threats to national security in many parts of the World, Latin America and Africa in particular have manifested in the form of Transnational Organised Crime (TOC) and new globalized criminal opportunities arising from developments in international transactions".[225] Latin America region may be particularly affected, but there are several other countries around the world that are technically at peace, yet organized crime is creating significant forced displacement. "TOC networks, appear to be bound by trust bonds such as family, ethnicity or business. They are facilitated by new mobile technologies, particularly the internet social network media and are now emerging online. Transnational organized crime is evolving in ways that challenge most security agencies' understanding of the criminal enterprise".[226] This region may be particularly affected, but there are several other countries around the world that are technically at peace, yet organized crime is creating significant forced displacement. "As TOC networks have globalized and diversified their operations, they have based their activities in countries offering conditions most favorable to their survival and expansion. They pose a

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[225] Wall, D.S. How Big Data Feeds Big Crime, Current History: A journal of contemporary world affairs, (2018).
[226] Mark Hanna; Transnational Organized Crime in an Era of Accelerating Change, (2010).

significant and growing threat to human and international security, with dire implications for public safety, public health, emerging democratic institutions and economic stability across the globe. The operating environment is characterized by high mobility, which has given networks a wider selection of operational bases across global urban centres and the ability to respond faster to changes that are unfavorable to their operations. The conditions which favour the and transnational organized crime networks especially drug traffickers".[227]

They range from "official corruption, incomplete or weak legislation, poor enforcement of existing laws, non-transparent financial institutions, unfavorable economic conditions, lack of respect for the rule of law in society, and poorly guarded national borders". [228] "According Webster et.al, several of those circumstances emerge because of a lack of political commitment for the rule of law. The conditions are exacerbated by globalization which helps to create and maintain weak states by subjecting them to such strong market, political and social forces that they cannot achieve the degree of internal cohesion necessary to become strong nation-states".[229] "Nations are incapable of exercising responsible sovereignty, have a spillover effect in the form of terrorism, weapons proliferation and other dangers".[230] "The smuggling of migrant and the trafficking of weapons and drugs through cities or into countries using porous routes of those countries are illegal activities often viewed as the movement of a profit bearing commodity".[231] "In view of the above, this study focuses on all transnational movement of illegal persons and material goods which have

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[227] Serrano, Mónica, and María Celia Toro. "From Drug Trafficking to Transnational Organized Crime in Latin America." Chapter 12 in Mats Berdal and Mónica Serrano, eds., Transnational Organized Crime and International Security: Business as Usual? Boulder, Colorado, and London: Lynne Rienner, (2002).

[228] H. Anderson and Cheryl W. Gray, *Anticorruption in Transition 3. Who Is Succeeding...and Why?* (Washington, DC: World Bank, (2006), p.82.

[229] Webster, William H., Arnaud de Borchgrave, Robert H. Kupperman and Erik R. Peterson, Gerard P. Burke, and Frank J. Cilluffo. Russian Organized Crime: A Report of the Global Organized Crime Task Force. Washington, D.C.: Center for Strategic and International Studies, (1997).

[230] A Conversation with Condoleezza Rice," The American Interest 1, 1 (Autumn 2005), p. 47-50.

[231] Gastrow, "Main Trends," 1; Mark Shaw and Peter Gastrow, "Crime and Its Impact in Post-Apartheid South Africa," Daedalus, 130, no. 1 (2001): p 250-51.

capacity to weaken the financial and economic systems of countries, undermine democracy and diplomatically dent national image, in the long run threatening the human and international security".[232]

3.1.1 Global Trends

At the global level, more people have been "displaced by force since the Second World War, with more than 65 million[233]by the end of 2015". Globally, Hannah Arendt wrote before the creation of the Refugee Convention that "classifying the refugee as a criminal offered greater legal protection: since he was the anomaly for which the general law did not provide, it was safer for him to become an anomaly for which he provided, that of the criminal. More legal protection was given to a criminal while a refugee[234]was not received". Therefore, refugee security must be "reintroduced critically in this study on transnational crime, which has been debased by the merger of human smuggling and transnational crime[235]an approach which undermines any discussion of persecution and security. The criminalization of refugees that Arendt claimed would offer legitimacy to stateless peoples has also increased, but not to the benefit of those seeking protection. This criminalization can be traced across various periods after the Second World War, mostly gaining more popularity by portraying individual refugees".

Many seeking refuge in the global north were able to "gain safety during the Cold War, which coincided with the diplomatic interests of developed Western nations. Since then, globally Northern countries have become increasingly dissatisfied with illegal migration[236] from the global South". At the same time, what once were issues of diplomatic affairs and international policy are

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[232] Researcher 'perspective in level of analysis including Uganda, Kampala city.
[233] Demography of Refugee and Forced Migration", Springer Science and Business Media LLC, (2018".
[234] Arendt, Hannah, The Origins of Totalitarianism. Florida: Harcourt, (1966), p 286.
[235] Pickering, "Original Deviance and Normality: Representations of Asylum Seekers and Refugees in the Australian Press." Journal of Refugee Studies 14,2: (2001) 169-186.
[236] Edwards, Adam and Peter Gill 2002b "The Politics of Transnational Organized Crime': Discourse, Reflexivity and the Narration of 'Threat.'" British Journal of Politics and International Relations 4: pp 245-270.

gradually being considered crime and security concerns. There is broad coverage for the drug trafficking and human trafficking.[237] Contemporary criminalization debates slowly view forced migration as an indicator of transnational crime, rather than human struggle.

From Latin America the traffickers cover long distances. The intermediaries are also active along the routes in the transit countries. Organized crime is "pushing forced migration throughout Latin America, generating deep tensions for countries and the region's humanitarian practitioners. Globalization significantly strengthened this phenomenon of criminal networks of Latin American nations and other continents connecting with those human traffickers in Africa and Asia,[238] now seen as central to the illicit movement of human beings".

According to Edwards and Gill, there are "two prevalent narratives of transnational crime, known as 'criminologies of the other' and 'criminologies of the self.' Dominant narratives of transnational crime have concentrated on the external danger posed to the nation by these crimes".[239] It is recognized that the danger to national security originates "from outside the nation-state; it is portrayed as vulnerable and victimized and is identifiably racial or national in nature. The global North is believed to have invested extensively in presenting asylum seekers as taking on legitimate communities from outside".[240] It is underpinned by the perception that motives for forced migration lie beyond the nation-state and are linked to the asylum countries' foreign policy and economic interests.

Several factors in the 1990s made "Britain a vulnerable country to transnational criminal networks. Core organized crime networks from Colombia, China, Jamaica, South Asia, Turkey

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[237] U.S. Department of State, International Narcotics Control Strategy Report (2003), X-43.
[238] International Organization for Migration.
239 Edwards, Adam and Peter Gill, Politics of Transnational Organized Crime': Discourse, Reflexivity and the Narration of 'Threat.'" British Journal of Politics and International Relations 4:(2002b), pp 245-270.
240 Ibid, 270.

and West Africa emerged[241]in Great Britain. By 2025, Great Britain was still a "preferred destination for asylum seekers and human trafficking[242]due to the large and increasing ethnic groups of the country offering security and anonymity". The "open economy of Great Britain offers both a market [243]for a range of counterfeit products and drugs". Tamara claims Great Britain is open to transnational crime networks and a preferred destination for asylum seekers and trafficking in human beings. In addition, globalization effect combined with "the supply chain from Latin America's source countries offers illicit trade opportunities through transit hubs to major market countries like Britain".[244] Criminal networks in the European Union take advantage of the existing black markets among indigenous crime networks that operate alongside legitimate businesses and asylum seekers. In recent years, the substantial influx of refugees into the EU has led to a "profound re-conceptualization of its immigration control policy, with focus on co-opting new partners,[245]such as private investors". "These new policies have facilitated creation of migration as a destabilizing or dangerous challenge to west European societies. The development of a common migration policy in Europe with wider politics of belonging and struggles over cultural, racial and socio-economic criteria for the distribution of rights and duties in a community has complicate smooth management of immigrants. Since 2017, EU and its member states have criminalized NGOs' rescue team at sea in addition to imposing hefty fines on the organisations".[246] "This presupposes that directly or indirectly supporting strategies of securitization makes the inclusion of immigrants, asylum-seekers and refugees in European

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[241] Richard Evans, "Systematic Transnational Crime: Organised Crime and Terrorist Financing in Northern Ireland," Jane's Intelligence Review [London], (2001).

[242]Blinder, S. Imagined immigration: The impact of different meanings of `immigrants' in public opinion and policy debates in Britain. Political Studies, 63(1), (2015), pp 80–100.

[243] Tamara Makarenko, "Destination UK," (Jane's Intelligence Review London, 2001).

[244] Angel Rabasa, Christopher M. Schnaubelt, Peter Chalk, Douglas Farah, Gregory Midgette, Howard J. Shatz. "Countering the Expansion of Transnational Criminal Networks:" RAND Corporation, (Santa Monica, Calif, 2017), p 101.

[245] The European Union and the Securitization of Migration

[246] Shoshana Fine, All at sea: Europe's crisis of solidarity on migration, 2019.

societies more difficult. It also has implications on the issues of cultural identity. The securitization of asylum seekers and refugees continue to be associated with organized crime networks in other regions of the World".[247]

3.1.2 Regional Trends

At the regional level, "the number of international migrants from Africa reached 24.6 million in 2017, with nearly half of them being women".[248] The prominence of migration has "greatly increased in recent times, as the continent sees larger numbers of migrants than at any other time in history. These trends take shape against the backdrop of the growing securitization of migration, the externalization of border control and increasingly restrictive migration policies, which have contributed to irregular migration. As legal pathways for migration have diminished, migrants are falling prey to smugglers and human traffickers".[249] "Irregular migration is closely linked to migrant smuggling and other forms of international organised crime, including human trafficking across the Sahara desert, and can adversely affect national and international stability and security".[250] "The prevailing illicit markets are growing the pace of globalization while at the same time the migrant smuggling and human trafficking have integrated into the legitimate regional trade".[251]

Over the last decade, "a salient trend in African migration has been the rise in irregular migration as well as human trafficking. According to the Africa Center for Strategic Studies assessment report, two-thirds of the cocaine smuggled between South America and Europe passes through West Africa, specifically Benin, Ghana, Mali and Nigeria among others".[252] "Illicit

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[247] Researcher's analysis of migration trends in EU and Eastern Europe 'vis a vis' other continents where immigrants flow from.
[248] Department of Economic and Social Affairs: International Migration Report 2017.
[249] Ibid.
[250] www.reuters.com/article/us-europe-migrants-sahara-idUSKCN0ZV22C, Accessed on 12, April, 2020.
[251] Shaw, M. ENACT: The Global Initiative Against Transnational Organized Crime, (2017).
[252] Africa Center for Strategic Studies; Interdiction Efforts Adapt as Drug Trafficking in Africa Modernizes, (2017).

activities are facilitated by the Jihad in West Africa and terrorist organizations in the Sahel and have taken advantage of the revenue opportunities created by controlling these trade routes for drugs. Migrants use these increasingly precarious routes, which render them vulnerable to abuse by smugglers and traffickers".[253]

In Sub-Saharan Africa, "the crime trends in human smuggling and trafficking, criminalization of some states and the involvement of government officials in organised crime goes on unabated".[254] For example, "Congolese women and girls are fraudulently recruited through false promises of education or employment opportunities abroad and trafficked to other countries in Africa, the Middle East and Europe, where traffickers exploit them in sex trafficking, domestic servitude, or forced labor in agriculture and diamond mines".[255] In both sub-regions, "women and girls are particularly vulnerable to human trafficking, sexual and gender-based violence, and other risks. Moreover, States often view irregular migration through the prism of national security, which may lead to a generalization that all refugees and migrants are a potential security threat. This has contributed to the securitization of migration, including the reinforcement of border control, without due respect for migrants' human rights".[256] "In some African countries recovering from civil war, police capacity and commitment to fight crime may be limited".[257] "Furthermore, corruption and harassment at borders in Africa remain a challenge, even in regions that are implementing free movement of persons' regimes and this too undermines the human rights of migrants. This presupposes that the question of corruption, security enforcement gap and

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[253] Ibid.
[254] Shelley, Louise I. Dirty Entanglements: Corruption, Crime, and Terrorism, New York: Cambridge University Press, 2014.
[255] US Department of State; Trafficking in Persons Report: Democratic Republic of the Congo (2019).
[256] 13th United Nations Congress on Crime Prevention and Criminal Justice, 12-16 April (2015).
[257] Minister for Justice of Somalia, said his country was slowly starting to recover from a disastrous, very painful near quarter century of civil war and Police services were not yet professional and the criminal justice system was still undergoing a national constitutional dialogue and review.

weak criminal justice systems cripple enforcement and in turn impact on states security and by extension regional security".[258]

3.1.3   Sub-Regional Trends

Historical, linguistic or cultural relations between states of origin and destination, settled immigrant populations in the destination country and migration networks are the factors affecting the decisions made by individuals to apply for asylum in particular countries.[259] Refugee inflows follow given patterns depending on host nations' laws on immigration and cultural ties of the communities in both countries. For instance, EAC countries; Burundi, Kenya, Rwanda, South Sudan, Tanzania and Uganda, in particular, have diverse histories in dealing with refugees. "Many challenges exist in guaranteeing the protection of refugee and migrant populations in East Africa and across the continent more generally. Actors at all levels have identified issues that they confront in securing the rights of migrants. Research has shown that repeated refugee influx into host countries has created controversy and strain with claims that the situation is a comfort that emerging countries cannot afford".[260]

Refugees will always seek refuge in countries that are more politically stable. Whereas refugees appeal to assistance into host countries "in form significant flow of resources in form of international humanitarian assistance and human capital, they also impose threats on security, economic and environmental strain on their host countries".[261] And so political actors have taken up this social issue and has labeled it as dangerous to the national security so as to lock out

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[258] Researchers analysis regarding refugee trends on the continent.
[259] UNHCR. "The State of the World's Refugees 2000-2006: Human Displacement in the New Millennium," (Oxford University Press, 2006).
[260] Cutts, M. Politics and humanitarianism. Refugee Survey Quarterly, 17(1) (1998), p 71.
[261] Kibreab, G. Displacement, host governments' policies, and constraints on the construction of sustainable livelihoods. International Social Science Journal, 55(175), (2003), pp 57-67.

refugees. "Focus is on 'Somalia, South Sudan and Democratic Republic of Congo' as 'refugees' from these countries form 'majority of refugees' that the sub-region hosts".[262]

At the same time "region's geostrategic position and being on trade routes that link the East African to South Asia with the African continent are also critical advantages to criminal networks. For instance, in the last decade, Kenya and Tanzania coastlines have been used as traffic routes for opiates from Pakistan and Afghanistan to Western destinations. Also, Somalia a neighbors to East of Africa states and more so Kenya is constantly at war causing refugees spill-overs since 1980s and this has caused instability in the regions".[263] "Smugglers and traffickers take advantage of this unstable situation to exploit these weak state institutions, corrupt politicians and law enforcement personnel, porous borders, ethnic networks with ties in neighboring and foreign states, and high levels of poverty".[264] For instance, "according to the Kenyan Ministry of State for Immigration and Registration of Persons, in 2009, the influx of Somali refugees into Kenya created a major terrorism threat and putting tremendous pressure on social services and amenities; 'extremist groups' and 'Islamic radicals may use refugee flow to smuggle weapons and people into Kenya to engage in terrorist attacks".[265]

"These fears were intensified by media portrayals that some elements among Somalis were pirates, terrorists and arm smugglers, hence perceived as a significant threat to national security. Also, interviews and focus group discussions with refugees in Nairobi conducted in 2010, respondents attest to deep-rooted suspicions and negative perceptions of refugees among police officers in the

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[262] The Great Lakes Region and Horn of Africa that is conflict prone, with over 40 years its countries are in conflicts.
[263] Plaut, M. How unstable is the Horn of Africa? Review of African Political Economy, 40 (136), (2013), pp 321-330.
[264] Green, P. State Crime: Governments, Violence and Corruption. London: Sterling, Va.: Pluto Press, (2004).
[265] Ministry of State for Immigration and Registration of Persons (MIRP) Strategic Plan 2008-2010. (2009), p15.

city. There was a widespread belief within the police that refugees are criminally minded, while Somalis in particular may be suspected of links with terrorist organisations".[266]

This is "how drug traffickers have penetrated and subverted state institutions from within, effectively undermining state institutions which are likely to face the threat of becoming dysfunctional".[267] For instance, "the drug traffickers targeted the Great Lakes Region as alternative operating environment for their enterprises in narcotics, human beings and arms. They focused on DRC, South Sudan central Africa and the Horn of Africa since these states were viewed to have weak domestic institutions and destabilized borders a trend that has directly affected them and their neighbors".[268] "The more stable nations of the region; Kenya, Tanzania, and Uganda have suffered from the instability surrounding them as well as from domestic corruption and law enforcement insufficiencies".[269] "The urban refugee situation in Nairobi is Pan African and complex in nature, with refugees from eight countries represented".[270] That means these countries are faced with the concerns of smugglers using the area as a transit. This presupposes the need for joint enforcement measures to resolve the issue.

"The 2018 Small Arms Survey, reveals that there are 7.8 million small arms in the wrong hands where almost half of the countries in a region; Somalia, South Sudan, Sudan, Democratic Republic of Congo and Burundi are undergoing or just recovering from conflict".[271] "Conflict in Somalia has encouraged the trafficking of firearms in the region and is a cause of the high influx of refugees, causing long term detrimental consequences in the region. In addition, conflicts have

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[266] Sara Pavanello, Samir Elhawary and Sara Pantuliano, Hidden and exposed: Urban refugees in Nairobi, Kenya, 2010.
[267] Africa Center for Strategic Studies: Interdiction Efforts Adapt as Drug Trafficking in Africa Modernizes, (2007)
[268] Gumisai Mutume; From Africa Renewal: Organized crime targets weak African states, (2007).
[269] The EAC Partner States that host most of the refugees from the region and beyond since independence.
[270] Sara Pavanello, Samir Elhawary and Sara Pantuliano, Hidden and exposed: Urban refugees in Nairobi, Kenya, 2010, p 7.
[271] The Geneva Small Arms Survey 2018.

spill-over effects such as the disruption of the local economy, human rights violations and the disappearance of vital state functions effects that are evident in the neighbouring countries in the region".[272] "This presupposes that conflict prone zones are the primary source of illegal arms whereas Kenya is a gateway for traffickers into the region and beyond. This renders the hinterland venerable to the challenges to security enforcement arising from issues of; open border policy for the case of Uganda, weak state institutions, corrupt law enforcement personnel and poorly patrolled porous borders".[273]

3.1.4 Types of Transnational Organised Crime in Kampala City

Rapid urbanization culminating in urban growth has recently become a common phenomenon in some Sub-Saharan African countries and in some other parts of the world. "Transnational organized crime in Uganda poses considerable threat to the safety and security of citizen and residents, and creates a significant challenge to law enforcement agencies".[274] "Networks also take advantage of differences in sub regional legislation, legal systems and traditions, which often seriously hamper state efforts to respond adequately to the threat of transnational organized crimes".[275] 'Crime networks' remain "highly connected across borders and are active in a number of illicit markets, notably arms trafficking, narcotics trafficking, human trafficking and smuggling, environmental crimes, amongst others".[276] 'The study examines the preferred illegal activities carried out in the Kampala City by criminal networks across transnational borders either for economic benefits or social payback considerations.'

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[272] UNODC, Discussion Paper, Organised Crime and Trafficking in Eastern Africa, (2009), p9.
[273] Researchers analysis of the crime trends in the region and likely course if states do not rethink the legal regimes.
[274] Interpol, Overview of Serious and Organized Crime in East Africa: Enhancing Africa's response to transnational organized crime. (ENACT) (2018).
[275] Ibid.
[276] Institute for Security Studies Africa: The Global Initiative against Transnational Organised Crime, (2018).

3.1.4.1 Illicit Arms Trafficking

"United Nations Protocol Against Trafficking in Firearms', defines illicit arm trafficking as the import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components and ammunition from or across the territory of one State to that of another without authorization or without the proper marking of the firearms".[277] "Firearms serve multiple purposes. They are not only profitable trafficking commodity but, first and foremost, a tool to consolidate power and to commit violent crimes".[278] "In Uganda, small arms and light weapons (SALW) are common since they are easy to acquire and to use. The illicit arms in Kampala City, figure significantly in homegrown terrorism, cultures of violence and the militarization of civil societies. Threat of homegrown terrorism remains a critical challenge to the security of the state. For example, the attack by the Allied Democratic Front (ADF) on school children".[279] Also, "the Al-Shabaab suicide attackers terrorized Ugandans watching the World Soccer Championship finals in Kampala on 11 July 2010. In this attack, Al Jazeera reported that, 86 people were killed, including nine Ethiopians, an Irish woman, and one Asian; more than 85 people were wounded".[280] "In both incidents, the perpetrators took advantage of negligent security monitoring mechanisms and poor policing of borders to smuggle in SALW that later were used in the commission of terrorist activities. Different laws and regulations in Uganda contain provisions relevant to the control of SALW and terrorism".[281] "These laws include the Fire Arms Act of 1970 as amended

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[277] UN Protocol Against the Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing The United Nations Convention against Transnational Organized Crime.

[278] Salcedo-Albarán, Eduardo and Diana Santos Cubides. Firearms Trafficking: Mexico-United States Border. The Global Observatory of Transnational Criminal Networks, Research Paper No. 16, Bogotá: Vortex Foundation, (2017).

[279] HRW Condemns Deadly Attack by Ugandan Rebels on School Children," Human Rights Watch, 10 June 1998, accessed on 12 October, 2019. http://www.hrw.org/news/1998/06/09/hrw-condemns-attack-ugandan-rebels-school-children.accessed on 12 October, 2019. Also, Interpol, Overview of Serious and Organized Crime in East Africa: Enhancing Africa's response to transnational organized crime. (ENACT) (2018).

[280] Al Jazeera, "Al-Shabaab Claims Uganda Bombings: Twin Attacks Targeting World Cup Fans in Kampala Kill at Least 74 People," 13 July 2010, accessed on 12 October, 2019, http://www.aljazeera.com/news/africa/2010/07/2010711212520826984.html.

[281] Researchers analysis of the two incidents in the mismanagement of small arms by enforcement in Uganda.

in 2005, which lays down the punishments for illegal ownership of firearms, and other firearms-related offences".[282]

Following "widespread illegal use of small arms in urban terrorism and crimes of opportunity between 2000 and 2008 in the capital city of Kampala, the Fire Arms Act was amended to make it match with the magnitude of the threat. The amendment provided the establishment of a joint task force consisting of the Uganda Police (UPF), Uganda Peoples Defense Forces (UPDF), the External Security Organization (ESO), and Internal Security Organization (ISO) to combat the vices of proliferation through joint operations and intelligence sharing".[283] "Government launched an interagency security operation code named Operation Wembley, that significantly reduced the circulation of illegal guns from society by conducting cordon and search operations, snap check points, and operationalizing some provisions of amnesty law".[284] "The operation was grounded on provisions of the Uganda Fire Arms Act and had the support of international partners".[285] "However, corruption by government enforcement officers, still frustrate the recovery of small arms from the population as the police and some junior military officers connive with culprits to abet crime".[286] According to "Uganda National Focal Point, arms in North Uganda are said to be arms that were used during the fall of successive governments in Uganda".[287]This presupposes that illegal arms trafficking is a dynamic and dangerous problem that affects people's safety and continues to be a major concern to East African Partner States' security. Joint security mechanisms

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[282] ULII, The Uganda Firearms Act 1970 chapter 299. www.ulii.org/ug/legislation/consolidated-act/ 299.
[283] The Firearms Act of 1970 provides for regulation of purchasing and possession of firearms and ammunitions, chapter 299 (Uganda), accessed on 12 October, 2019. http://www.ulii.org/ug/legislation/consolidated-act/299.
[284] Ibid.
[285] Ibid.
[286] This vice is common among officials in the enforcement sector, through connivance.
[287] UNFP; Uganda National Focal Point on Small Arms and Light Weapons (2007).

are therefore required to dissuade the illegal importation, movement or transfer of firearms in order to ensure stability in the sub-region.[288]

3.1.4.2 Drug Trafficking

"Drug trafficking is a global illicit trade involving the cultivation, manufacture, distribution and sale of substances which are subject to drug prohibition laws".[289] For example, finding suggests that Kampala drug trafficking networks are engaged in facilitating "illegal narcotics smugglers, heroin, marijuana, cocaine, and methamphetamine dealings. They are transited to Europe and the United States via Kampala and Entebbe".[290] Similarly, 'a 2013 incident' in Kampala, that involved "suspension of detectives in the narcotics department and the Police Professional Standard Unit (PSU) on allegations of collusion with drug barons".[291]

The increase in the "drug smuggling through Uganda has been facilitated by lack of strong laws governing drug use coupled with corrupt Government officials. Drug traffickers bribe the authorities, the police, the judges or anyone involved in the case which makes it an easy target to transit drugs through Uganda and by extension East Africa".[292] "The literature therefore reveals that there is a connection between Transnational Organized Crime networks, government officials and challenges to security enforcement in Uganda. In summary, lack of a strong regulatory framework and collusion of corrupt Government officials with criminal networks undermine security enforcement measures".[293]

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[288] Researchers' analysis and proposal on preventative and security frameworks measures.
[289] United Nations Office of Drug and Crime.
[290] United States Department of States, 'Uganda 2018 Crime & Safety Report', OSAC Bureau of Diplomatic Security, 23 May 2018,
[291] R Wanambwa, Detectives suspended over drugs use, OPM case, The Monitor (Uganda), 4 February 2013, http://www. monitor.co.ug/News/National/Detectives-suspended-over drugs---OPM-scam/688334-1683658-72wq5x/index.html, Retrieved on 12 April, 2020.
[292] Fiona Kibirige; Drug smuggling in Uganda, how has it impacted the people of Uganda, (2010).
[293] Researcher's analysis on drug traffickers in Uganda and networks in the region and beyond.

3.1.4.3 'Trafficking in Humans' and 'Smuggling'

"Human trafficking is a crime involving the exploitation of an individual for the purposes of compelled labor or a commercial sex act through the use of force, fraud, or coercion".[294]

"Migrant smuggling occurs when a person voluntarily enters into an agreement with a smuggler to gain illegal entry into a foreign country and is moved across an international border".[295] According to "2008 International Organization for Migration (IOM) study on tracking in East Africa, victims of human trafficking in the region are often trafficked either to or through Kenya from neighbouring countries such as Burundi, Rwanda, Somalia, South Sudan, Tanzania and Uganda".[296]

"During 2013, Uganda continued to serve mainly as a source and destination point for victims of trafficking in persons, at the internal and transnational levels. It was also a transit point for a few registered transnational victims. According to the information compiled by Coordination Office to Combat Trafficking in Persons (COCTIP), a total of 837 victims of trafficking including suspected victims were registered for the year 2013, out of which 429 were victims of transnational trafficking while 408 were trafficked internally. Uganda was a destination for a total of 20 registered victims from 6 foreign countries of Madagascar, Somalia, Rwanda, Burundi, South Sudan and Tanzania".[297] "Sexual exploitation victim from Burundi was a registered refugee in Uganda. It was also a transit country for 8 suspected transnational victims from Ethiopia on the way to South Africa".[298] "Most of the transnational victims of trafficking were recruited by individuals and unlicensed companies in Kampala Metropolitan Area. The majority of the victims

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[294] Trafficking in Persons Protocol: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
[295] Migrant Smuggling Protocol: Protocol against the Smuggling of Migrants by Land, Sea, and Air.
[296] IOM, Migration in Kenya – A Country Profile 2015 (Nairobi, 2015).
[297] The Coordination Office to Combat Trafficking in Persons (COCTIP), Annual report on the trend of trafficking in persons in Uganda, 2013.
[298] Ibid.

are made to leave the country in disguised ways, usually by road, through the neighboring countries of Kenya, Rwanda, South Sudan and Tanzania, from where they proceeded to the various destination countries outside the region".[299]

In 2019, the "IOM Uganda and its implementing partners organized a series of public campaigns to raise awareness about human trafficking".[300] "Uganda has also signed or is in the process of negotiating several bilateral agreements to address trafficking in persons with various countries that are recipients of Ugandan labour, specifically in the Persian Gulf".[301]

"Despite the existing laws and frameworks, there is still a limited understanding among law enforcement practitioners, the judiciary, Ugandan civil society and the Ugandan population at large about the legislation concerning human trafficking. Formulation of a comprehensive legal framework followed by education programmes that specifically address the issue of smuggling as distinct from trafficking are necessary requirements in a society that should understand in-depth the dynamics of the crime".[302]

3.1.4.4 Environmental Crime

"Environmental crimes are criminal activities undertaken by persons acting across national borders including illegal logging and timber smuggling, species smuggling, the illegal movement of toxic and hazardous waste".[303] Studies have revealed that "organized criminal networks engaged in wildlife trade are also involved in drugs and weapons smuggling. Furthermore, trade is so complex that it poses an enormous challenge to authorities in EAC region. It is difficult to detect these

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[299] Ibid.

[300] Marion Dehier and Richard M Kavuma; IOM: Human Trafficking Awareness Campaign Livens Up Ugandan Cities, (2019).

[301] Ministry of Internal Affairs: 2015 Report on the Trend of Trafficking of Persons in Uganda. Interventions carried out and the way forward, (2016).

[302] Researcher's deduction after law enforcement coordination assessment, 27 December, 2019.

[303] Richard A. Posner. An Economic Theory of the Criminal Law, 85 COLUM. L. REV. 1193, 1195, (1985).

crimes and to persecute criminals and criminal groups because of the protection they receive from corrupt officials".[304]

"A second widespread environmental crime is wildlife poaching and the related illegal trade in ivory.' Not all countries in the region are involved in the ivory trade. Environmental crime is quite prevalent in ivory poaching, the crime is enabled by the availability of weapons that remained from the previous civil conflicts or ongoing or stolen from security officials like Uganda police armory".[305] "Although elephants are killed by other slower and less reliable methods such as pit fall traps and poisoning, the crime is equally threatening the environment sector".[306]

"Organised criminal elements operating in Uganda have continued to move large quantities of ivory into, between, and out of the country through Kampala City as a transit route, which constitutes the greatest illicit ivory trade flows in the period 2009 through 2014".[307]

In 'Kampala Metropolitan Area' 'environmental crimes' are 'evident'; such as "pollution of water sources, land and air environs through dumping of toxic waste. The most common illegal source of pollution confirmed are discharge of raw sewerage from municipalities that lack adequate systems for sewerage treatment and disposal. For instance, factories within Kampala City collude with municipal officials to commit environmental offences by way of facilitating them with spaces for illegal dumping of toxic or radioactive waste on waters and lands".[308] In case of "municipal waste treatment plants, Kampala Council City Authority officials illegally dump untreated sewage into wetlands, lakes and rivers".[309] "Also illegal dumping of motor vehicle scrap

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[304] Interview with Commissioner for Security on 28 December, 2019.

[305] Moreto, W. de J. To conserve and protect: Examining law enforcement ranger culture and operations in Queen Elizabeth National Park, Uganda. PhD thesis. Rutgers, The State University of New Jersey, (2013).

[306] King, J. and Craig, I. The Northern Rangelands Trust. In D. Roe, ed. Conservation, Crime and Communities. IIED. London, (2015).

[307] Report on the Elephant Trade Information System (ETIS), Seventeenth meeting of the Conference of the Parties Johannesburg (South Africa), 24 September – 5 October 2016

[308] White, R., and Heckenberg, D. Green Criminology: An Introduction to the Study of Environmental Harm. Routledge ltd, (2014).

[309]Gibbs, C. and Boratto, R. Oxford Research Encyclopedia of Criminology, (2017).

and release of pollutants into lakes by commercial industries and tobacco firms amongst others are on the rise in the region. For example, it was estimated that Lake Victoria receives 23,550 tons of Biological Oxygen Demand (BOD) substances, 1555,580 tons of nitrogen (in form of fertilizers) and 32,050 tons of phosphorous per year".[310] "Diversion of water bodies and reclamation of wetlands and illegal development of riparian areas".[311] "The slum localities occupied by urban refugees lack standard sewage disposal facilities and water contamination through poor human waste management is evident in the environs around water channels in Kisenyi, Makindye and Makerere-Kikoni. Water pollution was manifested occurrence and includes discharges of effluent directly into water bodies. Environmentalist and local council leaders in these area attested to degradation of the environment by refugees in crowded slum areas".[312]

3.2   Policies and Practice for Management of Crimes

In 'legal terms', "transnational crime, is defined as acts which violate the laws of more than one county and the crime enforceable by international law based on the 1994 draft code, customary practice and unilateral treaties".[313] Although, "globalization has increased the interdependence of economies and made the world richer, it has instead become a catalyst for all kinds of illicit flows or illegitimate cross-border exchanges of people and materials".[314] "These illegal exchanges have grown significantly in scale, along with other forms of serious and organized crime in major cities".[315] "Although people in cities living in extreme poverty are now smaller than at any other

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[310]Government of Kenya, Environmental Management and Coordination (Water Quality) Regulations, 2006, Government printer, Nairobi, 2006.

[311]UNDO, Organised Crime and Trafficking in Eastern Africa, (2009), p33.

[312] Researcher's deduction after urban settlement assessment, 27 December, 2019.

[313] Draft code, customary practice, and unilateral treaties; and "cross-border" or "transnational crime, (1994.

[314]Peterson Institute for International Economics, "What Is Globalization?" https://piie.com/microsites/globalization/what-is-globalization.html, accessed on 26 January 2020.

[315]Yury Fedotov, "Remarks on Countering Illicit Arms Trafficking in the Context of Fighting International Terrorism," 3 September 2018, https://www.unodc.org/unodc/en/speeches/2018/firearms-030918.html, accessed on 26 January 2020.

time in recorded history, globalization has not driven legal reforms as a consequence of economic interconnections".[316]

The phenomena of "human trafficking and smuggling such as enslavement of women and girls by human traffickers have been managed by established mechanisms such as Coordination Office to Combat Trafficking in Persons discussed in para 3.4.34 above".[317] "Management of illegal use of small arms in urban crimes and drug trafficking is being addressed by joint task force consisting of the Police, External Security and Internal Security enforcement to combat the vices of proliferation through joint operations and intelligence sharing. Most importantly, international bodies as well as regional institutions have provided platforms to these domestic mechanisms in the fight against the illicit flows. In an effort to effectively manage these criminal acts, National intervention approaches should embrace progressive robust legal and policy regimes to conform to the contemporary dynamics".[318]

3.2.1 Existing Policies

Uganda has policies related to arms trafficking, narcotics trafficking, human trafficking and smuggling and environmental crimes. First, with regard to arms trafficking, in 2001, the "Government of Uganda established an institutional framework, inter-departmental in outlook that includes representatives of civil society and is mandated to coordinate national action on firearms control. In 2002-03, the established institution, with support from civil society partners, undertook a national assessment or 'mapping' of the firearms problem in Uganda".[319]

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[316]World Bank, "Decline of Global Extreme Poverty Continues but Has Slowed," 19 September 2018, https://www.worldbank.org/en/news/press-release/2018/09/19/decline-of-global-extreme poverty continues-but-has-slowed-world-bank, accessed on 26 January 2020.

[317] The Coordination Office to Combat Trafficking in Persons (COCTIP), Annual report on the trend of trafficking in persons in Uganda, 2013.

[318] Researcher's deduction after small arms in urban crimes and drug trafficking assessment, 17 January, 2020.

[319] Uganda National Policy On the Control of Firearms, Ammunition and Other Related Materials, (2010).

Secondly, for the human trafficking and smuggling aspect, Uganda has "Prevention of Trafficking in Persons Act 2009 to provide for the prohibition of trafficking in persons, creation of offences, prosecution and punishment of offenders, prevention of the vice of trafficking in persons, protection of victims of trafficking in persons, and other related matters. This law was made in line with several International Protocols to which Uganda is a signatory including the UN Palermo protocol of 2000 and some relevant provisions of the Uganda Constitution and other related domestic laws".[320] "Uganda is also a party to 'numerous international conventions and frameworks guarding the rights of migrants including; Convention Relating to the Status of Refugees,[321] International Convention on the Protection of the Rights of All Migrant Workers and members of their families".[322]

Thirdly, Uganda is also a signatory to "the illicit traffic in Narcotic Drugs and Psychotropic Substances Act of 2016. Law provides for consolidate and amend the law relating to narcotic drugs and psychotropic substances with respect to the control of the possession of, and trafficking in narcotic drugs and psychotropic substances and the cultivation of certain plants; to provide for the forfeiture of property derived from or used in illicit traffic in narcotic drugs and psychotropic substances; to implement the provisions of international conventions on narcotic drugs and psychotropic substances; and for other related matters".[323]

Uganda has been a party to more than one of "the United Nations treaties like the Single Convention on narcotic drugs 1961, Convention on Psychotropic Substances 1971, and the United

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[320] The Prevention of Trafficking in Persons Act, (2009).
[321] United Nations High Commissioner for Refugees. An Assessment to Uganda's Progressive Approach to Refugee Management, (2016).
[322] International Organization for Migration 2016 Republic of Uganda: Border and Migration Management Assessment IOM, Geneva, (2016).
[323] Narcotic Drugs and Psychotropic Substances (control) Act, no. 3 of 2016.

Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988".[324]

Additionally, "National Environment Act, 2019 is an Act the law relating to environmental management in Uganda".[325] The Act provide for "emerging environmental issues including the management of hazardous chemicals and biodiversity offsets; to provide for strategic environmental assessment; to address environmental concerns arising out of petroleum activities and midstream operations, to establish the Environmental Protection Force; to provide for enhanced penalties for offences under the Act".[326] "Uganda is party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), a legally binding international agreement between governments that imposes obligations on source, transit, and destination states".[327]

3.2.2 Current Practice

Uganda is "progressive member of regional and international processes, supporting the Arms Trade Treaty (ATT) and contributing to the development of the Nairobi Protocol's Best Practice Guidelines on the import, export, transfer and transit of illicit small arms and weapons".[328] Several measures are undertake to "strengthen the coordination of counter-trafficking policy at all levels[329], through "establishment of the Uganda National Focal Point (UNFP) to co-ordinate activities to prevent, combat and eradicate the problem of the trafficking of illicit arms".[330] "Actions are in

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[324] Single Convention on narcotic drugs of 1961, Convention on Psychotropic Substances of 1971, and the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

[325] The National Environment Act, of 2019.

[326] Ibid.

[327] Uganda is a party to CITES, Lusaka Agreement on cooperative enforcement directed at illegal trade in wild fauna and flora, IUCN, CBD, CMS, AEWA, Africa Convention and East African Community,

[328] Ibid.

[329] Macalesher J., Urquhart A., 'Uganda and international small arms transfers: Implementing UN PoA commitments', Safer world, London, United Kingdom, (2008).

[330] Government of Uganda, Uganda National Action Plan for Arms Control and Management, (Kampala, 2004).

line with the provisions of the Coordinated Agenda for Action of the Nairobi Declaration. Uganda has taken a number of steps to address the illicit trafficking of both humans and non-human as demonstrated by the political will of government including the participation of civil societies and academic institutions".[331]

"National responses against the drug trafficking include legal and policy frameworks establishing the legal, regulatory, enforcement framework and capacity necessary to deter illicit finance".[332] Uganda's counternarcotic efforts include; "directly countering drug trafficking, ameliorating the impacts, and incorporating crime sensitivity in development assistance".[333] "Of these, Uganda Police responses include special investigative missions and normal policing such as routine check-points. The second most frequently reported form of response are made by customs agents, followed by unspecified agents and, finally, by other government officials, a category that includes police and maritime forces, that actively patrol the Lake Victoria and suspicious hideouts". Customs agents were most frequently reported as being involved in the interception of heroin and cocaine. The police were most associated with the interception of cannabis, and special investigative police bodies were mostly reported to be associated with the interception of heroin.[334]

"Current national responses against the crime of Trafficking in Persons (TIP) include legal and policy frameworks; creation of specific structures and systems and initiation of number of operational actions".[335] "The Police Criminal Intelligence and Investigation Directorate (CIID) are the lead agency for detection, investigations, prosecutions, rescue of victims and arrest of suspects, in collaboration with the Internal Security Organization (ISO), External Security

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[331] Researcher's deduction of National Action Plan for Arms Control and Management assessment, 17 January, 2020.
[332] Management Systems International; The development response to drug trafficking in Africa: A Programming guide; The U.S. Agency for International Development (USAID), (2013).
[333] Ibid.
[334] M Dimova. A new agenda for policing: Understanding the heroin trade in eastern Africa, https://ecpr.eu/Filestore/ Paper Proposal/accessed on 26 January 2020.
[335] National Action Plan (NAP) for Prevention of Trafficking in Persons in Uganda, (2015).

Organization(ESO), Ministry of Justice and Constitutional Affairs (MoJCA), Directorate of Citizenship & Immigration Control (DCIC), Directorate of Public Prosecutions(DPP)and the Judiciary".[336] "Ministry of Gender Labour and Social Development (MoGLSD) is the lead agency for setting up standards and monitoring activities related to labour and children affairs, and caring of victims, in collaboration with CSOs and the Police. Ministry of Foreign Affairs (MoFA) and International Police (INTERPOL) are the lead agencies for coordinating and exchanging information with foreign countries".[337] "Ministry of Internal Affairs (MoIA) is the lead agency for prevention of trafficking in persons, in collaboration with all stakeholders. There are several public awareness campaigns on the existence and dangers of TIP through several modes of communication, including the media, meetings, workshops, posters and brochures among others".[338]

In the 'subject of environmental law', "national enforcement becomes one of the most important components. Environmental enforcement relates to those sets of actions that Government or other persons take to achieve compliance within the regulated community and to correct or halt situations that endanger the environment or public health. Enforcement by Government usually includes inspections, negotiations, compliance promotions and legal actions of civil litigation and criminal prosecution. There are three aspects that can be used in today's environmental law enforcement; traditional Criminal Law by means of fines and imprisonment, Punishment through community service and publicity in order to create deterrence in the environment field. The UNEP and the creation of a special environmental police unit under the Ministry of Water and Environment has brought relevant improvements in the enforcement of

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[336] Ibid.
[337] Ibid.
[338] Ministry of Gender Labour and Social Development (MoGLSD, Ministry of Internal Affairs (MoIA), Ministry of Foreign Affairs (MoFA) and International Police (INTERPOL).

environmental regulations, in the response to criminal acts and in the prosecution process."[339] In practice "investigations, prosecutions and convictions are possible in Uganda based on existing laws for anti-trafficking related offenses". "However, more steps need to be taken in order to close loopholes and increase the legal risk associated with these crimes, ensure that national law is in line with international standards, and that a regional framework addressing the issue is established. These specialized measures include multilateral and bilateral cooperation, engagement with indigenous civil society organisations, and to a limited extent, engagement with UN human rights bodies and international organisations including International Organisation for Migration (IOM)".[340] "There has been enhanced vigilance at all exit/entry points and many suspected potential victims of trafficking have been stopped from exiting the country to suspicious destination. Importantly, legislative, operational and strengthen customs control measures to respond to environmental crime in Uganda, calls for political will to address the transnational nature and complexities involving government officials".[341]

3.3   Challenges to Security Enforcement

The challenges to security enforcement are basically related to; 'structural' and 'managerial issues', training, supervision, evaluation and mentoring aspects. "UPF alone does not have the resources to address all contemporary problems, although enforcement through the community policing strategy can be a catalyst for mobilizing resources at the national, State, and local levels to impact these problems more successfully".[342]

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[339] UNEP, The State of Knowledge of Crimes that have Serious Impacts on the Environment, (2004).
[340] The African Union (AU) has begun to address the issue of migration in its Migration Policy Framework for Africa and African Common Position on Migration and Development
[341] Researchers findings and proposal to policy.
[342] Uganda Police lacks adequate manpower for enforcement, hence its tasks have been delegated to KCCA Personnel to conduct enforcement through the community policing.

"Structural and managerial challenges are attributable to the new demands of community policing and duties as opposed to the traditional police cultures and tasks. The new philosophy calls for comprehensive education for the entire police staff about the concept to address the false impression about community policing". However, "as community policing may imply significant changes the officers feel that their life's work has been put into question, feel threatened by and worry about their careers if new criteria for performance evaluation not immediately understood. Police practitioners argue that challenges to enforcement are related police implementation of the community policing strategy unique to the institution. The concept of community policing has been misunderstood to be a police-centred approach while serving interests of the ruling party rather than a community-centred approach".[343] Hills posits that "crime encounters are manifest in policing a plural society where intercommunal conflicts flourish".[344] "Real and imaginary barriers between the police and the public do exist. On the side of police, a number of junior staff officers are biased about the concept of community policing and not supportive as the policy is perceived to assist the public become aware of the law and their rights. The strategy employed by the police leadership is aimed at achieving more effective and efficient crime control, reduced fear of crime and improved quality of life, but dissenting voices argue that the approach leaves police with limited tasks".[345] "Improving police service and legitimacy through proactive reliance on community resources that seeks to change crime causing conditions is viewed as barrier to police. The policy approach assumes a partnership to policing between the

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[343] Commonwealth Human Rights Initiative (2006) The Police, the People, the Politics: Police Accountability in Uganda. Kampala: Commonwealth Human Rights Initiative at chapter 4 and 5.
[344] Hills, A. 'Policing a Plurality of Worlds: The Nigeria Police in Metropolitan Kano': African Affairs, 111/442, 46-66 Oxford University Press, on behalf of Royal African Society, (2011).
[345] International Journal of Peace and Conflict Studies (IJPCS), Vol. 2, No 3, October, 2014 Website: http://www.rcmss.com. ISSN: 2354-1598 (Online) ISSN: 2346-7258, 2(2): (2014), p62. Accessed on 5 February 2020.

police and the public together while providing a greater accountability of the police and a greater public share in decision-making as well as show concern for their civil rights and liberties".[346]

'Uganda Police Force' is regarded by "the media and civil society organisations as very brutal and anti-people. Its involvement in acts of violence where many unarmed civilians lost their lives rendered the force as ruthless and lost integrity. For example, all the peaceful people demonstrations such as; the Mabira protests, the Kayunga protests, the Kiseka market protests, and the Kasubi tombs protest; all of them saw loss of innocent lives".[347] "In a scenario where the police are privy to the crime then community oriented policing is out of question and implementation challenges are encountered. It could be argued that enforcement focused on crime prevention rather than management of crowd control and maintaining the police image. Therefore, the police should refocus on effective and efficient enforcement measures to regain its credibility and public trust".[348]

3.4   Chapter Summary

'Chapter Three 'establishes whether there is a relationship between organised crimes and challenges to security enforcement in Uganda. This chapter covers examine an understanding of transnational organised crimes trends at 'global, regional and sub-regional' level. It explores organised crime networks in the East Africa region, enforcement policies and practice with reference to Uganda. Community policing as an enforcement strategy and challenges to security enforcement in Uganda are explored and examined.'

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[346] Ibid.

[347] Bitaliwo Onesmus: International Journal of Peace and Conflict Studies, p62.

[348] Researchers findings and analysis of crimes in Uganda and proposal to police to rebuild the image.

CHAPTER FOUR

AN ANALYSIS OF POLICY AND INSTITUTIONAL FRAMEWORKS FOR SECURITY ENFORCEMENT IN UGANDA

4.1　Analysis and Presentation of Findings

Chapter four analyzes policy and institutional frameworks for security enforcement in "Uganda"[349]. The 'aim of this study' was to examine how refugees' influx impacts on security enforcement in Uganda in particular Kampala City and how existing policy and institutional framework mechanisms were applied to cope with the challenges to enforcement. "Out of 80 respondents, 30 were key informants who had understanding of the topic of the study since they had been working and interacting with refugees".[350] Responses from all three Focus Groups exhibited similarities as they answered the questions during discussions, interviews and questionnaire fillings. "These findings were also collaborated with Key Informants' interpretations of the laws and opinions since they had knowledge on national policy and institutional framework mechanisms pertaining to both refugees and national programmes. Therefore, this chapter analyses and presents findings on the prevailing domestic laws and policy related to refugees. It also critically assesses existing enforcement frameworks in Uganda. The "data was analysed in relation to the research objectives[351] and compare it with empirical literature of previous research". Specifically, the aim of the chapter is:

i.　　To analyse policy and institutional challenges to security enforcement in Uganda.

ii.　　To proffer institutional and policy frameworks necessary for security enforcement in Uganda.

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[349] Case Study of East Africa sub region.

[350] The 50 respondents were the Focus Group Discussions composed of Somali, Congolese and South Sudanese refugees.

[351] Data included responses from discussions, interviews, results from questionnaires, empirical literature materials and direct observations.

4.2   Characteristics of Respondents

"This section provides general 'characteristics' of respondents for this study. Characteristics include; categorization of respondents by functional areas, gender and level of education as shown in tabulations below. Corresponding percentages of the respondents within the classification were computed relative to the total number of respondents and tabulated as in Tables 4.2.1- 4.2.4 below".[352] The remarks column indicates findings on additional attributes of respondents.

Table 42.1: Key Informants' Category of Respondents

Designation/location	Frequency	Percentage	Cumulative %	Remarks
Prime Minister's Office	3	10	10	Commissioner with 02 Protection Officers
Ministry of Refugee Affairs	2	6.66	16.66	02 Protection Officers
Ministry of Internal affairs	1	3.33	19.99	Commissioner
Ministry of Security	2	6.66	26.65	02 Protection officers
Ministry of Defense	1	3.33	29.98	01 Female-Assistant Commissioner
UNHCR Representative and Inter Aid, (the urban implementing partner of UNHCR)	2	6.66	36.64	01 Female from Inter Aid, 01 Male from UNHCR

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[352] The Tables from4.2.1 to 4.2.4 provide the details that guided identification of both the FGD and Key Informants.

Embassy staff representatives (DRC, South Sudan and Somalia)	3	10	46.64	All 03 Males
Police representatives and CID-Old Kampala Police	6	20	66.64	03 Females
Makerere University	1	3.33	69.97	Research Assistant
Host community from Kisenyi, Kikoni-Makerere and Makindye	9	30	99.97	02 female and 07 male representatives
Total	30	99.97=100	100	

Source: Primary data.

Table 42.2: Focus Groups' Category of Respondents

Designation/location	Frequency	Percentage	Cumulative %	Remarks
Refugees focus group – DRC X 2 Groups of 8 each	16	32	32	09 Females
Refugees focus group – South Sudan X 2 Groups of 8 each	16	32	64	08 Females
Refugees focus group - Somalia X 2 Groups of 8 each	16	32	96	Nil
Two Interpreters each one (for Somali and south Sudan)	2	4	100	02 males
Total	50	50	100	

Source: Primary data.

Table 42. 3: Gender Categorization of Respondents

Gender	Frequency	Percentage	Cumulative %	Remarks
Male	56	70	70	Majority in categories
Female	24	30	100	17 are refuges
Total	80	100	100	

Source: Primary data.

Table 42. 4: Level of formal education

Level	Frequency	Percentage	Cumulative %	Remarks
Below Ordinary level	31	38.75	38.75	All from refugees groups
Ordinary level	19	23.75	62.50	
Advanced level & other qualification	8	10	72.50	
Diploma	05	6.25	78.75	
1st Degree	10	12.5	91.25	
2nd Degree	07	8.75	100	
Total	80	100	100	

Source: Primary data.

4.3   Findings from Primary Data and Assessment of Characteristics of Respondents

The refugee respondents in the study were identified from "Kampala metropolitan area where 10% of refugees are voluntarily settled. Results in **Table 4.2.4** indicate that the respondents shown by 38.75 % were all refugees below ordinary level but quite conversant with refugee rights and ordinary level (14.7%); included both refuges and host community representatives".[353]   In this study and context, host communities are Ugandan nationals that live either in slums or surrounding areas that live side by side with refugees. While advanced level and other qualifications (10%)

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[353] Kampala City was case study of Urban refugees, and 10% urban refugees was representation other emerging cities/countries in East Africa faced with similar refugees' question.

included most leaders of refugee groups; diploma and 1st degree holders at 6.25% and 12.5% respectively were 04 police officers/01 Congolese refugee and finally 2nd degree holders 8.75 were 03 commissioners, 01 CID Police and 03 protection officers.

"The respondents from institutions that participated in the study included representatives from the 'Prime Minister's Office', the 'Ministry of Refugee Affairs', the 'Ministry of internal affairs', the 'Ministry of Security and the Ministry of Defense including the United Nations High Commission for Refugees' as well as representatives of embassies from 'Somalia, South Sudan and Democratic Republic of Congo'. Other Key Informant Interviews were host communities drawn from areas occupied by urban refugees such as Makindye, Kisenyi and Makerere-Kikoni".[354] The responses were reliability given respondents' level of formal education and caliber of identified refugees that participated in FGDs. All 'respondents' understood well the guiding questions and appropriate responses were provided. They gender issues were well handled in both categories.

4.4   Assessment of National Policy on Refugee Status Determination

This study established that refugee policy framework procedure and processes in Uganda for security enforcement are anchored on both "domestic and international legal instruments".[355] For instance "the Refugees Act of 2006 provides for refugees who live in designated settlements but not informal settlements; because latter do not qualify for protection and humanitarian assistance from the UNHCR and the government".[356] This section sought to explore the existing established institutional framework processes and procedures used by Government and UNHCR to determine 'refugee Status' for asylum seekers and refugees from Somalia, DRC and South Sudan. Uganda

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[354] Respondents were Sample that represented the target population in this study.

[355] The instruments include; the 1995 Uganda constitution, the 2006 Uganda Refugees Act and 2010 Regulations while the international instruments are the 1951 UN Convention Relating to the Status of Refugees, and its protocols.

[356] Art 44 Ugandan Refugees Act 21 of 2006.

has an officially recognised procedure of asylum seeking by which refugees are regarded as persons of 'utmost importance.

According to "Commissioner for Refugees Affairs, States adhere to established procedures and processes that provide for recognition and protection of refugees as well as persons seeking asylum; on the basis of "the 1951 Convention Relating to the Status of Refugees [357] and the 1967 Protocol".

He contends that "this recognition gives a refugee as a person who has lost the protection of his or her home country and seeks the protection of the international community".[358] He further clarified that "whereas the South Sudanese and Congolese asylum seekers are given prima facie status, asylum seekers from Somalia and other countries must pass through the asylum officially established procedure in the Ministry of Refugees, Kampala".[359] Focus Group Discussions on refugee status determination viewed "the process to be challenging as it is comprised of asymmetrical practices and unpredictable".[360] "Protection Officer in the Office of Prime Minister argued that the system is not anchored on an implementable domestic law for refugees and the undefined role of UNHCR complicates the system".[361] According to Mpela a Congolese Refugees' community leader, "the system is generally followed by the majority of asylum seekers in Kampala, but there are exceptions, shortcuts, and non-standardized avenues to gaining status".[362] "Refugee Desk Officer argued that participation of UNHCR as an alternative avenue for granting refugee status acts against the creation of a regularized and predictable asylum determination

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[357] Convention relating to the Status of Refugees, UNTS No. 2545, adopted July 28, 1951 (entered into force April 22, 1954), and Protocol relating to the Status of Refugees, UNTS No. 8791, adopted January 31, 1967 (entered into force October 4, 1967).

[358] The various conventions, while specifying a number of human rights explicitly applicable to refugees, do not provide procedural guidelines for determining refugee status.

[359] Commissioner for Refugees Affairs, interviewed on 27th December 2019.

[360] Focus Group Discussions with South Sudan and Congolese' views on 15 February 2020.

[361] Interview with Protection Officer in the Office of Prime Mister on 27th December 2019.

[362] Congolese Refugees' community leader, interviewed, 27th December 2019.

process".[363] Findings indicate that asylum seekers are working with 'contacts' to obtain access to government officials for faster and better outcomes. Refugee Desk Officer also "expressed dissatisfaction in the manner in which UNHCR plays its secondary role of supervision and oversight that seems to overstretch their mandate".[364] "GoU need to address the structural gaps to mitigate the existing loopholes in refugee status determination system which could be exploited by wrong elements posing challenges to security enforcement. The refugee revealed the weakness exploited to dodge enforcement officers and if properly addressed could minimize or completely halt insecurity activities". "Arising from the study, it is proposed that establishment of a single refugee control centre for Kampala expanding the 'Refugee Desk Officer' situated at 'Old Kampala Police Station'. The manning should include stakeholders such as police, intelligence, protection officers and Civil Society Organisation as oversight".[365]

4.5   Assessment of Policy Guidelines and Procedures of Handling asylum seekers

According to Refugee Desk, '2019 refugee policy'[366] provides that the government conducts RSD and UNHCR provides support. Consequently, Uganda shares the belief that detention of refugees should be the exception and not the rule.   He argues that the phrase 'status determination procedure' implies that there is only one way that an asylum seeker may be granted refugee status. [367]"He further stresses that in the case of Uganda, partial detachment of refugee practice from domestic refugee law and the lack of any written policies to fill the gap, allow multiple avenues to gaining refugee status within thirty days after the date of his or her entry into Uganda.[368]   He concludes that as a result there are two separate procedures to gain status either through UNHCR

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[363] Refugee Desk Officer at Old Kampala Police Station, 28th December 2019.
[364] Refugee Desk Officer, Ibid.
[365] Researcher's finding regarding the question of individual refugee status determination.
[366] New APA policy supports immigrants and refugees.
[367] Refugee Law Project critique of The Refugees Act (2006), pp5-13.
[368] Ibid.p13

or the Department of Refugees".[369] This situation is further "complicated by differing policy guidelines and procedures as applicable to other refugees of certain nationalities as referred to the Somali refugees in para 4.4 above".[370] From the study, it came clear that " UNHCR and the Department of Refugees have conflicting mandates that call for distinction and elaborate terms of reference for each institution. Therefore, the need to strengthen the legal and technical capacity of the RSD system for ensuring legal and technical decisions rather than political ones is needed. Given the complexities encountered in the refugee status determination process as described above, readers should refer to the flowchart under para 4.5.2.

4.5.1 Registration of 'Asylum Seekers'

Mechanisms to register refugees fleeing into Uganda from the countries to the north and west, in particular the Sudan and DRC, are well established.[371] While in Uganda, an asylum seeker must register with a government official at the point of entry into the country. For instance, the UNHCR assists government in the determination of status of prima facie refugees from Sudan and Congo. status of prima facie refugees from Sudan and Congo.[372] Protection Officer, Office of Prime Minister claims that "a number of refugees from these countries either do not realise that there are registration points in border areas, or do not feel secure enough to stop and register there. Moreover, there is no registration point in the Eastern Border with Kenya for those refugees and asylum seekers arriving from that direction through Malaba and Busia, leading to their arrival in Kampala without having been registered".

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[369] Refugee Desk at Old Kampala Police Station revealed that 2019 refugee policy' empowers government to ensure immigrants and refugees can access health care, mental health services and social services.

[370] Commissioner for Refugees Affairs, interviewed on 27th December 2019 (as above n 289).

[371] Zachary Lomo Angela Naggaga Lucy Hovil. The Phenomenon of Forced Migration in Uganda: An Overview of Policy and Practice in an Historical Context, Refugee Law Project Working Paper No. 1, (JUNE 2001), p6-11.

[372] Ibid.

"The initial registration point for asylum seekers is Old Kampala Police Station. For that matter, Officers in other police stations in Kampala are aware that they should refer asylum seekers to Old Kampala Police Station".[373] UNHCR Protection Officer argues that "those new arrivals who do not contact the police are often informed of how to register by their colleagues already established in Kampala. However, many asylum seekers who have heard of UNHCR make their way to the Kampala office".[374] According to Protection Officer-OPM, clarified that "there are other organisations that inform asylum seekers of the asylum procedures include the Refugee Law Project, the Refugee Rights and Advocacy Programme of the Sudan Human Rights Association, the regional office of Amnesty International and religious organisations".[375]

4.5.2   The Official Procedure of Refugee Status Determination

According to the Protection Officer-OPM, "the process to gain official refugee status begins with an interview by a designated Special Branch officer at Old Kampala police station". See the schematic below. "Initially an asylum seeker is referred to either UNHCR or Inter Aid to schedule an appointment for an interview. procedure of registration to acquire refugee status as shown above in the schematic, Chart 1". The second stage is "through Inter Aid, the urban implementing partner of UNHCR after the asylum seeker is done with interview and qualified to gain refugee status is thereafter referred to the OPM for prima facie status. During the status determination process, Inter Aid primarily provides administrative support, by keeping track of documentation that can be accessed by both UNHCR and Department of Refugees". [376]

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[373] Protection Officer, Office of Prime Minister, Kampala, 27th December 2019.
[374] UNHCR Protection Officer interviewed on 26th December 2019.
[375] Protection Officer, Office of Prime Minister clarification on other organisations that guide asylum seekers.
[376] The schematic in Chart 1 above illustrate the procedures for accessing prima facie status and Convention status.

CHART 1: PROCEDURE OF REGISTRATION TO ACQUIRE REFUGEE STATUS[377]

KEY:

Senior Protection Officer	-SPO
Refugee Eligibility Committee	-REC
Office of Prime Minister	-OPM
Public Security Bureau	-PSB

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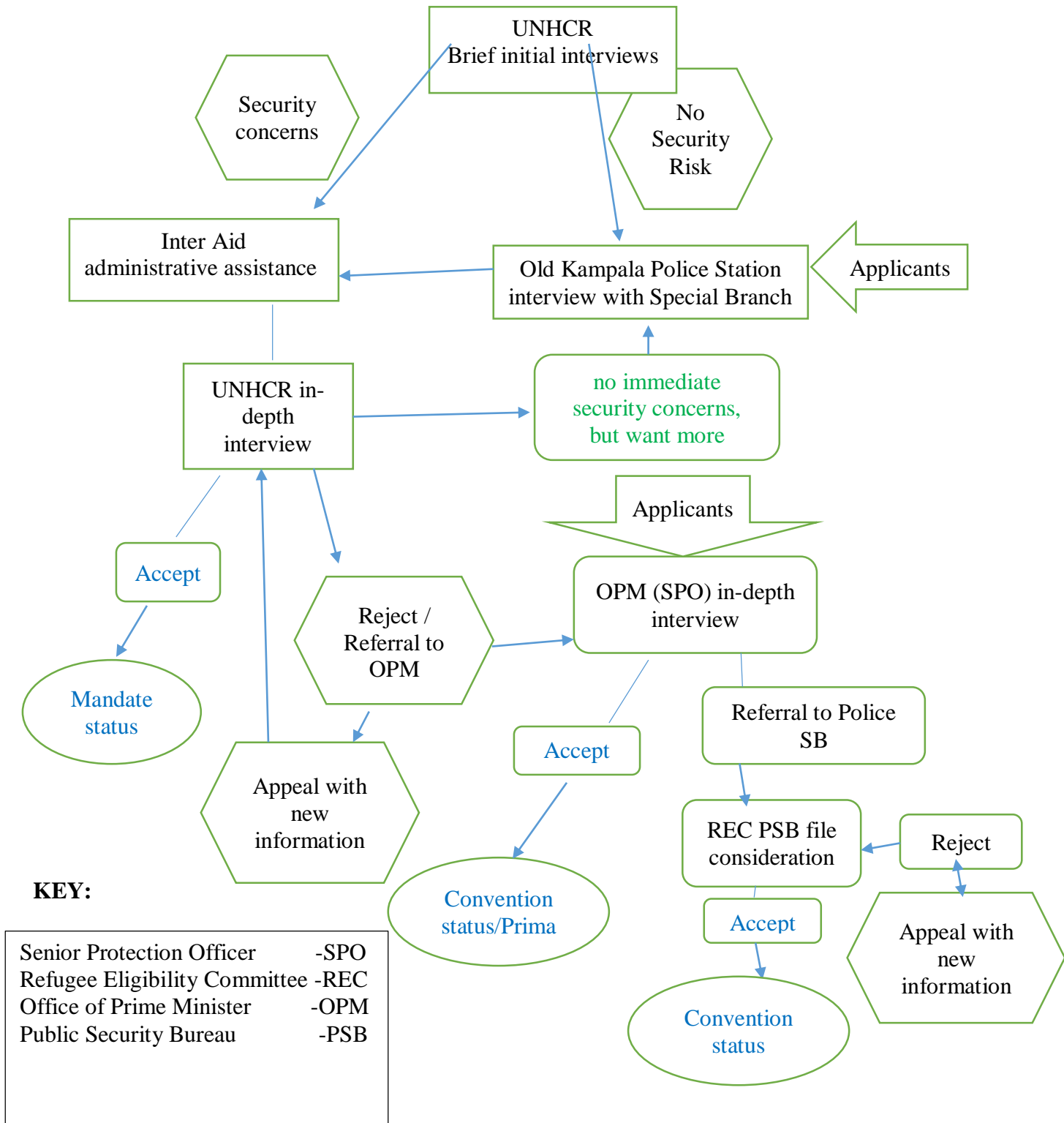
[377] Refugee Status Determination. A Study of the Process In Uganda, Norwegian Refugee Council (NRC), (2018), pp7-8.

4.6 Assessment of Institutional Frameworks for Security Enforcement

According to the Protection Officer Ministry of Security, 'urban refugees'[378] "hosted in Kampala are not provide for under the Refugees Act of 2006, therefore require special protection".[379] An interview with the Police Special Branch indicate that the Refugee Desk is "responsible for establishing the eligibility of asylum seeker (s) from conflict-affected areas that qualify for prima facie refugee status".[380] According to Protection Office – OPM, this position is "based on ministerial guidance rather than legal consideration. He further pointed out that the police act as a screen on behalf of GoU security and the initial filter for refugees as police is perceived to have a lot of information on individual wanted for security reasons".[381] However, he pointed out that '

"Malaba and Busia border points lack official registration for asylum seekers arriving from or via Kenya, which results in their arrival in Kampala without having been registered. He also argues that Somali asylum seekers in Uganda may not be granted convention refugee status as per GoU policy of 1993".[382] Although, the "established structures for determination of the individual's eligibility for convention status before being referred to Refugee Eligibility Committee (REC) are in place, most asylum seekers and Somali refugees disregard the process". On collaborating this information with Focus Groups different perceptions were obtained. The Focus Group interview with Somali refugees staying in Kisenyi observed that refugees from Somalia, first hold in Nairobi for some time as they have asylum paper work is being processed by a contact network in Kampala. The Somali refugees in Kampala indicated that they depend on existing networks for information from UNHCR and any likely challenges to acquire refugee status. On the contrary, both Congolese

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[378] Kibreab defines urban refugees as those refugees who drift to cities and towns in pursuit of making a living. See G Kibreab 'Eritrean and Ethiopian urban refugees in Khartoum: What the eye refuses to see (1996) 39 African Studies Review 154.
[379] Interview with the Protection Officer Ministry of Security, on 28th December 2019.
[380] Refugee Desk Officer at Old Kampala Police Station, 28th December 2019 (as no 290 above).
[381] Protection Officer, Office of Prime Minister, Kampala, 27th December 2019.
[382] Ibid.

and South Sudanese Focus Groups discussions revealed that most of them had transferred to Kampala from formal rural based refugee settlements. They also use some embassy officials and other unofficial networks to relocate to the urban centres including Kampala city. According to Field Police Officers and Host communities in both Kisenyi, Makerere- Kikoni and Makindye in refugees' localities, the complaints mostly received from host communities complain include concerns of pressure on social services such as health and perceived fear for their security. A Police Officer in charge of Makerere-Kikoni argues that at times the situation deteriorates to physical insecurity in the overcrowded slums where South Sudanese dwell. The host community base their perceived fears on unsubstantiated reports that some of refugees are former combatants having defected from the battlefield. As police, he argued that in slum areas patrols are difficult to conduct and arrests to be effected coupled with limited enforcement staff face challenges of managing homogenous communities who adamantly fail to cooperate when tracing illegal refugees amongst them. "These concerns were observed in Makindye and Kisenyi both informal dwelling settlements for urban refugees. From the study it came clear that security enforcement in refugees' enclaves is difficult to handle. However, the Police Commander for Kisenyi general area referred to Somali community as complicated refugee to manage. On the other hand, Police Commanders for Makerere Kikoni and Makindye Division reported minimal challenges handling the South Sudanese in and the Congolese communities respectively".[383] "Nevertheless, certain problems are common to all three categories of refugees, Somalis South Sudanese and Congolese. Refugees at times pool resources together, sharing the rent on a single room house and sometimes sleep in shifts. Findings pointed to inadequate shelter in Kampala still remains big challenge that refugees and asylum seekers as individual and group on a daily basis. Also information obtained confirmed

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[383] Researcher's Assessment of Institutional Frameworks for Security Enforcement.

unique issues and challenges for their respective refugees' communities depending on where they reside in their environs of Kampala city".[384]

"This presupposes that understanding the unique issues and challenges of each refugee group and the host communities' opinions on the hosted refugees as well as the challenges faced by security enforcement, measures to mitigate refugee protection could be sought".[385]

"It is therefore suggested that there is need to establish Refugees' Police Desk in the localities of Kisenyi, Makerere Kikoni and Makindye Division to specifically handle the concerns of refugees since they seemed unique in nature from those of host communities".[386] These findings concur with "study on Darfurian refugees living in Kampala, held in 2012".[387]

4.7   Assessment of UNHCR's Support towards Refugee Protection

According to "UNHCR representative there are only two Protection Officers in Kampala's UNHCR- InterAid office responsible for status determination procedure".[388] The UNHR representative indicated that decision are taken after conducting the in depth interviews with an asylum seeker referred from GoU's Police Special Branch, see the chart 1. The of UNHCR presentative indicated that "with legal authority to intercede on their behalf, provide supervisory responsibilities and offer its expertise in areas that members of the REC may not be entirely familiar with, especially regarding the refugee law and policy or information on country of origin".[389]   She observed that initial interviews at InterAid by the two Protection Officers are conducted separately as per the guidelines but security raises the question of objectivity. The

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[384] Sudanese refugee leader living in Makerere Kikoni, 28th December 2019.
[385] Researcher's Assessment of unique issues and challenges of both the refugees and enforcement.
[386] Researcher's proposal on establishment of Refugees' Police Desk in the Refugees' localities.
[387] A Lucia 'Challenges and livelihood strategies of Darfurian refugees living in Kampala, Uganda' MA thesis, University of San Francisco, (2012).
[388] Interview with UNHCR representative on 16 February 2020.
[389] UNHCR Emergency Hand Book. UNHCR presentative with legal authority to intercede on their behalf, as illustrated by his supervisory responsibilities with regard to international refugee instruments.

Refugee Desk officer, argues that UNHCR is the major determinant of the fate of the asylum seekers whether to get 'refugee status' or be referred to 'third country'. He observes that asylum seekers are likely to be accepted while others are informed either to begin undertaking the government asylum application procedure hence referred to Police Special Branch or referred to Office Prime Minister with appeal for information. He claims that the role of UNHCR at the initial stage of status determination is dual as both judge and observer. He also contends that UNHCR may not assist much on identifying genuine and illegal persons. He pointed out that it is quite common for UNHCR officials to overlook some issues of security on grounds of 'human rights' and 'civil liberties' hence raising contradictions by subsequent evaluation of the same individual(s) during the REC meetings.

"This assertion is in agreement with observation made by Lomo during an interview with the EU Deputy Director of Refugees that UNHCR often times advocate on behalf of particular cases that would otherwise have been rejected by themselves".[390] According to the Protection Officer, Ministry of Security, "Somali asylum seekers flout the process causing contradictions during the REC meetings to establish the applicant's status before communicating to Department of Refugees for acceptance of asylum seeker's claim or request for more information before consideration".[391] In practice, "UNHCR's involvement in status determination in disregard of national security concerns seem to overstretch advisory and observer role. The Protection Officer Ministry of Security claims that UNHCR office will on rear occasions deny an asylum seeker mandate status".[392]

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[390] Refer to interview Z. Lomo with the Deputy Director of Refugees, the EU umbrella research project, 2nd December 1997.
[391] Tele phone Interview with Protection Officer Ministry of Security, 26th February 2020.
[392] Protection Officer Ministry of Security, ibid.

In theory, "the existence of two bodies authorised to grant refugee status might act as a means of ensuring that an asylum seeker who feels that s/he was not accorded a fair hearing by the one, has another chance to apply for refugee status".[393] Since "Uganda adopts the dualist approach to international law,[394]an international legal instrument becomes part of domestic law only after an enabling Act of parliament has been passed to put into force that particular treaty".[395] "The enforcement of the above-mentioned treaties has been marked by major complications and sensitivities".[396] Thus "protection policies must be derived from the principles clear or implied in the existing law as developed and interpreted in practice as well as from the principles of fundamental human rights recognized by the international community".[397] "Protection policies should not lose ground to the politics of solutions and uncertain politics of migration".[398] "Therefore conception of the refugee as an unprotected individual should be divorced from the politics of the moment and located in a space where the refugee can be recognised as a person with dignity, worth and basic human rights".[399]

On the contrary, Lucia reasons "that the emergence of urban refugees and their peculiar challenges pose numerous challenges to host states, the UNHCR and non-governmental organisations (NGOs) providing protection services to them".[400] "These challenges affect their performance and service delivery and make it difficult for the rights of urban refugees to be protected. It is within this context that the protection of the rights of urban refugees in Uganda is discussed. The chapter

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[393] Refugee convention of 1551 and its Protocols of 1977 besides the Uganda Constitution and the Uganda Refugee Act of 206 and the 2010 Regulations.

[394] This implies that international treaties to which Uganda is signatory are not part of Ugandan law until they have been adopted through domestic statute.

[395] Refugee convention of 1551 and its Protocols of 1977 besides the Uganda Constitution and the Uganda Refugee Act of 206 and the 2010 Regulations.

[396] M Shah Alam 'Enforcement of international human rights law by domestic courts: A theoretical and practical study' (2006) 53 Netherlands International Law Review 400.

[397] GS Goodwin-Gill 'The dynamic of international refugee law' (2014) 25 International Journal of Refugee Law 651.

[398]Goodwin-Gill (n 308 above). 23 27 Refugee Survey Quarterly 8.

[399] GS Goodwin-Gill 'The politics of refugee protection' (2008).

[400] Lucia (n 296 above), p 2.

analyses the existing domestic laws and policies on refugee rights protection in Uganda, and critically assesses their compliance with international human rights standards".[401]

4.8 Assessment of Security Enforcement in Kampala Metropolitan Areas

"The security situation in Kampala varies from one area to another, findings indicated the three refugee communities applied certain coping strategies commonly associated with specific nationalities of refugees. For instance, several community leaders' interviewed identified Somalis as the leading nationality involved in working for fellow Somalis businesses in fuel stations and restaurant, Congolese were viewed to be self-employed being engaged in selling Congolese 'bitenge' cloth, owning the majority of music stores and hair salons while South Sudan were cited as mostly working for construction sites and crushing stones". Likewise, refugees when addressing challenges encountered and security issues, each nationality has its own way of handling anticipated risks. "This study also established that unlike in the host government establishing formal rural settlements, urban informal settlements are established by host communities in collaboration with refugees for their convenience and availability of conducive settlements. This might sound reduce unusual but it real that urban refugees squeeze in slum localities or put pressure to already inadequate services to the citizens".[402]

4.8.1 Host Community Leaders Perspectives

In this study and context, "host communities are Ugandan nationals living in the areas neighbouring the refugees' dwelling localities (slums)". "In the case of Kampala Metropolitan area, the host communities are national who have established homes, business and others are nationals from other parts of Uganda. These host communities are composed of unemployed youth, the poor Ugandans, criminal cells, informal businesses and wealth landlords. In terms of social

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[401] Office of the United Nations High Commissioner of Human Rights (n 284 above) p15.
[402] Researcher's Assessment of Security Enforcement in Kampala Metropolitan Areas.

services available, such as health, schools, water and sanitation, public facilities like religious ones are shared with the refugees. This assessment seeks to gain a better understanding of the relations between the host communities and the urban refugees in the various refugees dwelling localities. The focus is to establish the real and perceived concerns of the host communities living in the surrounding areas where refugees impact pressure on shared social services".[403] It must be noted that "despite the large and growing number of humanitarian emergencies, there is little economic research on the impact of refugees and internally displaced people on the communities that receive them. An examination of household assets suggests negative wealth effects on households in urban areas".[404] However, Local leaders claimed that "with these large refugee settlements in the peripheral Kampala areas instead of being sanctuaries for refugees, the possibility of criminal breeding grounds and sources of insecurity, often manifesting itself in various forms among host communities have become inevitable".[405] These refugees are from various conflict prone countries; with differing social-cultural and political backgrounds different from the host population. One Key informant noted that, "Insecurity here in Kisenyi is brought about by the Somali refugee nationalities. For example, in 2010 to 2014 security enforcement regarded Somali asylum seekers and some elements of Somali refugees as Al-Shabaab sympathizers. The enforcement officers perceived them as security threats since they did not want to mix freely with any host community groups. The other unemployed youth and mechanics in Kisenyi host community called them terrorists. This brought about misunderstanding and conflicts between different categories in the population".[406] Another local community leader argued; "How do you expect to have peace and security in Makerere-Kikoni with a multicultural community of close to

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[403] Researcher's Assessment regarding configuration of host communities in Uganda.
[404] Jennifer, Alix-Garcia., and David, Saah (2010), Effect of Refugee inflows on Host Communities: Evidence from Tanzania, (available at http://elibrary.worldbank.org/doi/abs/10.1093/wber/lhp014) (Accessed on 7/4/2020)
[405] Interview with Local Council Leader of Kisenyi, Somali Refugees' stronghold on 29 December, 2019.
[406] Interview with Local Leader of Mechanics in Kisenyi, on 29 December, 2019.

200,000 people composed of students, lecturers and university staffs, ordinary citizens, landlords and refugees".?

"He also noted that criminal networks find it conducive to clandestinely coordinate and conduct their criminal activities under cover of such host community complexities. For instance, in 2016 police arraigned to court three Ugandan robbers specialized in four-wheel drive vehicles linked to some refugees who were later found to have been notorious armed combatants in the former South Sudanese rebel forces".[407]

Further to this, the composition of the host population where military and police barracks exist, soldiers' families, charismatic churches, ordinary citizens plus busy markets, for instance insecurity and crime are more likely to manifest in such environments. A community leader in Makindye Division lamented; "How do you expect security enforcement operating in Makindye to easily distinguish wrong doers and law abiding amidst social complexities and security dilemmas that exist in such dynamics coupled with community tensions and relations between refugees and host communities? He argued that such situations are perceived by intelligence and some of the policy makers to be hotspots for elements who infiltrate and compromise security in hostile circumstances".[408]

The above findings confirmed "what Women's Refugee Commission in 2011, reported that the Living Ain't Easy: Urban Refugees in Kampala".[409] At the same time, Monteith and Lwasa also confirm that "Uganda's population growth occurs predominantly within Kampala's low income and/or informal areas (slums), where approximately 32 percent of Kampala's residents

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[407] Interview with Local Council Leader of Makerere-Kikoni, South Sudanese Refugees' stronghold on 28 December, 2019.
[408] Interview with the community leader working as Makindye defence secretary, on 27 December, 2019.
[409] Women's Refugee Commission (2011) The Living Ain't Easy: Urban Refugees in Kampala, New York, Women's Refugee Commission

live".[410] Arising out of the above findings it is clear that increased populations and more so of vulnerable communities pose a danger to security of both the unsuspecting citizens but also to refugees. This assumes that approaches to mitigate challenges to enforcement among the respective refugee groups should be anchored on their respective coping strategies. It is therefore suggested that there is need to establish Refugees' networks in their respective localities and as an additional measure establishment of refugees' community engagement fora with host community leaders in each area is critical.

4.8.2 Refugees Communities' Perspectives

For this study and context, the refugee communities referred to; "are the UNHCR estimates of 94,958 refugees and asylum seekers hosted in Kampala a figure that increased by nearly 25 per cent between February 2016 and May 2017".[411] "The two largest refugee populations in the capital are from the Democratic Republic of Congo and Somalia, and South Sudan follows next that constitute 60 per cent of Urban refugees".[412] "These urban refugees have faced violent conflict, human rights abuse, all forms of physical and mental stress that are often not well understood by local people and host government. Also they face additional barriers such as language and political discrimination that can force them to engage in activities with higher degrees of social and economic risk, such as street vending and waste picking".[413] However, "the absence of specific legislation governing refugee relief assistance to cater for rural settlements alone leaves urban refugees vulnerable in adverse situations. It also means that important areas of refugee governance

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[410] Monteith, W. and Lwasa, S. (2017) The participation of urban displaced populations in (in)formal markets: contrasting experiences in Kampala, Uganda.

[411] William Monteith, Shuaib Lwasa, Gloria Nsenga, Hakim Sseviiri and Disan Byarugaba UK Department for International Development (DFID) and the International Rescue Committee (IRC) issue, (2017).

[412] William Monteith, Shuaib Lwasa, Gloria Nsenga, Hakim Sseviiri and Disan Byarugaba UK Department for International Development (DFID) and the International Rescue Committee (IRC) issue, (2017).

[413] Pantuliano, P, Metcalfe, V, Haysom, S and Davey, E Urban Vulnerability and Displacement: A Review of Current Issues Disasters Vol 36, No s1, pages (2012), p 1–22.

which fall within the state's responsibilities of UNHCR as far as rights and liberties are concerned needs to be addressed".[414]

According to the Focus Groups' Discussions this matter concerning the humanitarian assistance and financial receipts came up and argued that; "UNHCR considers refugees who are registered in the rural settlement only for cash receipts depending on duration spent as a refugee (long time or recent arrivals) and a special amount for extremely vulnerable refugees who include the chronically ill, the disabled, the single headed households. Beneficiaries to the humanitarian assistance whether relief food or cash, one has to be a registered refugee, therefore some chose to reside in urban areas rather than settlements are not entitled, while others commute between settlements and urban areas".[415] Some scholar disagree with the assertion that "Uganda's open policy on entry to refugees is exemplary and a global model for humanitarian. They argue that the country has failed to make binding legislation on effective physical location of refugees and their relief thereof". [416]

According to Protection Officer-Department of Refugees, "the Uganda Refugees Act, 2006 provides relief only to those refugees in formal settlements".[417] He also argues that, "the Act provides for the free movement of refugees, but subject to reasonable restrictions on grounds of national security, public order, public health, public morals or the protection of the rights and freedoms of others".[418] He further claims that, "In the absence of financial assistance, urban refugees depend on informal employments to generate an income where they are formally

[414] Researcher's Assessment regarding specific legislation to cater for Urban Refugees' relief assistance.
[415] Focus Group Discussions held between 15-17 February with Congolese, Somalis and South Sudanese.
[416] Betts, A, Bloom, L, Kaplan, J and Omata, N Refugee Economies: Rethinking Popular Assumptions. Refugee Studies Centre, Oxford, (2014).
[417]Refugee Law Project 'A Drop in the Ocean': Assistance and Protection for Forced Migrants in Kampala. Kampala, (2005).
[418] Uganda Government (2006) The Refugees Act 2006. Acts Supplement No. 8, 4 August 2006.

permitted entry".[419] In the Somali and Congolese Focus Group Discussions, refugees argued that: "Living in Kampala they face barriers to freedom of movement, including, requirement of instructions from the Department of Refugees-Office of the Prime Minister, the need for a Camp Commander's consent before refugees could move from rural settlement to urban areas coupled with the high cost of housing in Kampala".[420] Consequently, "refugee communities are compelled to dwell in informal settlements with unreliable access to water and sanitation,[421] like in Kisenyi".

In other towns of Uganda, the living conditions of refugees may be better off, as there is no known community settlement in slum areas. The state of affairs of refugees in Kampala is not any better even though they are settled in the Capital City. However, Community Leader of Makerere Kikoni was "hopeful if Urban refugees are incorporated into the Uganda Refugee Response Plan (RRP) 2019-2020".[422] The leader was optimistic that the plan would be helpful to both the refugees and communities once implemented.

Situation in Kampala Metropolitan Area between 2010 and 2016 experienced shortcomings and challenges in ensuring the physical security of citizens as well as urban refugees in informal settlements. In 2011, UNHCR observed that, "when large numbers of refugees arrived in Uganda and especially when they were in a destitute situation and did not share ethnic or cultural linkages with the host community the risky environment emerged into social tensions, conflicts and even violence occurred".[423] During focus group discussions, host community leaders and refugees claimed that security was not good because they often received intelligence people from

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[419] Protection Officer, Office of Prime Minister, Kampala, 27th December 2019.
[420] Focus Group Discussions held between 15-17 February with Congolese, Somalis and South Sudanese refugees.
[421]Cities Without Slums Situational analysis of informal settlements in Uganda. United Nations Human Settlements Programme, Nairobi, (2007).
[422] Interview with Community Leader of Makerere Kikoni on the 29, December, 2019.
[423]UNHCR. 2011. "The Role of Host Countries: The Cost and Impact of Hosting Refugees." EC/62/SC/ CRP. Accessed on 11 April 2020. www.unhcr.org/en-us/excom/ standcom/4de4f7959/role-host-countriescost-impact-hosting-refugees.html.

government coming around their localities to spy on them and sometimes even arrest some of them. They noted, "The security in the informal settlements (slum) was not the best; we lived in constant fear of being arrested by government security operatives. The slums are too open spaces to stop any asylum seekers that arrived anytime in our midst without knowledge of majority. Sometimes new people were seen around their settlements without knowing when such people came and how. Besides the discrimination against us, this had made us feel more insecure. One respondent remarked, "We felt more insecurity whenever there were new arrivals from Somali or Nairobi".[424] The same fears were raised by another Focus Group Discussions with Congolese refugees who feared for being associated with drug traffickers, "We thank the Uganda government for its hospitality for all these years. However, we felt government should have paid more attention to ensuring security during peak periods in Makindye-Katwe general area".[425] Based on the viewpoints from the respondents, the study strongly suggest that establishment of border registration centres for asylum seekers and refugees as initial check/control measure at all entry points to minimize on infiltrations when conflicts intensify for instance in war tone Somalia. The established centres should be tasked to come up with basic refugees' details, provision of temporary identification and movement orders to refugees pursuing status determination as documentation and verification processes progress.

4.8.3   Analysis of Existing Institutions for Enforcement in Uganda

This analysis sought to document "the influx of urban refugees in Kampala, Uganda and to examine institutions with enforcement powers. The study focused on UNHCR engagements with officials in charge of justice, immigration, human rights, police and the military, education and social affairs, with mayors the three divisions in Kampala city and other local authorities".[426] For

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424 Focus Group Discussion, Kisenyi-Katwe, Somali stronghold Settlement on 16 February, 2020.
425 Focus Group Discussion, Makindye, Congolese stronghold Settlement on 15 February, 2020.
426 Government officials, NGOS and CSO in charge of justice, immigration, human rights, police and enforcement.

instance, "some governments delegate enforcement powers to subordinate governmental entities or private parties".[427] Uganda, for instance "the local government and central governments often delegate a range of enforcement powers to administrative agencies. Enforcement is the process of ensuring compliance with laws, regulations, rules, standards, and social norms."[428] "Governments attempt to effectuate successful implementation of policies by enforcing laws and regulations".[429] "Enactment' refers to application of a law or regulation, or carrying out of an executive or judicial order. 'Enforcement' serves a number of functions; the enforcement of social norms can ensure conformity within insular communities,[430] the enforcements of laws can maximize social benefits and protect the public interest,[431] while "enforcement may also serve the self-interest of the institutions that oversee enforcement".[432] According to the University of Antwerp; "The concept of enforcement mechanisms refers to distinguishable sequence of four steps; including detection and enforcement by the authorities, identification and definition of punishable conduct, determination and details of the sanctions, determination and assessment of the specific sanction and the execution of the sanction". The concept of enforcement also covers protection of public policy, the delegated enforcement authorities have both the right and the obligation to shape society and refugees are inclusive. "The existing national laws are considered to be the appropriate control mechanisms and in this respect the Uganda Constitution as a supreme law, 2006 Refugee Act, the 2010 Refugee Regulations and other enabling laws are applicable".[433]

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427 Kurt T. Lash, *The Sum of All Delegated Power: A Response to Richard Primus*, The Limits of Enumeration, 124 YALE L. J. F. 180, 184 (2014)

428 BLACK'S LAW DICTIONARY, *Enforcement* (2d ed. 1910).

429 Kate Andrias, The President's Enforcement Power, 88 N.Y.U. L. REV. 1031, 1034, (2013);Accessed on 8 April, 2020.

430 John T. Scholz, Voluntary Compliance and Regulatory Enforcement, 6 L. & Pol'y 385-88, (1984).

431 Amalia D. Kessler, Enforcing Virtue: Social Norms and Self-Interest in an Eighteenth-Century Merchant Court, 22 L. & HIST. REV. 71 (2011).

432 Margaret H. Lemos and Max Minzner, *For-Profit Public Enforcement*, 127 Harv. L. Rev. 853, 886, (2011).

433 Uganda Constitution as a supreme law, 2006 Refugee Act, the 2010 Refugee Regulations are applicable.

The enforcement authority in Uganda was the established Police Force and internal security organisation agency in the three divisions under the study. The punishable conduct by enforcement, citizens or refugees are the real or perceived offences committed while sanctions are punishments given.

The analysed institutions incorporated two main sources of information: empirical literature and "Focus Group Discussions" as well as "Key Informants' Interviews conducted". In this study, "the 1995 Uganda Constitution was the foundation for enforcement that sought to strengthen the framework for the protection and preservation of fundamental human rights and freedoms".[434] "Chapter four provides a Bill of Rights which guaranteed the fundamental human rights and freedoms that must be respected and upheld by all organs of state, private entities and individuals alike".[435]The study identified inherent weaknesses in these provisions "for the protection of rights and freedoms of urban refugees as they reveal a gap in the legislation. It justified the various administrative and judicial actions that denied the protection rights of urban refugees in Uganda".[436]Yet, "international best practice requires that the rights of refugees should be clearly guaranteed in national constitutions in order to offer effective protection".[437] Additionally, "the Refugees Regulations of 2010, were formulated to address key issues in the management of refugees, including the rights of urban refugees and as the first comprehensive regulatory framework to guide the implementation of the Act".[438] The "Regulations" identified "general lack of consultation with urban refugees on issues related to the protection of their rights".[439] Thus, "emphasized as one of the principles the need for the participation of refugees in

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[434] Preamble, para 1 1995 Constitution.
[435] Preamble, para 3 1995 Constitution.
[436] D Mulumba & WM Olema Policy analysis report: Mapping migration in Uganda (2009), p27.
[437] M. Sharpe and S. Namusobya, "Refugee Status Determination and the Rights of Recognized Refugees Under Uganda's Refugees Act 2006," International Journal of Refugee Law 24 (3): (2012), p. 565.
[438] Preamble Refugees Regulations 9 of 2010.
[439] Ibid.

national and decentralized planning and policies at all levels".[440] The study observed that Uganda's legislations related to protection of urban refugees and its comprehensive regulatory framework had gaps to guarantee effective protection and management of urban refugees.

Uganda has national legislation specifically for addressing refugee issues as grounded in the 2006 Refugee Act and the 2010 Refugee Regulations.[441] The Department of Refugees under the Office of the Prime Minister, as of September 2017 hosted 98,300 refugees in Kampala, which is nearly double the 2012 estimated number of 50,646.[442] Inflow of refugee population occurred predominantly within Kampala's low income and/or informal areas, where approximately 32 percent of Kampala's host communities live. UNHCR Kampala Office representative argued that "massive number resulted from "those Convention refugees that hold Refugee Identity Cards which offer 'full status' refugees, free movement and working anywhere jobs are acquired".[443] 'Uganda refugee model' allows for "freedom of movement of refugees, as a consequence some have chosen to reside in urban areas rather than settlements, while others commute between settlements and urban areas".[444] He further noted that, "Mandate refugees are those recognised by UNHCR under its mandate, rather than by the Government of Uganda, whether or not the refugees have undergone individual RSD conducted by UNHCR or have been recognised on a group basis as prima facie refugees".[445]

The commissioner Refugee Affairs on the issue of Rights and obligations noted that; *"Under Uganda's Refugees Act, 2006, a recognized refugee is issued an identity card and is allowed to reside in Uganda. The Act states that a refugee has the right to "fair and just treatment without discrimination on grounds of race, religion, sex, nationality, ethnic identity, membership*

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[440] Art 61 Refugees Regulations.
[441] M. Sharpe and S. Namusobya, "Refugee Status Determination and the Rights of Recognized Refugees Under Uganda's Refugees Act 2006," International Journal of Refugee Law 24 (3): (2012), p. 565.
[442] International Rescue Committee. From Response to Resilience Working with Cities and City Plans to Address Urban Displacement: Lessons from Amman and Kampala (FEBRUARY 2018), p 29.
[443] UNHCR Kampala Office representative interviewed on 28th December, 2019.
[444] Ibid.
[445] Ibid.

of a particular social group or political opinion. Furthermore, the right of association with non-political and non-profit organizations and 'free access to courts of law' is protected by law."[446]

> *According to the Act, "The refugee also has the right to access employment, practice a profession, and participate in business activities".[447]*

The commissioner Refugee Affairs further stressed that;

> *"Refugees are obligated to follow, Ugandan law.[448] They must not endanger "state security," "public interests," or the "public order" (ibid.). In addition, refugees must not engage in any activity contrary to the principles of the Charter of the United Nations and the Statute of the African Union, and in particular, shall not undertake any political activities within Uganda against any country, including his or her country of origin".*

The study established that there were "existing national and sub national institutions such as NEMA, KCCA, Uganda Law Society and CSOs which are silent on critical urban refugees' issues in particular to do with protection standards in their places of abode. Arising from the analysis, it was noted that UNHCR and the Department of Refugees in the Office of Prime Minister put emphasis and focus on mainly the formal rural settlement and less attention is put on the informal urban settlements". Since, UNHCR is mandated to provide protection such as material assistance, for Uganda to accept refugees, "it is proposed that similar assistance should be extended to urban refugees to relieve vulnerable urban refugees of financial burden. Then, security enforcement will be managed appropriately. Findings indicated that, effective legal protection was viewed as essential obligation for refugees. Also, it was noted that most refugee families were unable to meet basic needs such as; shelter, food, water, sanitation, medical care and education. What was established from Focus Group discussions, UNHCR though mandated to provide urban refugees with protection in terms material assistance and effective legal protection, was not in position to directly provide rations used in formal settlement since it was not provided for in domestic laws".[449]

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[446] Uganda's Refugees Act, 2006, p29.
[447] Ibid.
[448] Uganda 2006, p35.
[449] Researcher's assessment of the existing national and sub national institutions in Uganda, operating in Kampala City.

<center>**CHAPTER FIVE**</center>

5.0   SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

The study consisted of 80 respondents, from three groups of refugees. The findings summary identifies policy gaps and institutional mechanisms required for security enforcement in Kampala city, Uganda. Conclusions on "the effect of refugees on security policy are taken from consultations with focus groups of refugees and interviews with members of host communities;" and key informants and scholars' perspectives that have driven the recommendations. Although the case study results on urban refugees in Kampala City may be common in developing countries, urban refugees in the developed world cannot be generalized. This is because the security and institutional organization impediments have significant variations. But in order to generalize on urban refugees, more comparative work needs to be carried out on convergence issues between emerging and developed host states. This research confirmed the impediment to security enforcement that was identified by results from focus group discussions and the perceptions and opinions of key informants on the legal issues of policy and refugees and contrasted with empirical literature in previous studies.

5.1   A Summary of Key Findings

The findings of this study have a lot of similarities to those of other authors who have researched about urban refugees. Key findings on enforcement among urban refugees pointed out issues related to impacts of refugees, insecurity of refugees, discrimination and harassment by the authorities, role of refugees in organised crimes and challenges of living in informal dwellings along with criminals and unemployed youth. Secondary, the issue of unemployed refugees and language barrier and the coping skills as described by respondents indicate correlations to other previous studies in similar conditions. Thirdly, the issues of gaps in the Uganda refugees Act as

regards absence of refugee police department, lack of specific urban refugees' law and lack of involvement of host community in refugees matters as raised by Key informant are issues found in similar literature on protection of refugees.

5.2   Major Findings

The identified findings collaborated issues of security, social-economic, cultural and environment with existing scholarly work. Despite the shortest time that was availed for data collection, the respondents cooperated and enough data was collected through focus groups, interviews questionnaires and direct observations. The Key Informants were a critical element in this study since their rich knowledge on policy and institutional framework mechanisms matters was the anchor for interpretation and focused opinions in refugees and national programmes. The levels of education were varied providing a real representation of the study population. The three Focus Groups were able to avail the much needed information that was required for this study.

5.2.1   The findings established that the existing policy and institutional framework mechanisms in Uganda anchored domestic legislation and international norms; hence "the Uganda's domestic refugee policy is regulated by the Refugees Act of 2006 and only mirrors international legal standards of refugee protection and the regional convention governing specific refugee problems in Africa".[450] Therefore, the existing mechanisms were developed in support of the International refugee law instruments consented to by the Uganda government. For instance, the two regimes were not in harmony with each other because the Refugees Act of 2006 contains provisions which exhibit hostility to refugee rights.

5.2.2   The established institutional framework mechanisms such as procedure of registration to acquire refugee status in Uganda are anchored on two conflicting procedures; one for mandate

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[450] Finding indicate that there are gap in the existing regimes that call for legislation.

status under the UNHCR and another for conventional status under National structures such as Office of Prime Minister and Public (Police) Security Bureau. "The findings established that the entire procedure was not anchored on an implementable domestic law for refugees and the undefined role of UNHCR complicates the system as well as unpredictable and asymmetrical practices by unscrupulous networks".[451] For example, UNHCR operations are delegated to Inter Aid, the urban implementing partner acting against a regularized and predictable asylum determination process.

5.2.3 The Public Security Bureau enforcement staff under Police Special Investigations and middle level staffs under Ministry of Refugees are victims of corruption syndicates that are the key contacts of asylum seekers that travel through border post that lack established official registration points for asylum seekers such as Malaba and Busia border posts via Kenya. "Due to economic and peer group pressures that have increasingly been intensified by unethical conduct and behavior among the public officers, these staff are misled by the so called contacts and end up receiving and accepting bribes from illegal persons who may be security threats".[452] For example, the Prime Ministers' Office and Department of Refugees are not represented at Malaba and Busia border posts and also others border to handle asylum and refugee issues creating a loophole in the system. structural gap to mitigate the existing. "Also, security should be boosted in the urban settlements through more policing so as to make them safe and habitable for the people living there".[453] The refugees' trust and confidence in the enforcement measures instituted in those settlements will be enhanced.

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[451] Enforcement is sometimes anchored on policy direction from the Prime Minister's Office rather relying on than legal instruments.

[452] Findings indicated that corruption was across board including both the practitioners and networks operating on behalf of refugees.

[453] Refugees protection was limited due to few police enforcement to patrol slum areas which is risky in dark corners and peak periods like Christmas season.

5.2.4 The role played by public officers in promoting refugees' programmes exhibited corruption tendencies. The study established lack of ethical conduct and integrity among employees, in some instances public employs demonstrated weakness and others knowledge gap in the same aspects as noted by respondents. Programmes such as "census of all urban refugees should be carried out in Kampala's refugees' enclaves[454] through establishment of refugees' engagement".

5.2.5 Results show that there is a refugee issue in informal urban settlements that calls for a rethink of the open policy on refugees. "By evaluating the impacts of refugees, identifying the position of refugees with transnational criminal activities, steps are then put in place to resolve the issues of refugees residing in Kampala adequately". For instance, the analysed policy and institutional framework mechanisms and the strategies the hosting communities and state were using to cope with challenges to enforcement have structural gaps.

5.2.6 Arising from this study, it was noted that, "the power of community and family social support informal settlements coupled with a myriad of security, economic and social-cultural challenges are critical determinants of survival means applied by urban refugees".[455] As a "coping strategy refugees live in Kampala slums in the same communities according to their nationalities to enhance their resilience through supporting each other. Besides, what is strikingly common to all the three refugees' communities as a coping strategy, [456] they still managed to conduct routine prayers against all odds, especially the Sudanese and Somali Muslims and the charismatic believers among Congolese refugees".

5.2.7 Findings indicate that more knowledge has been produced where different approaches have been employed in this case study. Results showed correlations with the works currently available.

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[454] Refugee figures were estimates, not based on official refugee census.
[455] Interview with the official ministry for security conducted on 26th December, 2019.
[456] Interviews with the officials from embassies of South Sudan and DRC, conducted on 26th and 27th December 2019, respectively.

Focus groups, Key informants and semi structured interviews were able to provide more information that was not captured in the questionnaires thus the gaps in one method was filled by the strength of the other. For example, findings indicate past connections and networks with contemporary globalization, as other reasons refugees find it easy to restore relationships. Empirical literature and the findings on challenges to security enforcement from focus group discussions and Key Informants' interpretations and opinions on policy and refugees' legal issues have been confirmed in this study.

5.3   RECOMMENDATIONS TO POLICY MAKERS

5.3.1   Policy and Institutional Frameworks for Emerging Urban Refugees

Developing a plan for resolving the concerns of urban refugees is crucial. This is the entry point for considering the emerging urban refugees question in Uganda. Therefore, there is need to review the current refugees' policy to include the urban refugee requirements like dwelling in informal urban refugees' settlements as an alternative to formal rural settlements. Introducing and inclusion of domestic policies and institutional frameworks that provide for standard safety of urban refugees is critical**.**

5.3.2   Standard Electronic Procedure for Registration

The standard electronic procedure for registration should be anchored on an implementable domestic law for urban refugees with defined roles for Government institutions and UNHCR's mandates. The system should be predictable and provide detailed explanations of the symmetrical practices and guidelines on terms of reference for all stakeholders. Therefore, the system should electronically linkage from border entry points and Entebbe international Airport to the Department of Refugees and UNHCR Kampala Office. The asylum determination process becomes predictable and regularized. Further training and human capacity development in

migration and refugees control procedures and issuance of Terms of Reference in order to remain relevant in these realities of dynamic and evolving international system.

5.3.3 Interconnected System for Border Entry Surveillance

The enhancement of an interconnected system fitted with cameras for border entry surveillance should put an end to the security loopholes that exist at Uganda's border entry points being exploited by illegal emigrants. This system should connect all entry points to the central enforcement control centre in Kampala. The establishment of these border surveillance system should immediately begin with the unattended Malaba and Busia border posts via Kenya.

5.3.4 Establishment and Institutionalization of Patriotic clubs

The creation of patriotic clubs as platform to instill morals among public servants is critical. Consistent interface by club members during patriotism training programmes would greatly improve work ethics and its members would in turn appreciate the reward system that is pegged on the national resource base. As a consequence, the clubs would breed a cadre of loyal servicemen/women willing and ready to serve own country before self.

5.3.5 Reconsideration of the Refugee Open Policy

Uganda should review some of the clauses in Uganda 2006 Refugees Act and the 2010 Regulations[457] to include urban refugee concerns. This review should consider to address the conflict clauses in the domestic regimes in order to align them with the international norms. The freedom of movement and the right to work for refugees,[458] should be aligned to attainment of other freedoms and rights like housing and health services. In order for the Ugandan "model" to

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[457] Elene Karlsen Tjemsland. Xenophobia, and Xenophobia's Effect on Livelihood Opportunities. A Study Concerning South Sudanese Refugees in Kampala, Uganda, Oslo and Akershus University College of Applied Sciences, Faculty of Social Sciences, (2017), pp 21-23.

[458] Crisp, Jeff, Tim Morris, and Hilde Refstie. "Displacement in urban areas: new challenges, new partnerships", Disasters, 2012.

reach its full potential, there is need to reconsider some clauses of the policy to mitigate the current

inequalities existing among refugees in Uganda.

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QUESTIONNAIRE: SURVEY OF SECURITY ENFORCEMENT IN KAMPALA CITY

Dear respondent,

I am Twinamatsiko K Odede a Masters student of University of Nairobi, Institute of Diplomacy and International Studies conducting a study on "The Challenges to security enforcement in East Africa: The Case of influx of Refugees in Kampala City, Uganda". The study is entirely for academic purposes. I therefore kindly request you to provide me with relevant information to enable me succeed in fulfilling this academic requirement. This information will be treated with confidentiality, privacy and anonymity. The answers to these questions will be used for research purposes, and may be an important input in prescribing policies to improve the system. Thank you.

Section 1: **Bio-data of the participant**

1. Name (optional)
2. Age   _____
3. Gender   _____
4. Ethnicity   _____
5. Occupation   _____
6. Level of Education _____
7. Religion   _____
8. Marital Status   _____

Section 2: **Impacts of Refugees' Influx to security enforcement in Uganda.**

Qualitative assessment of matters related to impacts of Refugees' Influx to security enforcement in Kampala City, Uganda.

Q1   Are you aware that screening of refugees is performed for security purposes during entry into Uganda at the border? **YES/NO**

Q2.   If YES to Question 1,

In your view, is the screening of refugees at the border sufficient for security purposes? **YES/NO**

Q3.   If YES to Question 2; (refugee screening appropriate), what do you think should be the most important consideration(s) given to achieving the overall security sector target by migration management and law enforcement stakeholders? (**Tick where appropriate**).

3.1   Maintaining accountability, control and assessment of border protection policies in their creation and implementation.

3.2   Enabling employee involvement in decision-making processes on migration security.

3.3   Use results-based service provision management.

3.4   The institutionalization of processes for reducing corruption.

3.5 Promoting public service in the Patriotic.

3.6 Promoting ethical actions of employees.

Q4. If YES to Question 1, has the migration and border management at entry points enabled the security sector in attainment of the following migration management goal(s)? (**Tick the most considered goal (s) where applicable**)

4.1 To improve the migration services.

4.2 To raise the overall organizational and employees' performance.

4.3 To promote employees' ethical conduct and behaviour.

4.4 To enhance a transparency and accountability system.

4.5 To exhibit employees' patriotism.

4.6 To promote clientele Awareness.

4.7 Not applicable.

Q5. If YES to 1, has the Department of Refugees reached user (i.e. refugee) satisfaction goals? Their task is to care for and protect refugees, but our ultimate goal is to find solutions that could allow them to rebuild their lives. (**Tick the upper most goal(s) where applicable**)

5.1 Visits, employment, legal aid, and family reunification.

5.2 To resettle in another country is one alternative.

5.3 One option is to resettle in another country.

5.4 Not applicable.

Q6. If YES to 1, Does the Ministry of Refugees achieve the following socio-political objectives? (Tick the highest achieved goal(s) if applicable))

6.1 Setting up legal and structural research structure to counter corruption (**YES / NO**)

6.2 Reduce ineffective performance management practices in performance evaluations, and feedback. (**YES / NO**)

6.3 Built conducive working atmosphere where there is transparency, respect for the views of workers and direct communication. (**YES / NO**)

6.4 Started streamlining of pay for public service at various rates. (**YES / NO**)

6.5 Efforts were made to fight off acts of corruption and misuse of public office. (**YES/NO**)

Q7 Are you aware of any measures at border crossings to prevent illegal and criminal immigrants? **YES/NO**

7.1 If YES, what of the following security measures and regulations searches border entries for illegal and criminal immigrants? (Tick the most realistic practice(s) in management)

a. Using border monitoring technologies, and overwhelming known vulnerable border crossing routes with frequent security patrols.

b. Develop pre-entry initiatives Information and awareness-raising campaigns Intelligence-gathering and training in risk management and other resources

c.   Reduce irregular asylum seekers, the bulk of realistic initiatives concentrate on better tackling legal migration networks violence

d.   Demonstrate resistance of (potential) irregular flow entries and illegal entry at border posts.

e.   Shared resources and networked knowledge, such as the false-document Interpol database.

f.   Cooperation between Member States at the border to ensure that internal borders are maintained secure and with other third countries.

g.   Checking for advanced passenger details and applicable permits.

Q8.   Did you believe that management activities at the Department of Refugees have helped Uganda asylum seekers and refugees? **YES/NO**

8.1 If YES, where did they benefit the most?

a.   Enhanced image for Uganda.

b.   Public accountability: Economic accountability.

c.   Reduced administrative costs by allowing refugees to handle their own lives and share socio-economic services with the nationals when planning for a repatriation eventually.

d.   Better quality programs and improved vulnerable people's capacity to boost their wages and enhance refugee quality of life.

e.   Other (specify).

8.2 If NO, (specify) _____

Q9.   Do you believe the current management activities of the Prime Minister's Office-Department of Refugees identify and evaluate the corruption activities of security compliance and migration employees? **YES/NO**

9.1   If YES, almost all of these things has Uganda done to regulate corruption activities as host country? (**Tick where applicable**)

A.   Patriotic, professional and knowledgeable Refugee Protection officers as well as migration personnel deal with refugee matters.

b.   The Uganda Refugees Act is being increasingly revised on a regular basis by Uganda's legal aid programme to comply with the existing complexities of the refugees.

c.   Uganda has an open policy on refugees— hosts self-reliant urban refugees, some self-employed.

d.   Encouraged urban refugees establish committees to deal with social and human rights questions in their congested slum localities.

9.2   If NO, in which aspects?

_____

9.3   If NO, recommend ways to improve migration and management procedures at borders _____

9.4   Consider how best Uganda should approach security enforcement at the peak influx of refugees_____

Section 3: Links between Transnational Organized Crime Networks and Influx of Refugees. Do you accept that Uganda faces complex problems when it comes to hosting refugees? **YES/NO**

Q10   How does the influx of refugees relate to Transnational Organized Crime Networks? (**Tick where appropriate**).

    a.   Growing threats between groups of refugees from Transnational Organized Crime Networks.
    b.   Protecting borders and ensuring protection in the sense of unmanaged inflows.
    c.   On arrival security officers must take care of and resettle urban refugees.
    d.   To distinguish between legitimate applications for asylum and economic migrants.
    e.   Integrating new asylum seekers and movements of refugees I
    f.   Assessment of the Department of Refugees' facilities and capacity to cope with the large number of refugees and asylum seekers.
    g.   Securing humanitarian aid support and assistance received upon arrival.
    h.   Developing innovative and advanced technology to help respond more quickly and effectively to the situation on the ground, in real time.
    i.   Responding to the refugee crisis in a way that preserves Uganda's and its institutions' ideals and legitimacy.
    j.   The entire above are applicable.
    k.   Don't know.

Q11   Are you aware of the urban areas of any refugee used by Organized Criminal Networks in Kampala city hubs? **YES /NO**

Q12 Are you aware that criminal networks consciously or unknowingly use refugees as conduits for cartels rife with narcotics and human trafficking? **YES/NO**

Q13 Is Uganda a country of transit or a member of the network? **YES/NO**

    13.1   If YES, describe favored criminal activities by crime networks that target refugees and use Uganda as a transit route? (**Tick where applicable**)
        a.   Environmental resources include ivory and rhino horns.
        b.   Forgery and Money Laundering.
        c.   Ransom Kidnapping and Ransom.
        d.   Organized for profit Crime.

e.   Cash-in-transit Heists and ATM Attacks.

f.   Frauds Targeting Financial Institutions.

g.   Targeting financial institutions for fraud.
h.   Drug trafficking.
i.   Consumption, and drug trafficking.
j.

Q14   Were you aware of the fact that law enforcement workers were accomplices to criminal

networks? **YES/NO**

Q15 Are you aware of anticorruption steps taken by the government? **YES/NO**

15.1 If YES, Is Uganda's current laws and regulations robust enough to tackle corruption

and prevent certain criminal acts identified in Q 13.1?

a.   Yes.
b.   No.
c.   Don't know.
d.   Refused to provide response.

15.2   If NO, in which aspects?

_____

15.3   If NO, recommend best practices for improving the efforts to tackle
corruption_____

15.4   Recommend how best Uganda should manage security enforcement to crack down
among   refugee   communities   on   these   organized   crime   networks.

_____

Section 4**: Qualitative analysis of policy and institutional frameworks for security
enforcement in Uganda.**

Q16   Were you aware of main government ministries and intergovernmental agencies that are
responsible for refugee security policy and institutional frameworks in Uganda? **YES/NO**

16.1   Identify those responsible for refugee protection and security enforcement in
Uganda. **(Tick where applicable).**

a.   Office of Prime Minister.
b.   Ministry of Foreign Affairs.
c.   UN Resident Coordinator (Uganda) and United Nations (UN) agencies.
d.   UNHCR.
e.   Ministry of Local Government.
f.   Ministry of Internal Affairs (Security Departments).
g.   Ministry of Lands, Housing and Urban Development.
h.   Ministry of Health.
i.   Refugees Department of the OPM.
j.   Don't know.

Q17. Are you familiar with those national and transnational policies and institutional structures that apply to the standards of protection and management of refugees? **YES/NO**

 17.1 Do you accept that refugee and human rights OR conventions exist and are operational which protect the rights of refugees in Uganda? **YES/NO**

 17.2 Do you agree that specific policy and institutional frameworks designed to protect refugee women and children exist? **YES/NO**

 17.3 What of these policy and institutional structures relate to Uganda's standards of management and security for refugees? **(Tick where applicable).**

  a. 1951 Convention on the Status of Refugees, and Protocol of 1967.
  b. OAU Convention 1969.
  c. Universal Declaration of Human Rights
  d. Universal Covenant on Democratic and Civil Rights.
  e. Universal Covenant on Political, Social, and Economic Rights.
  f. Convention on the Abolition of Discrimination against Women in All Aspects
  g. g. AU Refugee Convention 1969 on Issues of Refugees in Africa.
  h. African Covenant on the Rights of Man and Peoples.
  i. African Charter on Child Protection and Education.
  j. Clause 124(4) and (5) (h) of the EAC treaty.
  k. 2006 Uganda Refugees Act.
  l. Don't know.

 17.4 Would you accept that national institutions have a favorable atmosphere where there is individual trust, respect for workers' views and direct contact between GoU and intergovernmental organizations? **YES/NO**

 17.5 Are these systems equipped with performance improvement mechanisms for assessments, reviews and feedback? **YES/NO**

 17.6 Will you believe that resettlement will be a permanent solution? **YES/NO**

Qualitative Assessment of security enforcement in urban refugee   localities in Kampala

Q18. Do you know of the pragmatic approach to the management of refugees in Uganda? **YES/NO**

Q19 Would you accept that the GoU is the official guarantor of protection and safety at Kampala inhabited locations for urban refugees? **YES/NO**

 19.1 Have you been familiar with any of the current viable solution for refugees in Uganda by the GoU officials or the UNHCR? (**Tick where applicable**).

  a. Local Refugee Integration.
  b. Refugee Resettlements.
  c. Voluntary Repatriation.

 19.2 Have you got patrols in your localities? YES/NO You know the rights of refugees? (**Tick where applicable**).

  a. Freedom of movement of refugees.

        b.   Seek gainful employment.

        c.   Promote Human Rights.

    19.3   Urban refugees often face violent conflict, human rights violence, all types of physical and mental stress that local citizens and host governments often don't understand well. (**True or False**)

Q20   Would you believe the law enforcement officer faces problems in Urban Refugee Management and Protection? **YES/NO**

Q21   During their operations the law enforcement agencies face problems that are either engendered institutionally or externally. Do these challenges relate in some way to the habits or behaviors of the refugees? **YES/NO**

    21.1   Are you aware of, and how successful are the following law enforcement agencies (Protection Officers, Local Police, Kampala City Council Administration, Local Council 1 Officers, Committee, Local Defense Units and UNHCR Staff)?

        a.   Yes, they are effective.

        b.   Yes, but not effective.

        c.   Yes, operating covertly.

        d.   Not aware of their operations.

        e.   Don't know.

    21.2   If YES to Question 21.1; (safety enforcement in place), what do you think should be the policymakers' most significant consideration(s) toward achieving the overall goal of the security sector? (**Tick where applicable**).

        a.   Strengthening of the legal policy and institutional mechanisms for service provision of law enforcement agencies,

        b.   Increase preparation and maintenance of the level of protection for refugees.

        c.   Enhancing service delivery capabilities at regional and UNHCR.

        d.   Develop and enforce National and Intergovernmental Cooperation Program to strengthen the provision of refugee security and management services.

        e. Supporting the institutionalization of ethical actions and demonstrating a national and local patriotic service.

Thank you for participating

Map of Uganda Indicating Kampala Urban Refugees Location
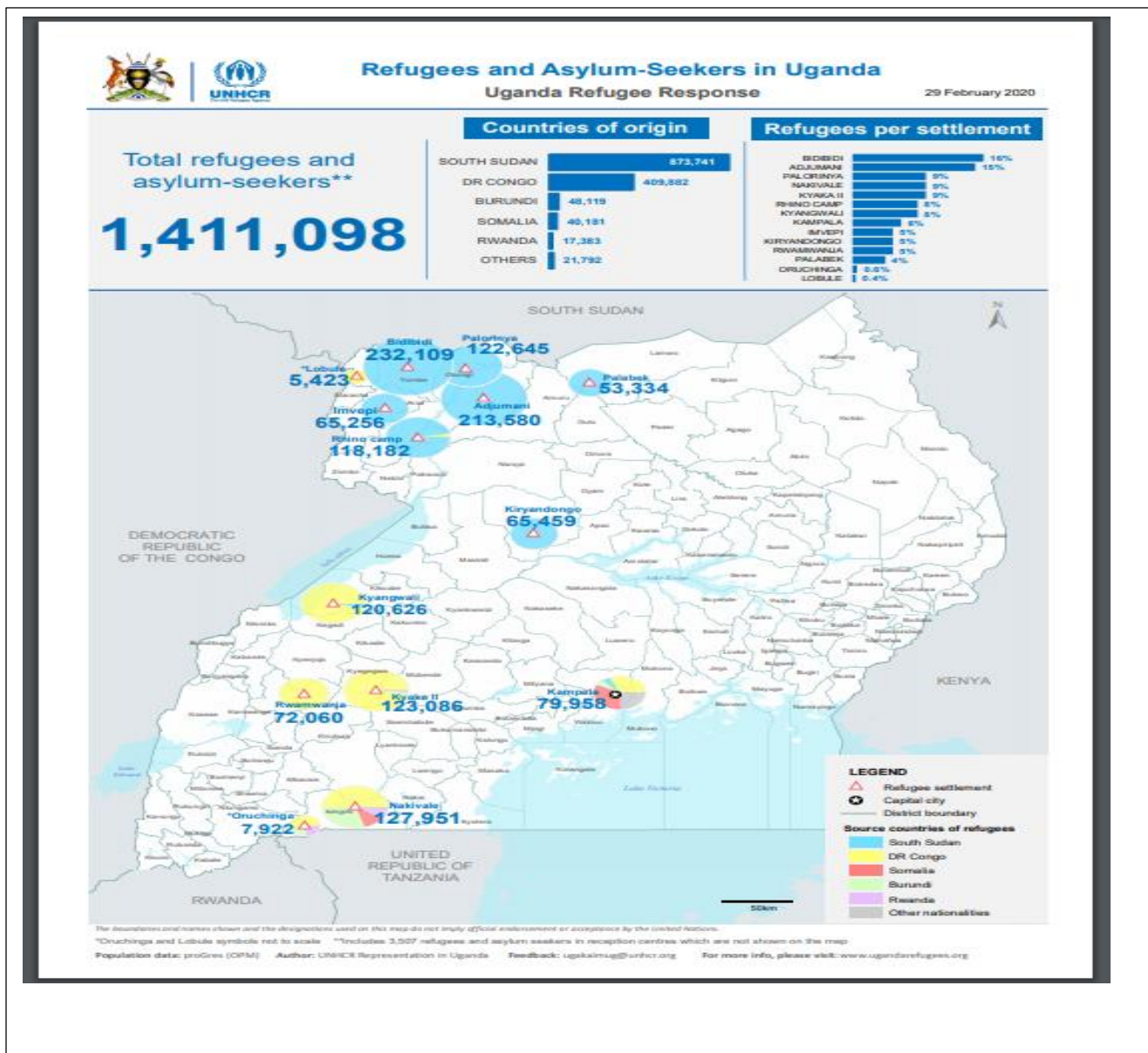
Authorization to Conduct Collect Data on Urban Refugees in Kampala Metropolitan Area

UGANDA PEOPLES' DEFENCE FORCES
OFFICE OF THE JOINT CHIEF OF STAFF
MEMORANDUM

To:	PS MODVA	From:	JCOS
Date:	17 Feb 20	Ext No:	5144
Our Ref:	UPDF/JCOS/G15	Your Ref:	
Info:	CDF, DCDF, CTR		

Subj: REQUEST FOR MAJ RG MPANGIRE TO COLLECT DATA FOR RESEARCH

1. Ref to Letter UPDF/CTR/516/S dated 10 Feb 20, the above named Senior Officer has been appointed as a Research Assistant to Col Fred Twinamatsiko, currently undertaking a Masters Program in the Institute of International studies in Nairobi, Kenya.

2. The purpose hereof, is to request that he be allowed to collect data on the topic: **The Challenge to security Enforcement in East Africa, case study influx of Refugees in Uganda majorly Kampala Metropolitan.**

3. Forwarded for your consideration.

Name: **JOSEPH MUSANYUFU** *psc, ndc* Rank: **Lt Gen** Signed
(IN BLOCK LETTERS)

UGANDA PEOPLES' DEFENCE FORCES

OFFICE OF JOINT CHIEF OF STAFF
MINISTRY OF DEFENCE HQS-MBUYA HILL
P.O. BOX 3798 KAMPALA
OFFICE TEL: +256 414 - 565146/144
FAX: +256 414 - 223056
EMAIL: jcos@updf.go.ug

Our Ref: UPDF/JCOS/G15

Your Ref:

The **UNHCR Representative**
In Uganda
KAMPALA   17 February 2020

REQUEST FOR UPDF OFFICER TO COLLECT DATA FOR RESEARCH

MAJOR RICHARD GEORGE MPANGIRE

The above named Senior Officer is a staff working under the office of Chief of Training and Recruitment (CTR). He has been appointed as a Research Assistant to Colonel Fred Twinamatsiko, currently undertaking a Masters Program in the Institute of International studies in Nairobi Kenya.

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Forwarded for your consideration.

JOSEPH MUSANYUFU *psc, ndc*
Lieutenant General
Joint Chief of Staff

Copy to: *Chief of Defence Forces, UPDF*
Deputy Chief of Defence Forces, UPDF
Chief of Training and Recruitment, UPDF

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UGANDA PEOPLES' DEFENCE FORCES

OFFICE OF JOINT CHIEF OF STAFF
MINISTRY OF DEFENCE HQS-MBUYA HILL
P.O. BOX 3798 KAMPALA
OFFICE TEL: +256 414 - 565146/144
FAX: +256 414 - 223056
EMAIL: jcos@updf.go.ug

Our Ref: UPDF/JCOS/G15

Your Ref:

The **Permanent Secretary**
Ministry of Security
KAMPALA

1 February 2020

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Forwarded for your consideration.

JOSEPH MUSANYUFU psc ndc
Lieutenant General
Joint Chief of Staff

Copy to: *Chief of Defence Forces, UPDF*
Deputy Chief of Defence Forces, UPDF
Chief of Training and Recruitment, UPDF

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OFFICE OF JOINT CHIEF OF STAFF
MINISTRY OF DEFENCE HQS-MBUYA HILL
P.O. BOX 3798 KAMPALA
OFFICE TEL: +256 414 - 565146/144
FAX: +256 414 - 223056
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Our Ref: UPDF/JCOS/G15

Your Ref:

The **Permanent Secretary**
Ministry of Disaster
Preparedness and Refugees
KAMPALA   17 February 2020

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Lieutenant General
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Deputy Chief of Defence Forces, UPDF
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