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Comparative Analysis of Protection Systems for Refugees in Kenya and Uganda

Audit of Migration and Mobility of Refugees Policy Frameworks in East Africa

"Enhancing Strategies and Mechanisms of Countering Violent Extremism and Protection of Civilians".

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Foreword

The mission of the International Peace Support Training Centre (IPSTC) is to be an independent research, training and education centre in Eastern Africa that is responsive to peace operations training and education needs of the African Peace and Security Architecture. The research conducted at IPSTC covers a broad spectrum ranging from conflict prevention, management, to post conflict reconstruction. The aim is to enhance the promotion of peace, security and stability in the region, which is essential and critical for human and economic development in Africa.

The theme for 2017 ***"Enhancing Strategies and Mechanisms of Countering Violent Extremism and Protection of Civilians"*** features border issues on Peace Support Operations, Elections, Protection of Civilians, Radicalization and Deradicalization and Governance. It aims at understanding its trends, dynamics, and the response strategies and mechanisms towards addressing it. Some of the sub-themes addressed by the agenda include: youth radicalization and terrorism, countering violent extremism, maritime insecurity and gender perspectives on radicalization in Kenya. The area of focus for this agenda will be Kenya

This first Issue Brief titled: **Comparative Analysis of Protection Systems for Refugees in Kenya and Uganda** provides significant insights to improving refugee protection systems. The second Issue Brief: **An Audit of Migration and Mobility of Refugees Policy Frameworks in East Africa** reviews the policy frameworks in place dealing with refugee issues in Kenya, Uganda and Tanzania.

The research products from IPSTC have been developed aiming at informing the design of training modules at IPSTC. Issue Briefs are an important contribution to the vision and mission of IPSTC.

Brigadier Patrick M Nderitu
Director, IPSTC

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Acronyms

UNHCR	United Nations High Commissioner for Refugee
OAU	Organization of African Union
EA	East Africa
IOM	International Organization of Migration
SGBV	Sexual and Gender Based Violence

Definition of Key Terms

Actor: Actor refers to individuals, groups and institutions involved in addressing refugee issues.

Audit: An assessment and evaluation of rules, regulations, policies, acts and laws.

Durable solution strategy: Any means by which the situation of refugees can be satisfactorily and permanently resolved, enabling refugees to resume a normal life. Traditionally, UNHCR pursues three durable solutions of voluntary repatriation, local integration, and resettlement.

East Africa: According to Encyclopedia of Food and Culture (2003), "East Africa comprises ten countries: Tanzania, Burundi, Rwanda, Uganda, Sudan, Ethiopia, Eritrea, Djibouti, Somalia, and Kenya. Among residents of this region, the name Eastern Africa usually refers to these ten countries, while the name East Africa means the political region comprising Kenya, Uganda, and Tanzania." However, some organization's definitation only refers to eight countries and excludes Burundi and Rwanda (FAO, 2000). As for this paper, East Africa exclusivly refers to Kenya, Uganda and Tanzania.

Migration: It is an all-encompassing concept involving the movement of human beings from one place to another either across international borders (international migration) or not (internal migration) for any purpose through any means (arguably, the duration must be at least one year).

Mobility: The ability to move. It is supposed to be in a free and easy manner in order to allow everyone to have chances to acquire more resources for a better position in society.

Policy frameworks: In this paper this term has a broader sense, which refers to the *guiding principles,* which will direct policymakers to formulate or adjust their own national refugee policies as a response to the evolving refugee situation.

Protection Systems: A range of activities, including assistance that is aimed at securing refugee rights and finally a durable solution. For this paper protection systems will focus on three main areas: international legal protection, civil/political protection and socio-economic and cultural protection.

Refugee: According to the Organization of African Union (OAU) Convention and Cartagena Declaration: A refugee is a person who is outside his/her country of origin or habitual residence and is unable to return there because of serious and indiscriminate threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order. Any person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his [or her] nationality and is unable or, owing to such fear, is unwilling to avail him [or herself] of the protection of that country; or who, not having a nationality and being outside the country of his [or her] former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. (Article 1A (2) of the 1951 Convention).

International legal protection: emphasis on reception conditions of refugee**,** registration and profiling of refugee**,** access to asylum procedures of refugees.

Civil/political protection: focus on political harassments and extra-judicial killings, denial of legal remedies, slavery or servitude, arbitrary arrest and detention, torture, or cruel, inhuman and discrimination based on gender or religion.

Socio-economic and cultural protection: enable the refugee to access food, education**,** health, housing**,** work**,** access to social participate**,** cultural activities

The final goal of refugee protection is achieving the implementation of durable solutions which includes voluntary repatriation, local integration and resettlement.

Providing durable solutions seem to be challenging for both the countries of destination and of origin this is because the process has legal implications based on International Refugee

Highlights of the Issue Briefs

Comparative Analysis of Protection Systems for Refugees in Kenya and Uganda

- Protecting refugees is mainly the responsibility of 1951 Convention signatories who are legally obligated to protect refugees according Convention terms and condition.
- Regional and international humanitarian organizations share financial and psycho social responsibility to protect the refugees for as long as they require international assistance.
- Refugee protection includes: International protection activities through which refugees' rights are secured this includes basic rights such as; the right to seek and enjoy asylum, respect for the principle of non-refoulement, non-discrimination, the right to freedom of movement.
- Refugees need effective legal protection, but they must also be able to meet their basic needs – shelter, food, water, sanitation and medical care. In 2014, the UNHCR categorised its protection systesm under three broad areas that included: international legal protection, socio-economic/cultural protection, and civil/political protection.

An Audit of Migration and Mobility of Refugees Policy Frameworks in East Africa

- Migration is one of the emerging fields thanks to the increasing interconnectedness among different places in the world through economic and cultural exchanges, family reunions as well as forced human flows. In light of the continuing trend of liberalized trade, unbalanced distribution of resources, North-South inequality, fast communication as well as conflicts and war (Castles, 2004), it seems unlikely that the number of migrants, either voluntary or involuntary, will be decreasing in the next few years.
- Although no single framework can fully explain and regulate all types of migration flows, IOM's migration governance framework sets up global standards encompassing essential values of adhering to international standards, engaging with partners/stakeholders and advancing the socioeconomic wellbeing of migrants (IOM, 2015:7).

COMPARATIVE ANALYSIS OF PROTECTION SYSTEMS FOR REFUGEES IN KENYA AND UGANDA

By: Dr. Eunice Njambi

CHAPTER ONE: INTRODUCTION AND BACKGROUND

1.1 Introduction

In 2016, UNHCR's global strategic priorities areas on refugee protection focused on strengthening and improving the quality of life and seeking durable solutions. Protection of refugees fleeing from life-threatening environment is a major concern for international immigration law practitioners and host governments. Refugee protection systems are based on enforcing consistency between the principles and provision of protection. The main objective of protection is to ensure refugees lead safe and productive lives and aims at a durable solution strategy resulting to the refugees: rehabilitation and local integration or naturalization in hosting country, resettlement in a third country or voluntary return to their home countries. Refugee protection needs vary depending on particular vulnerabilities in regards to: age cohort, gender, areas of movement, fundamental human rights situation, among other factors that demand for multi-stakeholder responses. The refugee protection covers a range of activities through which refugees' rights are secured.

Real and perceived abuses of protection systems as well as irregular movements of refugees have led to concerns by host countries that resources are not being sufficiently focussed on those in greatest need. For example, refugees have increasingly been targets of violent attacks and intimidation, mainly because the host communities perceive them as different. Largely, tensions, between refugees and local populations, erupt when refugees are seen as competitors for natural and economic resources.

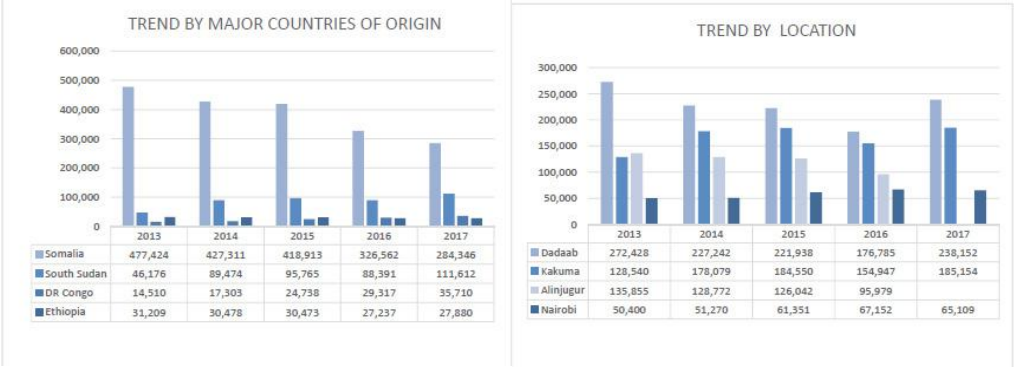
Developing countries argue that the burdens of asylum are not shared equally: while they host thousands, and sometimes millions of refugees, wealthier countries are restricting access to their own territories and reducing support to the countries of first asylum (Matthias & Claas, 2017). In Africa refugee protection challenges are issues of concern with regard to peace building processes and security both in the refugees' country of origin and the host countries. According to Sarah (2017) protection of refugees can influence post conflict stability if it results to a durable solution.

East Africa faces challenges from the influx and composition of refugees from the on-going conflicts in Burundi, Ethiopia, Eritrea, Somalia and South Sudan, (OCHA 2017). The refugee population in Kenya and Uganda stood at 1,167,039 with influxes from Burundi, Democratic Republic of Congo, Rwanda, Somalia and South Sudan (UNHCR, 2016).

1.2 Background of Refugee Population Trends in Kenya and Uganda

Kenya has been providing protection and lifesaving assistance to refugees since the 1960s. During the 1990s, major influxes were witnessed from Sudan, Somalia and Ethiopia. While returns took place as the situation improved in places of origin for Sudanese to South Sudan and Ethiopians to Ethiopia, a significant number of refugees remained and continue to be hosted in Kenya. Currently 59% of the refugees reside in Dadaab, 31% reside in Kakuma and 10% in urban areas mainly in Nairobi. Approximately 70% of the refugee population fled from their countries of origin due to generalised insecurity. Majority of refugees in Kenya originate from Somalia (58.2%). Other major nationalities are South Sudanese (22.9%), Congolese (7.3%) and Ethiopians (5.7%). Persons of concern from other nationalities including Sudan, Rwanda, Eritrea, Burundi, Uganda and others make up 6.4% of the total population totalling to 488,415 distributed as shown in fig 1:

Figure 1 ; Refugee trends in Kenya by country of origin and location



Source (UNCHR 2017)

According to UNCHR (2017), the Kenya refugee situation will continue to be marked by the political developments and humanitarian environment in Eastern Africa. For example, in spite of the moderate gains made in the past two years, Somalia humanitarian situation in 2017 was expected to remain delicate with over some 4 million people in need of humanitarian assistance.

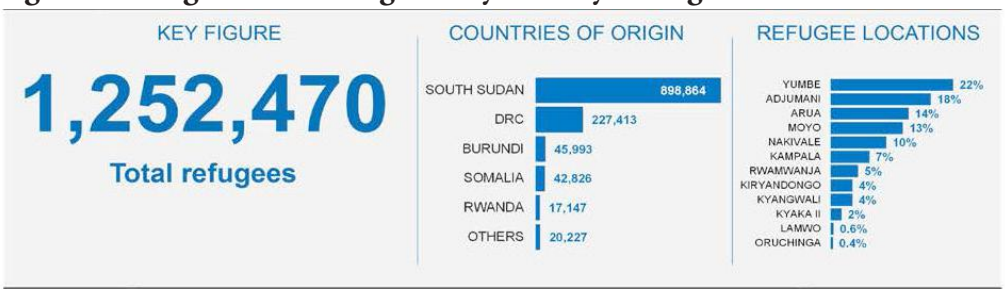
Protection issues in Kenya relate to: refugee security, child protection, and assistance for persons with specific needs (PSN) and survivors of gender-based violence (SGBV), referrals and resettlement, as well as material assistance.

Other protection concerns include lack of and opportunity to access higher education and employment. The conditions in the refugee camps are far from ideal with overcrowding being common and exacerbated by a strict encampment policy. The refugees in Kenya are also faced with challenges of a global phenomenon. For example, a Trafficking in Persons report by Moret, et al (2015) noted that children, women and young girls in Kenya's refugee camps are vulnerable to recruitment into armed groups, sex trafficking and forced labour. Uganda has been accepting refugees and asylum seekers since 1962. The country has been commended for having one of the most liberal refugee laws and policy regimes in the world. According to the UN (2016) Uganda refugee policy was declared a model.

The 2006 Refugee Act and 2010 Refugee Regulations allow for integration of refugees within host communities with refugees having access to the same public services as nationals. They have freedom of movement and are free to pursue livelihood, including access to the labour market and to establish businesses.

According to UNHCR, by the end of 2017, Uganda had 1,252,470 refugees with the majority (71.7%) coming from South Sudan and the rest from Burundi, DRC, Rwanda and Somalia. The country experienced a dramatic increase in the refugee population in the second half of 2016. Most of the new arrivals came from South Sudan as shown in figure 2 below.

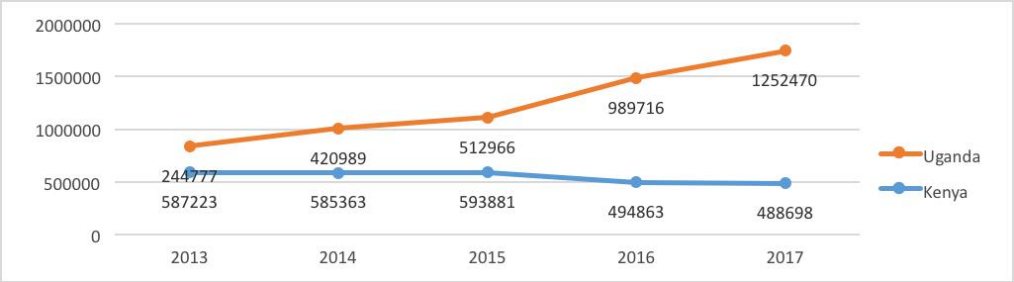
Figure 2 Refugee trends in Uganda by country of origin and location



Source (Republic of Uganda 2017)

According to UNCHR (2017), the trends of refugee population in Kenya is declining since 2015 from 593,881 to 488,415 in 2017 as compared to Uganda which increased from 512,996 to 1,252,470 as shown in fig 3.

Figure 3 : Trends of refugeees in Kenya and Uganda



Source (UNHCR2017)

1.3 Problem Statement

According to IOM (2015) there has been documented violation against refugee protection in both Kenyan and Ugandan refugee camps. This includes hostility, trafficking, prosecution, and detention of migrants, sexual and gender-based violence, and killings. UNCHR (2014) list the main refugee protection tasks in Kenya and Uganda which includes protection and support of: new arrivals, children, persons with specific needs, referrals for resettlement and addressing the failure by law enforcement officers to distinguish between criminals, irregular migrants and asylum seekers. Other protection concerns include; the refugee conditions especially in the overcrowded camps, strict encampment policy, lack of opportunity to access higher education and employment, vulnerability of children, women and girl's recruitment into the armed groups, sex trafficking and forced labour. The UNHCR operations face various challenges among them being under-funding and increased refugee populations due to crises in the region (Moret, et al 2015, UNHCR, 2017).

Despite there being notable advances in strengthening the legal systems for the protection of refugees in general, the UNHCR remains concerned with refugee's protection especially as a result of the protracted crisis in the Horn of Africa and a range of other factors including general instability, increasing number of unaccompanied minors, decreasing funding, and limits on freedom of movement (UNHCR, 2017). Based on this background this study aims to compare and analyse refugee protection systems in Kenya and Uganda.

1.4 Objectives

Main objective

To analyse and compare the refugee protection systems in Kenya and Uganda.

Specific Objectives

1. To analyse the components of international refugee protection system
2. To assess the civil / political refugee protection system
3. To evaluate the socio economic and cultural refugee protection system
4. To examine the duration solution strategies for the refuges in Kenya and Uganda

1.5 Justification and Scope and Limitations

Justification

The AU (2012) acknowledges the need for refugee's protection based on the principles defined in the Kampala Convention. UNCHR (2015) expressed concern on continuing military attacks on refugee camps and settlements in Burundi, DRC, and Uganda. Despite of acknowledgment of refugee vulnerability, there is still a very critical concern to their protection in EA. Over half of the refugee population is made up of women, children, youth (aged 15-24 years) who needs specific protection and developmental needs. This calls for a comprehensive analysis to assess the refugee protections systems in Kenya and Uganda since the two countries carries the biggest refugee burden in EA. In addition, the two country answer to the UNCHR calls for states to take up their primarily responsible for the protection of refugees by establishing and implementing protection systems in accordance with international obligations that includes ensuring non-discriminatory access to all.

Scope and Limitations

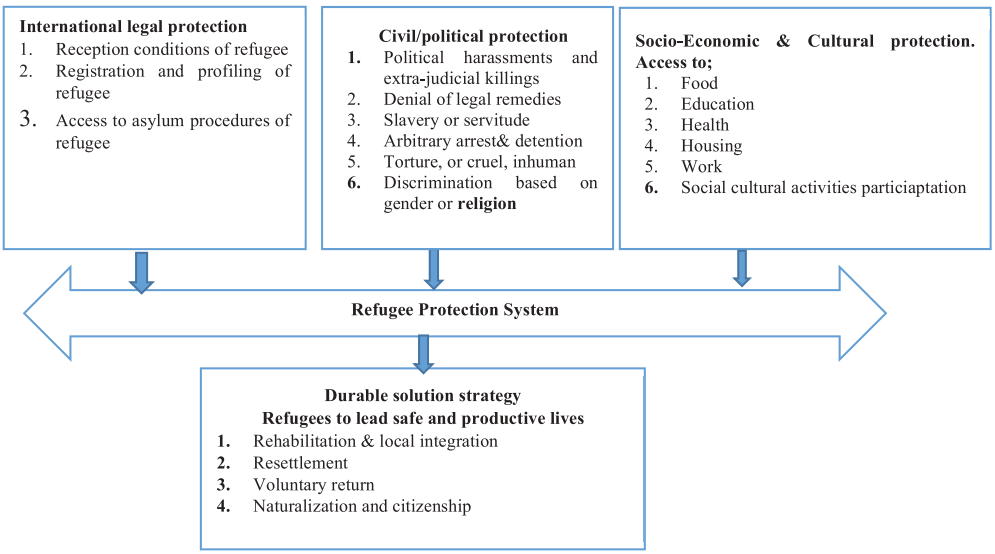
This study analyses refugee's protection systems in Kenya and Uganda. The systems components operate at community, national and international levels. The study focuses on three areas of protection systems components: legal, civil and socio economic. These areas are aimed at establishing durable solutions - local integration, voluntary repatriation and resettlement - to the refugee problem. The study utilized available secondary data mainly from the UNCHR as well as other sources dealing will refugee protection systems including: Relief web and UNDP.

1.6 Conceptual Framework

This study adopts the theory and principles of partiality and impartiality in protection of refuges as described by Henry (2017). Partiality is expressed in the inclination to favour some refugees. The principle of impartiality aims to ensure that communities and individuals who require protection are treated humanely. The principle of non-discrimination guards against adverse distinction in the treatment of different groups or individuals, on the basis of race, colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth, disability, health, sexual orientation or other status.

The challenge of respecting the principles of impartiality is often compounded by the complex operating environment in which protection work occurs. In reality, however, governments may be unable or unwilling to provide such protection, and they may require the support of the international community. Additionally, the refugees need to be engaged in their own protection. In order to enhance refugee protection, it is important to determine when an assistance activity might detract from or potentially threaten refugee protection; a source of protection may also be a source of threat.

1.7 Operational Framework



CHAPTER TWO: LITERATURE REVIEW

2.0 Introduction

The UNCHR discharges its mandates of refugee protection from the principles of human rights development that goes back to the 1950s when the UNCHR 1951 Convention was established. The process eventually led to the 1967 refugee protocol. UNHCR has been dealing with the well-founded fear of persecution on the grounds of race, religion, nationality, membership in a particular social group, or political opinion. In the 1960s, regional instruments of protection specifically in Africa were developed including the Convention on the Specific Aspects of Refugee Problems in Africa (OAU, 1969). The 1970s was a decade of repatriation; refugees returned home to countries like Angola, Mozambique, Guinea-Bissau, or Bangladesh. The concepts of international camaraderie and burden sharing in the difficult search for solutions became apparent. The 1979 Geneva International Conference on Refugees and Displaced Persons in Southeast Asia was held with the aim of finding solutions for the sharing of responsibilities for the refugee population (UNCHR, 2000).

The 1980s and 1990s, saw extensive changes in approaches towards international refugee protection. As the refugee population progressively increased especially in Asia, Horn of Africa, and Southern Africa, solutions to refugee problems became even more elusive. The need for the protection of refugees has become more urgent in the 2000s particularly as a result of increased detention, reduced welfare benefits, severe curtailment of self-sufficiency possibilities, human rights abuses, among other factors.

Protection is primarily the responsibility of the states of origin of the refugees. Governments work with the UNHCR and provide financial assistance to refugees, both through their own domestic refugee programs and from UNHCR funding partners. The legal framework that supports the international refugee protection regime is built on the 1951 Convention relating to the Status of Refugees that is the cornerstone document of refugee protection (UNHCR, 2001). Three of the most common protection challenges are: responding to a refugee emergency; protecting refugee women, children and families and seeking durable solutions to refugees' problems.

Kenya has signed and ratified the 1951 UN Convection relating to the status of refugees and the 1969 OAU Refugee Convention. Before 2006, Kenya did not have any national legislation on refugees. In 2007 Kenya adopted the Refugee Act 2006, through which the 1951 UN Convention and the 1969 OAU Refugee Convention were implemented at the national level. The Act lays out Kenya's national policy towards.

Uganda is a State Party to the 1951 Refugee Convention and its 1967 Protocol, as well as to the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. Under the Refugees Act of 2006, Uganda's asylum policies uphold key rights, including freedom of movement and expression. The Government favours a settlement approach, whereby land is provided to refugees in order to help them become self-reliant. In 2010, Uganda Government issued new regulations to give effect to the 2006 Refugees Act. The legislation conforms to international refugee law and recognizes persecution on the basis of gender as grounds for asylum.

2.1 The International Legal Protection of Refugee

According to UNCHR (2011), international law of refugee protection comprises a range of universal and regional treaties, rules of customary international law, general principles of law, national laws, and standards in the practice of states and international organizations. According to UNCHR International protection means using the legal tools, which prescribe or implement the obligations of states to ensure that no refugee in search of asylum is penalized, expelled, or refouled. Every refugee should enjoy the full complement of rights and benefits to which he or she is entitled to as a refugee; and that the human rights of every refugee are guaranteed.

Reception conditions of refugee

Reception conditions refer to the treatment given by a country to refugees from the moment they apply for asylum, and include access to information at the border, humane conditions in refugee centres, legal counselling, education, medical care, employment, timely asylum procedures, and freedom of movement. Countries have differing interpretations of minimum reception standards conditions. In order to align with international standards, the UNCHR monitors reception conditions and with the help of NGO partners gives advice on making improvements when necessary.

Reception facilities provide temporary homes for asylum-seekers and refugees until their claims are processed. Once recognized as refugees, they are allowed to stay in reception centres for a transition period of up to a year, and prepare for their new lives. Reception facilities provide housing, food, basic health care and pocket money for their inhabitants.

The Kenya national legal framework governing refugee matters is based on the refugee status determination (RSD) process as indicated in the Refugees Act of 2006: its subsidiary legislation is the Refugees (Reception, Registration and Adjudication) Regulations of 2009. The Act established the Department of Refugee Affairs (DRA), whose responsibilities include receiving and processing applications for refugee status. Previous refugee matters were governed under the now repealed Immigration Act and Alien Restriction Act, and RSDs and other matters relating to refugee management were delegated to the UNHCR (GOK, 2009).

Under Kenya's Refugee Act 2006, all asylum seekers have 30 days upon entering Kenya to travel to the nearest refugee authorities to register as refugees, regardless of how or where they entered the country. The law also stipulates that such a refugee be accorded a fair hearing and given the chance to defend himself/herself before a court of law. The refugees coming from Somalia, registration point is at the Dadaab refugee camps in north-eastern Kenya. Their basic information is recorded, and they are given food. Immediately afterward, they undergo a medical screening and vaccinations. For those healthy enough, they are taken to a reception centre and provided a hot meal and blanket.

Registration and profiling of refugee

Registration and profiling is a process of gathering primary source of information to know more about the refugee personal profiles and their specific needs. It provides crucial information to seek appropriate durable solutions and helps refugees get basic access to rights, services and assistance. In Kenya, the Ministry of Interior and Coordination of National Government and UNHCR are in the process of merging their parallel registration systems in order to simplify the existing process and harmonize data on refugees and asylum seekers. UNHCR and the Government of Kenya represented by Refugee Affairs Secretariat (RAS), uses the unified approach registration process since 2016. In Kakuma and Dadaab the process was launched in 2017. Uganda has two ways of refugee status application, registration at refugee settlement or in Kampala.

There are four main steps in refugee settlement process includes;

- Reporting directly to the Settlement Commandant for registration, who communicates the dates for the refugee status determination interview.
- Undertaking the refugee status determination interview in the settlement by a Sub-Committee of the Refugee Eligibility Committee (REC).
- Upon the granting of refugee status, Office of the Prime Minister (OPM) allocate a plot of land per family and the family will then be provided with basic assistance including non-food items, food and ration cards that will entitle them to monthly food rations.
- Protection related issues are reported to UNHCR staff in the settlement.

The Kampala refugee registration process entails four steps that include:

- Going to the Crime Intelligence office at Old Kampala Police Station for registration upon arrival. The refugee is given a card and a date for further registration.
- On the scheduled date, the refugee reports to the Office of the Prime Minister (OPM) with their dependents. The refugees are asked to carry all relevant documents (passports, identity documents, school diplomas, letters of support etc.) to facilitate easier and clearer identification. Every member of the household below 18 is registered with the main head of the household. Individuals above 18 are registered separately.
- The refugee is issued with a temporary asylum seeker attestation, renewable after 3 months from the date of issue and thereafter every month. After registration at OPM, the refugee must report back to Crime Intelligence Offices at Old Kampala Police Station for a second interview for refugee status determination.
- Refugee status is decided by the Refugee Eligibility Committee (REC). The decision is communicated to the Office of the Prime minister department of Refugees (OPM). If the refugee is unhappy with the decision, they can appeal within 30 days of receipt of the notice of the decision of the REC.
- UNHCR schedules appointments to meet refugees and asylum seekers in Kampala at the offices of InterAid and the Branch Office Extension. Due to the large number of refugees and asylum seekers in Kampala, the UNHCR can only meet with people who have made prior appointments or have emergencies. Appointments are made through InterAid's legal department.

2.2 Socio Economic and Cultural Protection of Refugees

Social protection is defined by World Bank (2012) as all interventions from public, private and voluntary organizations and informal networks to support refugee in their efforts to prevent, manage and overcome risks and vulnerabilities and enhance the social status and rights. This may include but not limited to activities aimed at enhancing refugee access to: food, education, health, housing, work and social participation in cultural activities.

1. Access to food

In Kenya more than half of the refugee population live in refugee camps. UNCHR, initiated a curative nutrition programme, which focus on children aged 6-12 years. The program enhances chances of survival of children and promotes healthy growth and development. According to UNCHR (2017) strengthening of the infant and young child nutrition programme would have a positive impact on preventing acute malnutrition, anaemia and stunting and reduce acute malnutrition among refugee infants. Despite these initiatives, the preventive arm of the nutrition programme remains weak.

In Uganda most refugees rely on food assistance until they are able to provide for themselves. Refugees receive high-energy biscuits at the border crossing points and hot meals in transit/reception canters, while they wait to be settled to their own residential plots. A settling-in ration is provided when refugees move to their new plots and monthly food rations or cash transfers are provided thereafter. Refugees also receive supplementary rations of specialized nutritious food to treat and prevent moderate acute malnutrition. In some areas, refugees and host community farmers are supported to improve post-harvest management both at household and community level and to access markets for any surplus they produce.

2. Access to Education

Access to basic education is the ability of all people to have equal opportunity in education, regardless of their social class, gender, ethnic background or physical and mental disabilities. UNESCO (2006) states that basic education aims at meeting basic learning needs defined in the World Declaration on Education for All (Jomtien,1990). It comprises primary education (first stage of basic education) and lower secondary education (second stage). It also covers a wide variety of non-formal and informal public and private activities.

Refugee children are five times more likely to be out of school than non-refugee children. UNCHR (2016) indicate that's only (50 %) have access to primary education, compared with a global level of more than (90 %) (UNCHR (2016)). The gap becomes a wider as they get older; only (22%) of refugee adolescents attend lower secondary school as compared to (84 %) of non-refugee adolescents. At the higher education level, just (1%) of refugees attend university compared to (34%) globally (UNCHR (2016)).

For refugees in the Kenyan camps: Kakuma and the Dadaab complex (Dagahaley, Hagadera, Ifo and Ifo 2 Kambioos), education still remains one of the most pressing unmet needs. The UNHCR and partners provides both formal and non-formal basic and secondary education to refugee camps. In 2016, Kenya refugee gross enrolment in primary schools was 61% (net enrolment was 40%) and secondary schools was 12% (net enrolment was 4%). These low levels of net enrolment rates reflect a scenario where most of the learners at all levels are over-aged (UNCHR 2016). By end of 2017 gains had been made in early childhood and primary education allowing refugees to access public schools. Improvements were expected to continue in 2018.

The inclusion of refugee students in the national selection for secondary education remains an area for continued advocacy. The cost of secondary education remains prohibitively high and hence the need to facilitate entry into public secondary schools and to continue to offer more support to refugee learners (UNCHR 2017). It is estimated that 1,500 student's graduate from the 11 secondary schools supported by UNHCR in both Dadaab and Kakuma refugee camps each year. Post-secondary education is provided through vocational skills in Kakuma (1 centre) and Dadaab (4 centres). Scholarships opportunities are provided to some refugee youth to access tertiary education in colleges and universities. The main areas of study are teaching, medicine, social sciences, and technology and management courses.

In Uganda access to secondary education for refugees remains a challenge. The pupil teacher ratio for primary and senior class is at 150:1 sometimes rising to over 200:1. The Uganda comprehensive Response: 2017- 2019, focus on improving access to quality and inclusive basic education, enhancing performance, increasing opportunities for vocational skills training and tertiary education (Republic of Uganda, 2017). Refugees studying outside the settlement do not exceed (5%) of the total refugee secondary school population, implying that there is still considerable number of refugees not accessing secondary, vocational and tertiary education.

The unmet needs at all levels of the education sector can be attributed to unavailability of schools, inadequate classrooms, parents' inability to pay fees, lack of standardized laboratory facilities, among other factors. In addition, access to education among the refugees can be associated with inadequate parental support, insufficient teacher's accommodation, and lack of by-laws to enforce compulsory education for school going children among the refugees in line with the Government policy (Republic of Uganda (2017)

In both Uganda and Kenya refugee's children have less access to educational opportunities than host nation students. This may be linked to race, religion, gender, sexual orientation, and disability, perceived intellectual ability, past academic performance, special-education status, and instructional language in school. Family income or educational-attainment levels, host and refugee community affluence and geographical location of the schools also influence access to education. Quality education is an important means to counter intolerance in individual attitudes and to lead to a more inclusive society. The specific challenges related to access to education in host countries include: supply and demand barriers, high costs for secondary education, inadequate specialized infrastructure and equipment for science and computer laboratories or libraries, lack of affordable transport options in remote and rural areas and the language of instruction in the in the school.

3. Access to health

Health access is defined in three ways: financial access (service affordability), physical access (geography distance to providers), and socio cultural access (appropriateness and acceptability of service) (World Health Organization, 2004). Refugee's health is influenced by factors, to a large extent, outside the health sector. Disease outbreaks resulting to morbidity and mortality continue to pose massive challenges. Refugee comprehensive primary health care (CPHC) is maintained by UNCHR.

The UNCHR 2014-2017 data gives health access indicators for Kenya and Uganda and argues that despite Kenya's fragile security situation in 2016- 2017, the 18 refugee centred satellite clinics remained operational with improved community participation in the management. High attrition of service provider to patient was at 76:1 above the required standard of 50:1 (UNCHR 2017). This ratio compromises quality and access to services. Most health partners lack adequate staffing to provide services, both at health posts and at the community level. Inadequate funding for referrals, especially elective cases to Nairobi, resulted in substantial backlogs.

Health programme in Kenya refugee camps focus on health prevention and promotion especially through, health education, immunization, outreach programmes (including referral for secondary and tertiary care). Community health workers enhance (CHW) access to level-one-health services. Lack of adequate funds, makes referrals a challenge but Specialists visit camps to provide required specialized health care.

In 2015 the Kenya Ministry of Health and WHO revised access requirements to essential drugs. Health services to children under 5 years were strengthened using the integrated management of childhood illnesses (IMCI) strategy, with trainings on IMCI targeting all health personnel and community volunteer workers in line with the MOH Community Health Strategy. Most health partners lacked adequate staffing to provide health-care services in their facilities and at the community level. Inadequate funding for referrals especially elective cases to Nairobi sometimes results in huge backlogs of refugee access to referral services.

In Uganda refugees comprise more than 50% of the population in some of districts, all dependent on available public health services, which are challenged by the increasing influx of refugees. The health workforce is overstretched, experience high staff turnover, affecting health services delivery despite the community health workers (CHW) playing a vital role of access to level-1 service in all refugee sites. In 2017-2019, Uganda aims to focus on improving refugee access to quality CPHC for host and refugee communities. Health facilities experience difficulties in maintaining the cold chain for vaccines, which affects uptake of routine antigens among refugee. High cost of secondary and tertiary health services continues to be a challenge for refugees in Uganda. UNHCR (2017) reported improved access to comprehensive primary health care by integrating it with the government health system and community outreach programs. Health workers in refugee settlements experience high workload of refugees and the host population (68:1 against a standard of 50:1). Resulting to long waiting times and demotivated staff that affect the delivery of quality services.

Access to comprehensive maternal health, family planning and HIV prevention especially for married women and youth 15 to 24 years is low. It is attributed to gaps in provision of quality integrated sexual and reproductive health services. Geographical access to secondary, tertiary health care and specialised services are the other challenges. Referral points at the regional level and national level are 98 kilometres and approximately 330 kilometres respectively which is a great challenge especially to emergency medical referrals (UNCHR 2017).

4. Access to housing

Shelter is a basic need and right for every person of concern. In Kenyan refugee camps, UNCHR provides shelter for refugee families ensuring physical safety and protection from environmental elements. Households without adequate shelter face protection risks such as theft of food rations and basic domestic and hygiene items. According to UNCHR (2016) some households are compelled to share shelters with those that do not have. The most affected are small families (family size 1 & 2), unaccompanied children, adolescents, youth, older people and vulnerable groups such as those living with disabilities, female-headed households, SGBV survivors, the chronically ill etc. There is also a need to relocate persons of concern, whose homesteads are threatened by seasonal flooding from rivers, to safer grounds before the beginning of the long rains to avoid their destruction. Access roads to and in the refugee camps is poor thus hampering delivery of essential services and movement of people.

At the beginning of 2015, slightly more than (58%) of refugees lived in adequate shelters. This implies (42%) of the population lived in undesirable conditions with dangers of being exposed to physical elements that were likely to impact their health and quality of life. This was an increase from 56.7 % (128,540) people at the beginning of 2014, of refugee households living in adequate shelters (UNCHR 2014).

The Participatory Assessment (PA) conducted by UNCHR (2016), revealed that up to(25 %) of refugee population required additional shelters due to increases in family members that was caused by natural growth, children turning adolescents/ youth and hence not willing to share shelters with parents and family reunifications. The PA also revealed that the youth and family sizes 1-2 were not prioritized during shelter allocation. There was still a huge gap in the shelter sector as (30 %) of shelters did not have adequate dwellings and over 40% of old ones required urgent repair . Populations living in inadequate conditions were exposed to physical elements that were likely to have a negative impact on their health and social standing.

In Uganda UNHCR maintains and improves refugee settlements by providing adequate dwelling space for refugees. Repair and maintenance of road networks are done through youth engagement initiatives. UNCHR office work with specialized agencies, partners and in collaboration with District Technical Experts, to oversee construction works to ensure that Government standards are met.

They also conduct quarterly joint monitoring missions with the relevant stakeholders for quality assurance.

In 2016, Uganda recorded improved and maintained shelter and infrastructures. Unlike in 2015, where the continued new arrivals from South Sudan posed significant challenges to the Government especially in availing of suitable land. Two reception centres were expanded and maintained and two collection points were established to meet the needs of new arrivals waiting to be transferred to settlements. Approximately 291 km of road were constructed and maintained in the various settlements for delivery of assistance and services. Infrastructure in settlements were established to support service provision, however, minimum standards were not always met Although several semi-permanent houses have been established for people with specific needs, a large number are still insufficiently sheltered. Solid waste management is generally poor due to the lack of a solid/ liquid waste disposal site (UNCHR 2016).

5. Access to work opportunities

In Kenya UNHCR's enabled socio-economic integrated solutions for refugee and host communities in 2017. They supported voluntary repatriation to Somalia through tripartite mechanisms in partnership with the Governments of Kenya and Somalia with the support of the international community. Advocating for more resettlement opportunities in third countries remains an important intervention that should be done in a spirit of responsibility sharing.

Based on the UNCHR (2016) New York Declaration and Comprehensive Refugee Response Framework CRRF, the main operational priorities in Kenya for 2018-2019 are: Investing in preserving and securing asylum and protection space; Supporting the establishment of effective, efficient and fair government asylum and protection institutions and systems; Supporting Government to develop and implement an effective national refugee management system; and, Promotion of livelihood opportunities as a durable solution. In 2015, a total of 600 refugees were provided with start-up kits (cash or vouchers) upon completion of various training programmes. Over 3,300 refugees benefited from various trainings in entrepreneurship, business and financial skills and some 3,600 undertook various vocational learning programmes (UNCHR 2015).

The Uganda 2017-2019 self-reliance and resilient livelihoods initiative focuses on improving modernisation of agriculture through provision of critical inputs, extension services, trainings, market development, enabling access to microfinance and agro-product development, support to youth led non-farm and promotion of talent development in partnership with local government and private sector (UNCHR 2017). It is aimed at improving household production, employment creation, income generation, and food security through farmer education, increased uptake of technologies (animal traction, seeds, agro chemicals) and improved veterinary services through supporting community livestock auxiliaries, and pasture management.

In Uganda, refugee and host communities are mainly engaged in farming, but they experience inadequate support provision of business start-up kits, enterprise management, and business mentorship programs, which renders them vulnerable in their farming endeavour as a livelihood intervention. In addition, the initiative calls for enhancement of market-driven friendly sellable skills through technical and vocational training to youth in areas of interest, (World Bank 2017).

A high percentage of the youth also lack off-farm skills to enable them engage in other income generating activities, which often renders them idle and disorderedly culminating into risky behaviours. In addition, access to credit is a problem as refugees do not own tangible assets. Introduction of warehouse receipting would encourage collective marketing and access to credit using the warehouse receipt as collateral. The other interventions envisioned in the initiative include: Provision of financial services; improvement of genetic pool of livestock; capacity building in business management and vocational skills (UNCHR 2017).

2.3 Durable solution strategies for refugees to lead safe and productive lives

Durable solutions aims at facilitating refugees lead safe and productive lives. The UNHCR recommends three durable solutions for refugees as part of its core mandate: local integration, resettlement and voluntary return. There is no hierarchy of durable solutions; rather, an integrated approach that combines all three solutions and is implemented in close cooperation with countries of origin, host States, humanitarian and development actors, as well as the refugees themselves usually offers the best chances for success. Enabling refugees to become self-reliant pending the realization of an appropriate long-term solution is an important first step towards achieving any of the three durable solutions.

Working towards solutions can also reduce the need for irregular onward movements by refugees. The concept of durable solutions has traditionally been associated with permanent settlement in the host country, a third country or country of origin.

1. Rehabilitation and local integration

Local integration is a multifaceted and ongoing process with legal, , socio cultural an economic dimensions. It enforces extensive demands on both the individual and the hosting community. Attaining the nationality of the country of asylum is the conclusion of this process.

Currently, Kenyan hosts refugess under the encampment policy in designated areas that are dependent on humanitarian aid. Only about 10% of the refugee population in Kenya is living in urban areas where they have access to more opportunities to develop and become self-sustainable, thus contributing economically to the host country. The UNHCR (2003) framework for durable solutions for refugees states that national authorities responsible for dealing with refugees are encouraged to promote the implementation of measures to facilitate the local integration of refugees in the country of asylum.

The Ministry of Interior and Coordination of National Government is responsible for the establishment of criteria to enable local integration of refugees, in line with the 2010 Constitution and any other written laws in Kenya (UNCHR 2010). The process of local integration is progressive and gradual. It implies that refugees will have access to an alternative legal status, in accordance with criteria established by Kenyan laws and they can apply for naturalization, in accordance with the criteria set-up in relevant national laws (Constitution, Arts. 14 (4) and 15 (1) and (2) as well as the Citizenship and Immigration Act of 2011, arts. 11, 13, 36 and 37).

To achieve local integration of refugees, Kenya needs to deal with the challenges of: availing resources especially land to refugees; ensuring that refugee's access work permits and can work anywhere within, putting measures to harmonize co-existence between the refugees and the host community; coordinate the process of local integration among government agencies and with other stakeholders, including local communities and facilitating the acquisition of Kenya citizenship by registration notably through a reduction of the fees.

Uganda pursues a non-camp settlement policy. This is a model of refugee protection provides them with freedom of movement, the right to work, establish businesses, refugee documentation, access to social services, and allocation of plots of land for shelter and agricultural production. This is based on a generous asylum policy (the Refugee Act of 2006 and the Refugee Regulations of 2010). Refugees are allocated relatively large plots of land which allows for both shelter and agricultural production., the new settlement areas are being designed for the clustering of household plots (at a size of 30 x 30 metres) with surrounding areas designated for agricultural use. Typically, the settlement approach incurs higher up-front costs than that of a camp environment, when basic life-saving provision is being established. However, over time, the settlement approach encourages innovative self-reliance opportunities for refugees that are otherwise not feasible in a camp setting. Uganda Refugee Response Portal (2017)

Rehabilitation and local integration in Uganda

2. Resettlement

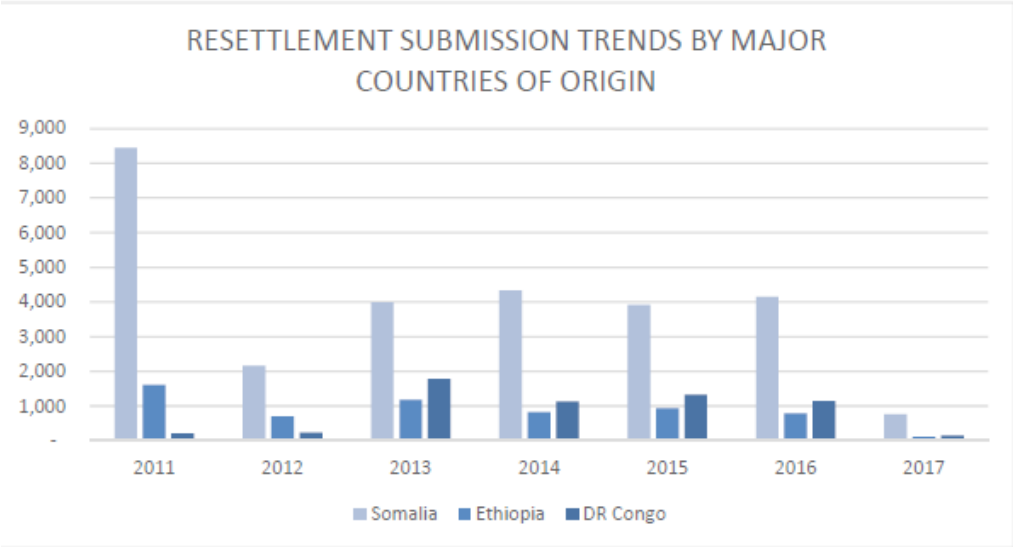
UNHCR resettlement strategy in Nairobi primarily focuses on the identification of individuals with protection needs. In Kenya, by the end of 2015 UNHCR Nairobi had submitted 2,288 refugees for resettlement processing to a variety of resettlement countries. In Nairobi, resettlement continues to be the only viable durable solution available, while it is also an important tool of international burden-sharing with the Kenyan government. More than 3,000 recognised urban refugees were newly identified as needing resettlement during 2016. A total of more than 10,000 urban refugees needed resettlement in 2017. Only 3,000 of the most vulnerable refugees were submitted for resettlement from the urban areas in 2017.

Durable solutions processing is sometimes limited by challenges related to verification processes. Currently, in Kenya the verification exercise facilitate systematic and proactive identification of urban refugees. The Resettlement Unit continues to invest in training of partners and UNHCR staff to increase their capacity for identification of vulnerable refugees for resettlement. This is aimed at dealing with fraud in vulnerability assessments at all locations of UNHCR and its partners' protection and assistance delivery pipelines. Anti-fraud activities are considered essential to ensure that resettlement procedures remain transparent and that the most vulnerable refugees deserving of resettlement can actually be processed and resettled in third countries.

In addition, anti0fraud activities are important for managing refugees' expectations through routine individual counselling and community meetings. Fig. 4 below gives a summary refugee resettlement by country of origin between 2011 and 2017.

Figure 4 Kenya Refugee Resttlement by county of origin and resttlement

Country of Origin	2011	2012	2013	2014	2015	2016	2017	Total
Somalia	8,439	2,170	3,985	4,325	3,909	4,147	761	27,736
Ethiopia	1,617	700	1,181	830	941	785	119	6,173
Sudan	175	30	29	158	541	104	2	1,039
DR Congo	218	230	1,783	1,132	1,326	1,143	155	5,987
Eritrea	25	20	111	73	116	55	24	424
Uganda	13	5	24	88	108	107	29	374
Burundi	17	22	58	46	121	81	54	399
Rwanda	13	24	22	31	78	26	10	204
South Sudan	-	33	214	111	420	701	110	1,589
Other	1	5	5	11	26	14	7	69
Total	10,518	3,239	7,412	6,805	7,586	7,163	1,271	43,994



Source (UNCHR, 2017)

Uganda submitted the cases for a total of 18,030 refugees in 2016, a total resettlement needs by 2017 in Uganda were for 16,500 refugees. Among them, it was estimated that approximately 3,300 refugees in Kampala needed of resettlement of whom only 600 of urban refugees were resettlement from Kampala in 2017.

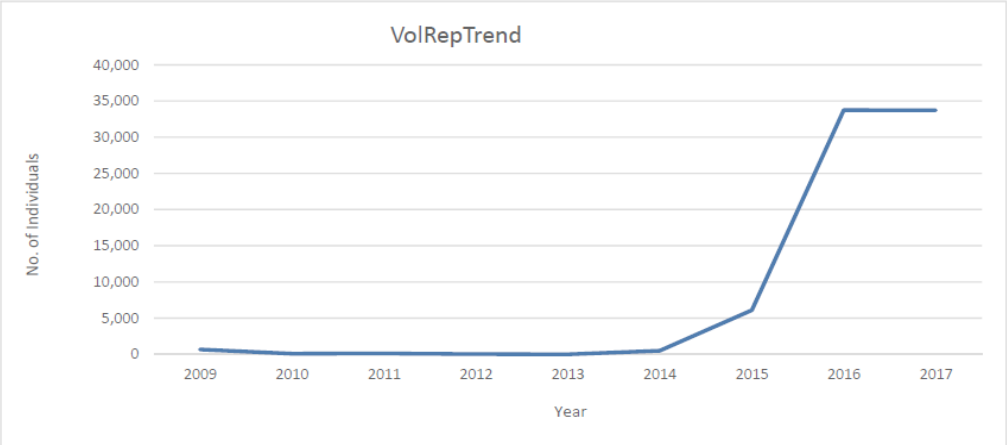
The estimated resettlement needs of the refugee population outstripped the UNCHR office's capacity to submit refugees for resettlement in 2016. A total of 4,270 refugees (3,975 Congolese, 120 Somali, 75 South Sudanese, 25 Burundian, 25 Rwandan, 25 Eritrean and 25 urban refugees of other nationalities) were prioritized for resettlement in 2016 (UNCHR 2017).

3. Voluntary return

In 2016, 33,790 Somali refugees in Kenya were successfully assisted to return to their home of origin. UNHCR's offices in both Kenya and Somalia undertook practical steps to enhance the quality and timeliness of Country of Origin information shared with refugees who were considering return (UNHCR 2017). In 2015, Over 5,600 refugees were assisted to return to Somalia, as shown in fig. 5.

Figure 5 Kenya Refugee Voluntary repatriation to the country of origin

VOLUNTARY REPATRIATION FROM KENYA BY COUNTRY OF ORIGIN										
Country of Origin	Year									
	2009	2010	2011	2012	2013	2014	2015	2016	2017	Total
Sudan	665	64	28							757
Burundi	2	1		4						7
Rwanda	1	2	2	1						6
Mozambique	-	5							4	9
Somalia	-	6	69	4		485	6,097	33,737	33,724	74,122
Congo	-	3	2	7	3					15
Ethiopia	-	-								0
Uganda	-	-	4	1						5
Other	-	2	6					6		14
Total	668	83	111	17	3	485	6,097	33,743	33,728	74,935



Source (UNCHR, 2017)

It is important tat countries of refugee origin are supported with development assistance to facilitate post conflict recovery and to restore peace and securty that is necessary to entice refugees to return. Such support is also critical in facilitating reintegration after thenreturn nof refugees. Indeed, voluntary repatriation of refugees, can be successfully realized through skills development activities of refugees/returnees in both host and countries of origin. Prospects for voluntary repatriation, in safety and with dignity, from Uganda remain limited.

CHAPTER 3: CONCLUSION AND RECOMMENDATIONS

3.1 Conclusion

The main objective of this paper was to analyse and compare the refugee protection systems in Kenya and Uganda. In addition, the paper aimed at analysing the components of international refugee protection system, civil/political refugee protection system and to evaluate the socio economic and cultural refugee protection systems. Lastly, it aimed at examining the durable solution strategies for refuges in Kenya and Uganda.

International refugee protection is predicated in the law and, it may be wider than rights, but it begins with rights. Protection is an end in itself, as it serves to ensure the fundamental human rights of the individual. Neither the objective of solutions nor the imperatives of assistance, therefore, can displace the autonomous protection responsibility that is borne, in its disparate dimensions, by Kenya, Uganda and UNHCR. However, protection remains a challenge to both Kenya and Uganda due to the national security interests for both countries, irrespective however, refugees are still entitled to protection during the reception, registration, profiling and asylum stages.

Refugees access to food in both Kenya and Uganda experience different challenges. The food sector faces a critical shortage of funds to meet the basic food needs of refugees in both counties. Access to food is affected by shortages of funding, food commodities and distribution delays that result in incomplete food baskets. In addition, the last three years has witnessed cyclical violence that has been exacerbated by severe drought in Kenya, Somalia, South Sudan, Ethiopia, Djibouti, and Eritrea, which has impacted negatively on refugee and host communities' food security. When host communities remain vulnerable to accessing food it also affects the refugee nutritional status.

In both Kenya and Uganda, socio economic and cultural refugee protection systems for refugee and host communities would benefit from quality integrated public and private social services in inclusive socio-economic solutions and resilience that ensures peaceful coexistence for both. Most urban refugees and asylum seekers work in the informal sector as semi-skilled casual labourers, few run small to mid-size businesses or are formally employed. Urban refugees vie for the same limited opportunities as the locals and in the formal sector; indeed, jobs are scarcer for refugees, as employers often favour host country nationals.

Durable solution strategies for the refuges in Kenya and Uganda

In both Kenya and Uganda, the key challenges in meeting the submission targets related to resettlement include: assessments of complex cases, the capacity to identify and refer refugees with specific needs to UNHCR, capacity to undertake Best Interests Determinations, and competing resource needs for ongoing emergency responses and resentment. Partial implementation of the comprehensive durable solutions strategy for refugees sometimes have negative pychosocial impacts on refugees left behind in the host country. This includes limited resettlement prospects, managing the refugees' expectations, lengthy processing times by the resettlement countries, security checks, resettlement fraud schemes and decreasing quota for specific nationalities.

Finding durable solutions remains a challenge for Kenya and Uganda due to the conflict and volatile incidents of sporadic violence, continued insecurity and poor human rights situation in countries of origin of the refugees. This is because these situations offer little prospects for voluntary repatriation in safety and with dignity

UNHCR has continued to work with the Kenyan and Ugandan governments to improve the protection systems for refugee. There have been concerted efforts to enhance capacities and to harmonise and improve planning and implementation of refugee protection systems in both countries. Despite this improvement, more needs to be done especially to improve the social economic protection, which is, conversely influenced by the political good will of host governments. When the host community in both Kenya and Uganda social protection systems conditions are poor it also negatively influences the social protection of the refugees.

3.2 Recommendations

Based on the literature reviewed there is need for:

- Increased equality of access to refugee protection especially education for all children and youth in refugee camps as well as children and youth in the host community.
- Enhanced coordination and capacity building that improves planning, implementation, socio-economic and cultural protection especially to improve quality of education through all levels of education leading to increased retention and completion rates.
- Further field research to document and compare the refugee access to social protection of refugees in camps and those living outside the camps.

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AN AUDIT OF MIGRATION AND MOBILITY OF REFUGEES POLICY FRAMEWORKS IN EAST AFRICA

By: Yajun HU and Purity Wanjugu Mahugu

CHAPTER ONE: INTRODUCTION

Background of the Study

Globally, towards the realization of the proposed United Nation's Sustainable Development Goals (SDGs) aimed at reducing inequalities within and among countries, migration and human mobility should, by necessity, be "orderly, safe, regular and responsible" (UN, 2015). The International Organization for Migration (IOM) strongly supports the recognition of migration within the SDGs since it specifically acknowledges migrants' positive contribution to sustainable development in their countries of origin, transit and destination (IOM, 2015:5).

In Africa, the African Union (AU)'s migration policy framework was adopted in 2006. This framework covers several key thematic issues, such as labor migration, border management, irregular migration, forced migration, internal migration, migration data, migration and development as well as inter-state cooperation and partnerships. It acknowledges that migration needs to be managed properly through policy intervention in order to "ensure the integration of migration and related issues into the national and regional agenda for security, stability, development and co-operation" (AU, 2006:5).

Although the above global and regional frameworks set out the direction for local policies with regard to migration in general, its full implementation on the ground remains a formidable challenge, particularly in East Africa. Martin and Bonfanti (2015:6) document the mixed nature of migration flows that feature "the economic dimension underlying the recorded forced migration flows." Given the interconnectedness between migration and conflicts, drought, poverty, hunger and environmental degradation, the economic dimension of refugees becomes a pressing issue that no policymaker can overlook. The Kenyan government, for example, has on numerous occasions sought to close the Dadaab refugee camp for security reasons (BBC Africa, 2016). 674,033 new refugee arrivals were recorded in Uganda from the beginning of 2016 until 31 March 2017 (UNHCR, 2017). In Tanzania, the Burundi crisis starting in April 2015 resulted in an influx of 249,000 refugees.

Although the government allocated land to set up two new refugee camps, the numbers were overwhelming and the UNHCR requested for more land (UNHCR, 2017:43-44).

1.1 Statement of the Problem

In the Africa continent, the 1990s are perceived as the beginning of a switch from generosity to restrictions due to the magnitude and complexity of the refugee flows (Rutinwa, 1999:1). Although three solutions are available - resettlement, repatriation and local integration, local integration was not desired by most African hosting countries (Loescher & Milner, 2005:156) and repatriation was the preferred solution for receiving countries, donors and UNHCR during the 1980s and 1990s (Crisp, 2002:2). Two decades since the 1980s, the constant intention of the Kenyan government to close the Dadaab camp, the large refugee inflows into Uganda, and land pressure faced by the Tanzanian government speak loudly about the challenges facing the major receiving countries in East Africa. The region stands out for the complexity and dynamism of its asylum reality with the three countries which are simultaneously hosting and assisting internally displaced persons, refugees, returnees, victims of trafficking, as well as labor migrants (Martin & Bonfanti, 2015). However, little is known on the nature of refugee policy frameworks.

The second problem lies in the difference between the refugee legal and policy frameworks, on one side, and existing overall migration frameworks, on the other. As the world starts to appreciate or at least recognize the positive contribution of migrants in general (UN, 2016:24; AU, 2006:7), people who flee from war largely fall into the well-developed framework that encompasses international law, humanitarian response from the international community, and the moral and/or legal responsibility of the hosting countries. Approaches from political science and psychology (Berti, 2015; Kirui & Mwaruvie, 2012; Ohlrich, 2016), unavoidably, construct refugees as people who are dangerous and incapable irrespective of the fact that the migrants' presence could have been longer than one year. Thus, policy needs to set up clear demarcations between the two frameworks. However, in reality, the line is always blurred and such categories fail to capture the real experience that refugees go through across time and space (Crawley & Skleparis, 2017; Yazgan et al., 2015)

This paper attempts to audit the existing legal and policy refugee frameworks and put forward suggestions to national refugee policymakers in Kenya, Uganda and Tanzania in this regard. In line with the increasing trend of more disciplinary engagement from a sociological viewpoint in refugee studies (Castles, 2003; FitzGerald, 2015:124) as well as from an economic one (Ruiz & Silva, 2013; Betts et al., 2014), it also aims to fill in the existing academic gap between national refugee policy and the larger migration frameworks by exploring refugees' economic dimensions and their potential contribution to the hosting countries.

1.2 Objectives of the Study

1. Documenting the existing international, regional and national refugee legal frameworks, with a particular focus on refugee movement and their implication on the labor market and national security

2. Documenting the existing policy framework developed by UNHCR and AU

3. Evaluating the implementation of the UNHCR and AU frameworks in Kenyan, Ugandan and Tanzania contexts based on a predetermined analytical tool.

1.3 Justification and Significance

Considering the endemic conflicts in the neighbouring countries, it is of great significance to interrogate existing legal and policy frameworks and proffer policy recommendations to deal with refugee issues in Kenya, Uganda and Tanzania. In order to ensure that such interrogation is not construed as a top-down approach (from assessing various legal and policy frameworks to managing refugee issues) it can be tempered by a complementary bottom-up approach that documents real issues and practical experiences of refugees. The combined approach ensures that the interrogation is in line with the stated legal and policy objectives.

As for its significance, national refugee policymakers will be direct beneficiaries of the recommendations proffered. Refugees will also benefit, albeit indirectly, from the potential improved livelihoods resulting from modifications of policies based on the proposed recommendations. In addition, the paper hopes to engage with the increasing global debate on the economic dimensions of the refugee phenomenon.

1.4 Methodology

1.4.1 Introduction

This paper is based on a desk study of existing literature on legal and policy aspects related to refugee issues.

1.4.2 Analytical Tool

Many governments have set out to analyze policies to determine "what works" (Nutley et al., 2007). We draw on the work of Salamon (2002) on analytical framework on policy dimensions derived from traditional policy analysis and political science (Salamon, 2002). This paper is based on the following six dimensions for analysis: effectiveness, unintended effects, equity, cost, feasibility, and acceptability.

The first dimension is effectiveness. This dimension is used to evaluate the success of a policy, that is, its effectiveness at achieving objectives (Salamon, 2002). There can be negative and positive effects of a policy. As far as unintended effects are concerned, they are unrelated to the pursued objective of the policy in all areas: social, political, environmental or economic. Unintended effects can be positive or negative as well (Rychetnik et al., 2002). Furthermore, refugee policy has different effects on different refugee individuals and groups. Therefore, policy analysis needs to be done in order to verify whether the refugee policy can potentially create, increase or correct inequalities (Milton et al., 2011). When analyzing cost, we tend to think first of the cost incurred by government in implementing the policy under study. However, on one hand, a policy can also generate gains; and on the other, it is also necessary to consider the costs for other actors (Salamon, 2002). In the assessment of feasibility, the viability of a policy depends on the availability of resources including material resources and human resources (Sabatier & Mazmanian, 1995). Notably, a policy has to conform to the relevant legislation for it to be feasible.

The last dimension is acceptability. For a policy to be successfully accepted, it must be supported by the stakeholders. This element is used to assess the interests of the stakeholders. Acceptability can be analyzed once the actors concerned by the objectives or by the implementation of the policy under study are identified (Rychetnik et al., 2002). Each actor constructs his or her own definition of the targeted problem and its causes, and this affects which solutions are regarded as appropriate for addressing the problem (Rein & Schon, 2005).

Table One: Analytical Dimensions in this Paper

Dimensions	**Area of Analysis**
Effectiveness	What are the achievements of the refugee policies?
Unintended effects	What are the effects unrelated to refugee policy objectives?
Equity	What are the different effects on different refugee individuals and groups?
Cost	What are the financial cost and financial gain of the refugee policies?
Feasibility	What are the required resources to implement refugee policies? To what extent are refugee policies in conformity with the relevant legislation?
Acceptability	Who are the refugee policy actors and what interests do they have?

CHAPTER TWO: LITERATURE REVIEW

2.0 Introduction

This chapter briefly discusses how legal and policy frameworks have developed in order to address the evolving nature of the refugee situation in the world, Africa and East Africa.

2.1 Refugee Legal Frameworks

2.1.1 International Refugee Framework

2.1.1.1 1951 Refugee Convention

The 1951 Refugee Convention was adopted in order to set up the international legal obligations of signatory countries with regard to dealing with refugee issues in the aftermath of the Second World War. There are 147 signatory states to either the 1951 Refugee Convention or the 1967 Protocol or both (UNHCR, 2010). The Convention generally underpins the central principles of human rights. At the same time, it highlights specific circumstances faced by refugees. The right to seek asylum is one of the fundamental rights. Consequently, people should not be penalized for their illegal entry into another state's territory, even when they do not possess travelling documents. Refugees cannot be sent back to a country where their life is threatened [Article 33(1): non-refoulement principle]. For an individual person whose presence can be justifiably regarded as a danger to national security, the process to determine the refugee status can be pending (Article 9) and be terminated (Article 32). This is also a case where the principle of non-refoulement may not apply [Article 33(2)].

Certain degrees of economic rights were also included. Article 17(3) requests the receiving states to "give sympathetic consideration" for refugees' rights to "wage-earning employment", while Article 18 obliges states to ensure the rights of refugees to "engage on his own account in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies" and to offer treatment that is as favorable as possible, or at least not less favorable than the treatment of aliens in similar situations. Furthermore, refugees have the right "to choose their place of residence [and] to move freely within its territory…" (Article 26).

Clearly, this Convention sets out the definition of refugees, their social and economic rights as well as the signatory states' legal responsibilities. However, as argued by Okoth-Obbo (2001:99-100), it does not set out the process to determine refugee status. Another weakness lies in the fact that the Convention does not provide a coordination mechanism to determine how international cooperation can be reached. Its preamble just calls for international cooperation with regard to "unduly heavy burdens on certain countries."

2.1.2 Regional Legal Framework

2.1.2.1 1969 OAU Refugee Convention

The OAU Convention was adopted in 1969 in the context of decolonization in the African continent. This is the only regional refugee convention which is legally binding. So far, Africa possesses a more progressive and advanced legal framework for refugees compared to other continents (Crisp, 2000:160). Specifically, it incorporates the global key values in the 1951 Refugee Convention, together with several specific features of its own, particularly with regard to Inter-African burden-sharing, commitment to asylum and non-refoulement principle (Rutinwa, 1999:4-8). Article II (4) illustrates "the spirit of African solidarity" – stating that where member states find difficulties in granting asylum, other member states should take proper measures to assist.

In addition, the Convention adds a new article related to "asylum". Article II: Asylum (3) states that "no one shall be subjected by a Member State to measures such as rejection at the frontier, return or expulsion, which would compel him to return to or remain in a territory where his life, physical integrity or liberty would be threatened…" This article could be regarded as the legal proof of guaranteeing rights to seek asylum; at the same time, it incorporates the non-refoulement principle of the 1951 refugee convention. However, the 1969 OAU Convention does not include any provisions allowing exceptions to this principle. When it comes to issues related to one's potential threat to national security, it obliges the states to locate refugees "at a reasonable distance" from the border [Article II (6)] and to prevent them from obtaining travel documents to another territory [Article VI (1)]. Refugees will not be allowed to remain in their territory if he/she creates tension between member states [Article III (2)].

Compared to rights enshrined in the 1951 Refugee Convention, it is notable that rights to wage-earning employment and right to self-employment are not included. Reviewing 30 years of this legal framework, Okoth-Obbo (2001:105) argues that it is difficult to see any significant progress along the way and the reasons are ideological, cultural and institutional. The Convention nonetheless remains the only regional and legally binding framework that embraces key principles that can be used to in order to manage refugee issues in Africa. Fortunately, the Convention is complemented by relevant national legislations.

2.1.3 National Legal Frameworks

2.1.3.1 Kenya Refugee Act 2006

With regard to legislation, Kenya enacted its own refugee act in 2006. It generally covers the key principles in the international and regional legal frameworks while at the same time offer concrete direction with regard to local refugee policy. The non-refoulement principle is clearly stipulated in Article 18; however, one's refugee status can be withdrawn (Article 19) or refugees can be expelled from Kenya if he/she is considered a danger to national security [Article 21(1)].

In general, refugees have designated areas where to live; a factor that restricts free movement. The Constitution of Kenya urges all state organs to allocate resources in order to ensure "the widest possible enjoyment of the right or fundamental freedom" and satisfy the needs of vulnerable population in society. Unfortunately, refugees are not included among the "vulnerable population in society". Indeed, the "right" is always a relative term. Based on Article 34 of Kenya Regulation 2009, refugees are given the chance to apply for *Convention Travel Document* for their travel outside Kenya. *A movement pass* is also available if refugees have "a valid reason" to travel outside the designated camps. With regard to wage-earning employment, the Kenya Refugee Act considers equal treatment for refugees and other foreigners. According to the Immigration Act, refugees can possess working permits under class M that allows them to enter the Kenyan labor market.

Why is the Kenyan government in favor of encampment? Firstly, the government is worried that refugees will occupy and settle down in its limited productive land (Montclos & Kagwanja, 2000:207). Indeed, the first flow of refugees during the 1990s was managed close to the borders in arid or semi-arid environments (Kakuma and Dadaab) where agriculture is least developed.

Secondly, restriction of their access to more fertile areas may also reflect Kenyan government's understanding of refugee flows that are regarded as temporary. It is also likely that, by not providing proper access to productive land, refugees would be discouraged to stay.

It should be noted that there also exists a historical explanation for Kenyans to worry about refugees and in particular, Somali refugees. With only an international border dividing similar ethnicities between Somali Kenyans and Somali Somalis, the North Eastern Province of Kenya (NEP) has a large number of Somali Kenyans with "a troubled history of marginalization, repression and violence under both colonial and independent rule" (Lindley, 2011:7). In addition, the Al-Shabaab, a terrorist group, has been fighting for the annexation of the NEP into Somalia (Hanson, 2009 in Burns, 2010: 6) and has been involved in several terrorist attacks in Kenya, which probably has escalated Kenyans' fear towards Somalis in general.

2.1.3.2 Uganda Refugee Act 1964/2006

Uganda already had its own legal legislation [Control of Alien Refugees Act (CARA), 1964] since 1964 way before the OAU refugee convention was developed. Despite having CARA in place, Uganda had been under heavy criticism due to the violation of some key principles in international law as refugees were viewed as unwanted and confined to isolated settlements (Kiapi, 1997:122). With the adoption of the Uganda Constitution in 1995, a different trend became apparent. Since the Constitution ensures the state's responsibility to "encourage private initiative and self-reliance…", the CARA provisions were unsuitable. Subsequently, "self-reliance strategies" (SRS) for refugees were developed in 1998 (originally designed for Sudanese refugees compromising approximately 80% of all refugee population in Uganda) in order to empower refugees and nationals, as well as promote local integration "through social development initiatives in hosting areas" (UNHCR, 2004: 1-2). In fact, this action sets off a fundamental shift from humanitarian relief to self-empowerment, paving the way towards Uganda's new legislation.

In line with its Constitution, the 2006 Uganda Refugee Act significantly covers the principles of the 1951 Refugee Convention and the 1969 OAU Refugee Convention (Refugee Law Project, 2006: 3). It has been regarded as one of the most favorable national refugee legislation by scholars (Clements et al., 2016: 49; Betts et al., 2014:4). Rights to wage-earning employment, rights to self-employment and rights to free movement (which are key principles in the 1951 Refugee Convention) are fully embedded.

Even more significantly, rights to "practice the profession of the refugee" and rights to "have access to employment opportunities" exist in the Uganda Refugee Act that is testimony to the liberal aspect of managing refugee issues. In regard to national security, free movement of refugees can be restricted and travel documents outside Uganda cannot be issued if there is compelling proof related to threats to security.

Why is Uganda not in favor of encampment? As stated previously, increasing the "self-reliance" of everyone in the society is a central principle in the Constitution. Historically, Uganda's experience in receiving refugees dates back to 1942 with 7,000 Polish refugees (UNHCR, 2004:1). Due to its geographic closeness to some neighboring countries affected by political instability, Uganda gradually became home for refugees from South Sudan, DRC, Rwanda and Burundi. It must also be pointed out that Uganda not only receives refugees but also produces refugees. For example, South Sudan used to receive Ugandan refugees following the collapse of the Idi Amin regime in 1979 where "(a) considerable number of educated Ugandans got employment" (Harrell-Bond, 1986:35). Therefore, it can cautiously be assumed that there exists a generous reciprocity by Uganda. One last assumption may also be at play and that is, president Museveni, as a person, has been a refugee (Clements et al., 2016:51). Undoubtedly, with its rich experience of receiving, producing and benefiting from refugees, Uganda is, admittedly, liberal towards refugees.

2.1.3.3 Tanzania Refugee Act 1966/1998

Tanzania has developed an increasingly favorable legislation. According to Kamanga (2005:104), it was only two years after the country signed the 1951 Refugee Convention that Tanzania approved its own Refugee Act in 1966. The Act was in line with its "open door policy" designed by its first president Julius Nyerere (presidency: 1962-1985), including generous articles on *prima facie* refugee determination and allocation of land to refugees (Ibid: 103). However, the subsequent 1998 Refugee Act placed more structural constrains on refugees. It removed the above two articles and confined refugees in designated areas with little economic expectation. Unlike in the Kenya Act, which allows provisions for movement passes and travelling documents, Article 32(1) states that "the Director may grant work permit to any refugee who qualities for the same." In addition to this uncertainty in the law, it strengths the power of the Director to "revoke any work permit granted… for any good course he deems appropriate…" and punish refugees who work without permits through fines or imprisonment.

As for its positive articles, it fully includes the non-refoulement principle. The significance of this inclusion notwithstanding, severe constrains lie in the progressive aspect of the Act in comparison to others in the region. As Kamanga (Ibid: 114) has noted, by the time the research paper was written, Kenya had neither refugee legislation nor a refugee policy document. For its part, Uganda only relied on its 1964 Refugee Act but had no policy. Kamanga (Ibid: 104) further points out that there is a rationale contained in the Act aimed at making Tanzania less attractive to future asylum seekers. For example, the country probably intends to convey to the international community that it lacks adequate resources to respond effectively humanitarian needs. At the same time, the government wants to demonstrate to its citizens its determination in tackling the refugee through the enactment of necessary legal instruments.

The rationale behind Tanzania's preference of (non-)encampment, could be somewhat explained by Nyerere's humanist philosophy and pan-Africanism. In his time, refugees were associated with his famous statement "I train freedom fighters" (Nyerere, 1978:22 in Chaulia 2003:156) and enjoyed less constrains to physical movement. The free market privatization starting in the early 1990s entailed several economic structural adjustments. Tanzania reduced investment in agriculture (Ibid: 160), thus decreasing the livelihood quality of refugees. In addition, it is generally believed that the end of Tanzania' generosity was triggered by the 1994 Rwanda genocide. "…[S]ome 250,000 Rwanda refugees [swarmed] into Tanzania within 24 hours from 28 April 1994…" and this number quickly rose to one million within two months (Rutinwa, 1999:16). The switch from generosity to restriction could also be partly attributed to the 1995 presidential election in which politicians like Benjamin Mkapa used to stoke public dissatisfaction and indicated his desire to control the refugee situation if he assumed power (Loescher & Milner, 2005:162; Chaulia 2003:162). Additionally, as was the case with Kenya's fear of terrorist attacks, Tanzania also seems to fear that "the so-called 'Great African War' in the Congo and Burundi could be imported via refugees into, thus far, peaceful Tanzania" (Chaulia, 2003: 163).

2.2 Refugee Policy Frameworks

2.2.1 UNHCR Refugee Policy Framework

UNHCR's key mandate is to provide protection to people fleeing from war (falling into the definition of the 1951 Refugee Convention) and also to "people of concern", including IDPs, asylum seekers and returnees.

Its approach to protection of refugees is through "durable solutions" which encompass local integration, resettlement and voluntary repatriation. UNHCR acknowledges the increasing trend of mixed flows where fear of being persecuted, poverty, climate degradation and hunger are mostly interconnected. This led to a growing interest within UNHCR to consider protection in the larger context of international migration flows (UNHCR, 2007). On one hand, UNHCR needs to constantly put emphasis on the distinction of refugees among other types of migrants in order to fulfill its traditional mandate. On the other, it also fully acknowledges that refugees also need to be regarded as migrants. This opens the discourse on the potential contribution of refugees in the labor market of the receiving countries (Ibid: 13).

2.2.2 AU Refugee Policy Framework

In addition to the OAU refugee convention, there are two essential documents, which form the guiding principles for the policy formulation and implementation among AU member states. The "Migration Policy Framework for Africa" and the "African Common Position on Migration and Development", both of which were adopted in 2006. The first document is generally acknowledged to be a comprehensive document with nine thematic migration-related issues (Achiume & Landau, 2015). Under the theme on forced migration, regulating refugee flow calls for national legislation and policy, cooperation with UNHCR and other partners, and tackling the root cause in refugee-generating countries (African Union EX.CL/276(IX), 2006:19). It further recommends for engagement in the discourse on refugee potential contribution in host countries, thus increasing their "self-sufficiency … [through] … rights to employment, access to land, and freedom of movement…" (Ibid: 23).

The second document highlights the nexus between migration and development as well as African countries' position in that regard. It fully recognizes the benefits to home countries and receiving countries through trade, remittance and labor migration of refugees and migrants who are a result of conflicts and calls for dedicated discussions towards "strengthening political dialogue and institutions, and … preventing and managing conflict" (African Union EX.CL/277(IX), 2006: 6). While the contribution of migrant workers has been noted and recognized in this regional policy framework, similar recognition with regard to refugees' contribution remains inadequate.

Overall, both the UNHCR and AU realize that there is need to engage refugees in the larger migration discourse concerning their positive contribution to receiving countries. However, UNHCR's mandate is not political and while that of the AU have political elements, the agency plays more of a coordinating regional body. Thus, the policy frameworks discussed only serve as reference points and none of them can be imposed upon national legislation and policies of any country.

2.2.3 National Refugee Policies in Kenya, Uganda and Tanzania

At the operational level, Kenya relies on its refugee act 2006 and regulation 2009. Under the leadership of the Ministry of Interior and Coordination of National Government, the Refugee Affairs Secretariat (RAS) is the responsible department in accordance with the key principles of the 2006 Kenya Refugee Act. Its mandate covers various issues ranging from registration to the determination of the status of refugees, documentation (asylum seekers pass, refugee ID card, movement pass) to making recommendations to applications related to class-M work permits. However, according to Pavanello et al. (2010, 15-17), in reality, refugees may also have other documents (alien cards, appointment letters, UNHCR mandate refugee certificates) a situation that create a lot of confusion especially because of the lack of a refugee policy at the operational level.

In order to facilitate the implementation of the 2006 Uganda Refugee Act, Uganda developed its Refugee Regulation 2010. The Regulation 2010 is considered a comprehensive framework that guides the effective implementation of the Act (Addaney, 2017: 241). As far as the governing bodies are concerned, the Ministry of Disaster Preparedness and Refugees is a cabinet level government ministry. In accordance with key principles ensuring refugees' free movement and economic rights in the 2006 Uganda Refugee Act, the ministry's mandate ranges from ensuring the legal protection to enhancing the livelihood for both refugees and their receiving communities. Another important mandate is to ensure coordination and monitoring among all agencies working with refugees.

In Tanzania, the Refugee Services Department under the Ministry of Home Affairs is responsible for all refugee issues. Its national refugee policy was formulated in 2003. It generally follows the guiding principle enshrined in the 1998 Tanzania Refugee Act that states that refugees should stay in designated areas where their economic rights are at the discretion and approval of the camp director.

As it has already been pointed out in preceding discussion, invariably, refugees, impact on the national security, labor market, environment, educational resources and even demography of receiving countries. For this reason, refugee affairs governing bodies need to be granted the powers to coordinate the inputs of all the relevant ministries/agencies. However, those in Kenya and Tanzania are subordinate to other institutions and it is only in Uganda where the governing body has such power.

CHAPTER THREE: FINDINGS

3.0 Introduction

Thus far, this paper has documented the core principles embedded in the international, regional and national legislation as well as the development of policy frameworks at each of the levels. The following chapter is an assessment of how these values and rules have been implemented.

3.1 Effectiveness

The first part of the evaluation interrogates the degree to which national refugee policies, as derived from their respective Refugee Acts and whether they have achieved their objectives or not. Both the encampment and non-encampment policies have their positive and negatives attributes. The positive attribute of the encampment policy is the provision of basic life necessities (food, water and medical care) in a timely manner in transit zones. For example, in Adjumani camp of Uganda, pregnant women and the elderly are provided with adequate food and clean water provided by international organizations (The international Refugee Rights Initiative, 2015:13). In crowded camps, this can be a challenge as demonstrated by the following quote, "there's no enough food, bad education, no healthcare. But at least here we don't have to rent a house" (Ibid: 14).

Setting up camps highlights the refugees' presence and demonstrate the responsibility that receiving countries bear in their territory, and this can help them attract external funding. Quoting from Jeff Crisp, head of UNHCR's Evaluation Department, "camps have been a means whereby refugee hosting countries…hold donor states to account and put a gun to their head" (Foreign Policy, 2013).

As for non-encampment, it is highly praised by the international community and Uganda set out the model in this regard. A famous example is the Nakivale refugee camp that was founded in 1958. In general, the overall effort to involve refugees into Uganda's development agenda makes them more independent and self-reliant. The very fact that refugees are not only given land to live and to cultivate but are granted free movement, is a generous starting point. For example, "of refugees living in rural Ugandan settlements, just 1% depend entirely on humanitarian assistance…in the capital Kampala, an estimated 1 in 5 refugees employs non-family members…" (Clements et al., 2016:50).

Analyses of the negative effects of encampment mainly point to the challenges emanating from the violation of free movement. Where this fundamental right cannot be guaranteed, the basic ground for mobility does not exist. In both Kenya and Tanzania Refugee Acts, encamped refugees *can* move *as long as* they have the movement pass in Kenya and the working permit in Tanzania. However, if refugees are unable to move, they cannot find work. If refugees cannot find a job, they cannot move. This dilemma exists in other refugee situations around the world [e.g.: Bosnia refugees in Sweden in Eastmond (2011:287)]. Peoples' free movement may be subject to existing stipulations but such movement must be allowed in the first place. The International Refugee Rights Initiatives (2015:19) suggested that the limitation of free movement should be completely removed on account of the fact that obtaining a movement pass is usually a lengthy procedure. The long distance from isolated refugee camps to the concerned governmental offices, that are usually in the affluent towns, further discourage many. Undoubtedly, if allowed, free movement would facilitate one's search for a job, thus contributing to financial independence.

Are there negative effects with regard to non-encampment? Yes, there are. Refugees living in cities are usually regarded as "urban refugees". Even though they fall within the statutes of the 1951 refugee convention, they cannot be officially recognized and assisted. For example, in Dar es Salaam, a survey of 122 adults pointed out that 29% of the participants clearly met the criteria of the Convention. However, they did not receive any official assistance because they were urban refugees (Asylum Access, 2011:4-5). The lack of assisting urban refugees has been constantly criticized (see Pavanello et al., 2010 for urban refugees in Kenya; Hovil, 2007:601; Bernstein & Okello, 2007:53; Women's refugee commission, 2011:13 for urban refugees in Uganda and Pangilinan, 2012:6 for those in Tanzania).

To conclude, the encampment and non-encampment policies have partially achieved their objectives. As evidence demonstrates, the camp constitutes the focal point where fundamental basic humanitarian assistance is guaranteed. At the same time, for its part, non-encampment policies highlight respect of free movement, thus allowing more chances for finding work and consequently independence. However, encampment does inevitably deprive refugees the right to free movement and overlooks their potential to take care of themselves. Non-encampment has been criticized since urban refugees usually do not have access to basic humanitarian assistance.

Are these negative effects also related to the initial objectives of the refugee policies? A definite answer is quite difficult. Castles (2004:223) documented the necessity to look at the "hidden agenda" in migration policies. As the author stated, "the declared objectives of states are often quite misleading. They are driven both by the need to maintain legitimacy and the unwillingness to face up to past policy failures." Therefore, encampment can also be regarded as a government strategy aimed at deliberately downplaying its inability to take care of the refugees and thus isolates them far from the city, in the guise of protecting them but at the expense of free movement. By withholding assistance to urban refugees, governments may also be aiming at making their lives more miserable and eventually, force them to return to the camps.

3.2 Unintended effects

Analyses show that the unintended effects can be positive or negative. The protracted nature of refugees is one of the factors that impacts on the analysis. Probably no single actor can predict that a camp will be required for more than two decades or the benefits of such a lengthy stay to the receiving communities. For example, as a result of the economic development of Dadaab in Kenya resulting from the long presence of refugees, the common reference is one of a "refugee camp that became a city" with new developed infrastructures (Hujale, 2016; Montclos & Kagwanja, 2000). In Kasulu, Tanzania, the existence of camps gradually boosted the "rural economy" particularly with significant development of transportation infrastructure to nearby villages (Landau, 2001:18). The UNHCR funded the Bujubuli Primary school in Uganda in 1984, and as a result, both refugee children and nationals living nearby benefited and enjoyed free education (Dryden-Peterson & Hovil, 2004:34).

The positive unintended effect brought by non-encampment is documented in an article on the relationship between urban refugees and local people in Adjumani district, Uganda (The International Refugee Rights Initiative, 2015:21). The article notes that there is almost no tension between self-settled refugees from South Sudan and their hosting community. While it can be argued that this is due to the past interaction between South Sudan and Uganda, it could also be an example that can apply in more locations given that local people in urban settings have access to more financial and social resources which reduces potential tension with refugees living amongst them.

In regard to the negative unintended effects of encampment, whenever relief in form of food, water and medical care is delivered to encamped refugees, it can create tension with locals. The tension is more prevalent in situations where the local hosting community is equally vulnerable. In Kakuma, located in the poor County of Turkana, "extremely poor locals" and "rich refugees" are always in conflict. The acknowledgement that "it is better to be a refugee than a Turkana in Kakuma" (Aukot, 2003) is testimony of the relative neglect and marginalization of the host community, which lack adequate basic needs like food and water. The local community sees refugees receiving these necessities for free and this is likely to generate the locals' rancor.

While encampment is meant to provide basic needs in a sustainable manner, it usually denies people the opportunity to be self-reliant. For example, the general prevailing mood in Kakuma camp is a sense of despair due to lack of self-reliance (Jamal, 2000:17). A similar story can be told of Lukole refugee camp in Tanzania. Most young refugees have nothing to do every single day and spend hours playing cards or roaming around the camps (Turner, 1999:8). Desperation and hopelessness is a common feature among refugees in camps that have limited opportunities for self-empowerment.

The lack of economic opportunities in refugee camps impacts differently on gender. It has been reported in Kenya, for example, that some women exchange sexual favors for food and water (Beswick, 2001:88). From 1998 to 2003 in Dadaab, UNHCR's provision of 30% firewood requirements reduced refugee women's exposure and decreased the reported cases of rape from 104 to 15 (Loescher & Milner, 2005:164). Such a strong connection between firewood and rape cases demonstrates the dual nature of vulnerability to women refugees in camps. On one hand, they are more likely to be attacked when they go out to fetch firewood; on the other, they have no option but to fulfill assigned social chores e.g. collecting firewood despite the existing dangerous circumstances. At Kenembwa in Tanzania, 26% of 3803 women refugees experienced sexual violence in the camp (Nduna & Goodyear, 1997). As for men, a phenomenon of "lost masculinity" prevails. In Lukole refugee camp, Tanzania, the camp setting does not allow the maintenance of traditional family relations. Men are, for example, blamed for not being able to provide food and financial support to their families. This role is fulfilled by the UNHCR that is considered as "a better husband" by the women (Turner, 1999:2).

The vulnerability of refugees can be taken advantage of by terrorist groups who lure them with promises of opportunities and financial gains. The young are, in particular, ideologically vulnerable and are recruited from the refugee camps to go back and fight at home (Burns, 2010:11-12). There is also evidence indicating, for example, that the government of Kenya also recruits refugees from the Dadaab camp to fight Al-Shabaab in Somalia (Lindley, 2011:12; Human Rights Watch, 2009). This demonstrates how refugee camps can be used by opposing protagonists that take advantage of the vulnerability of refugees with promises of better economic prospects.

As regards the unintended negative effects with regard to non-encampment, Uganda provided refugees with land to settle and cultivate. However, the number of refugees has steadily risen so much that the country is not able to take in any more. A joint statement by the Government of Uganda and UNHCR in 2017, indicated that Uganda was home to around 1.2 million refugees from its neighboring countries. Among them are approximately 800,000 from South Sudan; 572,000 of them entering the country beginning on 8 July 2016. It means that, in approximately one year, 1,500 South Sudanese people entered Uganda per day seeking asylum. Given this trend, Uganda, which is considered as one of the least developed countries in the world (UN, 2014:149), will sooner than later reach a breaking point. Indeed, in such circumstances, the endurance of any generous policy towards refugees faces serious challenges.

In conclusion, it is evident that there exist more negative unintended effects with regard to encampment than to non-encampment. Most problems facing refugees (here militarized refugees at the point of entry are excluded) including - various types of violence, gendered violence, and militarization/radicalization, can be attributed to their economic marginalization. Indeed, lack of economic opportunities means, for example that women are forced to trade sexual favors to survive while terrorist groups have a fertile ground to recruit disfranchised individuals with promises of money. A job, in many cases, gives both hope and strength where a refugee earning their own money restores their pride and dignity. In the case of refugee men, the opportunity to earn an income means that they can fulfill their responsibilities and dignity as breadwinners for their families.

3.3 Equity

It is not easy to do a general analysis on whether encampment or non-encampment creates inequalities among different groups of refugees. In fact, such an assessment can only focus on a specific context with a specific group during a specific period of time. In any case, it is already fairly complicated trying to define or categorize refugees by means of nationality or ethnicity. For this reason, the analysis here mainly relies on exploring the variety of human mobility capacities when everyone is in similar circumstances at the initial stages of refugee stay. In Kenya, there is a government directive that all refugees must stay in the camp, while in Tanzania encampment is still their preferred option. Irrespective of the directives, a considerable number of refugees live in Nairobi (UNHCR, 2017) and Dar es Salaam (USDS 2012, in Pangilinan 2012:9).

How can some refugees break physical confinement in camps and move to the cities? Among urban refugees in Kenya (Pavanello, 2010:21-22), it is documented that greater employment and better educational opportunities for children in Nairobi are the key driving factors to leave the camps. Most urban refugees are doing casual jobs through their family or community connections (since they lack official working permits). There also exist a significant number of urban refugees in Nairobi who rely on remittances from their kinsmen abroad - in North America or Europe. In Adjumani district, Uganda, some South Sudanese established connections with Ugandans when they were displaced in previous wars in their country, whereas others (although starting from scratch) rely on the money sent from their relatives in South Sudan (The International Refugee Rights Initiative, 2015:20-21). It can be concluded that certain levels of pre-existing financial and social resources determine who can and who cannot move out of a camp. In addition, networks, family or otherwise, also play a part in determining whether refugees stay in camps or move out to the urban centers.

Everybody is different and even within the same group, certain differences exist. Still, it is agreed that age, sex, civil status, working experience, educational level, ethnicity and religious beliefs form one's character, influence decisions, and shape one's expectation towards the future. This sociological thinking should be taken into consideration by policymakers who are preoccupied with legal perspectives alone. In the previous section, the significance of free movement and working opportunities were pointed out but this do not mean abandoning refugee camps altogether.

Since both encampment and non-encampment have significant positive and negative effects, at the beginning and with the passage of time, the question remains whether refugees should remain in camps or move to urban areas. It is a given that even with 100% freedom of movement, there would still be people who prefer to remain in camps given the ease availability of amenities. In addition, it can be argued that "from home country to a camp", could be a journey towards upward mobility for those who come from poorer situations back home, with the contrary being said for those who lived in better circumstances. On reaching the receiving countries, not all are able, at least at the beginning, to choose where to live but, in due course, refugees should have the freedom to choose where they want to stay given that they are not a homogeneous group.

3.4 Cost

Financial costs are essential in managing refugee issues. According to an article in the East African Newspaper in 2016, the UNHCR estimated that Kenya led the region with an estimated annual budget of $370 million to cater for more than 600,000 encamped refugees. Tanzania was expected to spend $174 million for about 170,000 refugees, while Uganda was expected to spend $66 million on 90,000 refugees. The article appeared on May 21 but immediately thereafter there was a huge influx of refugees particularly in Uganda. A research by the UNDP Uganda (2017: 11-12) indicated that hosting 1,002,714 refugees would cost the government $323 million. It further indicated that $277 would be spent on each refugee annually. If this cost per refugee is multiplied by the 90,000 new arrivals until May 2016, it works to $25 million of the governmental expenditure which is less than that estimated by UNHCR. This discrepancy notwithstanding, the three governments are spending significant amounts of money to host refugees.

While sustaining refugees places a huge financial burden on the hosting countries, the funding to UNHCR is insufficient. According to UNHCR (2017), its budget increased from $4256 million to $7909 million between 2012-2017. The funding available to UNHCR normally satisfies only half of its requirements, from $2594 million in 2012 to $4411 million in 2016. Indeed, there was a dramatic decrease in funding for 2017 with only $2692 million available. The reason informing this shortfall in funding is outside the scope of this paper, suffice to say that with the ever increasing financial demand by refugees all over the world the UNHCR will continue to face financial challenges. Undoubtedly, the lack of funding affects the effectiveness of UNHCR in fulfilling its mandate.

The discussion on the financial cost is not complete without mentioning the economic potential derived by a host area. For example, the total economic impact of refugees in Dadaab and related operations for the host community was $14 million on per capita basis, which equates to around 25% of the average annual per capita income in North Eastern Province (Enghoff et al., 2010:9). In a report from the World Bank and UNHCR (Sanghi et al., 2016: 51) on the economic activities in Kakuma, it is argued that integrating refugees (both skilled and unskilled) fully into Kenyan labor market "generates positive economic effects in aggregate terms and also diffuses effects across all regions in Kenya." In Tanzania, the presence of refugees has attracted international aid, which has improved the national economy. For example, the development assistance given to Tanzania in 1990 was 27.3% of the country's GDP (UNDP, 2007 in Ongpin, 2008: 14). Unfortunately, these contributions, from a macroeconomic perspective, are rarely taken into account in the emotive discussion on the impact of refugees, usually portrayed as negative, on host country economy and security.

3.5 Feasibility

Besides financial resources, additional resources are needed for the successful management of refugee issues and particularly in regard to human capacity. Border officials and police officers, for example, are often the first individuals that asylum seekers encounter. In the case of Tanzania, border officials and village executive officers are not trained in neither refugee matters nor, more specifically, in basic protection principles (Rutinwa, 2005:6). In urban settings, the responsible frontline officers also have limited knowledge; for example, in Kampala, city officials believe that refugees are meant to remain in the camps (Bernstein & Okello, 2007:52). Police officers in Nairobi have similar perceptions (Pavanello et al., 2010: 17). Among urban refugees in Tanzania, when interviewers suggested that they seek support from the government, they frequently laughed at the '*ridiculous*' question and claimed that such interaction might precipitate their being sent back to the camps or deported (Asylum Access, 2011: 7). These kinds of perception are testimony to the compelling necessity to equip frontline officers and concerned governmental officials with knowledge on relevant legal instruments to enable them to better protect refugees.

Are national legal and policy frameworks in conformity with international legal frameworks and policies developed by UNHCR? The answer is a resounding no! Several divergences are evident.

The Tanzania Refugee Act 1998 seems to be the strictest one with the Director having the absolute power in determining who can move outside the camp or who can obtain a working permit, while the Uganda Refugee Act 2006 is the extreme opposite with very generous provisions for free movement and opportunities to get employment. The Kenya Refugee Act 2006 has some provisions with regard to working permits for refugees, but curtailed free movement constitutes the biggest stumbling precondition to finding employment opportunities.

The encampment policy in Kenya and Tanzania, as well as Uganda's non-encampment policy are the key factors that fashion the implementation principles of their respective Refugee Acts. Compared to the UNHCR policy framework, Tanzania encampment policy has no reference to local integration. The major focus is on resettlement and voluntary repatriation. Uganda, with its unique refugee demography (mainly from South Sudan) and their historical interaction, endeavors to integrate refugees locally. Kenya is indifferent to local integration and prefers to repatriate or resettle refugees.

3.6 Acceptability

3.6.1 The Receiving Governments

As signatory countries to the 1951 refugee convention and 1969 OAU convention, Kenya, Uganda and Tanzania have international and regional legal obligations towards refugees. At the same time, as sovereign states, they have their own national interests to consider. As pointed out in preceding discussions, as concerns factors behind government decision in favor of encampment or not, it is probably the brutalities witnessed, among others, by the Westgate Mall in Nairobi in 2013 and the killing of 147 students at Moi university's Garissa campus in 2015 (Adams et al., 2011) that underlines Kenya's emphasis on national interest in maintaining peace and security particularly in the face of threats from terrorist threats like those from Al-Shabaab.

As already indicated, most refugees caught in the intricate web of government decision-making and formulations are simply victims of circumstances beyond their control. Preferably, if the receiving states identify *one refugee* as a threat to national security, his/her freedom of movement can be suspended and he/she can be sent back to their home country based on the exception of non - refoulement principle.

It is irrational to perceive *all refugees* as a threat, thus suspending, delaying or completely ignoring their chances to contribute to the economic growth of hosting countries. Criminalization of *all refugees*, based on acts of individuals, is evidence of inappropriate policy intervention and interpretation.

The threat of terrorist attacks in Uganda is less than that of Kenya and the country does not hesitate to incorporate refugee population into its own development agenda in line with its tradition of both producing and receiving refugees. Tanzania's national interest is the maintenance of peace and security and fears that refugees have the potential to create insecurity. However, as already pointed out, it may be that keeping refugees from the labor market renders them more vulnerable to radicalization or militarization. Arguably, inclusion of refugees in the formal economy would be in the best interest of hosting governments as it minimizes their vulnerability to various forms of insecurity. Productive engagement of refugees would significantly reduce the financial burden on the hosting government who, as developing countries, do not have the luxury of infinite resources.

3.6.2 UNHCR

The interest of UNHCR is to safeguard the rights and wellbeing of refugees. The UNHCR, even though it is the UN body responsible for supervising and monitoring the implementation of the 1951 Refugee Convention, has no enforcement powers of its own. Realizing free movement and economic rights of refugees would definitely be appreciated by UNHCR as one of its implementable international standards. Indeed, considering the challenges UNHCR faces with lack of adequate resources, allowing refugees to work and earn incomes to meet their basic needs would reduce the burden on the required international aid.

UNHCR acknowledges the need to simultaneously keep both the legal and the sociological thinking in reference to refugees. Legally refugees fall into a category clearly defined in international law, but at the same time, there are usually no absolute differences between them and migrants in general. It is essential for policy makers in Kenya, Uganda and Tanzania to embrace similar thinking to that of the UNHCR.

3.6.3 Major Receiving Countries for Resettlement/Donor countries

Among the available durable solutions, is the resettlement of refugees. Resettlement is the transfer of refugees from an asylum country to another state that has agreed to admit them. In such circumstances, the UNHCR helps resettle refugees in a third country. According to UNHCR, during the course of 2016, the largest number of refugees emanated from Lebanon (19,500), followed by Jordan (19,300), Turkey (15,600), Kenya (9,300) and Tanzania (8,900). Given the many conflicts going on in the world, the major resettlement countries prioritize refugees from Syria. For example, Sweden's 2017 resettlement quota of 3400 people, half the number came from Syria, while 830 places were for refugees from East and the Horn of Africa (Swedish Migration Agency, 2017). This prioritization underscores Sweden's endeavor to fulfill its responsibility of hosting refugees in more desperate need.

The prioritization, with regard to the origin of refugees, is also closely tied to prevailing global funding environment; for example, crises in the Middle East receive priority. In addition, a report on donor behavior demonstrates that financial assistance is largely dependent upon the domestic and foreign policies of the donor countries. This does not, unfortunately, provide the ground for a coherent global funding approach that is supposed to be based on principles of "proportionality, neutrality, impartiality and independence" (Smillie & Minear, 2003:1). Already in 1997, African leaders had complained about the inadequate assistance to refugees in Africa from the international community as a result of the then conflict in Kosovo (Okoth-Obbo, 2001:94). It is also unfortunate that the protracted nature of conflicts in the region has rendered the resettlement option unsustainable and unreachable.

The western industrialized and affluent countries are the major donors and receiving countries for resettlement. In terms of financing, there are glaring disparities between what the donors give and what they get out of the supposed beneficiary countries; for example, "a report by Oxfam estimate[d] that trade restriction by rich countries cost developing countries around $100 billion a year – twice as much as they receive in aid" (Castles, 2004: 221). In exploring "the politics of asylum", Milner (2006) gives insights into the extent to which the global flow of money can influence the national refugee policy.

The influence is affected by some factors related to refugees' presence (the magnitude of flows and enduring nature of their presence, responsiveness of international community and their implication on national security), and others that are unrelated to refugees (democratization, economic liberation and the imbalanced power relations between hosting countries and major international donors). Factors that influence local refugee policies should be considered within the context of Africa' overall vulnerability as refugees are only one of the many challenges that face many of the countries on the continent.

3.6.4 Major Receiving Countries for Repatriation

Repatriation of refugees refers to the returning of refugee to their home country in accordance with international standards. A key component of repatriation is the principle of 'a voluntary basis'. An analysis on whether refugee home countries would like to receive them or not remains difficult. From the perspective of refugees, many of them would more likely wish to go back home and contribute in the reconstruction process (assuming that a degree of stability has been reached) if more capitals are accumulated with the elapse of time in host countries. It can be misconstrued that allowing refugees to work creates the impression that the receiving government was making their lives more comfortable at the expense of, probably, those who stayed through the conflict. This is particularly the case given that the returnees are usually economically better off. This perception can create difficulties for future repatriation.

However, in fact, it is another way around. Previous studies have almost agreed that promoting a productive life in their receiving countries and creating conditions for them to accumulate more capitals would make them more prepared to go back to their home country and contribute to its reconstruction.

In regard to the economic disposition of returnees, the Ukwimi camp for Mozambican refugees in Zambia offers an illuminating example. Those who accumulate more capital through working and education are more likely to be prepared to return in order to contribute to the reconstruction of their home countries than those who survive merely on humanitarian assistance (Lin, 2001). Moreover, we can refer to Cassarino's efforts to theorize return migration for all types of migrants (2004:17-19). In order for return to be successfully implemented, it requires the returnees' preparedness and resource mobilization.

Their preparedness involves a voluntary action provided with sufficient resource and information about their post-return situation. Resource mobilization, in fact, consists of tangible resource (financial capital), intangible resource (such as contacts and skills) as well as social capital which they had carried before their displacement. It is noted that high preparedness also include refugee who are displaced on average from 4 to 15 years. Again, engaging in employment proves to be the only way not only in increasing their financial resources and helping increase their networking and skills, but also in increasing their willingness to return back home.

3.6.5 Refugee disposition

What are the interests of refugees? Men, women, boys and girls, after the collapse of their previous social life, need to establish a new one. Life needs to move forward. Whether refugees are comfortable in the camps or fight to live in the city, the desire for economic engagement is consistent (Asylum Access, 2011:5 for urban refugees in Dar es Salaam) and beyond the continent (Eastmond, 2011; 287 for Bosnia refugees in Sweden). Policy needs to recognize this essential point in order to facilitate the movement of refugees and increase their employment chances in the first place. The motto of Kenya's RAS is that "we believe refugees are real people". This is a powerful motto that should be actualized at the policy levels.

CHAPTER FOUR: CONCLUSION AND RECOMMENDATIONS

This paper has documented the legal and policy frameworks at international and regional levels and in particular in Kenya, Uganda and Tanzania (summarized in Appendix 1). The Refugee Acts of the three countries have covered major key principles in international law and specifically have incorporated the non-refoulement principle. As a result of their geographic location to refugee-producing countries, historical connection with certain refugee groups, as well as the urgency of tackling terrorism, the three countries have enacted certain constrains on refugees' free movement as well as restricted opportunities for economic engagement. As a consequence (summarized in Appendix 2), refugees in Kenya and Tanzania are mainly confined in camps and deprived of free movement. Consequently, the refugees are dependent on aid and have few opportunities for self-reliance. The refugees (particularly women) face all manner of violence and competition with locals for services is more pronounced. As for Uganda, its policy on free movement and the subsequent economic opportunities available to refugees have shown positive outcomes.

Although the refugee Acts in the three countries have achieved the objective of providing basic needs for encamped refugees, they do not adequately cater for urban refugees say in Nairobi, Kampala or Dar es Salaam. Notably, there are positive attributes from the presence of refugees for example, the development of local infrastructure and financial contribution from their labor, particularly in the informal sector.

There are complicated and outstanding issues that are outside the control of the three countries including the: a) worsening humanitarian crisis from the ongoing six-year-old Syrian war; b) international funding systems whose focus is on the mass flow of refugees from Middle East since 2015; c) protracted nature of the refugee crisis in East Africa that inevitably attracts less international attention; d) lack of adequate resources available to the UNHCR to fulfill its mandate; e) conflict and political instability in South Sudan, Somalia and Burundi resulting from large outflows of people; and, f) Africa, as a whole, not having a strong say in the international community. These wider issues directly or indirectly shape national refugee policies.

Notwithstanding the complicated external factors or necessary political horse-trading required, it is pertinent for national refugee policy makers to recognize the significance of allowing refugees to move and to work. This calls for the need to systematically assess the degree to which refugees (varied in entry age, sex, civil status, past educational and working experience) can meet the demands of the national formal labor market, and the subsequent introduction of policies recognizing such entitlement. The process is a long one that starts with the recognition of its need; but it is essential that it be undertaken in order to inform the development of better refugee policies in the region.

Admittedly, the freedom of movement and economic rights are clearly articulated in the 1951 refugee convention. Consequently, it is important to shift emphasis from legal principles to the implementation of holistic approaches that encompass both sociological and economical perspectives at macro and micro levels. Moving and working is a fundamental aspect of empowering refugees, mitigating tension with host local communities, minimizing vulnerability and eventually increasing their willingness to return back home. In addition, providing refugees with economic opportunities reduces the hosting countries' financial burden as refugees become more self-reliant and able to contribute to the receiving countries' economic growth.

Key recommendations in this paper

1. For refugee policymakers in Kenya, Uganda and Tanzania at strategic level, recognizing the fact that resettlement and repatriation are not options for most refugees in the region. Local integration is the appropriate solution for most.
2. Calling for recognition with regard to the importance of both moving and working as far as refugees are concerned. Such necessity should be recognized not only by those who can influence policy, but also by the frontline people in both camp and urban settings (such as police officers and city officials).
3. In Kenya and Tanzania, more powers should be given to those governing bodies involved in refugee issues in order to better facilitate the coordination of all concerned ministries and in particular the active involvement of the Ministry/department of Labor.
4. Lack of incentives for urban refugees to seek assistance from the hosting government calls for urgent attention. Most refugees distrust and fear government officials and it is important for the three governing bodies in Kenya, Uganda and Tanzania, in cooperation with UNHCR, to conduct community outreach activities and offer opportunities for a face-to-face interaction with refugees in order to restore trust.

5. Considering border officials' insufficient understanding of refugee issues, more training programs on legal instruments and sociological understanding of refugee issues should be introduced and financially supported.

6. Refugee camps need not be abolished or closed down because they are the more suitable homes, at least at the beginning, for certain categories of refugees (depending on their economic and social status). Official recognition of the importance of free movement and economic inclusion of refugees constitutes a ladder for social upward mobility (depending on individuals' willingness and/or capacities), which reduces the vulnerability of refugees in general.

7. In a region where refugees are often perceived as threats to national security, it is important to recognize that their vulnerability can also be taken advantage of by criminal and terrorist groups. The more refugees are marginalized from the labor market, the more dangerous they would become if they are militarized or radicalized.

8. UNHCR should actively try to overcome bureaucratic constrains and use their limited resources to support more projects aimed at empowering both refugees and local host communities which effectively facilitates harmonious co-existence.

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Appendix 1: Summary of the Analysis of three Refugee Acts (The analysis based on the study was only for East Africa)				
	Economic rights	**Free movement**	**Non-refoulement principle**	**Implication to national security**
1951 Refugee Convention	**Article 17(3):** "shall give sympathetic consideration to assimilating the rights of all refugees with regard to wage-earning employment to those of nationals…" **Article 18:** self-employment	**Article 26:** "the right to choose their place of residence to move freely within its territory subject to any regulations applicable to aliens"	**Article 33(1):** non-refoulement principle – "no Contracting State shall expel or return…a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened…"	**Article 33(2):** Exception of non-refoulement principle – "… there are reasonable grounds for regarding as a danger to the security of the country …"
1969 OAU Refugee Convention	---	---	**Article II (3):** "no person shall be subjected by a Member State to measures such as rejection at the frontier, return or expulsion, which would compel him to return to or remain in a territory where his life, physical integrity or liberty would be threatened …"	**Article 6:** "For reasons of security, countries of asylum shall, as far as possible, settle refugees at a reasonable distance from the frontier of their country of origin."
Kenya Refugee Act 2006 **Kenya Regulation 2009**	**Refugee Regulation 2009: Article 34 (2):** "A refugee may apply to be issued with travel document for the following reasons … (d) employment; (e) business…"	**Article 16 (2):** "The minister may … designate places and areas in Kenya to be a) transit centers b) refugee camps.	**Article 18:** non-return of refugees, their families or other persons.	**Article 19** **Article 21(1)**

Uganda Refugee Act 2006 **Uganda Regulation 2010**	**Article 29(e)(iv):** "the right to engage in agriculture, industry, handicrafts, and commerce and establish commercial and industrial companies…" **29(e)(v):** "the right to practice the profession of the refugee who holds qualifications…" **29(e)(vi)**: "the right to have access to employment opportunities and engage in gainful employment."	**Article 30 (1):** "…a recognized refugee is entitled to free movement in Uganda." **Article 44(1):** "The Minister may…designate places or areas on public land to be transit centres or refugee settlements …"	**Article 42:** extradition, return of refugee	**Article 30(2)** **Article 31(1)**

Appendix 2: Summary of Findings				
Analytical dimensions		**Kenya**	**Uganda**	**Tanzania**
Effectiveness (What are the achievements of these refugee law and policies?) 1- poor, with approximately 25% achievement; 2- Fairly achieved, with approximately 50% achievement; 3 – Good achievement, with approximately 75%;	Basic life necessities for encamped refugees	2	2	2
	Free movement	1	3	1
	Grounds for Economic chance of encamped refugees	1	3	1
	Urban refugees' access to basic life necessities and housing	1	1	1

Unintended effects (effects unrelated to refugee policies objectives) 1 - Low 2 - Fair 3 - High	Development of local infrastructure (road, transportation network, hospitals and schools)	3	3	3
	Visibility of refugees' competition for resource with locals	3	1	3
	Level of self-reliance	1	3	1
	Degree of women's vulnerability to various types of violence	3	No data	3
	Degree to be recruited by terrorist groups or fighting forces	3	No data	No data
Equity (different effects on different refugee individual and groups)	Camp structure's impact on men and women is different. Women are more likely to be targeted to all types of violence, while they still continue to carry on its assigned gender role (if there are external funds and support), whereas men may fail to do so due to the lack of economic chances in both camp and urban settings. Refugees' preexisting economic and social capitals shaped by personal history such as age, civil status, sex, working and educational experience, ethnicity and religious belief can determine one's ability and/or willingness to move, thus negotiating a better living condition.			
Cost 1 - Low cost/gain 2 - Fair cost/gain 3 - High cost/gain	Financial cost	3	3	3
	Financial gain	3	3	3
Feasibility (required resources to implement refugee policies) 1 – Low 2 – Fair 3 - High	Level of expertise	1	1	1
	Level of policies' conformity with existing legislation	2	3	1

Acceptability (who are refugee policy actors and their interests?)	The Receiving governments	Balancing international legal and moral standard of hosting refugees, while maintaining peace and security (terrorist attack is more pressing)	Intending to integrate refugees (mainly from South Sudan) into its own national development agenda due to their historical interaction.	Balancing international legal and moral standard of hosting refugees, while maintaining peace and security in its territory.
	UNHCR	Safeguarding the rights and wellbeing of refugees Supervising and monitoring the implementation of 1951 Refugee Convention		
	Receiving countries for Resettlement /Donor countries	Prioritizing to resettle refugees in other region in desperate need Offering financial assistance based on its own domestic and foreign policy		
	Receiving countries for Repatriation	The ability and/or willingness to receive refugees back home remains difficult to assess.		
	Refugee themselves	Living in a secure environment where livelihood has a chance to be restored		

Appendix 2: Summary of Findings				
Analytical dimensions		**Kenya**	**Uganda**	**Tanzania**
Effectiveness (What are the achievements of these refugee law and policies?) 1- poor, with approximately 25% achievement; 2- Fairly achieved, with approximately 50% achievement; 3 – Good achievement, with approximately 75%;	Basic life necessities for encamped refugees	2	2	2
	Free movement	1	3	1
	Grounds for Economic chance of encamped refugees	1	3	1
	Urban refugees' access to basic life necessities and housing	1	1	1

Unintended effects (effects unrelated to refugee policies objectives) 1 - Low 2 - Fair 3 - High	Development of local infrastructure (road, transportation network, hospitals and schools)	3	3	3
	Visibility of refugees' competition for resource with locals	3	1	3
	Level of self-reliance	1	3	1
	Degree of women's vulnerability to various types of violence	3	No data	3
	Degree to be recruited by terrorist groups or fighting forces	3	No data	No data
Equity (different effects on different refugee individual and groups)	Camp structure's impact on men and women is different. Women are more likely to be targeted to all types of violence, while they still continue to carry on its assigned gender role (if there are external funds and support), whereas men may fail to do so due to the lack of economic chances in both camp and urban settings. Refugees' pre-existing economic and social capitals shaped by personal history such as age, civil status, sex, working and educational experience, ethnicity and religious belief can determine one's ability and/or willingness to move, thus negotiating a better living condition.			
Cost 1 - Low cost/gain 2 - Fair cost/gain 3 - High cost/gain	Financial cost	3	3	3
	Financial gain	3	3	3
Feasibility (required resources to implement refugee policies) 1 – Low 2 – Fair 3 - High	Level of expertise	1	1	1
	Level of policies' conformity with existing legislation	2	3	1

Acceptability (who are refugee policy actors and their interests?)	The Receiving governments	Balancing international legal and moral standard of hosting refugees, while maintaining peace and security (terrorist attack is more pressing)	Intending to integrate refugees (mainly from South Sudan) into its own national development agenda due to their historical interaction.	Balancing international legal and moral standard of hosting refugees, while maintaining peace and security in its territory.
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	Receiving countries for Resettlement /Donor countries	Prioritizing to resettle refugees in other region in desperate need Offering financial assistance based on its own domestic and foreign policy		
	Receiving countries for Repatriation	The ability and/or willingness to receive refugees back home remains difficult to assess.		
	Refugee themselves	Living in a secure environment where livelihood has a chance to be restored		

About the Authors

Dr. Eunice Njambi has PhD and a Master's degree in community health and development from Great Lakes University, with further training in management of higher education institutions from Galilee International Management Institute, Israel. She is community development specialist, with expertise in applied research and curriculum development. Eunice is a regional facilitator in of partnerships development, stakeholder engagement, strategic leadership planning and systems strengthening through policy analysis. Currently working with IPSTC as a researcher and curriculum designer Eunice has published 6 occasional papers and 6 Issue briefs on in peace and security, disaster risk reduction and refugee protection systems. She has been a principle investigator in national and regional research with USAID, KIPPRA, Concern World Wide South Sudan, AMREF/MOH, UNCHR/UNICEF/Action Against Hunger, and DONONE Baby Nutrition. To date she has supervised Master's degree research for over 50 Students who have graduated.

Yajun HU, majored Global Studies from Sophia University, Tokyo (Japan), and specialized in forced migration and refugee studies. After having graduated from Peking University (China), she worked for three years in a Chinese NGO in the field of culture diplomacy. With a deep interest in Arabic language, she then studied in Damascus University in 2010 and left Syria in January 2011. Her personal past connections with Syrian people, together with their subsequent displacement all over the world, prompted her to pursue in-depth knowledge concerning refugee issues in Sophia University. As an exchange student, she also studied both at the United Nations University in Tokyo and at the Center for Migration and Refugee Studies (American University in Cairo). Her thesis in Sophia University applies the sociology of space in documenting Syrian asylum seekers' everyday life in Sweden, thus exploring the meaning of integration in the asylum process.

Purity Wanjugu Mahugu is a graduate student at Egerton University. She holds a Bachelor Degree of Arts with a double concentration (Major) in Economics and Sociology. She also holds a Diploma in Business Management from Kenya institute of Management (KIM) and has a CPA 6. Ms. Purity was an intern at International Peace Support Training Centre in Peace and Security Research Department. She written articles on Rising Hopelessness for Somali Refugees and poem on Peace the flower that decolorizes in the IPSTC newsletter. She has attended various workshops and seminars as well as symposia focusing on the peace and security landscape in Eastern Africa where he has gained immense experience on the same. She currently works as an accountant.

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