

**REFUGEE INFLUX AND HUMAN RIGHTS VIOLATION IN SETTLEMENTS: A CASE
OF NAKIVALE SETTLEMENT, UGANDA**

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DECLARATION

I, DUSABIMANA YVETTE, declare that is work confined in this thesis is original and has never been presented for a degree in this university or other institutions of higher learning for any academic award.

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APPROVAL

This is to certify that this study has been carried out under our supervision, and it is therefore now ready for presentation for an Award of Masters in Human Rights and Development.

Sign.....

DR. MWANIKI ROSEAN

(Supervisor)

Date.....

DEDICATION

I dedicate this dissertation to my Husband Mr. Fedele Niyobuhungiro and my Mother in Law Mrs. Nyirabaributsa Maria who has been a pillar in my life. My children, Thank you for all the encouragement, good wishes and prayers during this time. Special appreciation to my late Mother Mrs. Nzamukosha Julienne for her contribution towards my life. May her soul rest in peace.

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LIST OF ABBREVIATIONS

AU	African Union
CARA	Control of Aliens and Refugees Act
CAR	Central African Republic
DRC	Democratic Republic of Congo
EU	European Union
GoU	Government of Uganda
IDPs	Internally Displaced Peoples
NGOs	Non-governmental Organization
OAU	Organization of African Union
OPM	Office of the Prime Minister
UNCHE	Uganda National Council for Higher Education
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNs	United Nations
HLP	Housing, Land and Property
ICESR	International Covenant on Economic, Social and Cultural Rights
IOM	International Organization for Migration
WHA	World Health Assembly
WHO	World Health Organization

ABSTRACT

This study examined the impact of refugee Influx on Human Rights' violation in refugee Settlements. The research was guided by the following objectives: to establish the effect of Refugee Influx on the right to health, to examine the influence of refugee Influx on the right to property and to determine the effect of refugee Influx on the right to education. the study was underpinned by the Humanitarian theory developed by Lewis (1954) The study adopted a cross sectional study design-case study design. The target population was 260 refugees. From a target population of 260 Refugees, the sample size was 158 refugees. The study concluded that there a significant effect of refugee inflow in the study area on Human Rights Violation since the p-value 0.04 was less than the significance level (0.05) and the correlation coefficient was notably high (0.76), rendering the nexus between refugee Influx and Human Rights Violation notably strong. There was significant effect of refugee influx on Education since the p-value (0.036) is less than the level of significance. The correlation coefficient is strong (0.864) which showed that refugee Influx has strong effect on right to education. There was no significant effect on Right to Education in Nakivale Refugee settlement camp since the p-value (0.311) is greater than the significance level and the correlation coefficient (0.189) is weak. Therefore, Refugee Influx has weak insignificant effect on Right to property in Nakivale Refugee settlement camp. The study recommended that the structures in Nakivale Refugee settlement camp through the government must strongly promote integrated refuge influx management structures and ensure that it is made an all-inclusive program the government should put in place Integration of service delivery for refugees and Ugandan nationals, Integration of the health work force providing services for refugees and Ugandan nationals, Streamlining deliveries of infrastructure within refugee settlements and host communities. Integration of refugees into the National Health Information System including reporting of disaggregated data, improving health/education financing to support public health interventions in refugee settlements and Improved leadership, coordination and management for refugee infrastructural response. The government of Uganda should develop and implement a Refugee Settlement Transformative Agenda (RSTA. To counter school-drop out among forced migrant children and youth and to enforce the right to education by the refugees. The Ugandan Ministry for Education, in joint cooperation with non-governmental stakeholders should, develop a plan to improve education for refugees and local populations alike.

CHAPTER ONE

INTRODUCTION

1.0 Introduction

This section focused on specific subtopics as follows; background, statement, purpose, research objectives and questions of the study. The section also discussed the significance and justification, scope and the conceptual framework of the study.

1.1 Background to the study

1.1.1 Historical perspective

Refugee crisis is a global problem where over 65.6 million people globally have been displaced and forced to flee their country of origin. Notably, about 22.5 million refugees and over half this figure are below 18 years of age (UNHCR Report, 2015). On the other hand over 10 million people worldwide have been denied their nationality and do not have access to the basic human rights, including rights to work, primary healthcare, right to education and freedom of expression as well as movement.

The sub-Saharan African region hosts over 26% of the world's total refugee population. It is reported that more than 18 million people living in Sub-Saharan Africa are under the responsibility of the UNHCR. That figure has increased in most recent years, partly due to the current conflicts in South Sudan, the Central African Republic (CAR), Congo and Nigeria (UNHCR Report, 2015). Also, the Yemen and Burundian conflict have greatly contributed to the growing number of refugees in Africa (Andrew, 2009)

Poor infrastructure, including accommodation mainly in the host communities has created serious problems in these countries. As a result, a Burden-sharing approach among the countries can produce positive outcomes. In most-cases refugees are detained on the trepidation ground. For instance, in Thailand, most of the asylum seekers were detained and charged with illegal immigration. On the other hand, there has been a growing instance when refugee settlement camps have been attacked by militia groups of countries across the border. Sufficient protection for such camps in central aspect that need immediate attention by all governments. For instance, the governments, non-government organizations, and the UNHCR should collaborate to protect

the interest and rights of refugees more specifically the vulnerable groups, including women and children (Andrew, 2009)

The statement by the UNs declaration on human Rights and training (2011), Human Rights Education, translate this as learning about; through and for Human Rights. Such declarations and scope seeking to design and develop skills, attitudes and knowledge-base where Human Rights principles, values and norms and “the mechanisms for their responsibility to “protect people” are crucial components, where human rights to healthcare is a right established by itself (Alfredsson, 2016), and as a critical element to reveal the importance of other human rights (Tomasevski, 2003)

According to the 1951 Geneva Convention, a refugee is any person(s) who fears of being persecuted and victimized on grounds of political opinion, nationality, race, ethnicity, religion, belief, member of a particular political party as well as social group; is not currently living in his/her country of nationality and is unwilling or unable to disclose himself to that country for security purposes.

The AU has expanded this definition. In the present times, refugee now applies to any person(s) who; owing to the foreign domination, external aggression, external employment or phenomenon that severely disrupt public order and natural law, in his nationality or in part, is forced to leave his home to seek for safety at the border or outside his country (Hovil, 2016).

Hovil suggests that a global refugee crisis should be given a global response. However, this is not being practiced anywhere than when waiting to see how the world, including the UN and International security agencies respond to the refugee crisis and mass-migration; and issue that creates virtually no room of the global untouched (Hovil,2016). It should be noted that there more people seeking humanitarian assistance today than ever before. Almost a quarter of a billion have left their families in quest for a safer environment, and hopefully for new lives in a foreign country. Over 55 million people have been displaced by war and or persecution at their country of origin (UNHCR Report, 2015)

For instance, millions of people fleeing the life-threatening war in Syria and in other parts of Africa, like Central African Republic, Burundi, South Sudan, DRC and among others have attracted media attention over the past decade. Though, their dilemma reflects that of countless other in less-noticeable conflict from Afghanistan-to-DRC and other vicious gang violence in Central America that has forced a big population to seek safety in the neighboring countries including Uganda and the United States (Hovil, 2016).

Hayes, shows that the serious events Kampuchea, Laos and Vietnam forced a big number of people to flee their countries and seek refuge in Indonesia, Malaysia and Thailand. It is also reported India witnessed a huge refugee influx after the 1971 when the Bengalis Fled then East Pakistan (Hayes, 2017). The conflict between the Shanti Bahani and Bangladesh authorities, which was a militia tribal movement that started in 1973 forced nearly 50,000 refugees, took shelter in Tripura. A big number of Chakma people took refugee camps in Arunachal Pradesh and Tripura.

Refugees in African continent have been forced mostly by wars in Congo, Eritria and South Sudan among others. These have been victims of Human Rights Violations. Oppressive and cruel regimes have expropriated property, tortured citizens, massacred people and deprived persons of civil liberties purposely to silence imagined and real political opponents.

In this context, the human rights to Education are concerned about developing citizenship through education and various aspects of civil society, and has globally attracted attention in the educational debates for over the last two decades. Nevertheless, the theoretical background of human rights education is at the same time unclear, and the lack of clear theoretical framework remains a global problem in the context of justifying the underlying grounds of the concepts; how educationalists as well as scholars and develop transformative and empowering approaches, aligned with a specific goal in various context of learning (Vesterdal, 2016)

Persecutions and war crimes were reported by UN Refugee Agency in June 2015 as the major reason for the refugee influx worldwide. In the past two decades, it was reported that nearly 6 person(s) were forced to leave their own families every after 60 seconds and this number

continued to four(4) times due to wars and internal conflict that now force nearly twenty four (24) people left their homes every after a single minute in 2015 (Alex, 2015).

Thus, Human Rights Violations have occurred in direct response to the wars and internal conflict between the ruling government and in response to the internal turmoil and dissident or suppression opinion. Tyrannical leaders such as Bokassa of Central African Republic, Iddi Amin of Uganda and Nguema of Equatorial Guinea, forced thousands of people to leave their countries and become refugees in the neighboring states. This implies that the struggles among the national leaders often terrorize citizens. Additionally, these struggles repeatedly force the national army taking sides and eventually conquering or taking power.

In Uganda, the 1951 UN Convention Relating to the Status of Refugees came into force when Uganda was still a British protectorate. Britain acceded to the Convention on behalf of herself and her colonies (including Uganda). Uganda as a state ratified the Convention in 1987 (personal interview with Third Deputy Prime Minister, Hon. Paul Etiang).

With emphasis to Uganda's case, UNHCR indicates that hundreds and thousands of people have fled particularly Blue Nile and Kordofan states of South Sudan into the neighboring countries including Uganda, Kenya and Tanzania, exerting burden on the current services and supplies. It is reported that by 2016, Uganda received over 14 million refugees and nearly 1.2 million people are South Sudanese. Among them were 572,000 arrivals that have entered into Uganda in hope for humanitarian assistance and safety of their lives (UNHCR Report, 2015).

In 2016, over 172,000 of South Sudanese refugees entered into Uganda, with another arrival averaging over 2,800 every day. A number of 1,362 asylum seekers were registered at the refugee Desk in Kampala, including more than 100 Eritreans and 1,361 Somalis. Uganda received over 4,592 from the DR Congo in the same year. Majority if this number fled the violence and tension that occurred in Ituri and North Kivu Provinces. According to the Office of the office of the Prime Minister (OPM), a total of 272 Burundian Asylum seekers were received

in Nakivale Settlement camp, owing to continuous insecurity and quest for family reunification (OPM, 2018).

1.1.2 Theoretical Perspective

Humanitarian assistance is based on the ground that human beings deserve dignity and respect, which should be treated in a manner that protect and deserve their human rights. Thus, humanitarian organization solely work towards improving lives and well-being of humanity and Uganda's policy and practice applied in dealing with the refugees has for sometimes been among the anticipated humanitarian aid anywhere in Africa. It is reported that upon obtaining a refugee status, refugees are eligible to small portions of land within their camps combined with the host community to live in harmony (Mertans & Hall, 2015).

According to Humanitarian theory developed by Lewis (1954), Humanitarianism is entirely a practical belief in the value of human life in which human practice, such as generous treatment, is commissioned to provide aid to people in need to better humanity for altruistic, moral and logical reasons. Therefore, it is defined as the philosophical belief in search towards improving human race in an array of areas, employed to describe a broad number of events and activities or effort relating particularly to human welfare. For instance, a physician or doctor is known as a humanitarian providing health care to the humans in need (Patrick, 2012).

1.1.3 Conceptual Perspective

According to Coicaud (2003), a refugee is any person(s) forced to leave their home countries due to war crimes, persecution and violence. The UNHCR explains that a refugee is a person who has fear of being persecuted and victimized on grounds of political opinion, nationality, race, ethnicity, religion, belief, membership of a particular political party or social group; and they cannot or fear or are afraid to return home.

According to Hayes (2017), A refugee is a person who has fled his/her country 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/her nationality, and is unable or, owing to such fear is unwilling to avail himself/ herself the protection of that country.

Refugees, clearly spelt out for the first time who a refugee is and the kind of legal protection, other assistance and social and economic rights he or she should receive from countries which have signed the Convention. In short, refugee status is based on five grounds: a well-founded fear of persecution that is a threat to life or liberty, because of race, religion, nationality, membership of a particular social group, and or political opinion. Equally, it defined a refugee's obligations to host governments and certain categories of persons, such as war criminals, who do not qualify for refugee status. It spelt out a set of basic human rights which should be at least equivalent to freedoms enjoyed by foreign nationals living legally in a given country and, in many cases, those of citizens of that state. It recognized the international scope of refugee crises and the necessity of international co-operation, in tackling the challenge Hayes (2017).

According to Mishra, Pramod, (2000) The UN defined human rights as those rights which are inherent in our state of nature and without which we cannot live as human beings. Human rights belong to every person and do not depend on the specifics of the individual or the relationship between the right-holder and the right guarantor. Human rights are the rights that everyone has equally by virtue of their humanity. It is grounded in an appeal to our human nature. Christian Bay defined human rights as any claims that ought to have legal and moral protection to make sure that basic needs will be met. Human rights can be defined as those minimum rights which every individual must have against the state or other public authority by virtue of his being a member of the human family.

Shree P. P. Rao (2018) said human rights are the inherent dignity and inalienable rights of all members of the human family recognizing them as the foundation of freedom, justice and peace in the world. For D. D. Raphael (2015), human rights in a general sense denote the rights of humans. However, in a more specific sense, human rights constitute those rights which one has precisely because of being a human.

1.1.4 Contextual Perspective

Uganda is globally reputed as having one of the most of the effective and progressive approach of dealing with the refugee crisis is one of the most effective and progressive approach in Africa. Once obtained a refugee status, refugees are eligible to receive a small portion of land within the

settlements, integrated with the local host community to live together in a harmony. In 1958, the government of Uganda established the Nakivale Refugee settlement camp in Isingiro District of Southwest Uganda. The camp currently hosted more than 104,169 refugees, including 5,651 asylum-seekers from the Burundi, DR Congo, Eritrea, Ethiopia, Rwanda and Somalia among other countries (UNHCR, 2019).

UNHCR has taken the mandate of monitoring a comprehensive implementation of sub-projects in all areas of protection, environmental activities, community services like health-care, livelihoods, nutrition, education and interfaces with other humanitarian actors involved in providing adult education, care, food and tracking and reunification processes. However, many atrocities (Murders and killings) have been inflicted on refugees, such as sexual violence, indiscriminate torture, killing, hunger and many other inhumane acts, but not limited to being separated from family, being raped, pregnancy, lacking good shelter, water and food and emotionally depressed (UNHCR, 2019).

Based on the current trend there is a need for continuous support from the Humanitarian organizations to the government of Uganda and other refugee support groups to cater for development needs for the increasing number of refugees in the country. It is also crucial to recognize the host communities need urgency humanitarian assistance and huge investments in economic opportunities in sectors of water, health, agribusiness, vocational training and infrastructure among others. It is, therefore, upon this background that the current study seeks to examine the refugee influx and Human rights violation in Uganda.

1.2 Statement of the problem

Uganda has played host to thousands of refugees from the following countries: Burundi, Congo, Eritrea, Ethiopia, Kenya, Somalia, Sudan, Sierra-Leone, Senegal, Mozambique, South Africa, and Zimbabwe. However, majority of refugees in Uganda has comprised the nationals of surrounding countries.

The world's refugee problem is one of the most complicated challenges facing the international community today. Studies estimate that there are millions of refugees in Africa who are

vulnerable to abuse and, therefore, are in need of protection to ensure that their human rights and fundamental freedoms are not violated

The continued influx of refugees has an impact on the already insufficient social services in the host countries (Pavanello, 2017). In Nakivale refugee settlement camp which is in Western Uganda Isingiro district there exists a problem of increased pressure on resources such a land, water and animals. The researcher therefore seeks to investigate how the increased influx of refugees is affecting human rights violation looking at specifically health, education and property.

1.3 Objectives

1.3.1 General objectives

The general objective of the study is to examine the impact of refugee Influx on Human Rights violation on refugees in Nakivale Settlement camp in Uganda from 2014-2018.

1.3.2 Specific Objectives

The specific objectives of the study are to:

- i. Establish the effect of Refugee Influx on the right to health of refugees in Nakivale Settlement camp in Uganda from 2014-2018.
- ii. Examine the influence of refugee Influx on the right to property of refugees in Nakivale Settlement camp in Uganda from 2014-2018.
- iii. Determine the effect of refugee Influx on the right to education of refugees in Nakivale Settlement camp in Uganda from 2014-2018.

1.4 Research Question

- i. What is the effect of Refugee Influx on the right to health of refugees in Nakivale Settlement camp in Uganda?
- ii. What is the influence of refugee Influx and right to property of refugees in Nakivale Settlement camp in Uganda?
- iii. What is the effect of refugee Influx on the right to education of refugees in Nakivale Settlement camp in Uganda?

1.5. Significance of the study

This study will generate information to students, scholars, researchers and groups interested in understanding refugee influx and the role of human rights violation in Uganda.

The study will help the government as well as the policy makers to obtain information on how they can address the challenges that are facing refugees in settlement camps.

The study findings will provide the public with sufficient and proper administrative procedures needed in managing refugees.

The study findings will also help the government to make significant changes in ensuring proper management of refugees.

1.6 Scope of the study

1.6.1 Geographical scope

The government of Uganda established the Nakivale Refugee settlement camp, strategically located in Isingiro District of Southwest Uganda in 1958. The study was carried out in Nakivale Refugee settlement camp. Nakivale Refugee settlement camp was chosen because it hosts a number of refugees and asylum seekers from Burundi, Democratic Republic of Congo, Eritrea, Ethiopia, Rwanda and Somalia among other in Uganda (GoU, 2019).

1.6.2 Time Scope

The researcher studies the violation of human rights which took place between 2014-2018. It has been a period in which many refugee human rights violation have been reported in Nakivale Refugee settlement camp. This period was also been associated with many structural reforms relating to refugee influx in Uganda, with several attempts to reform the refugee influx and human rights violation in Uganda have been realized. The study was conducted in a period of 6 months that it from June to December 2021.

1.7 Definition of key terms

Human Rights: Human rights are human rights, which are integral and entitled to all human beings, regardless of their gender/sex, nationality, race, language, ethnicity, religion and/or any other status and traits. Human rights include, but not limited rights to liberty and life, right to health and education, freedom of opinion and expression, freedom from torture and slavery, and employment among others.

Refugees: Refugees are people who have fled war, violence, conflict or persecution and have crossed an international border to find safety in another country. A refugee is someone who has been forced to flee his or her country because of persecution, war or violence. A refugee has a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group. Most likely, they cannot return home or are afraid to do so. War and ethnic, tribal and religious violence are leading causes of refugees fleeing their countries.

Refugee influx: An influx of people or things into a place is their arrival there in large numbers. Refugee influx refers to the number of refugees entering a foreign country in search for safety of their lives.

Internally displaced persons (IDPs): IDPs is any person(s) who have been forced to flee their country of origin, but never cross the international border. IDPs, include displaced people by natural disasters and internal strife, are the largest group under the UNHCR assistance (UNHCR, 2019). These people specifically move in search for safety anywhere they can find a shelter for their safety, in either nearby school, churches, towns, internal settlement camps and or even opens fields and forests.

Asylum Seeker: an asylum seeker is any person(s) who has left their own country of origin especially as a political refugee and is seeking asylum in another country. In other words, an asylum seeker can be referred to as any migrant, such as a refugee, IDP, but not necessary an economic migrant (UNHCR, 2019a)

War: the term war is defined as a state of armed conflict between different groups of as well as different countries fighting within a country. It is largely characterized by intense violence, aggression, mortality, destruction and life-threatening, using armed forces (Smihula, 2013).

War crimes: the term war crimes is an act, involving intense, life threatening and a serious violation of the international laws of war that offer hope to individual criminal act of responsibility (Cessese, 2013)

CHAPTER TWO: LITERATURE REVIEW

2.0 Introduction

This section reviewed the prevailing literature relating to the topic held within this study. The literature will be obtained from existing development and academic reports, textbooks, journals, newspapers, laws, policies, authoritative ordinances and pronouncements. These are reviewed by trying to find the inter-relationship between or among the observations and arguments raised as well as attempting to interpret this literature in line with the purpose and objectives of the study. The review tries as much as possible to have detailed analysis, comparison and interpretive.

2.1 Theoretical Review

The study was propounded by Humanitarian theory

2.1.1 The Humanitarian Theory

The humanitarian theory was developed by Lewis (1954) who proposed that to punish a man because he deserves it, and as much as he deserves, is mere revenge, and, therefore, barbarous and immoral. It is maintained that the only legitimate motives for punishing are the desire to deter others by example or to mend the criminal. When this theory is combined, as frequently happens, with the belief that all crime is more or less pathological, the idea of mending tails off into that of healing or curing and punishment becomes therapeutic. Thus it appears at first sight that we have passed from the harsh and self-righteous notion of giving the wicked their deserts to the charitable and enlightened one of tending the psychologically sick. What could be more amiable? One little point which is taken for granted in this theory needs, however, to be made explicit. The things done to the criminal, even if they are called cures, will be just as compulsory as they were in the old days when we called them punishments. If a tendency to steal, can be cured by psychotherapy, the thief will no doubt be forced to undergo the treatment. Otherwise, society cannot continue.

According to the Humanitarian theory, to punish a man because he deserves it, and as much as he deserves, is mere revenge, and, therefore, barbarous and immoral. It is maintained that the only legitimate motives for punishing are the desire to deter others by example or to mend the criminal.

My contention is that this doctrine, merciful though it appears, really means that each one of us, from the moment he breaks the law, is deprived of the rights of a human being. Lewis' vital contention is that the Humanitarian Theory gives to the supposed expert an unwarranted and unjustified power over other men's lives. It is, of course, undeniable that to put a man in a white coat, or to give him a degree in psychology or sociology, does not diminish his sadistic potentialities or the disrupting effects of power on him. Such specialists must be regarded with that healthy scepticism of which Lewis is a fine champion; but scepticism should not lead us to deny their usefulness entirely, and insist-as does Lewis-on purely condign punishment, linked, as he phrases it, to the criminal's "desert".

Lewis regards reformation and deterrence as subsidiary and never as a justification of punishment and suggests that the Humanitarian Theory of Punishment has erected them into its vital aims. This, we believe, is a perversion of the Humanitarian theory. To us, the vital purpose of the criminal law is the protection of the community, always limiting and conditioning its punishments in the light of two other factors, namely, a determination by its actions never to deny the fundamental humanity of even the most depraved criminal, and secondly, a critical appraisal of the limits of our understanding of the springs of human conduct and our ability to predict its course. There is a third limitation imposed by the community's expectations of penal sanctions which we shall later consider.

Lewis' omits any reference to the protection of the community as a valid aim of penal sanctions. He stresses the human personality of each individual criminal, and with this we agree. One human personality he overlooks, however, is the individual humanity of the potential victim of the criminal. It is this humanity we defend; the humanity of those whose only likely connection with the criminal law is the law's failure to protect them from clearly dangerous people.

Personal responsibility: the humanitarian theorists claims that the human actions exhibit particular choices of what people do and achieve in life at a particular moment. Some people can shape their lives as well as future by applying freedom to change by physical constraints (Patrick, 2012). As a result, Human beings are liable for their own behaviors and actions on the ground that are products of their own Choice, thereby holding us accountable for it. As a result,

‘Man is not naturally a victim of fate.’ However, we are solely a result of our past experiences, though our experiences do not directly translate what we are capable of being in life.

When humans are open to what they believe is completely true and think, this is because, only ourselves can determine our true feelings and thought without filtering them for self-presentation and social desirability challenges. That is the tendency of human beings when it comes to sharing with others. Thus, emphasizing personal growth: humanistic psychologists suggests that people do not easily persist striving when their immediate needs have met, but instead they are more encouraged and motivated to continue pursuing and developing in a positive manner that improves their lives (Mertans & Hall, 2015).

The humanitarian theory has the capacity and strength to provide humanitarian assistance, including protecting innocent civilians, increasing awareness of human rights relating to children and women’s rights, bringing people quality of war crimes to justice, helping to collapse unjust regimes, and helping to establish the rule of law and democracy.

Many limitations of the humanistic mechanism as well as approach assert that it is not appropriate theory to the dysfunctional person(s). As a result, it is not suitable for the norm. For instance, local person may not want to be called a lazy as well as crazy, though they would feel that way most often when they lack proper illustration for their feelings and actions as well. Thus, the humanitarian approach will grant the average person(s) a chance to understand and clearly explain the issue. Though some people think it lacks a scientific significance, it helps to explain the lay behavior, which makes it promising and practical theory to daily life.

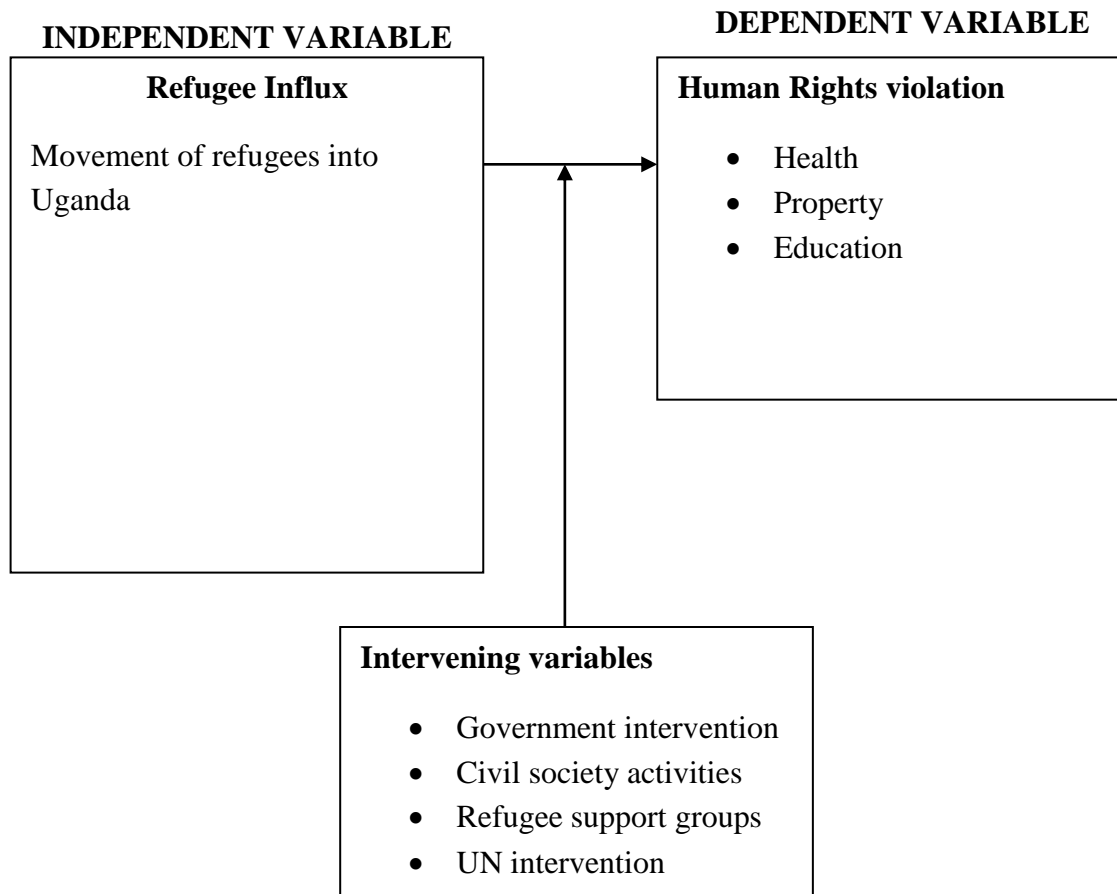
Humanitarianism theory is typically based on the idea that all human beings deserve dignity and respect, and should be addressed accordingly. As a result, humanitarians aim to work towards improving lives and well-beings of humanity, and Uganda’s system in dealing with refugee influx has for long been one of the most progressive and effective humanitarian approaches anywhere in Africa (Mertans & Hall, 2015). Once obtained a refugee status, refugees are eligible to receive a small portion of land within the settlements, integrated with the local host community to live together in a harmony (UNHCR, 2019).

The theory can be critiqued on the following grounds, the prominence of ‘*The Responsibility to Protect*’ as a concept and international doctrine, owes much to the crisis over humanitarian intervention following the Kosovo war in 1999 (Newman, 2009: 93). Responding to this crisis, Kofi Annan asked: “If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to Rwanda, to a Srebrenica to gross and systematic violations of human rights that offend every precept of our common humanity” (ICISS, *The Responsibility to Protect*, 2001: 15)? In response, the UN-appointed International Commission on Intervention and Sovereignty (ICISS) sought to move the terms of the debate regarding mass atrocities, from the ‘right of intervention’ to the ‘responsibility to protect’. In claiming a paradigmatic shift from the Western-centric concept of the ‘right to intervention’, the R2P doctrine seemingly provided a stronger discursive link with the idea of humanitarianism than had been the case with the discourse of humanitarian intervention. The key tenet of the doctrine was articulated as “focusing attention where it should be most concentrated, on the human needs of those seeking protection or assistance” (ICISS, 2001: 15).

2.2 Conceptual framework

In research, the conceptual framework is mainly applied to list applicable courses of action needed to describe a desired method to a thought as well as critical idea. As a result the interconnection of these blocks makes the entire framework for anticipated findings as well as outcomes.

Conceptual framework



Source: Adopted from Folberg, J & Taylor, A 2014, Mediation: a comprehensive guide to resolving conflicts without litigation, Jossey – Bass, San Francisco and modified by the researcher.

2.3 Related literature

The researcher reviewed relevant literature in view of the stated objectives of the study.

2.3.1 The effect of Refugee Influx on the right to health

Despite the greatly increased numbers of migrants and refugees worldwide in recent years, insufficient attention has been paid to addressing their health needs. While a variety of international instruments assert the right to health, in practice, migrants and refugees especially those awaiting clarification of their status, such as asylum seekers and those without

documentation often fall in cracks between service providers and humanitarian relief programmes at national and regional levels.

The challenge of migrants and refugees cannot be viewed as a short-term one that can be resolved exclusively by means of ‘exceptional’ or ‘emergency’ responses. The drivers that result in large-scale movements of people within and between countries are diverse, complex and interactive. Many of them are more likely to increase rather than decrease in the coming decades, including extreme weather events and slower shifts in weather patterns resulting from global warming that can lead to food and water shortages and losses of livelihoods and impacts of population increases, urbanisation, land degradation, deforestation and sea level rise. In addition, it can be expected that violence, political oppression and human rights abuses, as well as desires by people for a better life and greater economic opportunity, will continue to act as sources of involuntary or voluntary migration. It is therefore important to search for solutions that recognise migrants, refugees and asylum seekers as ‘part of society’ and that make them ‘structural’ rather than ‘external’ in health systems as well as other areas.

An extensive study on refugee influx and health in Europe, published in 2011, noted that ‘all too often, the specific health needs of migrants are poorly understood, communication between health care providers and migrant clients remains poor, and health systems are not prepared to respond adequately. The situation is compounded by the problems migrants face in realising their human rights; accessing health and other basic services; and being relegated to low paid and often dangerous jobs, with the most acute challenges being faced by undocumented migrants, trafficked persons and asylum-seekers. One major reason for this lack of understanding is the scarcity of data’.

Moreover, the study reported that there was a tendency in many European Union (EU) Member States to restrict entitlements of undocumented migrants to health services ‘to discourage the entry of new migrants’, with nine of 27 EU countries in 2010 restricting access to health services for undocumented migrants so that emergency care was inaccessible, only five offering them access to health services beyond emergency care and only four [Netherlands, France, Portugal

and Spain] affording them entitlement to access the same range of services as nationals of that country [as long as they met certain pre-conditions, such as proof of identity or residence].

While examples of good practices in the treatment of health needs of migrants and refugees could be found, the study emphasised that, for long-term sustainability, structural changes were required that embed good practices in health policy and practice.

A series of reports from the Health Evidence Network of the World Health Organization (WHO) European Region (WHO-EURO) published in the period 2003–2016 summarises evidence available on diverse aspects of migrant and refugee health in Europe (Siegfried, 2017).

The large increase in displaced persons, migrants and refugees seen in 2014–2016 brought a new urgency to global efforts to achieve equity in access to health services. At the 69th World Health Assembly (WHA) in May 2016, Member States overwhelmingly supported the vision of a future where ‘all people have equal access to quality health services that are co-produced in a way that meets their life course needs, are coordinated across the continuum of care, and are comprehensive, safe, effective, timely, efficient and acceptable’ (Khan, 2016). Implementation of this vision needs to address and include the health needs of migrants. WHO emphasises that the access of refugees and migrants to quality, essential health services is of paramount importance to rights-based health systems, to global health security and to public efforts aimed at reducing health inequities (Khan, 2016). It notes, however, that access to health services is affected by poverty, stigma, discrimination, social exclusion, language and cultural differences, separation from family and socio-cultural norms, financial and administrative hurdles and lack of legal status (Khan, 2016).

WHO has observed that there is a need for reliable global data on migration and health, particularly in relation to undocumented migrants and those not accessing formal services (Rechel, 2011). In May 2017, resolution WHA 70.15 on ‘Promoting the health of refugees and migrants’ was endorsed at the 70th WHA (Rechel, 2011). The resolution urges Member States and requests WHO to identify and collect evidence-based information, best practices, experiences and lessons learned on addressing the health needs of refugees and migrants, in order to contribute to the development of a draft global action plan on promoting the health of

refugees and migrants, to be considered for adoption at the 72nd WHA in 2019 and to report back to the WHA. WHO instituted an online survey, inviting Member States, institutions, networks, civil society groups, individuals and relevant organisations involved in refugees' and migrants' health, to provide relevant information, examples and lessons learned (Rechel, 2011).

Migrants' health often remains marginal in broader discussions on migration, and migrants are a frequently forgotten population in health strategies. However, with increasing acceptance by states of their responsibility for ensuring health and human rights, fears about threats of infection are gradually giving way to a desire to treat both communicable diseases and the broader health problems of arriving migrants and refugees. Annex II of the New York Declaration set in motion a process of intergovernmental consultations and negotiations culminating in the planned adoption of a Global Compact on Migration at an intergovernmental conference on international migration in 2018 (Matlin, 2017). However, specific reference to health is missing among the areas for attention in the Global Compact that are highlighted in UN General Assembly Resolution A/71/L.58. IOM argues that health is a core cross-cutting theme in the follow-on to the New York Declaration and points out that there is a clear normative framework for the rights of migrants and refugees to health without discrimination, derived from, among others, the global human rights framework and the WHO Constitution and that a number of goals and targets of the 2030 Agenda for Sustainable Development (Matlin, 2016) directly and indirectly promote migrant health.

WHO supports policies that provide health services to migrants and refugees, irrespective of their legal status (Tognotti, 2013), with the provision of adequate standards of care for refugees and migrants being important for population health and fundamental for protecting and promoting the human rights of both the refugees and migrants and the host communities.

While the UN Sustainable Development Goals principle of 'leave no-one behind' is inclusive of migrants and refugees, the realisation of universal health care for migrants and refugees requires evidence-based, inclusive policies that balance the costs and benefits of 'health for all' in a public health and development perspective (Liebig, 2013). At present, there is a lack of effective global governance for public health and a need for new governance structures that are beyond the present capacities of WHO and may have to evolve from elsewhere, such as the grass roots.

In terms of impact of incoming migrants on the health profile of the receiving countries, it is often observed that immigrants arriving in the host country are healthier than comparable native populations but that the health status of immigrants may deteriorate with additional years in the country. The ‘healthy migrant effect’ is explained through the positive self-selection of immigrants and the positive selection, screening and discrimination applied by the host countries. The effect may be absent in refugees whose pathways to a destination country have included prolonged residence in refugee camps or arduous journeys. In the longer term, the health of migrants reflects changes in lifestyle, diet and environment in the host country, for example leading to increases in cardiovascular disorders (Nougayrède, 2015).

In addition to the epidemiological transition, refugees can have a significant effect on the demographic profile of the receiving country. Many high-income countries, e.g. in Europe, have been experiencing a major demographic transition characterized by smaller families and ageing populations, while low- and middle- income countries, e.g. in Africa, have seen relatively high (but declining) fertility rates and improving survival rates, resulting in expanding populations of young people. The overall demographic profile of non-nationals in Europe is therefore significantly younger than that of the national population (Koser , 2015). Overall, there are transitions in risk factors affecting both migrant and receiving populations, impacting on health and health services.

2.3.2 The influence of refugee Influx on the right to property

Uganda hosts the highest numbers of refugees in Africa, and the third largest globally. The total refugee population stands at 1.2 million, higher than at any time in its history. Women and girls represent 54% of the total refugee population, while children constitute 59%. This has created a compounded refugee crisis, comprised of a recent refugee influx notably from South Sudan, Burundi, Democratic Republic of Congo (DRC), in addition to a protracted refugee situation. This is at a time when forced displacement has become the single most defining humanitarian/development challenge globally; having reached unprecedented levels in 2016 and thus far shows no signs of abating. (Republic of Uganda, June, 2017).

In addition to that, the Constitution of Uganda (1995) and the Land act (1998) redefined land rights by providing an institutionalized framework for land use and management. Similarly, the National Land Use Policy (2013) provides guidelines for effective use of land for development in Uganda. However, the refugee host communities' conflicts can be caused by the shared limited resources such as land. The land conflicts between refugees and host communities have been as a result of government policy of settling refugees in rural settlements on the assumption that majority of refugees are of a rural background and can support themselves through agriculture for self reliance. Host populations welcome refugees as those in need of protection and also as would-be beneficiaries of infrastructure to be left behind on their repatriation (Harrell-Bond, 2002).

There is need investigation on issues concerning the international community and among states hosting refugees. Different theories, strategies have been advanced to improve refugee assistance and to make it more development-oriented. Despite a growing body of refugee theory and research, much of the literature tends to focus on refugees rather than the implications for host communities. It has been reported that refugee settlements can pose both challenges and benefits to host communities.

The Uganda governments have made some public land temporarily available for use by refugees. Private land including pastoral land is only made available by government based on legal agreement with the owner(s). The status of land occupied for sites should be clarified in writing by the Government. In association with the Government and host community, agree and clarify the entitlement of refugees to carryout given activities The tensions and conflicts witnessed between the host community and the refugees are by larger percentage caused by limited and scarce natural resources that are shared (Kumssa, Jones & Herbert, 2009). In cases where host community used their land for grazing their animals, cultivating their crops and building the shelters led to host community being removed by force from their ancestral land by Kenya government authorities to give room for the settlement of refugees (Ali, David, Ocha, (2017).

The refugee land crisis can be attributed to different factors. (Bagenda et al, 2003) in a study of Nakivale settlement recognized that the move away from direct relief had created an increased

need for land by refugees which land was also imperative for economically deprived Ugandans in the area. Though the Nakivale land then became the nucleus of what is today Nakivale refugee settlement (Bagenda, 2003). It has been found out that poor management of land allocation to refugees by settlement administrators was given as one the major causes of the land conflict in Nakivale settlement. The study findings revealed that the settlement administrators put refugees near nationals' homes. Sometimes refugees are placed in nationals' gardens a practice that annoys the nationals and spoils the relationship with refugees. This is contrary to what is expected of Uganda government. The 1951 Convention and the Refugee Act 2006 make it an obligation of the state to provide security/ protection to refugees in its territory (Ahimbisibwe, 2013).

Land conflicts between refugees and nationals are a result of government policy of settling refugees in gazetted areas (Kalyango & Kirk, 2002). Placement in rural settlements is based on the assumption that majority of refugees are of a rural background and can support themselves through agriculture until their repatriation (Jacobsen, 2016). Host populations first welcomed refugees as those in need of protection and also as would-be beneficiaries of infrastructure to be left behind on their repatriation (Harrell-Bond, 2002). Competition for land between refugees and host communities because of h unclear land boundaries among other factors were responsible for the land conflicts in Nakivale settlement. (Ahimbisibwe, (2013). In addition to that, the reluctance of traditional authorities give out more land to refugees is problematic as it threatens to jeopardize Uganda's self-reliance strategy that is internationally applauded as exemplary. This thesis nevertheless challenges any depiction of Uganda as exemplary or a refugee paradise (Vogelsang, 2017).

The influx of refugees in Uganda has also caused House Land and Property issues for some host community members, on top of pre-existing issues in most areas. Many host community members claimed that their community had not received any form of compensation for the land allocated for the refugee settlements. KIs relayed that there is a lack of transparency on where the host community funds go, and that the most affected host community members may have access to some services in the refugee settlements, but do not always see improvements within their own communities. There was also frequent mention of disputes when livestock

destroys crops. In some areas, host community members described longer-term House Land and Property issues, including poor construction standards, lack of land due to overpopulation, and boundary disputes because of previous displacement crises. In the Northwest, many host community members reported lacking documentation for their land (Hogenstijn, 2018).

The size of land allocated to refugees has decreased with time. The official land allocation used to be 50 x 50 metres per refugee for either purpose (residential or farming) (Vemuru et al, 2016: 44). But since the large influx of refugees from the DRC and from South Sudan in 2013, this was reduced to 20 x 30 metres for residential areas, and 50 x 50 metres for arable areas (Vemuru et al, 2016: 44). Size of land allocated also varies by settlement. In Arua in Northern Uganda, for example, prior to 2016 refugees were given agricultural land of about 50 x 50 metres and a homestead plot of 20 x 30 metres, while in Adjumani refugees got 30 x 30 metres for residential and 30 x 50 metres for agricultural use (UNDP, 2018: 4). Following a surge in refugee numbers in 2016, in general the practice of allocating separate residential and agricultural plots stopped. Overall, the average plot size after 2016 was 30 x 30 metres or 0.22 acres – though in some areas it was far less (UNDP, 2018: 4). Betts et al's study (2019: 18) comparing refugees in Uganda and Kenya found that plot sizes in Nakivale and other Southwestern settlements were supposed to be 15 x 20 metres for shelter (residence) and 50 x 50 metres for cultivation, but could end up being as little as 20 x 50 metres. In the 2016 World Bank assessment many residents reported not having received arable land but rather were allocated a residential plot (Vemuru et al, 2016). Ruaudel and Morrison-Metois (2017a: 22) echo this: 'The plots of land allocated are far too small to allow significant cultivation, and in some cases refugees' houses occupied their entire 30m by 30m plot'.

While in principle refugees can settle either in urban areas or in rural refugee settlements, in practice the Ugandan government has favored a policy of confinement of refugees to settlements (Ruaudel & Morrison-Metois, 2017a: 9). The location of the settlement has a big impact on use of land: settlements in remote rural regions which are relatively isolated from flourishing urban areas, make it hard for refugees to secure income from their land (Ruaudel & Morrison-Metois, 2017a: 11).

Refugees are not allowed to permanently acquire land. They can exclusively use their assigned plots, but they do not possess the power to own, sell, rent out or pledge the allocated land as collateral for credit from financial institutions (UNDP, 2018: 4). There is no fixed timeframe over which refugees can use the land, but their user rights are revoked upon relocation, resettlement elsewhere, or upon return to their countries of origin (UNDP, 2018: 4). Ruauadel and Morrison-Metois (2017a: 12) argue that there has been too much focus on supporting agriculture and a certain mismatch with the profile of the refugees, many of whom are pastoralists and young people with limited skill or interest in agriculture. They also point out that the approach is unsuitable for urban refugees. Other challenges to agricultural livelihoods are drought, pest and animal attacks on crops, crop and animal theft, and post-harvest losses due to poor handling techniques and storage facilities – forcing farmers to sell immediately after harvest and the lowest point in the price cycle (Vemuru et al, 2016: 34; Development Pathways, 2018: 18). The UNDP study of Northern Uganda also identified inadequate use of innovative modern technologies to make farming more sustainable, resilient and productive (UNDP, 2018: 8).

2.3.3 The effect of refugee Influx on the right to education

As highlighted by the United Nations High Commissioner for Refugees (UNHCR), the education of refugees is today in crisis. With millions of people who are currently refugees mainly hosted in low- and middle-income countries, the challenges ahead are significant. In view of Education 2030 – Sustainable Development Goal 4 and the large movements of refugees, UNESCO seeks to draw attention to the fact that, in order to guarantee the right to education to everyone, it is critical that all refugees enjoy equal access to an education of good quality.

The education system in Uganda is divided into primary, secondary and tertiary. Primary education is provided to refugees in settlements free of charge, consistent with Uganda's Universal Primary Education policy. The 2018 URHS found high enrolment rates in primary school among both refugees and host communities (65% and 68% respectively) (World Bank, 2019: 52). However, there are two issues facing refugees. The first is that the study curriculum, instruction language and materials present a challenge because of refugees coming from countries with very different education environments. This causes many refugee children to drop

out at lower primary level: the 2016 World Bank assessment found that only around 43% of all refugee children attended primary school, even though it was free (Vemuru et al, 2016: 33). Completion rates are similarly low: only 14% of young refugees aged 15-17 years completed primary education, compared to 34% of hosts (World Bank, 2019: 52).

The second challenge for refugee children is in accessing secondary education because of tuition and other fees that refugees cannot afford (Vemuru et al, 2016: 31). In a secondary school in Nakivale, one of the first established settlements, students from the refugee population pay a development fee of UGX 47,000, while those from the host population pay fees of UGX 79,000 (Vemuru et al, 2016: 32). UNHCR and other international agencies, together with the Ugandan government, fund primary education provision, but UNHCR can only support a small number of secondary students (Vemuru et al, 2016: 31). A much lower percentage of refugee children attend secondary compared to primary school: 9% of refugees between 21 and 23 years of age had completed secondary education, compared to 27% of hosts (World Bank, 2019: 52) An analysis of the reasons for non-enrolment among male and female school-aged children found that 85% of respondents could not afford school fees, particularly at secondary level, and about 7% attributed non-enrolment among girls to security concerns about the schools (Vemuru et al, 2016: 34). Prior to the integration of education services, separate schools had been set up for refugees and local residents, which were exclusively attended by each group with minimal interaction between them (Vemuru et al, 2016: 32). The integration of primary schooling and of students in classrooms has fostered amicable coexistence between refugee and local children (Vemuru et al, 2016: 33). Betts et al (2019: 5) found that being in Nakivale (Uganda) was associated with three years less education than being in Kakuma (Kenya) for refugees who arrived before the age of sixteen. The report notes that this could be due to the greater involvement of the international community in parallel (separate for hosts and refugees) service provision in Kenya compared with integrated national government provision in Kenya (Betts et al, 2019: 5)..

The right to education is a fundamental human right guaranteed by many international and regional treaties. As a result, the impression may arise that everyone, not only legal citizens but also all those lacking legal documents, can easily refer to any of these texts in order to enforce

access to education and every right attached to education (free admission, grants, access to special language courses, etc.). The legal truth is however more complex. In the words of the special report of the United Nations (UN) on the right to education of migrants, refugees and asylum seekers: “human rights law does not sufficiently address the question of binding obligations of States to take positive measures” and “it is largely unclear which distinctions between migrants and the citizens are admissible and which are not” (Hemelsoet, 2012: 165; UN Human Rights Council, 2010). Overall, the material effects of international human rights legislation on improving (irregular) migrants’ access to social rights in the European countries have remained limited: due to the lack of guarantees on effective incorporation in the municipal legal order and due to the lack of effective enforcement mechanisms, often they are not much more than a statement of normative intent (Laubenthal, 2011: 1359).

Human Rights Watch recently spoke with refugees in Jordan whose children are out of school. The reasons vary. Some cannot afford basic costs. Others faced administrative barriers when they tried to enroll. Still others lament the quality of instruction, as teachers are not trained to work with students dealing with trauma. And children with disabilities often find that schools do not accommodate their needs. Refugee children all over the world face these challenges, which are only compounded as they grow older.

A first factor to be taken into account, is the nature of the human right to education. Unlike the rights to freedom of speech, freedom of religion, etc. (usually called ‘liberties’ or ‘civil and political rights’ or more in general ‘the first generation of human rights’), the right to education can be categorized as a ‘social, economic and cultural right’, which requires positive action and funding from the States (compare Beiter, 2006: 47; Pas and Vandaele, 2015: 346 and following). Social, economic and cultural rights are also described as second generation human rights. Whereas first generation human rights are strongly individualistic and negatively constructed to protect the individual from State interference, second generation human rights are rights that are generally not directly owned by individual citizens, but merely constitute positive duties upon the government to (gradually) respect and fulfill them subject to availability of public resources. While both categories of human rights are theoretically indivisible and interdependent, the

application of the second-generation rights has always been enforced and monitored less strictly, as gradual implementation is tolerated.

Two additional reasons specifically threaten the justiciability of refugees' right to education. First, States tend to defend the principle that their obligation to respect, protect and fulfill (and certainly finance) these social, economic and cultural rights is limited to those individuals with whom the State maintains a clear legal relationship (Vandenhole et al., 2011: 617). Refugees are one of the most prominent groups that risk being excluded from full legal protection by States aiming to limit their obligations. Secondly, given the fact that gradual positive action is necessary from the States, treaties are usually less specific about the exact obligations resulting from social, economic or cultural rights, leaving it to a large extent to the discretion of the States to decide how to reach the envisaged result and whether or not distinctions can be made between individuals (Vandenhole et al., 2011: 620).

Moreover, insofar treaty provisions aim at specific groups (and certainly minority groups), definitions vary between treaties or are lacking entirely, impeding effective applicability and enforceability of those provisions (De Groof, 1996: 39–45; Henrard, 1996: 46–66). In legal terms, lack of precision in the drafting of international treaties can lead to the lack of 'direct effect' or 'self-executing force'. These terms can be understood as the legal mechanism which enables a domestic body (especially a court) to apply an international rule directly; this application can eventually render a rule of domestic law which is not in conformity with international law illegal (Council of Europe Venice Commission, 2014). Provisions usually lack direct effect if the obligations in those provisions are insufficiently precise, clear or unconditional, or call for additional measures (Pas and Vandaele, 2015: 333).

For example, where a treaty vaguely states that a State shall take all appropriate measures to ensure the gradual implementation of a social, economic or cultural right, a domestic court might refuse to apply the international human rights norm directly, instead only taking domestic legal norms into account when assessing the situation at hand. But even if direct effect is lacking, there might still be a 'standstill effect' on the State's municipal legal order. The standstill principle prohibits the State from taking measures that would imply a significant deterioration of the

protection of the right the State provided before entering into the treaty (Pas and Vandaele, 2015: 336). For example, national legislation allowing a sudden rise of enrolment fees for higher education without any justification on the basis of public interest, might constitute a violation of the standstill principle and open up an opportunity to demand annulment of that legislation, as the International Covenant on Economic, Social and Cultural Rights (ICESR), pursuant to its article 13 (c), introduces the principle of progressive introduction of free higher education (compare Beiter, 2006: 80–81).

Finally, it must be noted that direct effect and standstill effect do not in themselves mean that those provisions have priority over national law. In principle, this issue of hierarchy of human rights norms is resolved by each member State separately. Many national legal orders contain an explicit reference to international human rights treaties, making it clear that international human rights treaties shall prevail over domestic law, but not always over national constitutions (Council of Europe Venice Commission, 2014: 10–12; Pas and Vandaele, 2015: 332–333).

2.4 Gaps in Literature

The Refugees Act was tabled in the Ugandan parliament in 1998 and passed in 2006. It entered into force in 2008, and became operational by the passing of the Refugees Regulations in 2010. Buwa argues that developments in Uganda from the 1990s, including progress in political, economic, social and legal spheres, reinforced the government's resolve to measure up to international standards in refugee protection (Mulumba, 2009). The 2006 Act, therefore, was adopted to give effect to these treaties. This desire becomes apparent when considering the government's admittance of the repealed Control of Aliens and Refugees Act (CARA) as wholly inadequate in protecting refugees. The Refugee Act of 2006 provides a comprehensive legislative framework for the protection of the rights of urban refugees and other related matters (Art 8 Ugandan Refugees Act). Although it was expected that the Act would make more elaborate provisions to particularly fill most of the gaps in the Constitution relating to refugee protection, it failed for several reasons.

The literature simply assumes refugees to be burdens in resource-constrained areas and proposes that implementing RAD approaches can ensure that refugees transform from being a 'burden' to

a 'benefit'. However, a significant body of literature argues that the polarisation of the debate, regarding refugees in developing host countries and the need for burden-sharing, into 'burden' or 'benefit' fails to see the complexities of social change that refugees bring to an area. Kibreab notes that the assumption that refugees are a burden on host communities is not based on empirical data but abstract preconceptions (1991:59). I argue regarding the contention that refugees are a burden, "buried under such seemingly straightforward assertions are a myriad of theoretical assumptions, all of which must be tested for the case to stand" (1991:60). Indeed, a number of studies (Whitaker, 2002; Rutinwa, 2003; Landau, 2016) have shown that the impact on differing sectors of the host population and spheres of government, as well as differing elements of this impact – for example, on security, the environment or infrastructure – precludes any generalization regarding the 'burden' or 'benefit' of refugee-hosting on local communities and host states. In fact, in some spheres, refugee influx can create opportunities and broader social, political and economic development in the area. Contrary to popular readings of refugee situations, the potential for refugees to present a 'burden' is often due to host government restrictions on livelihood opportunities.

CHAPTER THREE

METHODOLOGY

3.0 Introduction

This section presented the methods and techniques to be used in this study. This section includes the following sub sections: research design, population of the study, sampling technique, presentation and analysis, projected constraints, quality control and conclusion.

3.1 Research Design

The study adopted a cross sectional study design-case study design. According Amin (2015), studies of this nature may be more productively undertaken because data can be collected from a cross section of a population in a short time from a large number of cases for purposes of drawing valid conclusions to represent the entire population of the study. In addition, a case study is an intensive and detailed study of a certain case and enlightens a general phenomenon or problem of the study to deeply understanding and/or explanation of one single specific and complex phenomenon (GoU, 2020). A case can be individuals, groups, movements, a specific event, geographical units (Brante & Korsnes, 2016; GoU, 2020). In this study, the case was Nakivale Settlement Camp with a focus on the refugee Influx and Human Rights violation in Uganda.

The researcher used mixed methods. The qualitative methods used included interviews guided by an interview schedule. The quantitative data collection methods used mainly closed ended questionnaire, which were filled in by the respondents. According to Amin (2015), both qualitative and a quantitative techniques used triangulated especially where the study involved investigating people's opinions. Combining the two types of data means you benefit from both the detailed, contextualized insights of qualitative data and the generalizable, externally valid insights of quantitative data. The strengths of one type of data often mitigate the weaknesses of the other

3.2 Population of the Study

The target population was selected with advice from Refugee protective officers and local leadership as being those families, refugees whose rights to education, health and property have greatly been impacted by refugee influx. These were 260 refugees.

3.3 Sample size

From a target population of 260 Refugees, the sample size was 158 refugees. For avoidance of reputation the respondents were got from refugees. The sample size was determined using the sloven’s formula; which states as follows:

$$n = \frac{N}{1+N(a)^2}$$

Where n is the sample size, N stands for population and a² is 0.05 level of significance.

$$n = \frac{260}{1 + 260 (0.05)^2}$$

$$n = \frac{260}{1 + 260 (0.0025)}$$

$$n = \frac{260}{1 + 0.65}$$

$$n = \frac{260}{1.65}$$

$$n = 158$$

The sample size was selected from the following categories. Table 1 shows the distribution of population and sample size. This study used simple random sampling for those the offices in charge of protection of refugees. Simple random sampling is good for in-depth analysis; it enabled high representation of the population, less bias, and simplifies data interpretation and analysis of results (Black, 1999). While purposive sampling was used for refugees who are mature in age because these are very well versed and knowledgeable about the study in Question.

Table for Questionnaire Response.

CATEGORY OF INFORMANTS	SAMPLE SIZE	SAMPLE METHODS
REGUGEE PROTECTIVE OFFICIALS	10	Purposive Sampling
NGOS	10	Purposive Sampling
POLICE OFFICIALS	6	Purposive Sampling
TOTAL	26	

Source: developed by researcher as Primary Data 2021

3.4 Sampling framework

Sampling technique was defined as a process of selecting a group of study subjects (participants or study respondents) from a larger population (David, 2004). The study employed a technique, known as a simple random sampling. Eligible participants representing each category were given equal chance to be selected.

As a result, the study achieved this by narrowing it down to a purposive sampling technique when selecting government officials, UNHCR officials, local authorities, because the study requires getting information from participants, dealing directly in daily affairs of the refugees. Thus, purposive technique refers to a systematic process of selecting a sample size or study participants based on their knowledge and experience of the group to be sampled (Brien, 2010).

3.5 Data Collection, Processing and Analysis

3.5.1 Data Collection Methods

Data collection was done using questionnaires, interviews; focus group discussion and document methods.

An interview schedule was used to guide interview schedule. The researcher had an interview guide and a note book to ask and record the interview session and also used a recorder and after that the data was thematically arranged and meaning made from it through descriptive methods that allows for quotations to be made. The method is more expensive than questionnaires, but they are better for more complex questions, low literacy or less co-operation. In addition, this method is good for probing and keeping the respondents in line with the questions for clarity and expansions, and was used to collect data from mainly key informants on refugee influx and effects of human rights. Questions in the interview schedule were designed, open-ended to allow the respondent uninterrupted response. The interview schedule helped the researcher to avoid unnecessary and irrelevant details and to allow logical flow, as response is being obtained.

These were designed objective by objective (Mugenda & Mugenda, 1999) for 100 respondents. The questionnaires was used to collect data on because it is practical; allows large amounts of information can be collected from a large number of people in a short period of time and in a relatively cost effective way, can be carried out by the researcher, the results of the questionnaires can usually be quickly and easily quantified by either a researcher or through the

use of a software package (Sekaran, 2003). Questionnaires helped gather information on knowledge, attitudes, opinions, behaviors, facts, and other information. The research instrument included the Self-Administered Questionnaire (SAQs). SAQs were used because they are the most suitable in a survey that involves a large number of respondents (Amin, 2015). In addition, (SAQs) were very suitable for the target respondents given their high levels of English literacy. Finally, SAQs consume less time and money compared to other methods (Alston & Bowels, 1998)

Interviews were mainly used to get information from key informants. Interviews are good for probing clarity, and more detailed explanations by the respondent and they keep them focused to the study topic. In addition, the interview was used in order to collect additional data that might have been left out by the questionnaires especially closed-ended ones (Amin, 2015),

Documentary Review Guide, the documentary review method was used for ascertaining trends, gaps and the way forward. Some of the documents reviewed included government, non-government documents and reports, dissertations, library books, the Internet, newspapers and magazines as was presented in the literature review.

3.5 Validity and Reliability

3.5.1 Validity

Validity is the ability of the research instrument to measure what it aims or is supposed to measure. According to Amin (2015), the research instrument must be appropriate for the study objectives to be achieved. The researcher consulted and discuss validity instrument with colleagues and supervisor to limit errors as much as possible (these should be judges who are experts in the field). The colleagues with the expertise were given questions so that they could rate each question on a five-point rating scale which indicates strongly agree (1), agree (2), indifferent (3), disagree (4), and strongly disagree (5). The formula is;

$$\text{CVI} = \frac{\text{Number of Questions Declared Valid in the Questionnaires}}{\text{Total Numbers of Questions}}$$

Where CVI is Coefficient Variable Indicators

Therefore, the CVI will be calculated as follows;

Number of valid questionnaires = 20

Total number of questionnaires = 23

$$\text{Therefore CVI} = \frac{20}{23} = 0.88$$

Therefore CVI = 0.86

Out of the total number of items of the questionnaire, the questions that were considered very relevant and quite relevant were rated. The content validity index for the questionnaire indicated 0.7 to confirm them valid since it is above 0.7 (Amin, 2015). This meant the items of the instrument were proved valid. The researcher finally incorporated the comments while drafting the final copy.

3.5.2 Reliability

Reliability of an instrument is the dependability or the trustworthiness of an instrument. According to Amin (2015), it is the degree to which the instrument consistently measures what it is supposed to measure. This method will pick on a single pre-test group and show the degree to which the items in the questionnaire are inter-correlated. That is, a respondent who would have completed the questionnaire was politely asked to complete another fresh questionnaire (retest) after two weeks to prove the answers earlier filled for consistence or how close they relate (Amin (2015). Internal consistence of the items in the questionnaire was established using Cornbach's formulae to computer the alpha co-efficiency of reliability.

To get the reliability, the data was entered in the computer and analyzed using the Statistical Package for Social Sciences (SPSS), which was useful for providing a Cronbach Co-efficient Alpha test for testing reliability. After approval, 100 copies will be given to the respondents to ensure completeness, consistency and coding of data systematically in its entirety on the same day to allow contact of respondents for further information or clarification if needed (Mugenda & Mugenda, 1999). The Formula states;

$$\alpha = \frac{K-1}{K} \left[\frac{1 - \sum \sigma^2}{\sigma^2} \right]$$

σ = Variable of the total test

$\sum \sigma K$ = Sum of variance of the questions in the instrument]

K=No. of questions in research instrument

3.6 Data Collection Procedures

The researcher discussed with the supervisor and sought approval on validity and reliability of the instruments. Then an introductory letter was obtained from the Directorate of higher degrees and research for the researcher to present in the field in Nakivale settlement camp so as to create rapport with the respondents. The procedure helped to improve the usefulness, timeliness, accuracy, comparability and collection of high quality for better analysis and reporting.

3.7 Data Analysis

This is the process of bringing understanding and meaning to data collected for validity and reliability (Sekaran, 2003). Data collected from the field was first of all be sorted, edited, coded and entered into in the computer using SPSS. This package was useful to the researcher to present data using tables, graphics and frequency tables and further helped the researcher generate descriptive statistics such as means and standard deviations.

Qualitative data was analyzed and presented in form of texts and interviews, impressions, words, photos; symbols were examined and presented using descriptive or narrative method where the researcher presented detailed literature description of the respondents' views for the reader to make their opinions (Bell, 1993). While quantitative data was presented using a percentage distribution technique (Creswell, 1993). Closed-ended questions were recorded and then the answers to each question were checked for every questionnaire for used for calculating the percentage of participants who gave each response. For saving time and cost, they were analyzed by generating quotations, single words and making brief phases. For individual interviews, these were used to produce data in the form of notes, a summary of individual interviews. The researcher wrote each question at the top of a separate blank page or the coded sheet to make it easy for respondents to answer using their own words to save time and money (Bell, 1993).

3.8 Ethical Considerations

The major ethical problems to be considered in this research study include infringement on the privacy and confidentiality of the respondents, informed consent, avoiding duplication of other studies, honesty and dissemination of the report findings to respondents. The study did not in any way use force to gather data. The different respondents had the opportunity to respond freely with no salient intimidation or force or promise of reward.

All participants were required to consent before their response is obtained. Voices of respondents on key issues were captured and used in final analysis only with permission of the respondents. The study also followed national and university guidelines and policies for academic research. As such, a letter of introduction from the Department of public administration, School of postgraduate studies of Kampala international university was obtained through the graduate research coordinator and delivered to all intended respondents and authorities.

As a control measure also, only persons aged 18 years and above were interviewed. This was because in Uganda, only this group are taken to be mature and of sound mind. Responses from any minors that may occur were obtained on supervision of an adult; say a relative or public or community authority taking charge of such a minor(s).

Thirdly, only authentic reports, articles and books were utilized. Any direct use of phrases, words or concepts of another author were appreciated through proper quotation procedures as per KIU, Uganda National Council for Higher Education (UNCHE) and the Uganda National Council for Science and Technology (UNCCT) research guideline. Adherence to research principles and policies were necessary to ensure objectivity, originality and scientific theorization; while also avoiding victimization, plagiarism or “zerxing” and unauthorized use of respondents’ direct voices.

3.9 Anticipated Limitations of the study

The study anticipates encountering the following challenges:

- i. Uncooperative participants to help the researcher in providing the necessary information about the topic under investigation.

- ii. Confidentiality: The researcher was likely to experience a problem of confidentiality from respondents who might fear answering the question in fear of exposing their privacy.
- iii. Busy schedule: The researcher was likely to face a problem of time constraint in data collection, analyzing of data and in final presentation of the report.
- iv. Limited budget: the funds may not be enough to facilitate the data collection, analysis and report writing process.
- v. Transportation and accommodation: transport and accommodation may be high at the time of this study.
- vi. Inadequate sources of data: the library maybe not equipped, especially with the necessary information about the topic under investigation.
- vii. Poor internet: Uganda's poor connection network may be an obstacle to data processing in the country.

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND INTERPRETATION

4.1 Introduction

This chapter presented the background information of respondents including Gender, Marital Status, Age bracket (years), Highest level of Education attained (or their equivalent) and When did the respondents start working officially in this Refugee Camp. Further, the chapter reports on quantitative and qualitative data in relation to the stated objectives of the study.

4.2 Respondents' Background Information

This section involved the description of the background information of the respondents because it gave a clear view of the respondents' ability to give adequate and accurate information on how refugee influx relates to Human Rights Violation in Uganda in Nakivale Settlement Camp.

4.2.1 Gender of respondents

The respondents were asked to give their gender. This enabled the researcher to have a proportionate representation of both the females and males.

Gender	Frequency	Percentage
Male	58	36.7
Female	100	63.3
Total	158	100

Source: Primary data 2022

Table 1: Showing gender of respondents

The table above shows that the majority of the respondents represented by 100(63.3%) were female and the males followed with 58(36.7%). This implies that the study was gender sensitive and collected views from both males and females since both sexes have adequate information on refugee influx relates to Human Rights Violation in Uganda in Nakivale Settlement Camp.

4.2.2 Marital Status of the respondent

The respondents were asked to indicate their marital status. This enabled the researcher to understand the variety of sexes of the respondents and in-depth information of how refugee

influx relates to Human Rights Violation in Uganda in Nakivale Settlement Camp as seen in the table below;

Table 2: Showing the position of the respondent

Position	Frequency	Percentage
Single	18	11.4
Married	30	19.6
Widow(er)	85	53.8
Divorced	25	15.2
Total	158	100

Source: Primary data 2022

According to the table above, the findings revealed that most respondents were widows(er) with 85(53.8%) followed by those who were married with 30(19.6%) then Divorced with 25(15.2%) and lastly Single with 18(11.4%). This implies that the majority of the respondents were well versed with refugee influx relates to Human Rights Violation in Uganda in Nakivale Settlement Camp were asked statements using both questionnaires and interviews to test their perception and in-depth interpretation on the study variables. This means that the study identified the rights people as respondents given the study variables.

4.2.2 Age bracket (years)of the respondent

The respondents were asked to indicate their age bracket. This enabled the researcher to understand the variety of ages of the respondents and in-depth information of how refugee influx relates to Human Rights Violation in Uganda in Nakivale Settlement Camp as seen in the table below;

Table 3: Showing the position of the respondent

Position	Frequency	Percentage
18-26	18	11.4
27-35	30	19.6
36-44	80	50.6
45- 55	25	15.2
56 and above	5	3.2
Total	158	100

a) Source: Primary data 2022

According to the table above, the findings revealed that most respondents were in the age bracket of 36 - 44 with 8(50.6%) followed by those in the age bracket of 27 - 35 with 30(19.6%) then 45 - 55 with 25(15.2%), 18 - 26 with 18(11.4%). and lastly 56 and above with 5(3.2%). This implies that the majority of the respondents were mature and well versed with how refugee influx relates to Human Rights Violation in Uganda in Nakivale Settlement. This means that the study identified the rights people as respondents given the study variables.

4.2.2 Highest level of Education attained (or their equivalent) of the respondent

The respondents were asked to indicate their age bracket. This enabled the researcher to understand the variety of ages of the respondents and in-depth information of how refugee influx relates to Human Rights Violation in Uganda in Nakivale Settlement Camp as seen in the table below;

Table 4: Showing the Highest level of Education attained (or their equivalent) of the respondent

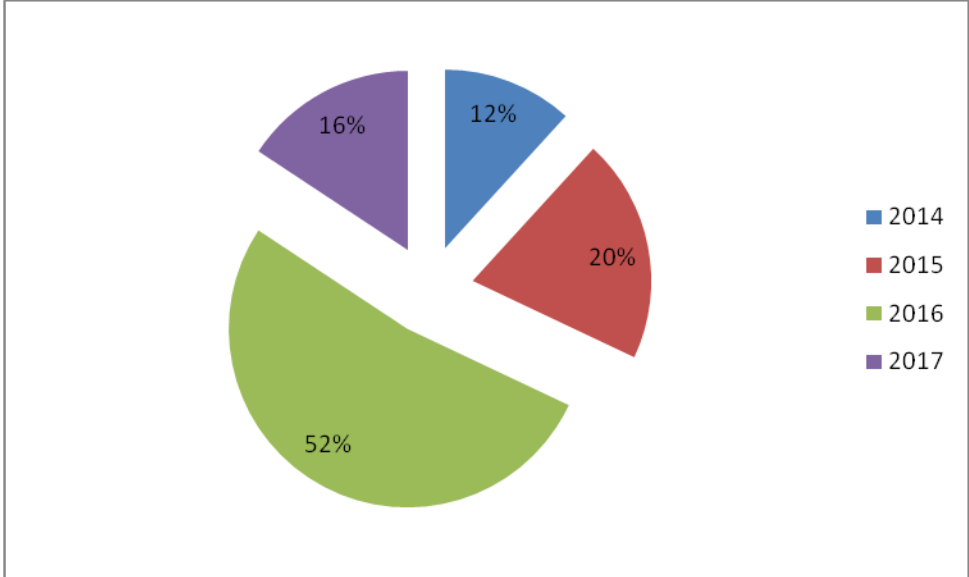
Position	Frequency	Percentage
PLE	18	11.4
UCE	15	9.5
UAC E	75	47.5
Certificate	25	15.2
Diploma	5	3.2
Degree	15	9.5
PhD	-	-
Post Graduate or Masters	5	3.2
Total	158	100

Source: Primary data 2022

According to the table above, the findings revealed that most respondents had a UACE certificate with 75(47.5%) followed by those who held certificates with 25(15.2%) then PLE certificate with 18(11.4%), UCE and Degree with 15(9.5%). and lastly Diploma and Post graduate or masters with 5(3.2%). This implies that the majority of the respondents were educated and well versed with how refugee influx relates to Human Rights Violation in Uganda in Nakivale Settlement. This means that the study identified the rights people as respondents given the study variables.

4.2.3 When did you start working officially in this Refugee Camp

Pie-Chart 1: Showing duration of service of Respondents



Source: Primary data2022

The findings in the pie-chart 1 above revealed that most respondents represented by (52%) had started working in 2016 and these were followed by those who had started working in 2015 with 20%. Respondents who had started working in 2017 constituted 16% while those has started working in 2014 contributed to only 12% of the total responses. This implies that all the respondents had worked at least for above 1 year which is adequate time for respondents to have gotten acquitted with refugee influx relates to Human Rights Violation in Uganda in Nakivale Settlement. This means data was collect from only respondents who mattered in the study.

4.3 The effect of refugee Influx on right to health

On a scale of 1-5 representing various choices as seen in the table below; use it to tick on the appropriate box depending on how you agree with the following sentences.

Table 5: Showing the effect of refugee Influx on right to health

	Min	Max	Mean	Std. Deviation	Verbal interpretation
Refugee influx has greatly affected the health care system	1	5	3.87	1.196	positive effect
Refugee influx has affected the maternal health in Nakivale settlement camp	1	5	2.15	1.406	negative effect
The refugee influx has affected the provision of Hospital beds due to the large numbers of refugees	1	5	3.51	1.467	Positive effect
Refugee influx has led to improved provision of medicine	1	5	2.56	1.501	Negative effect
Refugee influx has led to construction of new hospitals and health facilities	1	5	3.90	1.209	positive effect

N= 158

Source: Primary Data 2022

Table 4 above reveals that respondents found the following aspects as having a limited positive effect on right to health in Nakivale Refugee settlement and included: Refugee influx has greatly affected the health care system (Mean= 3.87), The refugee influx has affected the provision of Hospital beds due to the large numbers of refugees (mean = 3.51), Refugee influx has led to construction of new hospitals and health facilities (Mean = 3.90). this implies that the onus of responsibility rests with host country to respond to the health needs of migrants and refugees arriving in their own countries and to support those trying to meet the health needs of migrants and refugees in camps or transit locations on the way to their destinations. To date, it appears that solidarity from the international community is lagging far behind the commitments made in Uganda—for example, in the insufficient responses so far made to assist Uganda in managing the arrival of nearly one million refugees from South Sudan.

This study was in line with those of Campbell and Cochrane (2019), where Good quality evidence on the nature of health issues and the effectiveness of treatment approaches is essential

for policy and practice, as illustrated by the work of the migrant health subgroup of the Campbell and Cochrane Equity Methods Group [2019], which focuses on evidence-based migrant health, guidelines and migrant equity. However, as highlighted throughout this paper, there are many gaps in the present state of knowledge about the health of refugees and migrants and how best to attune health services to meet their needs. Other papers and articles address priorities for research on the health of forced migrants and point to the need for research in different settings such as refugee camps and arriving groups.

Studying the health of migrants and refugees poses particular challenges due to the mobility of these groups and additional complications including cultural, educational and linguistic diversity as well as legal status. These factors may serve to limit the usefulness of both traditional survey sampling methods and routine public health surveillance systems.

The respondents further noted that: Refugee influx has affected the maternal health in Nakivale settlement camp (mean = 2.15) and Refugee influx has led to improved provision of medicine (Mean = 2.56) having a negative effect on human rights violation. This implies that the large increase in displaced persons, migrants and refugees seen in 2014–2016 brought a new urgency to global efforts to achieve equity in access to health services. At the 69th World Health Assembly (WHA) in May 2016, Member States overwhelmingly supported the vision of a future where ‘all people have equal access to quality health services that are co-produced in a way that meets their life course needs, are coordinated across the continuum of care, and are comprehensive, safe, effective, timely, efficient and acceptable’. Implementation of this vision needs to address and include the health needs of migrants. WHO emphasizes that the access of refugees and migrants to quality, essential health services is of paramount importance to rights-based health systems, to global health security and to public efforts aimed at reducing health inequities. It notes, however, that access to health services is affected by poverty, stigma, discrimination, social exclusion, language and cultural differences, separation from family and socio-cultural norms, financial and administrative hurdles and lack of legal status.

These findings were in line with those of Khan et al [2018] proposed three important contributions that the global health community can make, with a particular focus on the refugee crisis in Europe. First, policy decisions should be based on sound evidence regarding health risks

and burdens to health systems, rather than prejudice or unfounded fears. Second, for incoming refugees, the focus must be on building inclusive, cost-effective health services to promote collective health security. Third, alongside protracted conflicts, widening health and socioeconomic inequalities between high-income and lower-income countries should be acknowledged as major drivers for the global refugee crisis and fully considered in planning long-term solutions.

In response to the interview, in an interview with the chair person of Nakivale refugee settlement he said *“Faced with the magnitude of challenges presented by the large numbers of migrants and refugees globally and the range of health problems that need to be addressed, there is a compelling case for making the best possible use of IT, both to manage health provision and as a tool for generating aggregate data and for exploring research questions.”*

One of the planners of the refugees had this to say:

“Strategy and Action Plan for Refugee Health, the scope of such an agenda should be designed to respond to the health needs associated with the migration process, namely, the need to ensure the availability, accessibility, acceptability, affordability and quality of essential services in transit and host environments, including health and social services, together with basic services such as water and sanitation, as well as addressing vulnerability to health risks, exposure to potential hazards and stress and increased susceptibility to poverty and social exclusion, abuse and violence and stigmatization”.

4.3.1 The effect of refugee Influx on right to health in Nakivale Refugee settlement

The researcher assessed the effect of refugee influx on right to health. A null hypothesis was established: “refugee influx has a significant effect on right to health in Nakivale Refugee settlement.” To test the hypothesis, the researcher used the response of strongly agree, agree, either agree or disagree, disagree and strongly disagree as 5 to 1. The researcher then generated indices to obtain the mean response and standard deviation to show the level of agreement.

Table 6: Showing the effect of refugee Influx and right to health

		Refugee Influx	Right to health
Refugee Influx	Pearson Correlation	1	0.76
	Sig. (2-tailed)		0.04
Right to health	Pearson Correlation	0.76	1
	Sig. (2-tailed)	0.04	

Source: Primary Data 2022

The findings from table 5 above revealed that refugee influx has a significant effect on the right to health since the p-value 0.04 was less than the significance level (0.05) and the correlation coefficient was notably high (0.76) rendering the effect between refugee influx structure and right to health to be a strong one.

4.3.2 Regression of refugee influx on Right to health

Table 7: Regression of refugee influx on Right to health

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Change Statistics				
					R Square Change	F Change	df1	df2	Sig. F Change
1	0.760a	0.635	0.53	0.4499	0.735	1.541	1	2	0.04

Source: Primary Data 2022

When the factors affecting refugee influx were regressed on factors affecting right to health, the factors affecting refugee influx explain 63.5% of the factors affecting right to health. The correlation coefficient is also strong (0.76) since it is above 0.05. Therefore, refugee influx has a significant effect on right to health in Nakivale Refugee settlement.

4.4 The influence of the Refugee influx on right to property

This was set to determine the influence of the refugee influx on the right to property of refugees in Nakivale refugee settlement for which the researcher intended to find out how satisfactorily refugee influx and the degree at which it stands when compared to right to property. In this study, all the aspects were measured using 6 qualitative questions in which respondents were required to indicate the extent to which they agree or disagree with each statement by indicating the number that best describe their perceptions. All the 6 items on the influence of refugee influx on the right to property were likert scaled using four points ranging between 1= Strongly

Disagree, 2= Disagree, 3= Agree and 4= Strongly Agree. Their responses were analyzed and described using Means as summarized in table 4.3 below.

Table 8: Showing The influence of the Refugee influx on right to property

	Min	Max	Mean	Std. Deviation	Verbal interpretation
Refugee Influx has affected the grazing of cows	1	5	3.55	1.192	positive influence
Refugee Influx has caused stealing of animals such as cows	1	5	4.97	1.088	Positive influence
Refugee Influx has affected the communal land	1	5	4.08	1.01	positive influence
Refugee Influx has greatly affected the land tenure system	1	5	3.85	1.496	Positive influence
Refugee Influx has affected the agricultural land	1	5	3.56	1.483	Positive influence
Refugee influx has brought about stealing of crops.	1	5	2.28	1.297	negative influence

Source: Primary Data 2022

The means in table 4.3 indicate that the influence of refugee influx on right to property in Nakivale refugee settlement was rated at different levels. Out of the items, five were rated with positive influence meaning that respondents agreed with the statement. The remaining one item was rated negative influence meaning that the respondents disagreed to the statement with.

The items with positive influence included Refugee Influx have caused stealing of animals such as cows (Mean = 4.97), Refugee Influx has affected the communal land (Mean = 4.08), Refugee Influx has greatly affected the land tenure system (Mean = 3.85), Refugee Influx has affected the agricultural land (Mean = 3.56) and Refugee Influx has affected the grazing of cows (mean = 3.55). this implies that the majority of respondents agreed that refugee influx influences the right to property of refugees in Nakivale refugee settlement in Uganda.

This was supported by the responses with an interview with the chair person of the Refugee camp who said that:

“A unique feature of Uganda’s refugee support policy is that many refugees are provided with land to farm. We find that refugees farm this land intensively; output per unit land is significantly higher for refugees than for host-country farmers around the two settlements. This does not mean that refugees are more efficient than host-country farmers (we find evidence that

the opposite is true). However, refugees devote considerably more labor to their plots than host-country farms do, and this results in larger harvests”.

Another personnel in charge responded that:

Providing refugees with land significantly increases refugees’ impacts on local incomes. The income spillover (net of WFP aid cost) from an additional refugee receiving cash and land in Nakivale is UGX 3 million (\$876)—higher than the spillover without land (UGX 2.3 million, or \$671). In Hoima, the spillover from a refugee receiving cash and land is UGX 2.3 million (\$655), compared with UGX 1.9 million (\$563) without land. Access to land also increases the local income spillovers created by refugees receiving food aid (to UGX 2.1 million, or \$603, in Nakivale and UGX 1.5 million, or \$427, in Hoima”.

The items which negatively influence right to property included Refugee influx has brought about stealing of crops (Mean = 2.28). this implies that Refugee farmers, like host-country farms, create income spillovers when they hire labor from other refugees and purchase inputs from local businesses. They also contribute to the local food supply and potentially influence food prices. Most of the food that refugees produce is consumed within the refugee or else sold to other refugees.

A unique feature of Uganda’s refugee support policy is that many refugees are provided with land to farm. We find that refugees farm this land intensively; output per unit land is significantly higher for refugees than for host-country farmers around the two settlements. This does not mean that refugees are more efficient than host-country farmers (we find evidence that the opposite is true). However, refugees devote considerably more labor to their plots than host-country farms do, and this results in larger harvests.

These findings were in support with the findings from the interviews from the chair person of the settlement who said that:

“Given a piece of land to cultivate, an additional refugee receiving cash in Nakivale creates almost as much income in the local economy as its counterpart in Isingiro. By calculating the difference in local income impacts with and without land access, we can get an idea of the local

value created by giving land to refugees. The marginal benefit from providing land to a refugee, taking into account that not all refugees actively farm the land they receive, ranges from UGX 318 thousand (\$92) to UGX 707 thousand (\$205) annually. The highest marginal gains are for refugees who receive aid in cash at Nakivale settlement, while the lowest are for cash refugees in Isingiro. The marginal gains are higher in Nakivale than Isingiro, and they are higher for cash than food at Nakivale settlement, where agricultural potential is relatively high”.

He went ahead to say that:

“The earliest arrival cohort of refugees (2012 or earlier) that do not currently own or cultivate land have a per capita income level comparable to those who do have land. However, more recent arrivals with land have a higher income level on average. In terms of earned income, however, the gap between landed and landless refugees is wider. There is a clear pattern of earlier arrivals having a higher income, in both total and earned per capita income.

Although almost all refugees in Uganda receive some land, agricultural land can be transferred to neighbors, usually through informal implicit arrangements (income from renting land to others is part of transfer income). Thus, the comparison of landed and landless refugees is prone to selection problems, as those without any land to cultivate are likely refugees who find no value in farming and instead opt to let out their land in order to pursue other income generating activities”.

4.4.1 The influence of the Refugee influx on right to property

The researcher set out to explore the influence of the Refugee influx on right to property. To verify this, a null hypothesis was derived; “refugee influx has no significant influence on right to property in Nakivale refugee settlement. The table below shows the correlation between refugee influx and right to property in Nakivale refugee settlement.

Table 9: The influence of the Refugee influx on right to property

		Right to property	Refugee influx
Right to property	Pearson Correlation	1	0.189
	Sig. (2-tailed)		0.311
Refugee influx	Pearson Correlation	0.189	1
	Sig. (2-tailed)	0.311	

Source: Primary Data 2022

Apparently, refugee influx has no influence on right to property in Nakivale refugee settlement since the p-value (0.311) is greater than the significance level and the correlation coefficient (0.189) is weak. Therefore, refugee influx has weak insignificant influence on right to property in Nakivale Refugee settlement. There are other significant factors that affect right to property that should be examined.

4.5 The effect of refugee influx on right to education

This was set to determine the effect of the refugee influx on the right to education of refugees in Nakivale refugee settlement for which the researcher intended to find out how satisfactorily refugee influx and the degree at which it stands when compared to right to education. In this study, all the aspects were measured using 7 qualitative questions in which respondents were required to indicate the extent to which they agree or disagree with each statement by indicating the number that best describe their perceptions. All the 7 items on the influence of refugee influx on the right to education were likert scaled using four points ranging between 1= Strongly Disagree, 2= Disagree, 3= Agree and 4= Strongly Agree. Their responses were analyzed and described using Means as summarized in table 4.3 below.

Table 10: Showing the effect of refugee influx on right to education

	Min	Max	Mean	Std. Deviation	Verbal interpretation
Provision of pre-primary education has greatly improved due to refugee Influx	1	5	3.72	1.413	positive effect
Provision of Primary education has improved due to refugee influx	1	5	4.10	1.071	positive effect
Refugee Influx has led to provision of Secondary education	1	5	4.15	1.014	positive effect
Refugee Influx has greatly led to Post secondary education	1	5	3.13	1.301	Negative effect
Refugee Influx has led to development of technical education	1	5	2.59	1.428	negative effect
Refugee Influx has greatly improved Adult Education	1	5	4.28	0.887	positive effect
Refugee Influx has greatly led to improvement of performance of education sector.	1	5	4.44	0.598	positive effect

Source: Primary Data 2022

According to table 7 the respondents rated the following activities as having a positive effect at all on refugee influx and right to education and include: Refugee Influx has greatly led to improvement of performance of education sector (mean = 4.44), Refugee Influx has greatly improved Adult Education (mean = 4.28), Refugee Influx has led to provision of Secondary education (mean = 4.15), Provision of Primary education has improved due to refugee influx (mean = 4.10) and Provision of pre-primary education has greatly improved due to refugee Influx (mean = 3.72). the findings implied that, as an empowering right and a public good, education is the primary way by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their societies. 6 All individuals, refugees, 7 migrants and forcibly displaced people have the right to education, which is considered to be an indispensable means for the full realization of other human rights. Indeed, education gives refugees the intellectual tools to shape the future of their own countries or to contribute meaningfully to the countries that offer them shelter, protection and a vision for the future.

This was in line with the findings from the interview with the chairperson of the settlement who said that:

“Education has a crucial role in fostering peaceful, just and inclusive societies, free from fear and violence. In fact, it enables people to engage in an efficient, inclusive and peaceful way into political processes and civic structures. It also leads to a greater participation of women in politics and helps people to access justice and legal protection. 11 By increasing self-reliance and personal capacities, education can increase tolerance and can contribute to active citizenship. It has been recognized as an important “tool to help prevent terrorism and violent extremism, as well as racial and religious intolerance, genocide, war crimes, and crimes against humanity worldwide” and a way “to ensure stability and sustainable peace, human rights, social justice, diversity, gender equality and environmental sustainability, as well as to empower learners to be responsible citizens within their communities, countries and globally”.

Another respondent the principle of the settlement said that;

“Education opportunities at all levels, including secondary and beyond, should be expanded and be available to all refugee children. Without access to secondary education, refugee children and adolescents are vulnerable to child labour, exploitation and negative coping behaviours, such as drugs and petty crime, associated with idle time and hopelessness. Girls’ education can also protect them from early marriage and/or pregnancy and the risks of sexual exploitation”.

The table revealed that there also other items that had a negative effect which included; Refugee Influx has greatly led to Post secondary education (mean = 3.13) and Refugee Influx has led to development of technical education (mean = 2.59), this implies that Refugees often see the education of their children as a principal way of ensuring a better future. The literature on education of refugees is nevertheless limited in its scope, focusing primarily on education in emergency situations within the confines of camp or settlement structures.

In an interview with the chair person of the settlement he said that:

“The denial to citizens of their basic human rights is what creates refugees in the first place. The United Nations High Commissioner for Refugees (UNHCR) and host governments are jointly tasked with the international mandate to restore people to dignity by ensuring the provision of the basic human rights that have been denied to them in their home countries. The first priorities are, in all cases, shelter, food, and personal safety. These elements of aid to refugees are

emergency services. As the situations that create refugees continue to exist, however, durable solutions are needed”.

4.5.1 The effect of Refugee influx on Right to Education in Nakivale Refugee Settlement.

The researcher studied the effect of Refugee influx on Right to Education in Nakivale Refugee Settlement. A null hypothesis: “Refugee influx has no significant effect on Right to Education” was developed.

Table 10: The effect of Refugee influx on Right to Education in Nakivale Refugee Settlement

		Refugee Influx	Right to Education
Refugee Influx	Pearson Correlation	1	0.864
	Sig. (2-tailed)		0.036
Right to Education	Pearson Correlation	0.864	1
	Sig. (2-tailed)	0.036	

Source: Primary Data 2022

Table 10. above revealed that refugee influx has significant effect on Right to Education in Nakivale Refugee Settlement since the p-value (0.036) is less than the level of significance. The correlation coefficient is strong (0.864) which showed that refugee influx has strong effect on right to education in Nakivale Refugee settlement. In order to determine the magnitude of the effect, regression analysis was conducted.

4.5.2 Regression of Refugee influx on right to education in Nakivale Refugee Settlement.

Table 12: Regression of refugee influx on right to education in Nakivale Refugee Settlement

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Change Statistics				
					R Square Change	F Change	df1	df2	Sig. F Change
1	0.864	0.747	0.621	0.49839	0.747	5.912	1	2	0.136

Source: Primary Data 2022

According to table 11 above, the factors affecting refugee influx were regressed on factors under right to education in Nakivale Refugee settlement. The findings revealed that factors studied under refugee influx explain 74.7% of the factors leading to right to education in Nakivale Refugee settlement. The correlation coefficient 0.864 is strong and showed that refugee influx has a significant strong effect on right to education in Nakivale Refugee settlement.

CHAPTER FIVE

SUMMARY, DISCUSSIONS, CONCLUSION AND RECOMMADATIONS

5.1 Introduction

This chapter discusses the findings from the field reported in chapter four. In addition, it composed of the summery of the key findings, discussions of the findings, conclusion and recommendations which are presented objective by objective and the limitations to the study and further areas of further.

5.2 Summary

5.2.1 The effect of Refugee Influx on the right to health

Results from chapter four revealed that refugee Influx has a significant effect on Right to health since the p-value 0.04 was less than the significance level (0.05) and the correlation coefficient was notably high (0.76) rendering the effect between refugee Influx and right to health to be a strong one. The findings revealed that factors studied under right to health explain 74.7% of the factors leading to right to health in Nakivale Refugee settlement camp. The correlation coefficient 0.864 is strong and showed that refugee influx has a significant strong effect on right to health of refugees in Nakivale Refugee settlement camp.

This is due to gaps that befell Nakivale Refugee Settlement Camp on the Refugee influx and Right to health identified gaps on political leadership is poor draftsmanship of the Refugee Act that has many error (Ngategize, 2000; Tukahirwa, 2011; Nyakana, n.d); the committee on refugee influx and Right to health has gaps including; poor transitional laws that fail implementation due to corruption, political interferences and inadequate resources and poor communication among others that have affected the right to health (Onibokun, 1999; Naidoo & Willis, 2000 Okot-Okumu & Nyenje, 2011); and Department of Refugee Protection is gapped by poor contractors with poor capacity to Manage the refuge influx in Nakivale Refugee Settlement Camp (MOI, 2013) and as also seen in the responses from the interviews and FGDs.

5.2.2 Refugee Influx and right to property

Data processed on this second objective revealed that Refugee Influx has significant effect on Right to property in Nakivale Refugee settlement camp since the p-value (0.036) is less than the level of significance. The correlation coefficient is strong (0.864) which showed that Refugee Influx has strong effect on Right to property in Nakivale Refugee settlement camp. In order to determine the magnitude of the effect, regression analysis was conducted and the findings further revealed that the factors studied under Refugee Influx explain 74.7% of the factors leading to Right to Property in Nakivale Refugee settlement camp.

The findings above could be as a result of the gaps on policy and legal framework on refugee management and right to property enhanced by the Refugee Act, 2006 The Uganda Citizenship and Immigration Control Act, 1999. Ugandan Constitution, 1995, has gaps identified as; unrealistic penalties, vague powers to refugees and the Act is outdated, lacks a participatory approach (Mugagga, 2006). In addition, the Uganda Citizenship and Immigration Control Act, 1999 has gaps including; policy gaps include many avenues on refugee influx in the country, poor law enforcement of laws, weak penalties, and lack of a deliberate policy and politics (UNHCR, 2004). Further, the Constitution of Uganda 1995 does not directly tackle or empower the refugee on the issue of right to property (Mugagga, 3006).

5.2.3 Refugee Influx and Right to Education

Apparently, Refugee Influx has no significant effect on right to Education in Nakivale Refugee settlement camp since the p-value (0.311) is greater than the significance level and the correlation coefficient (0.189) is weak. Therefore, refugee influx has weak insignificant effect on right to Education in Nakivale Refugee settlement camp. This suggest that other factors apart from the ones that were collected using a quantitative tool and scientifically run in SPSS had no effect or were so weak to explained.

This means that some other factors that were not examined that have high significant effects on Right to education and was not the way refugee have increased. These could be among others; issues to do with better motivation of refugees; skilled expertise; better use of the education

material; as were advanced by respondents in interviews and FGDs which are not matching with the quantitative data as seen in findings in chapter four and conclusion pages.

Contrary the current trends show that there are still insufficient incentives to improve the standard of refugees given the above findings because of all categories of refugee influx not only from nearby countries among others that were not considered as much in the study. But literature agrees that refugee Influx and Right to Education enhanced by inventory of existing educational facilities identified gaps as; poor comprehensive educational material use; schools are not planned, not enough teachers to teach the refugees; and access, lack of monitoring and evaluating of refugee influx (Water Aid, 2011). Education and Training in relation to Right to Education had gaps as; lack of continuous training programmes to empower refugees, the lack of proper education training and equipment, lack of funds, ignorance and poverty among others (UNDP, 2004). The need to be careful in the selection of the best method for efficiency and effectiveness of education access depends on the cost, population growth rates in Nakivale Refugee settlement camp are factor to consider given the findings above that are divergent from scholars and primary data.

5.3 Discussion

5.3.1 Refugee influx and Right to Health

As cited in chapter one in the conceptual framework Inadequate staffing and skills mix are limiting the ability of health facilities to provide integrated Minimum Health Care Package (MHCP), and to assure quality and continuity of health service delivery. Poor remuneration and large salary disparity between government health workers and NGO health workers in the same district health system results into low attraction and retention of critical cadres needed for the delivery of essential services in public facilities. The dual health systems for refugees and government presents a challenge to refugee-hosting districts to attract, retain and develop critical cadres, thus causing disruption to the local health system. For instance, the average staffing level in public facilities in Uganda is about 75% with remuneration levels below 40% compared to their counterparts working with NGOs in the health sector. The national health system is over-compensated, and the health facilities are unable to withstand shocks such as increased patient load due to the refugee influx. Conversely, in refugee settlements, lower-level health facilities

adapt to increased volumes of work by recruiting highly qualified cadres who start delivering services outside the established level of the health facilities.

The refugee health system has operated parallel to the host system with minimal interface between the two health systems. Refugee health services are provided by a variety of non-governmental organizations (NGOs) including international, regional and locally based NGOs under the coordination of the United Nations High Commissioner for Refugees (Government of Uganda 1999; Burnham et al. 2003). Refugee health services are better funded, better equipped and have more highly skilled personnel (Burnham et al. 2003). The accessibility to health services (both first-line and referral) is also better.

Although migration and forced displacement are increasing, there are a limited number of studies in the region; most of these were carried out in western countries, and none used clinical or social outcome measures for evaluating the impacts of defined practices. There is also relatively little information about the health status of, and health policies for, refugees and migrants, in particular irregular migrants. Moreover, the information available also often does not distinguish between documented and irregular migrants.

5.3.2 Refugee influx and Right to Property

It is thus important to have a policy that reflects the long-term and short-term rights of refugees over property. The policy should consider the existing land tenure system of the country. Host countries can capitalise on and develop these property rights by initiating them to contribute to the country's economy.

Further as cited in chapter two, Because of Uganda's liberal refugee policies, the migrants are not clamped down in barbed wire fences and abused, instead the country has reserved a warm welcome, a place to live, to cultivate and to work. At the time when many nations are banging the doors on refugees, Uganda is open to accepting more refugees. Besides, the Ugandan government ushers permanent resettlement plots to refugees and encourage them to engage agriculture and small businesses. (Tukahirwa, 2011).

This discussion is confirmed by the revealing that refugee influx has significant effect on the right to property in Nakivale Refugee settlement camp since the p-value (0.036) is less than the level of significance. The correlation coefficient is strong (0.864) which showed that refugee influx has strong effect on right to property in Nakivale Refugee settlement camp. To determine the effect, regression analysis was conducted and the findings further revealed that the factors studied under refugee influx explain 74.7% of the factors that explains right to property.

All the above information is in line with data collected in chapter four from both interviews and FGDs which agreed generally that while disruptive and innovative development efforts such as securing land and property rights for refugees are good and often saluted, the risk of failure is huge if there is no long-term plan. ILC member, Uganda Land Alliance (ULA) raised concerns about the long-run effects of the influx of refugees in the country. The International Land Coalition(ILC) is a global alliance of civil society and intergovernmental organizations working together to put people at the centre of land governance.

In Uganda however, Findings indicate that refugees in Uganda face issues with poor shelters, limited access to sufficient agricultural land, and ongoing disputes related to land and resources. Formal agreements and written documentation authorizing ownership or access to land are uncommon, raising fears of evictions and confiscation of crops. The lack of access to sufficient land limits agricultural subsistence and livelihoods, and in some cases instigates refugees to move as they seek fertile soil and other income opportunities. Refugees headed by women, and especially those headed by widows, face greater challenges, both in accessing HLP and in resolving HLP issues. Host community members face similar issues, which are sometimes exacerbated by the influx of refugees in certain areas.

Uganda's refugee regime is one of the most progressive in the world. Refugees have the right to work, establish a business, own property, have freedom of movement and have access to social services such as education and healthcare (Vemuru et al, 2016; UNHCR, 2019: 7).

5.3.3 Refugee Influx and Right to Education

Access to education is a fundamental human right helps in poverty reduction, economic growth, and improving the lives of children, families, and communities. Education is crucial since it enables “children and youth to thrive, not just survive (UNHCR, 2016), Refugees also have the need and the right to access education. Education is a basic human right, enshrined in the 1989 Convention on the Rights of the Child and the 1951 Refugee Convention. Education protects refugee children and youth from forced recruitment into armed groups, child labour, sexual exploitation and child marriage. Education also strengthens community resilience. Education empowers by giving refugees the knowledge and skills to live productive, fulfilling and independent lives. Education enlightens refugees, enabling them to learn about themselves and the world around them, while striving to rebuild their lives and communities as seen in chapter two.

Well as many scholars continued to debate about all individuals, refugees, 1 migrants and forcibly displaced people have the right to education, which is considered to be an indispensable means for the full realization of other human rights. Indeed, education gives refugees the intellectual tools to shape the future of their own countries or to contribute meaningfully to the countries that offer them shelter, protection and a vision for the future (UNESCO, 2017; UNHCR, 2016).

Education is a primacy for refugees because children under 18 comprise nearly half of the worldwide refugee population. And in the low- and middle-income countries that host millions of refugees such as Uganda, more than 60 per cent of refugees are under 18 years. Yet these are the very areas that struggle to provide enough schools for their own populations, let alone the sudden influx of tens of thousands of new arrivals. (UNHCR,2019b).

Others scholars also argued that Insufficient school capacity both in terms of resources and staff trained to work with refugee and migrant children, language barriers, psychosocial issues, as well as limited catch- up classes are among the most common challenges faced by refugee and migrant children in need of education. Lack of information on enrolment procedures and transportation to/ from remote asylum facilities can also present a barrier (UNHCR, 2019).

Further as also seen in chapter four, Refugees that need to access and benefit from educational systems face specific challenges that place them at an disadvantage in future especially income generation and securing significant employment. Also, its important to design measures in host countries, to help refugees overcome the recognized challenges that limit the utilization of education systems in host countries. In Nakivale Refugee Settlement in Uganda Barriers discovered were grouped into two different categories namely: logistical limitations of financial resources of both families and schools, and structural challenges related to community factors such as the under prioritization of girls' education and challenges at home (Schalit, 2018).

The right to education is important for every child, but for displaced children it can provide the knowledge and skills to rebuild their lives and chart a path to a more peaceful and prosperous future for themselves and their families.⁴ Education is the primary way by which displaced and marginalized migrants can lift themselves out of poverty and participate meaningfully in their societies. Providing the opportunity to learn and flourish through learning can empower refugee children and adults to lead fulfilling lives, and is the indispensable means for the full realization of other human rights. The education of refugees is crucial to the peaceful and sustainable development of the countries that have welcomed them, and to the future prosperity of their own countries. The inclusion of refugee children and youth in national systems can provide the necessary tools for the successful integration of individuals and communities and can foster mutual acceptance, tolerance and respect in situations of social upheaval. More globally, education for refugees can provide hope and long-term prospects for stability and sustainable peace for individuals, communities, countries and global society. Secondary and higher education, in particular, increase tolerance, lead to a lower enrolment in extremist movements and help to prevent terrorism, as well as racial and religious intolerance, genocide, war crimes and crimes against humanity. By including, creating and reinforcing different competencies, skills and perspectives through a more diverse student body, Higher Education produces reinforced knowledge and capacities for the development of recipient countries, their education systems and their higher education institutions.

5.4 Conclusion

5.4.1 Refugee influx and the right to health

The study concludes that there is a significant effect on PHSD since the p-value 0.04 was less than the significance level (0.05) and the correlation coefficient was notably high (0.76) rendering the effect between refugee Influx and public health service delivery to be a strong one. The findings revealed that factors studied under policy and legal framework explain 74.7% of the factors leading to public health service delivery in Nakivale Refugee settlement camp. The correlation coefficient 0.864 is strong and showed that policy and legal framework has a significant strong effect on public health service delivery in Nakivale Refugee settlement camp. However, the refugee influx was challenged by factors like; lack of coordination, lack of communication, poor formulation of policies, financial constraints, and corruption, mismanagement and fulfillment of personal interests.

5.4.2 Refugee Influx and the right to property

The study concludes that there was significant effect of refugee influx in Nakivale Refugee settlement camp since the p-value (0.036) is less than the level of significance. The correlation coefficient is strong (0.864) which showed that refugee Influx has strong effect on right to property in Nakivale Refugee settlement camp . To determine the effect, regression analysis was conducted and the findings further revealed that the factors studied under refugee influx explain 74.7% of the factors that explains right to property.

Some key challenges that face these legal instruments ranging from policy, economic and political gaps and challenges among others including; Per Regulation 65 of the Uganda Refugees Regulations 2010, refugees who reside in designated refugee settlements have free access to land for the construction of private residences (residential plots) and cultivation to improve their welfare/livelihoods. No refugee can sell lease or use settlement land as security or alienate such land allocated to them in any way

Studies have indicated that refugees are still faced with problems such as inadequate health provision, lack of housing, critical food shortage, unclear policies relating to their right to work,

detention because of lack of proper documentation, and a frequent perceived lack of personal security and safety (Dryden-Peterson and Hovil, 2003).

The influx of refugees in Uganda has also caused HLP issues for some host community members, on top of pre-existing issues in most areas. Many host community members claimed that their community had not received any form of compensation for the land allocated for the refugee settlements. KIs relayed that there is a lack of transparency on where the host community funds go, and that the most affected host community members may have access to some services in the refugee settlements, but do not always see improvements within their own communities. There was also frequent mention of disputes when livestock destroys crops. In some areas, host community members described longer-term HLP issues, including poor construction standards, lack of land due to overpopulation, and boundary disputes because of previous displacement crises. In the Nakivale refugee settlement camp, many host community members reported lacking documentation for their land.

Land policy – allocation of land is the cornerstone of Uganda’s strategy to promote self-reliance among refugees: cultivation of land is expected to meet the refugees’ food needs and generate income. Refugees use the land for cultivation and rearing animals, but face a number of problems: plot sizes have reduced as refugee numbers have increased, and current allocations are insufficient to meet food needs. Plot sizes vary by location but overall average size is 30 x 30 metres or 0.22 acres (UNDP, 2018: 4); soil quality can be poor: in general refugees tend to have less productive land than host communities; refugees are largely allocated land in settlements, which can be in remote rural locations, making income generation difficult; refugees only have user rights to land – they cannot sell it or use it as collateral for credit; not all refugees are farmers – and the policy is unsuitable for those in urban locations. One study concluded, ‘expectations that refugees can achieve agricultural subsistence do not match reality’ (Ruaudel & Morrison-Metois, 2017a: 22).

In Uganda, refugees cannot own land, as with all non-citizens. However, the Ugandan government allocates 50 square meters of land to each refugee family that arrives in Uganda to live and grow food.

However, the refugee influx to Uganda is contributing to a land crisis, according to the World Food Programme (WFP). There is a dwindling availability of land, increased pressure on water resources, environmental deterioration and overburdened educational systems. This strain on resources can cause increased tensions between refugee populations and their host communities.

5.3.3 Refugee influx and Right to Education

In conclusion, there was no significant effect on Right to Education in Nakivale Refugee settlement camp since the p-value (0.311) is greater than the significance level and the correlation coefficient (0.189) is weak. Therefore Refugee Influx has weak insignificant effect on Right to Education in Nakivale Refugee settlement camp . This suggest that other factors apart from the ones that were collected using a quantitative tool and scientifically run in SPSS had no effect or were so weak to explained as seen in chapter four.

Accessibility to education prepares refugee children and youth to be productive and participate in meaningful life. The study examines the factors that contribute refugee accessibility or hindrance to education in less developed countries such as Uganda. It will help in understanding the refugee experiences in terms of access, barriers and solutions to challenges.

However, the challenges and gaps are; Despite free-of-charge and universal primary education being one of the great achievements of President Museveni, education-related costs burden Ugandan refugee families. For instance, Ugandan Refugee parents are obliged to purchase school uniforms, scholastic materials and to either cover the costs of school meals or to provide their children with food. The proximity of schools is another issue related to transportation costs, especially in rural settings. Moreover, the number of free-of-charge schools is steadily decreasing along with their educational quality. Refugees in Nakivale Refugee Settlement camp desiring to educate their children have to turn away from governmental schools with class sizes of up to 150 students and have no other choice than to opt for a private and costly alternative. This disparity limits families of lower socioeconomic classes from accessing quality education.

Districts hosting refugees are faced by strikingly precarious situations. More than 500,000 children and youths in those districts have no access to education at all. Among Ugandan children, roughly a third do not attend school. The percentage is even higher among refugee

children. Data has been collected in eight refugee-hosting districts: Out of 616,000 refugee children, 57% have no access to education. Schools in these districts, also due to the migration-related population increase, are overcrowded with an average student to teacher ratio of 85:1. This is extreme compared the already high national average of 43:1. Refugee students moreover face language barriers that complicate their integration into the Ugandan education system. Especially students from the DRC and Burundi face severe impediments when entering the school system. Another challenge in refugee education is recognition of official certification and lack of documentation from home countries. In some cases, children who have already completed their primary education are, due to lack of certification, required to attend Ugandan primary schools and to pay high fees to sit Primary Leaving Examinations.

5.5 Recommendations

Based on the findings and conclusions of the study, the following recommendations were made, in line with the specific objectives of the study.

Refugee Influx and Right to health

- i. The structures in Nakivale Refugee settlement camp through the government must strongly promote integrated refugee influx management structures and ensure that it is made a all-inclusive health prevention, program the government should put in place Integration of service delivery for refugees and Ugandan nationals, Integration of the health work force providing services for refugees and Ugandan nationals, Streamlining deliveries of medicine and medical supplies to health facilities within refugee settlements and host communities, Integration of refugees into the National Health Information System including reporting of disaggregated data, Improving health financing to support public health interventions in refugee settlements and Improved leadership, coordination and management for refugee health response.
- ii. The Refugee camp must further Promoting continuity of care for refugees and migrants, in particular for persons with disabilities, people living with HIV/AIDS, tuberculosis, malaria, mental health and other chronic health conditions, as well as those with physical trauma and injury This is important that health promotion, including dissemination of

information on availability of services, be made readily available among refugee and displaced populations.

- iii. The government should come up and address social determinants of health and improve access to quality health services for refugees and migrants: a) Deploy targeted health services designed for refugees and migrants and innovative financing. b) Invest in improving access to water, sanitation and appropriate shelter and nutrition. c) Ensure disease surveillance and rapid response mechanism to deal with outbreaks d) Promote cross-border interventions and foster interactions between partners involved in the provision of health services in different countries to ensure continuation of care for mobile populations.

5.5.2 Refugee Influx and Right to property

- i. The government of Uganda should develop and implement a Refugee Settlement Transformative Agenda (RSTA) The goal of the RSTA is to achieve self-reliance and local settlement for refugees, and to promote social development in the refugees hosting areas as a durable solution to the refugees' problems, while protecting national and local interests. Given that refugees are allotted pieces of land, the main justification of the programme is to shift refugees from the traditional peasant economic model to more productive and economically diverse opportunities. Over a period of five (5) years, the programme has six objectives; Land management, sustainable livelihoods, governance and rule of law, peaceful co-existence, environmental protection and community infrastructure and is supported by the United Nation's Human Rights Commission for Refugees (UNHCR).
- ii. The Government must ensure that the policies and legal instrument consider drafting Articles on effective and efficient management of land and properties in the refugee settlement camps. This therefore will help avert the security risks associated with management of property given to refugees in the host communities.

5.5.3 Refugee Influx and Right to Education

- i. To counter school-drop out among forced migrant children and youth and to enforce the right to education by the refugees, the Ugandan Ministry for Education, in joint cooperation with non-governmental stakeholders, developed a plan to improve education for refugees and local populations alike. It is the first action plan of its kind containing solutions for a crisis in which more than half a million children are not enrolled in schools.
- ii. The common core obligations on States as duty-bearers are to: provide free and compulsory primary education; make secondary education generally available and accessible with progressive introduction of free education; make higher education equally accessible to all on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education; encourage or intensify “fundamental education” for educations who have not received or completed primary education; improve the quality of education; improve the material conditions for teaching staff; end discrimination and guarantee educational freedom of choice. To these ends, States are bound by the principle of no retrogression and obligated to allocate the maximum level of available resources to education, with a view to achieving progressively the right to education for all.
- iii. The right to education of refugees must be guaranteed during all phases of the displacement, notably in protracted situations. This entails both the provision of accessible, high quality education in the short term, where displacement is very recent, and also the existence of long-term policy frameworks that tailor education programmes to the particular precariousness and lack of stability faced by refugees. Given that refugee situations often last for decades, it is imperative that “refugee education should not be considered only from a short-term perspective; instead, medium- to long-term practical solutions should be considered”. These two approaches necessarily overlap, as short-term action paves the way for long-term education strategies.
- iv. The government should Consider the provision of accelerated learning programmes and ensure that fundamental education is available to migrant children, youth and adults, so that all refugees have the opportunity to obtain basic qualifications or vocational training.

Consider how to use technology and mobile learning to subsidize formal education in difficult-to-reach areas. Consider the design of programs that link tertiary education institutions with school based educational establishments to accompany and support students' trajectories to higher university and technical professional education.

5.5 Limitation of the Study

- i. The study was limited by suspicion from staff and community leaders in Nakivale Refugee settlement camp who thought that the researcher could be collecting data for wrong purposes which could endanger respondents' psychical and emotional lives. However, the researcher managed to overcome this by presenting a letter from the College of Humanities and Social Sciences showing that the research was conducting this research for academic purposes only.
- ii. There was also another big problem of lack of cooperation when respondents did not want to give information characterized by delays in responding questionnaires; postponing appointments for interviews and giving the research a mean attitude and face. The researcher managed this through constant and consistent persuasion and becoming friendly to them by introducing interest conversation and finally tuning them back to the study variable which worked and hence became so friendly and open.

5.6 Contribution to Knowledge

Studies have indicated that refugees are still faced with problems such as inadequate health provision, lack of housing, critical food shortage, unclear policies relating to their right to work, detention because of lack of proper documentation, and a frequent perceived lack of personal security and safety. But no study had been done on impact of refugee influx and right of health, property and education using a mixed method approach in this region.

This study has made a contribution to the humanitarianism theory of C.S. Lewis (1954) that though all humans' beings deserve respect and dignity and should be availed with resources such as education, health and rights of property in case of refugees these should be incorporated in the bills of rights so that they are not violated by the host states.

5.7 Areas recommended for further research

The researcher proposes the following areas for further research:

- i. There is the need for further study on how best the Stakeholders can help the poor living condition of refugees in such areas as Nakivale Refugee settlement camp.
- ii. There is also need to find out whether refugee influx influences security in Uganda

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APPENDICES

APPENDIX A: QUESTIONNAIRE

My name is Yvette Dubahisimana, a student of Kampala International University, pursuing master's degree in Human Rights and development under the College of Humanities and social sciences. I am currently conducting a study on refugee influx and human rights violation in Uganda. The study is purely for academic purposes and the information given will be treated with the highest level of privacy.

I therefore, humbly request you to take part in this study by providing necessary information on the questions presented here. There are no rights or wrong answers and you may stop at any time. The session will take roughly 30 minutes. Your results will remain anonymous.

Thank you for participating in this study.

SECTION A: Background Information

Tick the appropriate choice

1. Gender

a) Male b) Female

2. Marital Status

a) Single b) Married c) Widow(er) d) Divorced

3. Age bracket (years)

a) 18-26 b) 27-35 c) 36-44 d) 45-55

e) 56 and above

3. Highest level of Education attained (or their equivalent)

a) PLE b) UCE c) UAC E d) Certificate

e) Diplomat f) Degree g) PhD

g) Post Graduate or Masters

5. When did you start working officially in this Refugee Camp?

a) 2014 b) 2015 c) 2016 d) 2017

e) 2018

SECTION B

The effect of refugee Influx on right to health

On a scale of 1-5 representing various choices as seen in the table below; use it to tick on the appropriate box depending on how you agree with the following sentences.

Scale	1	2	3	4	5
	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree

The effect of refugee Influx on right to health		1	2	3	4	5
1.	Refugee influx has greatly affected the health care system					
2.	Refugee influx has affected the maternal health in Nakivale settlement camp					
3.	The refugee influx has affected the provision of Hospital beds due to the large numbers of refugees					
4.	Refugee influx has led to improved provision of medicine					
5.	Refugee influx has led to construction of new hospitals and health facilities					

8. The influence of the Refugee influx on right to property

Similarly, on a scale of 1-5 representing various choices as seen in the table below; use it to tick on the appropriately box depending on how you agree with the following sentences;

Scale	1	2	3	4	5
	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree

The influence of the Refugee influx on right to property		1	2	3	4	5
1	Refugee Influx has affected the grazing of cows					
2	Refugee Influx has caused stealing of animals such as cows					
3	Refugee Influx has affected the communal land					
4	Refugee Influx has greatly affected the land tenure system					

5	Refugee Influx has affected the agricultural land					
6	Refugee influx has brought about stealing of crops.					

SECTION C

10. The effect of refugee influx on right to education

On a scale of 1-5 representing various choices as seen in the table below; use it to tick on the appropriately box depending on how you agree with the following sentences;

Scale	1	2	3	4	5
	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree

The effect of refugee influx on right to education		1	2	3	4	5
1	Provision of pre-primary education has greatly improved due to refugee Influx					
2	Provision of Primary education has improved due to refugee influx					
3	Refugee Influx has led to provision of Secondary education					
4	Refugee Influx has greatly led to Post secondary education					
5	Refugee Influx has led to development of technical education					
6	Refugee Influx has greatly improved Adult Education					
7	Refugee Influx has greatly led to improvement of performance of education sector.					

This page is left for you (respondent) to proceed with the writings if the respective spaces left aren't enough (remember to include the question number). Nevertheless, you can also put in writing any additional information that you would like me to know.

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APPENDIX B: INTERVIEW GUIDE

My name is .., a student of Kampala International University, pursuing master’s degree in development under the faculty of Social Economic Sciences. I am currently conducting a study on refugee influx and human rights violation in Uganda. The study is purely for academic purposes and the information given will be treated with the highest level of privacy.

I therefore, humbly request you to take part in this study by providing necessary information on the questions presented here. There are no rights or wrong answers and you may stop at any time. The session will take roughly 30 minutes. Your results will remain anonymous.

Thank you for participating in this study.

1. What is the nature of Uganda’s law on Refugees and their right to health?

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2. Based on the experiences you obtained as an employee at Nakivale Settlement Camps, what are the implications of Uganda’s refugee influx on the right to property?

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3. The government of Uganda and other non-government agencies have tried to bring education facilities closer to the refugees especially those in the camps. In spite of all these efforts by the agencies, what are the outstanding challenges faced by the refugees while pursuing their academia?.....

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4. What are the various approaches used by government and non-government agencies in solving the challenges faced by Refugees in Nakivale Settlement Camps?.....

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5. What is the impact of the Refugee Influx on Human Rights?.....

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6. What are the alternative approaches to alleviate the impact of refuge influx in Nakivale Settlement Camp?.....

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***THE END*

THANK YOU FOR TAKING PART IN THIS STUDY