

UNIVERSITY OF NAIROBI
INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

**THE REFUGEE-HOST COUNTRY RELATIONSHIP: A CRITICAL ANALYSIS OF
LOCAL INTEGRATION AS A FORGOTTEN SOLUTION IN KENYA.**

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DECLARATION

This research project is my original work and has not been submitted for examination in any other University

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DATE

This research project has been submitted for examination with my approval as University Supervisor.

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DATE

DEDICATION

I dedicate this dissertation to my ever loving sister and brother, Mkash and Michael; and my forever supportive parents.

ACKNOWLEDGMENT

“Nothing great in the world has been accomplished without passion.”

G. W. Hegel

“And friends.”

I. Leubrock

It has been a worthwhile journey that has been humbling and enlightening. I have crossed paths with many wonderful people, both refugees and Kenyan nationals who thought I was either a dreamer or a problem solver for choosing a topic on a solution that has been long forgotten. This thesis could not be complete if it were not for the support of many I have crossed path with.

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LIST OF ABBREVIATIONS

UNHCR- United Nations High Commission for Refugees

DRC- Democratic Republic of Congo

UDHR- Universal Declaration of Human Rights

UNGA- United Nations General Assembly

UN- United Nations

RPA- Rwandan Patriotic Army

UNEP- United Nations Environmental Program

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ABSTRACT

The study dares to take a journey to analyze the nexus between the refugee-host country relationship in Kenya and refugee local integration. It is the aim of the researcher to demonstrate the practical and theoretical discourses on the two issues that determine the refugee welfare in Kenya. Investigations on the dynamics and complicated links within Kenya are conducted to address the research topic.

The study further ventures into the historical background of the refugee-host country relationship in Kenya. This offers a foundation of the arguments in the study with an understanding of the pre-theoretical process of local integration. By appreciating Kenya as the country holding the world's largest refugee camp, the study offers undeniable perspectives on the competing nature between the local communities and refugees.

In the aim of contributing the body of knowledge, the study introduces imagery of analysis of both refugee-host country relationship and local integration. This analytical stand demonstrates the impacts the two concepts have on each other.

Kenya's legal framework with regards to refugees is taken into account while deducing the extent into which the country has promoted local integration as one of the globally accepted durable solutions. In sum, the study aims to demonstrate whether or not local integration is indeed a forgotten durable solution.

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1.0 CHAPTER ONE: INTRODUCTION AND BACKGROUND TO THE STUDY

1.0 Introduction

Human beings are always people in conflict, either within themselves or with others. Conflict has been defined as a struggle between opponents over values and claims to scarce status, power and resources.¹ It should be noted that the components are opposition, scarcity and incompatibility. Violent conflicts among or between groups of people have dire social, economic and political consequences. The problem of refugees is one of the key consequences of conflicts in Eastern Africa. Among the countries in the region that have a history of hosting large numbers of refugees is Kenya. Kenya's challenges with refugees can be traced back to the early 1980's when the country received the earliest group of refugees from Uganda after the ouster of President Idi Amin from power.² Subsequently, a number of countries in the Eastern Africa region descended into civil strife and a trend emerged of refugee inflow from these countries into Kenya. Over 20 years later, Kenya still plays host refugees camps and urban areas refugees. This draws attention to the aim of this study which is to analyze the issue of local integration of refugees by taking into account the refugee host country relationship.

1.1. Background of the Study

The definition of a refugee in international law is closely tied to the act of crossing an international border.³The Convention Relating to the Status of Refugees, provided by the United Nations General Assembly (UNGA) and adopted on 28 July 1951 defining refugees as “any person owing to a well-founded fear of being persecuted for the reasons of race, religion, nationality, membership of a particular social group or political opinion; is outside the country of his nationality and is unable to, or owing to such fear, is unable to avail himself of the protection of that country.”⁴In 1967, the Protocol relating to the status of the Refugees was adopted to reinforce the convention in the international community.

¹Coser, L. A., *Social Aspects of Conflict*, International Encyclopedia of Social Science, New York, 1968.p1.

² Kurui P. & Mwaruvie J. (2012), *Dilemma of Hosting Refugees: A Focus on the Insecurity in North-Eastern Kenya*, International Journal for Business and Social Science 3(8) p.161

³ Mwangi M. (2006), *Conflict in Africa; Theory, Processes and Institutions of Management*, Center for Conflict Research Publication, Nairobi, p.67

⁴*1951 Convention Relating to the Status of Refugees*, adopted on 28 July 1951 in Geneva by the United Nations General Assembly.

It should be noted that the history of Africa is replete with conflict.⁵ The continent has been characterized by intra and inter-state conflicts. As a result, wars and conflicts have been identified as part of Africa's identity. Conflicts and civil wars such as in Sudan 1990-1995, Chad 1965-1975, Somali 1993-1999 and many more have weakened the continent's unity and disrupted its economic development. One of the attendant effects of wars and conflicts in Africa is the emergence of numerous numbers of displaced persons who have become refugees in different countries across the continent.⁶ With the presence of violence and lawlessness in this conflict ridden countries there has been a critical humanitarian crisis in various parts of Africa. This worsens whenever there is a refugee crisis.

In Liberia, the 2004 Report of the Global Coalition for Africa⁷ noted that an estimated 700,000 people were internally displaced as at 2003.⁸ As a result of the war, there were spillover effects felt in the neighboring countries through the increased refugee flows. In 2004, UNHCR stated that there were about 15 to 20 Million refugees from Africa. Once the refugees enter a country of asylum; they result in humanitarian, political, social and developmental challenges to the host country. For this reason, the international community came up with three approaches implemented by the UNHCR in responding to the refugee problem. These include *repatriation*, *resettlement* and *local integration*.

Repatriation has been championed by many states and involves refugees returning to their home country. However this is only possible if the home country is safe enough to go back to. Resettlement has, on the other hand, been a venture for mostly developed countries where the resettlement agencies take refugees to specific countries to start over with the assurance of being free from what they fled from. Local integration of refugees, which is the focus of this study remains a contested and contextual term.⁹

⁵ Alabi, D. T. (2006), *Emerging Trends and Dimensions of the Rwandan Crisis* African Journal of International Affairs and Development, p.41

⁶ Uwechue, R. (1996) *Africa Today*, Africa Books Ltd, p.2

⁷ Global Coalition for Africa (2004). *African Social and Economic Trends*, 2003/2004, Washington, D.C, p. 8

⁸ Aremu, Johnson Olaosebikan, *Conflict in Africa; Causes, Impact, Meaning and Solution*, University of Ado-Ekiti, African Research Review Journal Vol 4(4), October 2010, p.556

⁹ Robinson V., *Defining and Measuring Successful Refugee Integration*, Paper delivered at the Conference ECRE International Conference on Integration of Refugees in Europe, Antwerp, Brussels: European Council on Refugees and Exiles, Nov 1998, p.118

The rigid, legal ‘incorporation’; the broader and vague ‘inclusion’; the impersonal, surgical ‘insertion’; the top-down settlement; and the burden-centric ‘adaptation’ are concepts that have all at times been used to explain the complex idea of local integration and the evolving relationships between refugees and asylum seekers and their host communities.¹⁰ This study will use Barders definition of integration as recognizing material, social, political and economic issues beyond legal, economic and social process.¹¹ This study aims to go into depth on what local integration of refugees in Kenya means. It acknowledges that the country has been flooded with refugee and the UNHCR options of resettlement and repatriation have played a role in solving a small percentage of the refugee problem. The option of local integration has so far not been used and is left to the country to take up.

1.2. Statement of the Problem

Kenya has a problem as a developing country with the increasing high numbers of refugees present. Despite the international organizations’ and Kenyan government efforts to adhere to refugee’s rights and pursue their repatriation, there is a lack of effort in pursuing the option of local integration. The refugee influx in Kenya does not seem to reduce overtime; instead it is increasing with her neighbors falling into violent domestic conflicts. Interactions between refugees and local host communities generate conflict overtime. More often than not, these conflicts are usually over resources such as food, water land, and rights to access these resources. This situation puts pressure on government and international communities to come up with solutions.

The international refugee aid regime together with the UNHCR developed repatriation, resettlement and local integration as key durable solutions to deal with the growing refugee crises. The unfortunate reality is that countries, including Kenya, have been dependent on repatriation and resettlement as key durable solutions to be pursued. Local integration in this case has been left as the next possible important solution for Kenya to take up.

¹¹ Opcit, Robinson V., p.118

Local integration in many countries, especially developing countries, has not been fully or effectively implemented. This has paved the way for a rather hostile refugee-host country relationship. The legal framework in Kenya under the Kenya Refugee Act 2006 has evidently not been followed. There is lack of refugee participation in the country's institutions. The refugee situation is not just precarious and marginalized, but they are also segregated in the host society in many aspects.

It is the aim of this study to show that local integration promotes adaptability of refugees who cannot be repatriated or who are not resettled elsewhere. This study seeks to understand what is holding back countries, including Kenya, from fully pursuing local integration? Why are the benefits linked to local integration not fully discussed in the policy making realm? The study aims to investigate these questions in the context of refugee-host country relationship.

1.3. Objectives

The main objective of the study is to examine the option of local integration of refugees in Kenya in the context of refugee-host country relationship.

More specifically, the study aims to:

- i. To analyze the option and consequences of local integration in Kenya.
- ii. To investigate the refugee-host country relationship in Kenya.
- iii. To identify how Kenya has implemented the Refugee Act and International treaties to promote refugee local integration.

1.4. Justification of the Study

The academic justification is based on the argument that the relationship between refugees and local host communities in Kenya has not been fully expounded upon. The existing literature does not explore sufficiently the relationship between the two and refugee local integration has not been pursued in a country such as Kenya. It is academically important to set the stage for local integration in Kenya as an area for further study.

The policy justification of the study is that local integration is an important option for dealing with the refugee problem in Kenya and which the Kenyan policy makers need to consider. In

effect, the fundamental issue here is the fact that Kenya with its large numbers of refugees often succumbs to a strain in their economic, social, and political and security institutions due to the fragile refugee-host country relationship. In this regard, the Kenyan population is prone to negatively treat refugees. In this day and age of globalization and war on terror, refugees especially Somalis in Kenya are subjected to outright discrimination. As such, the discrimination has affected policy responses to the refugee influx and the refugee-host country relations.

This study is taking a keen interest in Kenya's relationship with refugees. In doing so, it is the hope of the researcher that this study will make policy makers aware of the option of local integration of refugees. This research will further make recommendations to policy makers on ways to engage refugees in host countries with regard to maintaining a balance between integration and securing the country. In other words, the study aims to inform policy makers to balance local integration, refugee-host country relationship and security. Policy makers and the general public will benefit immensely from the findings and recommendations from this study.

1.5. Literature Review

The literature review will seek to demonstrate key issues in the research problem. As such, a historical context of each issue has been explored followed by the current situation. These key issues include; the impact of refugees, the refugee-host country relationship and the concept of local integration. These three areas are what constitute the literature review of this study, after which, the knowledge gap will be identified.

1.5.1. Impact of Refugees

Refugees have both positive and negative impacts ¹²on the host country and population. These effect or impacts come about due to the eventual interaction between the local communities and refugees. The impacts can be categorized as social, political, economic, environmental and humanitarian. As such, it should be noted that these are spheres of the host communities and

¹²United Nations High Commissioner for Refugees. 2004. *Economic and Social Impacts of Massive Refugee Populations on Host Developing Countries*, as well as other Countries. Standing Committee. UNHCR, EC/54/SC/CRP.5.

some represent a country's institutions. These spheres are depended upon by the local host communities not only for survival but also for maintenance of peace.

Social Impacts of refugees may be seen one where the host community accepts these refugees, and one where the refugees are rejected and neglected. For instance, the refugee presence in host countries has potential social impacts on the ethnic balance of the hosting areas, social conflict and delivery of social services. ¹³Refugees can either amplify or not the cultural or ethnic tensions that may exist in the community before their arrival.

Dadaab refugee camp is mostly comprised of Somali population who relate well with the local host community through clan or tribal ties with the people. The culture and language is quite similar between many of the refugees in Dadaab Refugee camp and the host community. In the 1990's, with the Central African Republic in turmoil, most of the refugees fled to the Democratic DRC. Refugee integration in this said community was smooth and easy because these refugees belonged to the Yakoma ethnic group who were basically just like them.

However, tensions between refugees and their hosts arise due to inequality in terms of accessing resources and enjoying their rights and freedoms. Refugees, as expected, benefit from resources offered by the international non-governmental organizations (INGO). These resources such as trainings, sanitation, education and healthcare, are often available to the refugees but not the host community. These services rarely target the host community but rather focus on the welfare of refugees. This kind of situation develops to one where the local host community negatively perceives the refugees and hence the relationship often turns sour.

The *political and security impacts* are often informed by the norms and interests that refugees bring to the host nation from their country of origin. Today, refugee presence is viewed to have less positive impacts than the negative impacts. Salehyan and Gleditsch ¹⁴ argue that refugee influx from neighboring countries has a high potential to destabilize host countries in three ways.

¹³World Development Report, *Impacts of Refugees on Neighboring Countries: A Development Challenge*, 2010, p.11

¹⁴Salehyan, Idean and Kristian Gleditsch. 2006. *Refugees and the Spread of Civil War*, " International Organization, 60: 335-366.

First, it is highly possible to have diffusion of violence and expansion rebel group social networks when borders of the refugees' home country is close to the camp. Rebel groups often choose these camps to recruit members and strategies their next moves. Case in point is a rebel group made up of mainly Ugandan-based Tutsi refugees from Rwanda, which in October 1996 formed the Rwandan Patriotic Army (RPA) and invaded northern Rwanda.¹⁵

Secondly, the spreading of ideologies, small arms and combatants create a conducive environment for conflict to occur in the host community. For instance, the recruitment of Liberian refugees by insurgent movement in Sierra Leone that caused destabilization and violent conflicts during the second half of the 1990s.¹⁶ Another case is the politically motivated Somali refugees working with the Somali separatists in the Ethiopia in the Ogaden region.

The Dadaab refugee camp has been faced with security breached by the al-Shabaab who have managed to radicalize not only the refugees but also some Kenyan nationals. This has posed a security threat as the same reason why Somali refugees flee Somali has taken root in the host country and caused a lot of damage through terrorist attacks leading to the loss of many lives.

Last but not least, is the creation of bilateral tensions. By creating security and political threats to host country, refugees create tensions among neighboring states. An example of this would be the Milton Obote administration receiving assistance from the Tutsi refugees from Rwanda.

Economic Impacts play a role in informing the refugee-host country relationship in Kenya and may other countries faced with refugee influx. Refugees have at one time or another been argued to positively impact the host country's economy by utilizing their skills and knowledge in order to pursue their livelihoods. This contribution affects the local economy and encourages development also. For instance, trading opportunities and reduced food and commodity prices

¹⁵Lomo Zachary, Angela Naggaga and Lucy Hovil. 2001. *The Phenomenon of Forced Migration in Uganda*. An overview of Policy and Practice in an Historical Context. Working Paper No. 1. Refugee Law Project. Uganda, p.269

¹⁶ Hoffman, Danny. (2007) The Meaning of a Militia: Understanding the Civil Defense Forces of Sierra Leone, "African Affairs 106: 639–62.

are some of the impacts felt in the local community around the Dadaab refugee camp.¹⁷ By extension, refugees do contribute to the economic welfare of a local community.

Unfortunately, in some cases, the host community may experience negative economic impacts from the refugees. The refugee populations have been viewed to provide cheap labor hence this becomes a win for the employer and a greater loss to the non-refugee unemployed local host population. In addition to this, there is high competition between the local host population and refugee populations, especially in urban areas, over resources such as housing, land and water.

Refugees have significant direct and indirect economic impacts to a point of affecting the social and infrastructure institutions.

Environmental Impact has just been recently acknowledged with the state moving from state centric focus to a human security focus. The initial arrival of refugee influxes is accompanied by severe environmental impacts when displaced people often move into and through an area to source their immediate needs.¹⁸ These needs include water, food, firewood for fuel and many more. As such, there is an increase in water pollution and fuel wood crises in the first wave before they are settled.

According to the United Nations Environmental Program (UNEP), the most environmental impacts are deforestation and firewood depletion, land degradation, unsustainable ground water extraction, water pollution; and also human waste disposal by displaced persons that can contaminate local ground water and cause the spread of diseases.¹⁹ The shortage of land and natural resources in the local host community such as water is partly as a result of refugee influxes. Case in point, refugees in the Dadaab refugee camp have strained housing policies and affected the availability of houses in the area. Environmental impacts affect the livelihood opportunities for not only the refugees but also the local host community as well in the long-term.

¹⁷World Development Report, *Impacts of Refugees on Neighboring Countries: A Development Challenge*, 2010, p.9

¹⁸United Nations High Commissioner for Refugees and Food and Agricultural Organization. 1998. Tanzania: *Environmental Assessment Report of the Rwandese Refugee Camps and the Affected Local Communities in Kagera Region*, 2-30 June 1994. PTSS Mission report 94/29N. Tanzania.

¹⁹United Nations Environmental Program. *Population Displacement and the Environment. Sudan, Post-Conflict Environmental Assessment*. Available at http://postconflict.unep.ch/publications/sudan/05_displacement.pdf, 2005.

1.5.2. Refugee Host Country Relationship

Domestic or intra-state violent conflicts have now been acknowledged to attain an international characteristic due to their end results. More so with the large refugee flows to neighboring countries and less likely to leave the continent unless through resettlement or family reunification processes. However, neighboring countries play the biggest role in hosting refugees. African countries are home to about twelve percent of the world's population with thirty-one percent of the world refugee population originating from Africa.²⁰ As such, refugees from Africa are particularly known to come from Burundi, Somalia, Rwanda, Angola, Liberia, Ethiopia, Sudan, Eritrea and South Sudan.

The refugee-host country relationship can be understood as the interaction between local communities and the refugees themselves. Local communities are assumed to be those within one day's walking distance via major road or shortcut to a designated UNHCR campsite where refugees live.²¹ Lest not we forget, that there are urban refugees residing in Nairobi, Kiambu counties and others. They live with Kenyan nationals as their immediate neighbors or other refugees. Countries, especially in sub-Saharan Africa, have constantly argued that by hosting refugees their economies are negatively affected. Consequently, seven out of ten refugees in Africa live in the camps that are often located in isolated, marginalized and sparsely populated parts of the host country.²²

However, this was not always the case. The UNHCR, a UN agency was mandated to be the sole implementer of refugee protection. It is part of an International Refugee Aid regime. This regime was a partnership between governments of refugee hosting countries and the international aid organizations. They were responsible for refugee relief and was legally established in the mid-20th Century. It is under this regime that UNHCR sought to coordinate emergency relief efforts and run 'care and maintenance' programs until refugee cases are safely resolved under one of the

²⁰Hoeffler A. , Dealing with the Consequences of Violent Conflicts in Africa, Center for the Study of African Economies, Oxford University, 13 March 2008, p.17

²¹Han, Courtney, Dynamic and Lasting Impacts; Socioeconomic Effects of Protracted Refugee Camps on Host Communities in Tanzania, Duke University, 2009, p. 26

²²Han, Courtney, Dynamic and Lasting Impacts; Socioeconomic Effects of Protracted Refugee Camps on Host Communities in Tanzania, Duke University, 2009, p. 11

durable solutions.²³ These durable solutions are resettlement to other countries, repatriation to the country of origin and local integration in their country of asylum.

Host countries are requested to provide security to refugees and respect the principles of non-refoulement²⁴ which meant that refugees could not be forced to go back to their country of origin that they were fleeing from. The host countries are to maintain the burden sharing arrangement between them, INGOs and refugees themselves. The concept of this relationship can be traced back to the arrangements after World War II that had Europe dealing with refugee displacement in Europe.

Refugees in sub-Saharan Africa were common in the 1960's because of the struggle for independence by many African countries from the colonial powers. For this reason, the international refugee aid regime focused on the care and maintenance" strategies for refugee populations in Africa and other strove for refugee "self-sufficiency" on non-restricted refugee settlement in the host countries.²⁵ Reasons for refugee flows changed as conflicts in Africa and notably evolved from fighting for freedom to fighting for power and resources; from fighting with colonial powers to fighting within sovereign states or with terrorist organizations. As such, the care and Manteca strategy had to change and adjust to the current needs of full self-sufficiency and refugee reduction.

Refugee presence changes a country's market and social composition and also brings with it businesses. The refugee-host country relationship especially in sub-Saharan African countries has evolved and changed for the worst with current refugee influxes. The main reason behind this situation is mostly due to the pursuit of resources and security by the host countries while viewing refugees as an obstacle to achieving such goals. Because of this, as new waves of refugees from war-torn countries continue to cross their borders and enter their neighboring countries, these host governments in some sub-Saharan African countries began to respond by

²³UNHCR. (2007). Statute of the Office of the United Nations High Commissioner for Refugees. General Assembly Resolution 428 (V) of 14 December 1950. Geneva: UNHCR

²⁴Non-refoulement refers to the principle in international law that protects refugees from being returned to places where their lives or liberty would be endangered.

²⁵Harrell-Bond, B. (1986). *Imposing Aid: Emergency Assistance to Refugees*. Oxford, GB: Oxford University Press, p.92

reducing refugee political, social and legal rights restricting refugee movement and refusing local integration as a durable solution.²⁶

Refugees were now regarded as a great threat to the economy, stability and security of the host countries. The restriction of movement was also implemented by host governments by providing and resources in marginalized parts of their countries for refugees to move to. They highly discouraged and continue to discourage refugees from living in urban areas. Many African countries moved and confined refugee populations from their urban areas and the relationship evolved from one of accommodation.

The refugee-host country relationship in Kenya has evolved as it has in other countries. Although somewhat dependent on social, political, historical and policy conditions, past research has shown that interactions between refugees and local hosting populations tend to evolve in similar ways.²⁷ Somali refugees, for instance, were welcomed by the Kenyan government and the hosting populations that encouraged them to pursue their livelihoods without restrictions. They were regarded wealthier and hence had the ability to pay rent higher than expected, buy goods and services and also start businesses that contributed to the development of the community. They provided economic opportunities for the local communities in short. In Kakuma, commercial activities in shopping centers stretched for more than one kilometer including butcheries, groceries...hotels, satellite TV and radio theatres; hair salons...(and) even a place where Interfax and telephone services are available.²⁸ However, this positive relationship did not last for long once negative perceptions about refugees started coming up aggressively.

In Guinea where initial relations between Sierra Leoneans and host populations were at first positive, local populations grew less welcoming towards refugees and in some cases...(host)

²⁶Kaiser, T. (2005). *Participating in Development? Refugee Protection, Politics and Developmental Approaches to Refugee Management in Uganda*. *Third World Quarterly*, 26(2) pp. 351-367.

²⁷Han, Courtney, *Dynamic and Lasting Impacts; Socioeconomic Effects of Protracted Refugee Camps on Host Communities in Tanzania*, Duke University, 2009, p. 15

²⁸Kurimoto, E. (2001). *Changing identifications among the Pari refugees in Kakuma*, paper prepared for a conference on changing identifications and alliances in north-eastern Africa. Halle, DE: Max Planck Institute for Social Anthropology, p.5

panicked about the effects of refugees on their farming land.²⁹ This also happened in Nairobi, Kenya, where due to the influx of refugees especially Somali, host populations could not access economic opportunities such as employment. For this, the Somali could afford the high rents and local communities could not. As a result, the local populations had to be evicted and eventually they developed highly negative perceptions of all the refugees, not only Somalis. This has continued to inform policy in Kenya.

Evidently enough the refugee-host country relationship is one that evolves from positive to negative and it might go back to being positive. The availability and ability to fairly access resources will have to play a key role in this. In addition to the economic aspect, refugees today are perceived as a source of insecurity too. Case in point, Somali refugees are always associated with the al-Shabaab. A big part of the Kenyan population is convinced that Somali refugees are mostly al-Shabaab. This misconception has also informed the refugee-host relationship in Kenya where Somalis are discriminated against. Refugees from Uganda are seen as a threat to the “social sanctity” in Kenya because most are regarded to be homosexuals who fled after the anti-homosexual bill was passed in Uganda. The stereotype has had many of these Ugandan refugees, men and women, mistreated by the local community and harassed by the police.

There is a paradox when it comes to refugees today in terms of whether to protect their rights or pursue security at the expense of their rights. The issues in the environment, such as scarcity of resources and insecurity, influence the refugee-host country relationship in Kenya; which further informs the success of local integration being achieved.

1.5.3. The Concept of Local Integration

Local integration has been pursued to some extent in the international community. It has been defined differently and constituted various domains of understanding. When one thinks of refugees, one tends to think of the refugee camps only. It should be noted that research also acknowledges and puts importance in the local integration of urban refugees.

²⁹Kaiser, T. (2001). *A Beneficiary-Based Evaluation of the UNHCR Programme in Guinea*. New Issues in Refugee Research, 2. Retrieved from UNHCR Evaluation and Policy Analysis Unit, p.13

Different things have been associated with the term local integration. However, the key domains are proposed by Alistair and Strang in four overall themes: achievement and access across the sectors of employments, housing, education and health; assumptions and practice regarding citizenship and rights; processes of social connections within and between groups within the community; and structural barriers to such connections related to language, culture and local environment.³⁰ However, there is the lack of conceptual clarity associated with local integration as it remains questioned with “who is integrating” and into “what”; they are doing so remain unresolved.³¹

Alistair and Strang’s definition highlight Robinson’s description of local integration as a “chaotic” concept. Broadly, local integration is the process by which refugees become part of the society but they caution that ‘it is often used still to imply of one-way adaptation or acculturation to the dominant culture and way of life.’³² Therefore it is the researcher’s view that local integration of refugees is a two-way traffic where refugees need to adapt to the new environment and the host community in accommodating and welcoming refugees cautiously.

As such, the concept of local integration has a relationship of ways and means culminating to ends. In general, local integration cuts across all spheres of a state and its institutions such as economy, security, social welfare, healthcare and so on. Eventually the makings of any stable state providing for its population.

Once refugees cross the border and enter a county, they feel out of place because this in unchartered territory and the local community is more aware of its surroundings because there are new people. Refugees seek an environment that can help survive and live a sustainable life. An environment they can acquire the skills and tools to ensure they achieve basic needs. It is dependent on the host community whether local integration measures will be implemented or not. The means of local integration include housing, employment, education, healthcare and

³⁰Ager Alistair & Strang Alison, *Understanding Integration: A Conceptual Framework*, Oxford University Press, 2008, p.166.

³¹Sigona, N. (2005) ‘*Refugee Integration(s): Policy and Practice in the European Union,*’ *Refugee Survey Quarterly*, 24(4): 115-122

³²Threadgold, T. and Court, G., *Refugee Inclusion: A Literature Review*, Cardiff School of Journalism, Media and Cultural Studies, 2005, p.8.

other fundamental needs for any human welfare. These are key areas in the public sphere that are indicators of successful local integration once achieved. The ways into which refugees can access the means is often through social connection and protection of their rights. It is through the merging of the means and ways that a country hosting refugees will achieve the successful local integration as the end result.

Bosswick and Heckman provide four points of local integration. First, they argue that structural integration is one representing the acquisition of rights and the access to core institutions within the host society.³³ These core institutions can be termed as welfare state institutions deemed for the service of the state's population and dealing with labor markets, housing, health or even political citizenship. These institutions are core in ensuring local integration through refugee participation. Secondly, cultural integration is one acknowledging that the host local community represents the dominant culture however it advocates for refugees to acquire the core competencies of the said culture. Thirdly, interactive integration refers to the acceptance of refugees within primary relationships and social networks of the host society.³⁴ And lastly, identificational integration is only possible if the refugee rights are acquired before the integrations process.

By extension, the discussed literature shows that local integration pursues the elimination of inequalities and acquisition of competencies for the refugees. Inequality in this study is noted to be multidimensional and includes such areas as education, economic life, and security of residence, support for family, anti-discrimination and social citizenship.³⁵

As mentioned before, local integration can be defined to mean different things. The definition of indicators depends on how the government understands the means of integrating refugees. A complexity in refugee local integration is the question "what are refugees expected to integrate to?" ...or "what is the host community". Local integration can be summarized to involve refugee

³³Bosswick, W. & Heckman, F (2006), *Integration of Immigrants; Contribution of Local and Regional Authorities*, European Foundation for the Empowerment of Living and Working Conditions, 2006, p. 310.

³⁴Ibid, Bosswick, W. & Heckman, F. (2006), *Integration of Immigrants; Contribution of Local and Regional Authorities* p.. 310.

³⁵European Commission Handbook on Integration, 2007, p.8

inclusion and acceptance in the core institutions, relationships and positions in the host society. It is multi-dimensional and demands a holistic and well-rounded research study.

It should be noted that the society is not homogenous and hence it has variances in terms of social classes and ethnic ties. This fosters exclusion for refugees who don't share the same variances and culminates to what we see today's as denial of refugee rights, entitlements and resources to some extent. Unfortunately for many developing countries hosting refugees, local integration has not been prioritized in managing the refugee crisis. Countries such as Kenya and Ethiopia have and continue to heavily rely on other countries to resettle the refugees or for the refugees to go back to their home countries.

Research has shown that the concept of local integration has not been entirely pursued as an effective durable solution. Unfortunately, this has been challenged by the negative host-country relationship that has developed overtime. As such, refugees are seen as a threat and do not get to fully enjoy their rights or have access to key resources.

Local integration of refugees has been adopted in many countries; however the legal framework permitting its pursuance is not sufficiently utilized. In order to fully understand local integration, one should appreciate that it is a two-way relationship between refugees the local community and refugees, with each having a role to play. Refugees need to adapt to the environment with the norms in the in order to live peacefully with the host population. Also, the host population has a role to play in not only securing themselves but also ensuring that refugee rights are respected and protected.

1.5.4. Literature Gap

There has been a lot of literature on refugees and their rights in the past twenty years. Hence the study acknowledges that there has been extensive literature on refugees. However, the idea of proportionality between the refugees host local population and refugees has not been researched enough to further inform policy. It cannot be disputed that the role of state institutions is for the welfare of the state's citizens. However, in this globalized century with lot of immigration taking place, countries have had to accommodate the foreign populations in their expenditure. It is the

relationship between refugees and the host communities that has not been encouraged by the state as such.

In effect, research shows that indeed in the case of Kenya, local integration is being attempted hence the adoption on the Kenya Refugee Act 2006 that provides for the rights of refugees in Kenya. Documentation demonstrates that the population today is aggressive towards refugees due to security and economic issues. This has been one major factor in hindering successful local integration as per the prescribed means and ways by Alistair and Strang.

The literature review however has revealed a gap on the relationship identified between refugee-host country relationship and the implementation of local integration. Little has been discussed specifically to identify how maintaining positive relationships between the two groups, local community and refugees, will further help in the pursuance of local integrations by the state. Also, little has been researched on the role of the state government to ensure local communities have positive relationships with the refugees. As a result, the researcher asks, in the current protracted refugee situation in Kenya, is local integration a forgotten solution?

1.6. Theoretical Framework

The theoretical framework adopted by this study is social constructivism, which best explains the refugee-host relationship and the concept of local integrations.

The social constructivism theory can be traced back to the 18th Century writings of the Italian philosopher Giambattista Vico.³⁶ He argues that the natural world is made by God, but the historical world is made by man.³⁷ History is therefore made by men and women. This culminates to viewing states as historical constructs with artificial systems that can change and develop as men and women wish.

³⁶ Jackson R. and Sorensen G., 2006, *Introduction to International Relations Theories and Approaches*. 3rd edition, Oxford university press, p. 164

³⁷Vico, G., *Vico; Selected Writings*, L. Popma (Demand Trans), Cambridge University Press, 1982, p.26

Immanuel Kant is another forerunner of the Social Constructivism³⁸ and he argues that our knowledge about the world is not objective but subjective because it is indeed through human consciousness. Evidently enough, social constructs are a social theory about social action, the social world and about the relationship between structures and actors. This is the reason why scholars such as Anthony Giddens, argues that ‘structure do not determine what actors do in any mechanical way...structures do no constrain actors, but actors transform structures by thinking about them and acting on them in new ways’.

The emergence of refugees can also be seen as a social construct because refugees result from human induced of conflicts. It is the thought of survival that informs a population to flee their country. The Social Constructivism theory further expands on the notion that social realities are as a result of ideas, norms and principles followed. The world is a social construct; hence threats are also regarded as social constructs. The argument here is that the refugee-host relationship, negative or positive, is a social construct that ultimately affects the implementation of local integration principles. The refuge-host country relationship is dependent on the ideas parties have about one another and how that affects that relationship and the future of refugees.

The origin of refugee rights has been argued to be a social construct that came about due to refugees facing discrimination in their countries of asylum. The idea of non-discrimination and equality is guided the principles of refugee rights. Once a population enters a foreign environment with an already established local community, they can either be accepted or rejected. Somalis were once fully accepted in Kenya because they seemed to pose no threat to local communities. However, once resources started becoming scarce and insecurity was heightened, the local host community developed negative perceptions. It is the thoughts and ideas of this host community in the country that has informed and continues to inform advocacy for or against local integration.

The international community advocates for refuge rights as prescribed from the humanitarian agencies. It is these same humanitarian organizations that shed light to the world on the atrocities

³⁸*Introduction to International Relations Theories and Approaches*. 3rd edition, Oxford university press, 2006, p. 164

that are committed in violent conflicts with the results of huge numbers of refugees. As a result, the international community bought into the idea of having UN agencies such as UNHCR to develop durable solutions for governments to pursue in order to deal with the refugee crisis.

Policies are developed from a set of ideas to solve a particular problem. The creation of the Kenya Refugee Act is a good example of such. It was adopted after identifying the areas of improvement in the refugee-host relationship and process of local integration in Kenya. The Social Constructivism theory demonstrates that the identities and interests of the local community and refugees is somewhat determined by the local integration as policy. The means of achieving local integration represents the interests of the refugees. How these interests are achieved is dependent on the thought and ideas of the local host community on the importance of pursuing them.

Martha Finnemore argues that international norms promoted by international organizations can decisively influence national guidelines by pushing states to adopt these norms in their national policies.³⁹ However, reconciling the international environment and domestic environment is not as easy as it is assumed to be. Both levels of analysis have similar and different interests. Furthermore, we live in international society where it means that what we want, and in some ways, who we are is shaped by the social rules, understanding and relationship we have with others.⁴⁰

Social constructivism demonstrates that ideas matter in both domestic and international relations. Culture and identity define interests. In sum, social constructivism focuses on human interaction informed by ideas rather than material or physical structures. The reality we have today is indeed socially constructed with leaders having ideas that shape national policies and host communities influencing the environment around refugees. The world is socially constructed with four types of ideas; ideologies, beliefs (normative cause-effect) and policy prescriptions.⁴¹ Identities of the host community go a long way to explain the policies adopted to pursue a successful local integration of refugees.

³⁹3rd edition, Oxford university press, 2006, p. 170

⁴⁰Finnemore, M. (1996). *National Interests in International Society*. Ithaca and London: Cornell University Press, p.128

⁴¹Jackson, R. and Sorensen, G. *Introduction to International Relations Theories and Approaches*. 3rd edition, Oxford university press, 2006, p.176

1.7. Hypothesis

1. Hostile refugee-host country relationship discourages the implementation of local integration principles.
2. There is no relation between the refugee-host country relationship and the implementation of local integration principles.
3. Refugee-host country relationship encourage has the implementation of local integration principles.

1.8. Research Methodology

The research design and methodology will be informed by both qualitative and quantitative studies. It is the aim of the researcher to use quantitative studies in order to obtain numerical data for analysis. This will be further merged with the findings from the qualitative studies which will mostly be focused on the behaviors and perspectives of a population. These will indeed further a holistic view of the research itself.

Data collection will be done in various locations such as Eastleigh, Rongai and Kasarani in Nairobi. The researcher acknowledges that many urban refugees have previously lived in the camp settlements in Kenya. This is purposefully designed in order to appreciate the aspect of camp and urban refugees. This will involve refugee participants and practitioners in the field. It should be noted that the researcher acknowledges that Eastleigh Nairobi is mostly occupied by Ethiopians, Somalis and Eritreans, as such, Kasarani and Rongai will provide access to other refugee communities mostly from DRC, Burundians and many others from neighboring countries.

In this study, the researcher will use primary data inform of open ended interview questions as well as a questionnaire designed using the objectives for practitioners, refugees and general citizens. Practitioners will be selected on the basis of having prior or current involvement with refugee affairs, whether legal or humanitarian. This will inform the arguments of chapter four.

By extension, secondary data in form of case study design will be used. Having not been extensively researched before, more information will be in form of reports and journals. The case

study will be on Kenya and whether local integration is a forgotten solution in solving the refugee crisis. The study will employ books, journals, newspapers and news magazines on refugee rights, local integration and history of refugees in Kenya. UNHCR reports will also be used for statistical data.

1.9. Chapter Summary

Chapter One: The Proposal.

Seeks to introduce the topic with a broad context of the study. As such it has the problem statement, justification, theoretical framework, literature review, research questions and finally the methodology of the study.

Chapter Two: Discourses on the links between Refugees and the Host Country.

Particular interest is going to be on the refugee-host country relationship. It will draw examples from various countries but mostly Kenya. Also it will demonstrate the distinction between camp refugees and urban refugees and how it affects the relationship in question.

Chapter Three: Refugees and Local Integration in Kenya

The chapter expounds on the refugee-host country relationship in terms of local integration. By extension, the Kenya Refugee Act will be analyzed as to whether it is being observed.

Chapter Four: A Critical Analysis of the local Integration approach in Kenya.

This chapter will analyze the consequences and benefits of local integration in the context of Kenya. Data collected in the field will further the arguments in this chapter.

Chapter Five: Summary, Conclusion and Recommendations.

The chapter provides conclusions and recommendations of the study. In addition, suggestions will be made on areas for further studies.

2.0 CHAPTER TWO: DISCOURSES ON THE LINKS BETWEEN REFUGEES AND HOST COUNTRIES

2.0 Introduction

The continent of Africa has been highly susceptible to intra-state and inter-state conflicts.⁴² It is such conflicts that have given Africa an image of instability and refugee influx. It is the aim of the researcher to draw discussions of this chapter from other countries' experiences in relation to refugee-host country relationships and local integration. The structure of this chapter is has three sections; the first and second parts discuss the theoretical debates on refugee-host country relationship and local integration respectively. There is particular emphasis on the means and ways other African countries have effectively achieved positive refugee-host country relationships and local integration. By doing so, the theoretical debates will pave way to explaining the practical links between refugee-host country relationship and local integration

2.1 Background

The refugee crisis is posing serious challenges today to the international community. There are over 21 million people seeking refuge outside their home countries, with approximately 76 percent of them living outside camp settings, making it difficult to locate and reach them with essential services.⁴³ Low and middle-income countries host a staggering 88 percent of the world's refugees.⁴⁴ The refugee-hosting countries have their hard-won development gains being strained by refugee flows. This further affects the effective implementation of local integration where countries opt to close borders, force returns and detain this fleeing from violence and insecurity.

Key refugee hosting countries in Africa today include Kenya, Chad, Ethiopia, Chad, South Sudan, Egypt, Uganda and South Africa. The growing refugee influx is due to a number of internal conflicts in countries such as south Sudan, Central African Republic (CAR), Mali, Nigeria and Somalia. Case in point the SELEKA rebel movement in March 2013 overthrew the CAR government leading to ethno-religious violence that had 181,000 fleeing across borders to

42Aremu, Johnson Olaosebikan (2010) *Conflict in Africa; Causes, Impact, Meaning and Solution*, University of Ado-Ekiti, African Research Review Journal Vol 4(4) p.1

43 World Bank 2016e. *Forcibly Displaced: Toward a Development Approach Supporting Refugees, the Internally Displaced, and Their Hosts*. Washington, DC: World Bank.

44 Analysis based on the UNHCR refugee caseload as of December 2015 World Bank Country Income group classification for fiscal year 2017.

Cameroon, DRC, republic of Congo and Chad. Another crisis was the Boko Haram insurgency in the Nigerian Federal States of Adamawa, Borno and Yobe that resulted in some 50,000 refugees fleeing to Cameroon, Chad and Niger.⁴⁵

Almost half a million new South Sudanese refugees sought protection in Kenya, Uganda and Ethiopia; making Ethiopia the largest refugee hosting country in Africa. Meanwhile, there was an impact on the displacement of the Ebola crisis in West Africa which put a halt to repatriation of the Ivorian refugees from Liberia. With such examples in the African continent, the researcher aims to demonstrate the past and current relationships between refugees and their host countries. The theoretical debates on refugee-host country relationships and local integration will draw examples from African countries keeping.

2.2 Theoretical Debates of Refugee-Host Country Relationship

Refugees have goals, resources and strategies that are what define the relationship they will have with the host country. Refugee goals may be immediate livelihood goals such as physical safety from violence, threat of violence, or intimidation, reducing economic vulnerability and food insecurity; finding a place to settle; and locating lost family members.⁴⁶ While they pursue these goals they are often blocked or unable to access resources such as legal employments, housing and land. As a result, they seek other resources that are available to the local community, especially from the aid organizations hence gaining economic advantages.

The strategies refugees use to achieve their goals are what create two dimensions of refugees; those in organized settlements engaging in legal activities and those in informal sectors, outside camps, also called self-settled refugees, who have many of their activities as illegal. It is pursuance of these goals that further leads to the differences between camp and urban refugees.

In Africa, there are two groups of refugees: Those who come from the rural areas of their country of origin and settle in the country of asylum in a similar, though not always, environment and

45UNHCR, (2014), Overview of the Refugee Situation in Africa; Enhancing International Cooperation, Solidarity, Local Capacities and Humanitarian Action for Refugees in Africa, Geneva; pp.3

46Jacobsen, K. (2002) *Livelihoods in Conflict; The Pursuit of Livelihoods by Refugees and the Impact on the Human Security of Host Communities*, International Organization of Migration, Blackwell Publishers, Oxford, UK, p.5

culturally characterized area as their homeland. Secondly, there are those who are considered from the urban areas of their country of origin, who will go to the African capital cities.

As such, refugee hosting countries often have numerous unidentified refugees living in the urban areas due to insecurity and economic constraints experienced in the camps and settlements. Many African countries have refugees in the camps and restrict refugee movement out of the camp. This has resulted in refugees doing odd jobs to make ends meet. As mentioned before, most local communities perceive refugees as those who will steal their employment opportunities. Work permits for refugees, especially in developing countries, are an issue influenced by this perception.

Refugee inflows are caused by a number of issues ranging from diseases such as Ebola, to famine such as was in Somalia, and to violent internal conflicts. As such, the numbers of refugees flowing into a country are dependent on the magnitude of the crisis in the neighboring countries. This further informs the host's response to the new comers. Literature and research on refugee-host country relationship has been greatly limited to discussions use of natural resources and conflicts that arise from it,⁴⁷ rather than the unseen power distribution between the two groups.

Refugee-host country relationships can be generally understood as the interaction between refugees and the local communities of the hosting country. A number of issues revolve around this relationship. According to Thomas Hoerz, there is a more useful approach to this relationship that involves understanding the refugee-hosting environment in various constituent parts such as geographical, socio-ecological, economical and medical.

The *geographical* nature of the refugee hosting country involves the area in which refugees directly interact with. A day's walking distance of up to 15km where there is direct or indirect interaction with particular environmental aspects such as rivers fuel wood, downstream rivers, areas of food production, trading and harvesting.

⁴⁷Martin A. (2005), *Environmental Conflicts between Refugees and Host Communities*, Journal of Peace Research, 42(3), pp. 329-346

The *socio-ecological interaction* involves the interaction between refugees, local population and the natural resources. The economical dimension involves the impact environmental changes have on the income levels of refugees and the host population, both in population and in kind. Host communities have developed perceptions of the impact refugees have on the environment. These perceptions are what inform the nature of the refugee-host country relationship. In addition, it is these same perceptions that inform the legal frameworks that the host governments opt to formulate. By extension, these perceptions and ideals will further push refugees to have a subjective view of the host country as a whole and more specifically the local community around them.

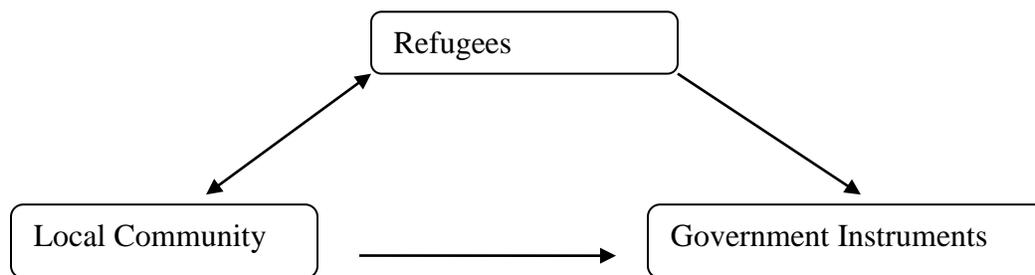


Figure 2.1

These perceptions can be categorized under specific sectoral spheres of analysis such as socio-cultural, environmental, cultural, political, security and health. With the rising number of refugee flows, host countries are in a situation where they have to choose between providing protection for refugees or maintaining control over their borders; they are struggling to strike a balance between the two.⁴⁸ By being obligated by the international community to welcome refugees, a host government is also obligated to follow through with the social contract it has with its citizens.

Refugee host country relationships are dependent on specific factors that further show refugees and the local communities have a role play. These factors can be critically analyzed in terms of

⁴⁸World Bank Report, (2011), *The Impacts of Refugees on Neighboring Countries*; A Development Challenge, World Bank p.2

the impact refugees have on the host environments, and the impacts the local community has on refugees present. Very little literature is evident on afore mentioned impacts.

With the protracted refugee situation Africa has been gaining recognition since 2012, host country relationships have been known to evolve from one of accommodation to one of hostility. Many countries, especially in Africa, opened their borders to people searching for asylum. This was followed by providing land for camp establishments free of charge. This is evident in countries such as Ethiopia and Kenya, where despite environmental pressures and damage to local infrastructure, humanitarian actions were still a priority while providing camp settlements with the help of other international organizations, the host governments seek to guarantee physical safety and protection of refugees. This agenda is pushed further by the UN agencies availing basic service such as food, shelter water, education and health services.

Receiving refugees in the Sub-Saharan Africa was common in the 1960s however this norm changed for the worst when countries grew wary of not only their security abut also about the economic impacts. The treatment of refugees by the host governments has been affected by the local community's negative perceptions. Throughout the African continent, the refugee host country relationships tend to evolve in similar ways depending on the social, political, historical and policy conditions. Relations between Sierra Leoneans and the host population of Guinea were at first positive, local population grew less welcoming towards refugees and in some cases (host) panicked about the effects the refugees had on their farming land.⁴⁹ This was a relationship gone sour due to perceptions on incoming resource scarcity due to populations increase.

African countries hosting refugees in camp settlements are today experiencing environmental pressures. A camp settlement creates competition for resources between the refugees and the local community around it; this leads to over-exploitation of resources. The Toronto school, with Thomas Homer-Dixon as the best know researcher, substantiated the view that environmental scarcity contributes to civil violence, including insurgency and ethnic clashes.⁵⁰ Homer Dixon further argues that resentment and inequality is caused by the over-exploitation of the

49Ager A. & Strang A. (2008) *Understanding Integration: A Conceptual Framework*, Oxford University Press, p.166.

50Homer-Dixon, T., (1999) *Environment, Scarcity and Violence*, Princeton, Princeton University Press, p.177

environment. In the case of refugees in host environments, it is the increase in refugee population in a given country that leads to resource scarcity in an area catering for both refugees and local community. Evidently resource demand has mostly been due to population increase.

Noting that refugee camp settlements are set in very rural areas of the host country, the local communities are among the poorest in the country. In the case of Kenya's came settlements, jealousy over assistance offered to refugees has led to outbreaks that killed people in Kakuma refugee Camp.⁵¹ It is the inequality that has created grievances in the local community around the refugee camp settlement. Refugees have been seen to better benefit from international organizations than the local communities. Naturally this creates resentments from the local community. It is these perceptions that have an impact on the refugee-host country relationships.

Competition over resources is one of the key issues in refugee-host country relationships. Provoked large scale movement leads to environmental stress and resources degradation. As a result, unbearable pressures are placed on environmental resources such as water, land, fuel wood and services such as education and healthcare. Evidently enough, in fear of competition over resources, host governments have limited refugee freedom of movements. This explains why most refugees have remained in the camps as is the case in Cote d'Ivoire's restricted zones.

Social cultural difference also contributes to multi-faceted refugee-host country relationships. Loescher did not miss his words by stating that unwanted migration such as refugee movements can frequently threaten international community harmony and undermine major societal values altering ethnic, cultural, religious and linguistic composition of the host populations.⁵²

The social reality the world has today according to social constructivism is as a result of ideas, norms and principles followed. In countries where ethnic cleavages are deeply entrenched, large unexpected migrant inflows may tilt delicate ethnic balance in the host society and spark inter-

⁵¹IRIN, (2002) Burundi-Democratic Republic of Congo-Tanzania; Focus on Positive Aspects of Refugee Crisis, Integrated Regional Information Network, Kigoma, Tanzania, IRIN.

⁵²Loescher, Gil., 1992, *Refugee Movement and International Security*, International Institute of Strategic Studies, Oxford University Press

group conflict.⁵³ This concept is evident in countries hosting refugee who have different ethnic or cultural histories. Refugee presence in host countries has potential social impact on the ethnic balance of the hosting area's social conflict and delivery of social services.⁵⁴

Situation of mass influx of refugees, displaced people ad asylum seekers has historically been universally negatively regarded. The arguments are that resources and state stability in strained. Other than competition over resources and social cultural factors, political security and stability are issues that dominate refugee-host country relationships. Salehyan and Gleditsch have observed that refugee inflows from neighboring states significantly increase the rise of civil wars.⁵⁵

The rise in terrorist activities in the international community has created awareness on being vigilant and on the lookout for suspicious behavior. However, this has further led to the stigmatization of Arab looking or Somali-looking refugees who seek refuge in the neighboring countries. Case in point, the Kenyan government deemed it fit to have Operation Usalama Watch that had all refugees in urban areas forced back to the camps or detained. The fear in the Kenyan population is that many Somali refugees are sympathizers to or participants in al-Shabaab. As such, this perception has been further fostered in the relationship between the local communities and refugees from Somalia.

Host countries today are more aware of the militarization of refugee camps. Refugees engaging in violence is dependent on the economic, social and political conditions facing them in the host country. These can be looked at as incentives preventing refugees from engaging in violence. It is positive correlation between the government capacity, in terms of development and density of refugee population that predict the likelihood of militarization in refugee camps. State capacity can be in terms of wealth or any other condition facing refugees. Using the greed and grievance

53World Bank Report, (2011), *The Impacts of Refugees on Neighboring Countries; A Development Challenge*, World Bank p.2

54World Development Report (2010) *Impacts of Refugees on Neighboring Countries: A Development Challenge*, p.11

55World Bank Report (2011) *The Impacts of Refugees on Neighboring Countries; A Development Challenge*, World Bank p.16

framework of explaining civil wars, the same arguments may apply in explaining why refugees engage in violence hence creating a negative refugee host country relationship.

2.3 Theoretical Debates on Local Integration

It is provided in the 1951 Convention and Protocol that the contracting states shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.⁵⁶ In general terms, the host country allows refugees to permanently settle in the country while offering citizenship or permanent residency as the durable solution.

There is no universal definition of local integration. Literature provided by Crisp on local integration provides three interrelated aspects. First, as an economic process, it allows refugees to acquire self-reliance and economic independence in the host country. It is the ability of refugees to stand on their own feet and stop relying on foreign aid. Secondly, as a legal process it grants refugees rights to participate in the host country's institutions such as employment, movement and even education. Third but not last, it is a social and cultural process where refugees are not discriminated against or exploited by the local community in the host country.

2.3.1 Key components of local integration

The study conceptualizes local integration as having means and ways that facilitate the achievement of local integration as the ends. This theoretical approach is derived from Alistair Ager and Allison Strang's arguments that there are key domains that reflect on the understanding of local integration. Markers (means) + Social Connection & Protection of Rights (ways) = Local Integration (ends). For the purpose of this study, the means of local integration is structured around sectoral issues. According to Ager and Strang, the markers are a number of key areas in the public domain such as employment, education, housing and health.⁵⁷ The assumption is that with the right to work, refugees become self-sufficient and can really integrate in the host

⁵⁶UNHCR (1951) *Convention and Protocol Relating to the Status of Refugees*
<http://www.unhcr.org/3b66c2aa10.pdf>

⁵⁷Ager A. & Strang A. (2008) *Understanding Integration: A Conceptual Framework*, Oxford University Press

society. As such, refugees' ability to acquire housing and easily access education and health are key areas that further the principles of local integration.

Employment influences economic independence planning for the future, meeting members of the host society, providing opportunity to develop language skills, restoring self-esteem and encouraging self-reliance.⁵⁸ It is difficult for highly educated and skilled refugees to secure employment because they rarely have proof of previous work and professional experience. As a result there is under-employment. Many refugees today, especially those in urban areas hold jobs that do not require the skills set and professional qualifications they have. Employment is key in realizing efficient local integration; however the current rates of unemployment are not in favor of such a solution.

The availability of housing for refugees has direct impact on the safety and security issues associated with successful local integration. Being able to settle in an area overtime also has social and cultural impacts on refugees where the continuity of relationships is dependent. Education is crucial in providing refugees with the skills set to help them become constructive. Furthermore, it provides a point of contact for refugees and local host communities and becomes a platform for relationships to be built that will further encourage the local host community to ease into accepting the principles integrating refugees. Access to education is what enables de facto integrated refugees also to equip themselves for available employment in the host community.

Last but not least, good health promotes refugees active engagement with the local host community. It is because of good health, that refugees are able to participate more in state institutions and in turn positive refugee-host country relationship. Furthermore, countries such as Kenya acknowledge that the ability of refugees to cater for their medical needs is key to make them self-reliant. As such, Kenya today has national health insurance policy available to refugees to use. This insurance policy has further encouraged the refugees in urban areas to come out of hiding in fear of discrimination by the Kenyan health institutions.

⁵⁸Ibid Ager A. & Strang A. (2008) *Understanding Integration: A Conceptual Framework*, p. 170

Local integration is a two way process of change towards a mutual accommodation between the two communities; refugees and the host community. As such, one of the ways recommended to achieve local integration is establishing a social connection between the two groups. The concept of social connection in local integration is multidimensional involving social bonds, bridges and links.

Social bonds mainly involve the family, co-ethnic or co-religious connection. ; Where refugees and the local community share a connection in a number of cultural, ethnical or religious practices. This has a settling effect among refugees. It allows refugees to settle easily and also promotes a social connection for the host community. Social connections contribute to effective local integration and reduce the feeling of isolation. Refugees are also able to maintain their cultural and social activities if they are in a community that shares similar cultures.

To maintain these social connections, there is a need for social bridges. Social bridges in this case refer to activities engaging refugees. There may include sports, religious meetings or educational classes. They not only serve as a platform for encouraging social connections, but also as a good indicator of local integration being welcomed by the host community. The institutions, such as schools and religious centers, play a role of social links where refugees and host communities get to engage in.

For the purposes of this study, the foundation of the means and ways of achieving local integration is refugee's rights. For an effective policy on local integration refugee rights should be accorded and protected. Rights considered may include human dignity, equality, and freedom of cultural choice, justice, security and independence.⁵⁹The ability of a refugee to adapt to the environment in the host country is required for local integration to be effective. Discussions about refugee rights further prompt the notions of nationhood. The theoretical debates around local integration have led the researcher to formulate a three legged stool model with the fundamental domains.

59 Op.cit., Ager A. & Strang A. (2008) *Understanding Integration: A Conceptual Framework*, p. 170

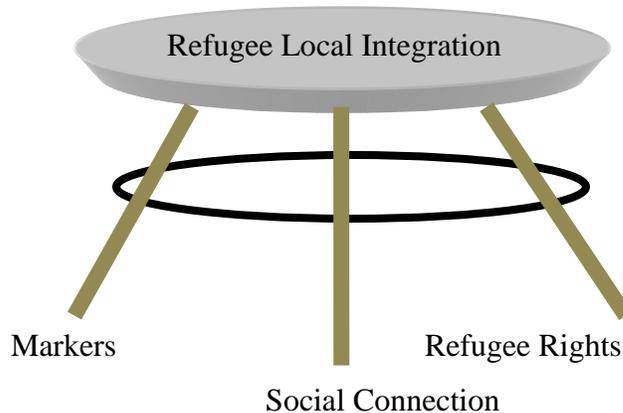


Figure 2.2⁶⁰

However, it is the researcher’s finding that there is need for coordination of all the institutions involved in pursuing or implementing the principles of local integration.

Local integration has also been analyzed under sectoral spheres such as economic, social and legal integration. Economic integration is where refugees are able to seek employment and gain self-sufficiency similar to the host country’s relationship. Social integration is mainly based on the host community accepting refugees. It discourages discrimination, repression and intimidation of refugees. This way, social links and bonds are maintained between the refugees and host communities. Legal integration has been best described as the process where refugees are granted a progressively wide range of rights and entitlements by the host country...the process where refugees gain and accumulate rights may lead to the acquisition of permanent residence rights and ultimately to the acquisition of permanent citizenship in the country of asylum.⁶¹ Legal integration is evident when refugees enjoy freedom of movements, work permits and even travel documents.

Social, economic and legal integration are interdependent. Cameroon as emphasized on self-sufficiency as key to refugees in their journey towards local integration. The refugees began entering Cameroon in 2013 and are now learning farming. This has enabled them to have food

⁶⁰ Domains derived from arguments by. Ager A. & Strang A. (2008) *Understanding Integration: A Conceptual Framework*. The three-legged stool model is the researcher’s finding.

⁶¹ Crisp J. (2004) *The Local Integration and Local Settlement of Refugees: A Conceptual Framework and Historical Analysis*. UNHCR Working Paper No. 102. <http://www.unhcr.org/407d3b762.html>

self-sufficiency. The government of Cameroon has encouraged the pastoral CAR refugees to learn agricultural practices. This effort was not required on Angolan and Burundian refugees who were farmers before. Refugees in CAR have been given access to land, credit, employment and skills training. There is safety and security and housing available for the refugees. Social connection is the best indicator of local integration. There are no social barriers between CAR refugees and Cameroonians.

2.3.2 Local integration as a Durable Solution.

Self-settled refugees are often unofficially integrated after they have lived in and been accepted by the community, and have attained self-sufficiency.⁶² Jacobsen further labels this as de facto local integration. She views them as those who are not confined in the camps or in any physical danger. In addition, de facto integrated refugees have access to resources such as land education, trainings, and employment to sustain their livelihoods. To cap it all is the reality that this particular group of refugees have a social network with the local community in the host country through ceremonies such as intermarriages.

Many refugees-hosting countries have refugees who are already integrated. Case in point, quite a number of refugees from Somalia in Dadaab refugee camp have been living in the district from the establishment of the camp. Keeping in mind that the community around the camp is of Somali culture, it is easier for Somali refugees to integrate socially once outside the camp, with the local community.

The process of local integration is complex, gradual and multifaceted, but little importance has been given to the durable solution. Chimni argues that the history of durable solutions is based on a shift from prioritization of resettlement of refugees to that of repatriation of refugees, due to certain ideological shifts affecting the principle of asylum.⁶³ Local integration has gradually become more limited worldwide.

⁶²Jacobsen K. (2001) *The Forgotten Solution: Local Integration for Refugees in Developing Countries*, New Issues in Refugee Research, Working Paper No.45, UNHCR Evaluation and Policy Analysis Unit, Geneva, p.9

⁶³Chimni, B.S. (1999) *From Resettlement to Involuntary Repatriation: Towards a Critical History of Durable Solutions to Refugee Problems*, New Issues in Refugee Research Working Paper No.2, UNHCR Evaluation and Policy Unit, Geneva, p. 7

During the 1960's to the 1980's many African countries allowed de facto local integration of refugees. However, the refugee hosting countries began confining refugees in camps. This confinement was due to a number of reasons such as the strain on state institutions' capacity to meet the citizens' needs while still receiving large numbers of refugees. There was factual concern that refugees will negatively affect the economies and environment of the receiving states. In addition to this, developing states hosting refugees claimed that the developed and capable countries were not participating enough in the burden sharing guaranteeing refugee's safety and security. Another reason for confining refugees in camps is based on a perception that there was an increasingly restrictive asylum climate, associated with a fear that states are losing their ability to control the movement of people across international borders.⁶⁴

Inefficient support has been given to local integration due to number of issues from the host governments. In Kenya's situation, there is a very large size of refugee population for the country to locally integrate. As Stein puts it, host government reluctance to consider local integration may be due because the refugee population is too big to absorb.⁶⁵ With local populations around settlements living in poverty, host governments may fear of being accused of prioritizing the needs of refugees over those of the citizens when considering local integration. This is a clear trigger for more competition over resources, economic or otherwise. Host governments face economic and political pressures to recognize local integration.

Noting that local integration has not always been considered an implementable solution in some countries, demonstrates that there is prioritization of the solutions. Prioritization has often been given to repatriation which has been seen as the feasible and the optimum way out of the refugee crisis protracted in the international community.

Pre-Cold War, local integration was not restricted especially among the developed countries. However, with the increase in intra-state conflicts and refugee numbers, restrictions were put up to slow down the process of local integration. Many of these restrictions were in developed

64 Ibid., Crisp J. (2004) *The Local Integration and Local Settlement of Refugees: A Conceptual and Historical Analysis*, p.3

65 Stein, B.N. (1986) *Durable Solutions for Developing Country Refugees*, International Migration Review, Vol. 20, No. 2, Special Issue, Refugee Issues and Directions, p.274

countries. Such shifts occurred partly as a follow-on to the West's new reluctance to support local integration, and also because, the presence of refugees was becoming increasingly problematic for host countries.⁶⁶

The underlying argument is that refugee numbers determine the possibility of local integrations to be realized by host countries. As such, when numbers are perceived as manageable and there is a high degree of certainty that return will not be possible, then local integration is still an option which some African governments are prepared to entertain, especially if assistance for the processes is available from the international community.⁶⁷

Local integration as a policy as from 2002 was evident when UNHCR that the aim of the Global Consultations on International Protection was to make the international response more reliable and effective, as well as to ensure greater equity in the sharing of responsibilities and burdens.⁶⁸In the same year the consultations produced a strategy to revitalize the approach to local integration and were based on a number of compelling reasons. The first reason was that a large number of refugees could not be repatriated safely. Their countries of origin were still in conflict hence their safety was at risk. Also in cases where refugees share a language, ethnic origin cultural norms, local integration had a potential to exist. Thirdly, de facto integrated refugees are not inclined to go back to their home countries because they have developed social links with the local communities. Last but not least, local integration needed to be revitalized because refugees had proven their ability to adapt and settle with ease and peacefully in the host countries.⁶⁹

UNHCR has relatively lobbied for refugee self-reliance in the host countries as key in the policy of local integration. As mentioned, local integration is not homogenous even for individuals who have may have similarities in their cultures and history. The background of the refugee

66Jacobsen K., 2001, *The Forgotten Solution: Local Integration for Refugees in Developing Countries*, New Issues in Refugee Research, Working Paper No.45, UNHCR Evaluation and Policy Analysis Unit, Geneva, p.22

67Koser, K. & Black, R. (1999) *The End of the Refugee Cycle? In the End of the Refugee Cycle? Refugee Repatriation and Reconstruction*, Berhan Books, Oxford, p.5

68UNHCR (2003) *Framework for Durable Solutions for Refugee and Persons of Concern*, Core Group on Durable Solutions at www.unhcr.org accessed on 13 Jul 2017, p.3

69UNHCR (2004) *Economic and Social Impacts of Massive Refugee Populations on Host Developing Countries as well as other Countries*, EC/55/CRP.IS at www.unhcr.org accessed 12/Jul/2017 p.4-5

population, the receptivity of the host community, the financial capacity of the host country and the political will of the government to provide the legal institutional basis for local integration will influence how and how quickly refugees are able to become fully integrated.⁷⁰

There are numerous constraints towards the implementation of local integration today. Therefore the revitalization of local integration has been specifically pursued because of the protracted refugee situation the international community is facing today. There are policies and practices that impact local integration. These policies and practices are a reflection of host community's ideas and principles on the refugee presence in their home countries. Jacobsen argues that the full establishment of local integration implementation has three main obstacles. First, government authorities are prompted to keep refugees in the camp by security threats, real or perceived, where they can be effectively monitored.⁷¹ He further argues that there are attitudes and beliefs among the local communities due to economic and environmental resource competition or burden further encourages resistance towards local integration.

Placing of refugees in restricted settlement today is influenced by the perceived security threats, especially when countries are in an era where war on terror is the key agenda of most of the globally recognized meetings. Their perceptions and ideas are what inform movement restriction of refugees, requiring them to live in settlements in Africa, in addition, the severity of the economic crises and environmental degradation facing many of the major African refugee hosting countries means that the most realistic option is to place refugees in designated areas where their needs can be met by assistance from the international community.⁷²

Evidently, the policies and practices in many African refugee hosting countries have contributed to the economic, political and social isolation of refugees. Case in point, the settlement system in Uganda has been an obstacle to economic integration due to economic marginalization. Due to

70UNHCR (2005) *Local Integration and Self Reliance*, EC/55/SC/CRP.IS, at www.unhcr.org accessed on 12 Jul 2017, p.6

71Jacobsen K. (2001) *The Forgotten Solution: Local Integration for Refugees in Developing Countries*, New Issues in Refugee Research, Working Paper No.45, UNHCR Evaluation and Policy Analysis Unit, Geneva, p.22

72Kibreab, G. (1989) *Local Settlements in Africa: A Misconnected Option?* Journal of Refugee Studies, Vol. 2, No. 4, p.473.

limited freedom of movement, there is limited or no rights to employment and engagement in the markets outside the settlements. Self-reliance is highly impossible in the settlements.

As much as local integration has been deemed complex and gradual, it has been attempted on a number of countries. As an official policy, there are particular scenarios local integration is more feasible. Such as when the refugee host environment has surplus agricultural land or other economic opportunities and resources to accommodate refugees. Furthermore, if refugees have sustainable livelihoods in the host country such as in countries with de facto integrated refugees. Additionally, local integration is more achievable if the local community is of the same ethnic origin as the refugees or shares some historical background.

In support of the above theoretical arguments, Ivory Coast was not of the idea of having refugees in settlements or refugee camps. Instead, the country allowed refugees from Liberia to settle among the local population.⁷³ There are a number of factors that influence settlement patterns and in the long run local integration. First would be the kind of relationship between the local community and refugees present. Secondly is, the time the refugees arrived in the country of asylum and how long are they going to stay there. Thirdly is what kind of freedom are the refugees given in the host community. The rate at which the country is getting to a point of an influx of refugees it is important to note the speed at which these numbers are increasing. Lastly, once refugees get to a camp site, they try to survive by sometimes cultivating. The possibility to access land by refugees may influence the settlement plans.

Sometimes tense refugee-host country relationship may because refugees resist the possibility of integrating into the local community.⁷⁴ Once the logic of responsibility shift takes hold, host governments have reason to keep refugees segregated and highly visible in order to maintain the pressure on the international community to continue to support their care and maintenance.⁷⁵ As a

73Harrell-Bond, B. (2002) *Towards the Economic and Social Integration of Refugee Populations in Host Countries in Africa*, <http://www.stanleyfoundation.org/reports/hrp/HRP02B.pdf>, p.14

74Crisp, J. (2003) *No Solutions in Sight; The Problem of Protracted Refugee Situation in Africa, New Issues in Refugee Research*, Research Paper No. 75, p.5-6

75Sommers M. (2001) *Young, Male and Pentecostal: Urban Refugees in Dar es Salaam*, Tanzania, *Journal of Refugee Studies* p. 349.

result local integration of refugees face ideological obstacles due to this kind of hostility from the government.

Tom Kuhlman identifies some characteristics of a successful local integration as follows.

- The socio-cultural change refugees undergo permits them to maintain an identity of their own and to adjust psychologically to their new situation.
- Friction between host population and refugees is not worse than within the host population itself.
- Refugees do encounter more discrimination than exists between those previously settled within the host county.⁷⁶

Central to the success of the local integration strategy is the attitude of the host government and local authorities as well as the commitment on the part of the donor community to provide additional assistance.⁷⁷

2.4 Practical Links between Refugee-Host Country Relationship and Local Integration

As mentioned before, local integration is dependent on social cultural, economic and legal adjustments from the host country. The refugee-host country relationship plays a big role in encouraging or discouraging local integration. It is the ideas and perceptions of the host community have that impact on laws and norms the host government take up.

Case in point is the negative perceptions host communities have that refugees steal their jobs and create unemployment. This negative perception is what provokes employers not to recognize equivalence of academic or professional diplomas from aspiring employees who are refugees. This leads to refugees being more dependent on the host government and humanitarian aid. They are no longer able to contribute to the host country's economy or lead a sustainable way of life.

⁷⁶Kuhlman, T. (1991). *The Economic Integration of Refugees in Developing Countries: A Research Model. Economic Integration of Refugees*. London: Oxford University Press.

⁷⁷UNHCR (2003) *Framework for Durable Solutions for Refugee and Persons of Concern*, Core Group on Durable Solutions are www.unhcr.org accessed on 13 Jul 2017, p.11

Negative refugee-host country relationships are not favorable for local integration. Refugees may not be able to adapt to the local community's lifestyle while facing discrimination. The perception of refugees as a temporary inconvenience to the host country because they rely heavily on government and international assistance creates the sentiment that if locally integrated, refugees are not able to sustain themselves without the outside assistance that was available in the camps, and they will consequently become a permanent burden to the host country.⁷⁸

A welcoming culture from the local community gives local integration a chance to be implemented. In countries such as Uganda and Zambia, refugees are provided with tools for their economic sustainability and interaction with the local community. Both countries provide land for refugees where they can produce food for themselves and allow them to sell in the local markets, thus achieving self-reliance.⁷⁹ This shows that economically integrated refugees cannot only be self-reliant but furthermore are most likely to contribute to the development of the host country if the opportunity to integrate exists.⁸⁰

In today's globalized world, the media is used to sway the public perception of the population on particular issues. The local community is also capable of feeding the media negative perceptions about refugees that has manifested in the refuge-host country relationship. The local population in Ghana played a role in spreading the idea of insecurity where Liberians were thought to bring criminality and violence from Liberia into Ghana. These perceptions create suspicions around refugees that increases criminality between refugees and the host communities as it is today with the Kenyan population and Somali population.

78 Dick, S. (2002) *Liberians in Ghana: Living Without Humanitarian Assistance*, New Issues in Refugee Research, Working paper n. 57, February 2002. Available online at:

<http://www.unhcr.org/research/RESEARCH/3c8398f24.pdf> last access on June 7th, 2017

79 Watabe M. (2005) *The Zambia Initiative*, *Forced Migration Review*, No. 24, p.69 and UNHCR and Government of Uganda, Self Reliance Strategy (1993-2003) for refugee hosting areas in Moyo, Arua and Adjumani Districts in Uganda, Report of the Mid-term Review, RLSS Mission Report 2004/03, April 2004. Available online at:

<http://www.unhcr.org/protect/PROTECTION/41c6a4fc4.pdf> last access on June 7th, 2017.

80 Kibreab, G. (1993) *The Myth of Dependency among Camp Refugees in Somalia 1979-1989*, *Journal of Refugee Studies*, vol.6, n. 4 pp. 321-348.

Local integration has often been thought to be solely the role of the state. This being a process involving the host government and the refugees, refugees have a role to play. However, this is difficult if refugees feel unwelcome in the host countries, when refugees feel like they do not belong in the host country, local integration will be highly unlikely. Liberian refugees in Ghana refused to be locally integrated, and focused on repatriation or resettlement. This was because the sense of belonging to the community was missing.⁸¹

Local integration goes hand in hand with the participation and willingness of the host government. Additionally, local integration is very possible if the refugee-host country relationship is one with a shared language, ethnic origin, culture and history. Such was the case on some Burundian refugees who were easily integrated in Kigoma, Tanzania because there two groups share linguistic and cultural similarities.⁸²

De facto refugee integration is one of local integration process that is heavily on the local communities support to be self-settled. This is possible when the local community does not feel threatened and support the activities carried out by refugees. These activities in turn contribute to the community's development. This is evident where Zambia has self-settled Angolan refugees. The refugee-host country relationship is also dependent on the refugee's perception of the host community. Before pursuing the option of local integration, refugees' preferences should be taken into account. Not every refugee wants to be locally integrated, resettled or repatriated. Refugees will not pursue permanent residence or integration in Kenya if they are planning and hopeful to go back to their home country or even be resettled to a third country. Local integration is a complex process that not only needs the commitment of the host government, but also the refugees' commitment to the process. Refugee-host county relationships inform policies being pursued by the host government local integration is linked to those relationships for implementation purposes of the principles.

81 Ibid., *International Refugee Rights News*, Refugee Protests derailed in Ghana..

82International Refugee Rights News, May 2008, *Seeking Durable Solutions for Burundian Refugees in Tanzania*, vol. 4, issue 2.

2.4 Conclusion

Theoretical debates revolving around the refugee-host country relationships and local integration somewhat have similar connotations of the need of inclusivity of refugees into the host community's lifestyle. Case studies from Africa have provided a unique perspective of the urban and camp refugees noting the different approaches taken.

It is the aim of the research to demonstrate how refugee-host country relationships and local integration inter-relate, practically and theoretically. Different thoughts and arguments are what have led to the conclusion that local integration is not possible without sectoral markers, refugee rights and social connections. The refugee-host country relationships in this case are dependent on social connections, bonds and bridges that the local communities and refugees can have.

3.0 CHAPTER THREE: REFUGEES AND LOCAL INTEGRATION: THE CASE STUDY OF KENYA

3.0 Introduction

Some of the long-standing refugee crises in the world are in Sub-Saharan Africa.⁸³ As discussed in Chapter One, the conflicts in Africa and globally have evolved from revolutions against colonial powers to civil wars. With that, refugees are part of the instruments internationalizing internal conflicts. Kenya was and still is not immune to the domestic conflicts from her neighbors.

While nowadays refugee problems are not confined to Africa, it is in order to note that, owing to the involved numbers, the economic and social misery, the human tragedy and also the background and implications, the refugee problem in Africa is one of the most acute problems of that continent and a massive acute problem in the world.⁸⁴ The relationship between refugees and host countries has been contentious issue in the recent years of humanitarian crises.

This chapter begins with a brief history of Kenya and the challenge it has faced with the refugees that it has hosted. This is followed by a discussion on the laws governing the refugee-host country relationship in Kenya. To further emphasize on the shortcomings or achievements of Kenya in accommodating refugees, the researcher sheds light on the nature of the relationship with emphasis on developing states such as Kenya. By extension, the researcher will illuminate on the relationship between host community and camp refugees and urban refugees. This is aimed at drawing distinctions between the two groups and how they affect the host community. The researcher takes a particular interest in the urban refugees in Nairobi to demonstrate the refugee-host country relationship in Kenyan urban areas.

⁸³Amnesty International (2015), *The Global Refugee Crisis; A Conspiracy of Neglect*, 2015, Amnesty International Ltd., London, United Kingdom, p.24.

⁸⁴Sven H. (1967), *Refugee Problems in Africa*, Scandinavian Institute of African Studies, p.9

In order to understand the nature of host country relationship in Kenya, one must first appreciate the history of refugees in the Kenya. The trend in Kenya in relation to hosting refugees is one characterized by generosity and hospitality to discrimination. Pre-1991 regime was hospitable; however, the regime that came after 1991 was less hospitable with increasing xenophobia and few or no opportunity of refugee local integration.⁸⁵

3.1 Kenya's History with Refugees

Kenya has been regarded to have a long history in hosting refugees, not only from her neighboring countries, but from across the world.

At the time, there were no refugee camps established. There was no alarm from refugee hosting countries of the impact refugees might have. As a result, the refugees seemed to integrate into the society with ease leading to some becoming permanent residents in Kenya. It was during the end of 1980s, beginning of 1990s, that civil turmoil in Ethiopia and Somalia after the respective fall of the Mengistu Haille Mariam and Siad Barre regimes and the civil war in Sudan contributed to the refugee influx in the country.⁸⁶ Before this influx, there was no particular designated area for refugees to settle; as such they could live anywhere they wanted to. This is what culminated to what we call today as de facto integration

At the time, as Kenya was grasping the rapid increase in refugee population, no refugee camps had been set up yet far from the urban areas in isolated geographical areas. Evidently enough, hosting refugees in Kenya started long before it had a legal framework to regulate the protection and assistance of refugees.⁸⁷ Instead, there was Thika Reception Center and a Center in Mombasa that provided accommodation. It was these centers that the government set the Eligibility Committee that determined the refugee status of the population. Kenya set up refugee camps in the 1990s due to a large number of refugees arriving from countries such as Sudan, Somalia and

⁸⁵Campbell E.H. (2005), *Formalizing the Informal Economy: Somali Refugee and Migrant Trade Networks in Nairobi*, Global Migration Perspective, No. 47, Global Commission of International Migration, Geneva, Switzerland, Binghamton University State of New Yorkp.399

⁸⁶International Rescue Committee (IRC) (2013), *Taking Stock: An Assessment of the Level of Implementation of the Kenya Refugee Act*, 2006, An International Rescue Committee Publication, p.1.

⁸⁷Ibid, International Rescue Committee (IRC) (2013), p.1

Ethiopia.⁸⁸ It is evident that the refugee influx in Kenya begun, fueled by conflicts in Ethiopia, Somali and Sudan, hence integration into Kenyan Society was impossible with over 100,000 new arrivals.⁸⁹

Today, refugee influxes in Kenya can be attributed to civil wars in her neighboring states, the al-Shabaab repression in Somalia, drought and widespread famine, tribal gangs such as the Mai Mai in DRC, the role of the government in violating human rights such as the homosexuality bill in Uganda, and many other factors. The demographical nature of refugees in Kenya is very diverse. Somali refugees comprise the largest nationality of refugees in Kenya; others from Congo, DRC, Djibouti, Iran, Ivory Coast, Mozambique, Nigeria, Rwanda, South Sudan, Sudan, Sri Lanka, United Republic of Tanzania, Uganda and Zimbabwe among others.⁹⁰ At one point or another, these countries went into internal conflicts. For example, the conflicts in South Sudan had more than 550,000 people becoming refugees fleeing to Kenya, Sudan, Ethiopia and Uganda in 2013. Today, refugees go into countries with already large refugee populations such as Kenya now.

Once refugees come in to Kenya, they have key needs they must meet. As they seek to secure their lives, they also secure protection from expulsion, kidnapping or return to country of origin. However what tops all the above is their need to have something constructive to do with their lives such as employment and education. Refugees often come to Kenya heading to the two major camps in Kenya. These are the Kakuma Refugee Camp in Garissa and Dadaab Refugee Camps in Turkana that were established as temporary measures. The refugee camps have changes in population composition as the conflicts in Kenya's neighboring countries intensify. Kenya was used to receiving refugees from Somalia and Sudan, but it has had to accommodate refugees from other countries such as the Central African Republic and South Sudan that have had breaks of conflict. Hence contributing to the refugee influx and diversity in Kenya.

Kenya's history with refugees demonstrates that the country had to adjust in accommodating a population not prepared for. This relationship between the local communities and the refugees is

⁸⁸Ndege P., Kagwanja M. & Ondiyo E.O., (2002) *Refugee in Law and Fact: A Review of the Literature and Research Agenda in Kenya*, Occasional Paper Series Vol.1 No. 1, pg.32

⁸⁹Burns A. (2010), *Feeling the Pinch: Kenya, Al-Shabaab, and East Africa's Refugee Crisis*, Refuge, pg.13

⁹⁰International Rescue Committee (2013), *Taking Stock: An Assessment of the Level of Implementation of the Kenya Refugee Act, 2006*, An International Rescue Committee Publication p. 1

paramount in understanding how local integration should and can be taken up as viable solution to the refugee crisis.

3.2 Laws Governing the Refugee-Host Country Relationship in Kenya

The international community today is characterized with numerous internal conflicts resulting in refugee flows. Unfortunately, many governments today are not willing to implement the humanitarian principles to the fullest considering refugee inflow seems to be unending with the recurring conflicts the international community is witnessing today. The challenge today is reconciling their humanitarian obligations and the obligations they have in their domestic and political spheres. Ultimately, it the state has as an obligation to protect vulnerable persons such as refugees. As such, treaties that protect the refugee population were created by states.

In order to fully appreciate the legal framework protecting refugees in Africa, it is worth noting the influence international instruments have on the domestic laws. It was after World War II that the United Nations General Assembly created the office of the UNHCR. This office was mandated to protect and find durable solutions for refugees. All its activities and agendas were based on international law standards such as the Universal Declaration of Human Rights (UDHR) in 1951 and the four Geneva Conventions on Humanitarian Law in 1949. These instruments further informed subsequent treaties and declarations on the regional level. They were geared towards addressing the needs of refugees globally.

There are various international laws and standards governing the refugee's welfare. The 1951 Convention relating to the Status of Refugees is regarded as the foundation of international refugee law. Consequently, it was best fit for countries coming out World War II hence it applied to a narrow definition of whoa refugee is with minimum standards of their treatment. The 1967 Protocol relating to the Status of the Refugees further fills the geographical and time gaps found in the 1951 Convention. It expounds on three main issues. The first issue is the definition of who a refugee is that included the legal status of the refugees in the country for asylum, with this, the rights and obligations; including the right to be protected from forcible return, or refolement, to a territory where their lives or freedom would be threatened.⁹¹ Last but not least, the protocol

⁹¹Kate J. & Marilyn A. (2001), *Refuge Protection; A Guide to International Refugee Law*, Inter-Parliamentary Union, p. 1.

further insists on the role of the state in ensuring the protection of refugees such as cooperation with UNHCR and also cooperating with UNHCR's facilitation of the application of the 1951 Convention.

As such, in the case of Africa, the OAU created a Convention Governing the Specific Aspects of Refugee Problems in Africa in 1969. This was a regional treaty further adding to the definition found in the 1951 Convention. In order to have a more objectively based consideration the OAU Convention argues a refugee is 'any person compelled to leave his or her country owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality. Kenya has ratified Refugee Conventions (both UN and OAU) and 1967 protocols. This is a re-affirmation that Kenya has agreed to protect refugees and cooperate with UNHCR to apply the proposed durable solutions. Kenya has a responsibility as a signatory to the convention.

Some of the provisions of the refugee convention and protocol states must apply include:

- (i) Cooperation with UNCR: Article 35 of the Refugee convention and Article II of the 1967 Protocol contain an agreement for state parties to cooperate with UNHCR in the exercise of its functions and in particular to help UNHCR supervise the implementation of the provisions found in those treaties.
- (ii) Information on National Legislation: The State Parties to the convention agree to inform the UN Secretary General about the laws and regulations they may adopt to ensure the application of the convention.
- (iii) Exemption from reciprocity: where according to a country's laws, the granting of a right to an alien is subject to granting similar treatment by the alien's country of nationality (reciprocity), this will now apply to refugees. The notion of reciprocity does not apply to refugees since they do not enjoy the protection of their home country.

The international instruments have influenced regional laws and standards. The OAU Convention was as a result of the conflicts that followed the end of the colonial era in Africa. This OAU Convention follows the 1951 Convention. Furthermore, it emphasizes on the principle

of refoulement, Article 33 (II) states that no contracting state shall expel or return (refouler) a refugee in any manner whatsoever to the frontiers of the territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.⁹²

The rights crucial to a refugee are similar to those stated in the 1948 UDHR. All the principles noted trickle down to national laws and standards that strengthen the principles of asylum, have refugees protected and create a platform to find a way out for refugees.⁹³ Kenya categorizes refugees into two; the statutory refugees who flee their country of origin owing to a well-founded fear of persecution based on any of the six grounds in the Act.⁹⁴ The prima facie is those who flee from external aggression, occupation, foreign domination or events seriously disturbing public order or in the entire territory of their country of origin.⁹⁵ These definitions are inspired by the 1969 OAU Refugee Convention.

In 2006, legislation pertaining to refugee status and their consequent treatment while in Kenya was only enacted in 2006 after the civil society organizations and UNHCR advocated for a proper legal framework⁹⁶ The Kenyan government had previously had an open-door policy where there was the free flow of refugees in to the country. Furthermore, they enjoyed their socio-economic rights to their fullest.

The 2006 Act that was revised in 2016, seeks to implement the 1951 UN Convention, 1967 Protocol and 1969 OAU Refugee Convention. This Act in 2006 established the Department of Refuge Affairs (DRA). The department was part of the Ministry of State for Immigration and Registration of Persons (MIRP) that administered, coordinated and managed issues relating to refugees. Such issues would include the promotion of durable solutions and development of policies to aid the refugees in Kenya.

⁹²Op.cit ,Kate J. & Marilyn A. (2001), p.14, 1951 Refugee Convention Article 33(1)

⁹³Ibid Kate J. & Marilyn A. (2001), p.16

⁹⁴*Kenya Refugee Act 2006*, Section 3 (1) (a). These are race, religion, nationality, sex, political opinion or membership of a particular social group.

⁹⁵The Kenya Refugee Act (2006), Section 3 (2)

⁹⁶Mwalimu C.M. (2015), *Refugees and State Security: Kenya's Obligation under International Humanitarian Law and the Impact of the Law on State Security*www.academia.edu, accessed on 30/Jun/2017

The Act is also responsible for determining the criteria for Refugee Status Determination (RSD) process. The refugee Act has a set out legal framework, but until today, it has inadequate capacity and coordination of departments to ensure the Act's effective implementation. Before the enactment of the Refugee Act, 2006, the lack of a legal framework was addressed by virtue of Kenya being a state party to a host of international legal instruments geared towards protecting and assisting refugees.⁹⁷ By domesticating the legal rules of the international treaties signed, Kenya was to affect such rules and laws in the domestic courts and as such provide protection for the intended persons.

The 2006 Act now 2016 Refugee Act, places primary responsibility of administration, coordination and management of refugees within the country on the state. It also provides the principle of non-refoulement. For the above obligations and other to be realized, the Act has created various structures such as the DRA, Commissioner for Refugee Affairs (CRA), the Refugee Affairs Committee (RAC) and the Refugee Appeals Board (RAB).

There have been various challenges in the implementation of the principles noted in the Act. This is owing to the current security situation in the horn of Africa. For instance, in 2012, the government of Kenya directed urban refugees to go back to the camps. However, through the advocacy of the civil society organizations such as Kituo cha Sheria, this directive was deemed unconstitutional. This directive had severe consequences on the refugees in the urban areas such as Nairobi where the DRA offices have been closed more than once. It is this kind of reaction by the government that has built the negative perception in the local community against all refugees, regardless of nationality.

The implementation process of the Act has not encouraged the country to pursue local integration. The 2006/2016 Refugee Act unfortunately has not been publicized enough to raise consciousness among the Kenyan population about refugee rights. As a result, there is lack of appreciation of what is right and what is wrong while dealing with refugees. This is not only evident among the police but also local citizens,

⁹⁷International Rescue Committee (2013), *Taking Stock: An Assessment of the Level of Implementation of the Kenya Refugee Act, 2006*, An International Rescue Committee Publication, p.1.

The study continues to argue the refugee host country relationship has an impact on the ability to pursue local integration. And one key element of promoting a positive relationship is have a legal framework comprehended by Kenyans in order to socially construct the environment and perceptions of the country. It is the lack of understanding the right of refugees that further informs how refugees are treated and how the Refugee Act is not fully implemented.

The Act provides the rights of refugees. It also provides clear instructions against refolement of refugees. However, pre-December 2012 directive shows that the Kenyan government did not respect the non-refoulment principle. Refugees are also given the right to work in Section 16(4) of the Refugee Act. However, those refugees in the camps have difficulty in accessing employment due to nepotism or clannism in the camps. Furthermore, in the urban areas, there is a general unawareness of how to apply for a work permit. There is a gap of dispersing information to the refugees as well that further hinders them from realizing their rights in a foreign country.

Refugees also have a right to healthcare. However, this is sometimes inaccessible to many in the camps. There are government hospitals and they are serving as proof of the efforts made. In addition, they have a right to education, for both adults and children. The government of Kenya has ensured that refugee children learn like other children in Kenya and are given access to education. Refugees, like other individuals in the country, have a right to access justice.⁹⁸ By extension, they are accorded fair hearings. Kenya however, has had a long-standing history of police harassment and arbitrary arrests often attracting bribes from the refugees.

The Kenya Refugee Act 2016 demonstrates Kenya's willingness to adhere to international standards of protecting and accommodating refugees. However, the country faces challenges in winning the hearts and minds of its citizens to accommodate refugees without discrimination. The laws in the Refugee Act are what are supposed to guide the refugee-host country relationship and steer the country towards implementing the principles of local integration completely.

⁹⁸Article 48, Constitution of Kenya, 2010

Subsequent sections in this chapter delve in the refugee-host country relationship in Kenya. This is a demonstration of how far the legal framework has been pursued.

3.3 Refugee-Host Country Relationship in Kenya

The refugee-host country relationship in Kenya is one that can be also attributed to the impacts refugees have had on the country itself. In the 1970's and 1980's, Kenya was lucky not to host large numbers of refugee population. By 1970 Kenya hosted a smaller refugee population compared to countries such as Sudan and Ethiopia. Some refugees found in Kenya today have lived either in the camps or urban areas for four decades. The most refugees registered in Kenya live in the two refugee camps, Dadaab and Kakuma. An estimated 62,000 refugees live in urban areas, mainly Nairobi and Mombasa.⁹⁹

The refugee situation in Kenya can be described as a protracted situation. Reason being, with armed conflicts dragging on for many years, refugees find it hard to go back to their home countries. Once refugees came to Kenya in the 1970's and 1980's, the population increase did not have diverse effects. However, with Kenya's neighbors plunging into domestic conflicts, the refugee inflow into Kenya increased and with it came many implications on the host community. An increase in the population had an impact on the country's economy and local resources like land, education and health services and facilities. A perception of refugees as a socio-economic and environmental burden to Kenyan community came about due to this. Refugees, till today, are perceived as a burden creating a recipe for bad refugee-host country relationship as most refugee experiences are described in terms of harassment.¹⁰⁰

Chambers refers to the refugee-host communities as losers.¹⁰¹ They are the poor among the host community. He also shows that there is a group, termed the better-off who are now hosts that gain from the refugee presence and the programmes. This shows an analysis of the refugee

⁹⁹UNHCR, Kenya Factsheet (2016) available at <http://www.unhcr.org/ke/wp-content/upload/sites/2/2016/09/August-2016-Kenya-operation-factsheet.pdf> (accessed 13 Jun 2017)

¹⁰⁰Adisah J. (1996), *Rwandan Refugees and Environmental Strategy in the Great Lakes Region: A Report on the Habitat/UNEP Plan for Action*, Journal of Refugee Studies 9(3) p.326-334.

¹⁰¹Chambers R. (1986), *Hidden Losers? The Impact of Rural Refugees and Refugee Programs on Poorer Host*, International Migration Review, Vol. 20 No. 2, Special Issue, Refugees: Issues and Directions, pp. 245-263.

programmes impacts on the power among the host community. This is a good description of the refugee host environment in Kenya today. There is constant competition for work, food and many other resources, which the hidden losers seem to miss out on to the better-off group. With a clearly multi-faceted refugee-host country relationship, it is clear that here are hosts who have access to resource such as food, work, who further pursue to make profits from the refugee situation.

Refugee-host conflict is evident in Kenya due to competition over resources and socio-cultural differences. This is evident in both camp refugees with communities around the camp sites and urban refugees. Homer-Dixon, one known theorist in group identity conflict and population movement recognizes that group identity conflicts are inevitable so long as large-scale population movement is provoked.¹⁰² If deprivation or stress over resources manifests in a group characterized by different cultural identities or ethnicities, inter-group hospitality is inevitable. The same case applies to the refugees in Dadaab and Kakuma and the local community living around the camps or the refugees themselves in the camps. This is further propelled when one group, such as the Sudanese refugees in Kakuma, emphasize on their own identity while discriminating against others within the camp and outside the cam.

An increase in population in Kenya due to refugee influx has placed a lot of pressure on the competition for the environmental and socio-economic resources. Environmental resources such as forests and fuel wood have been demonstrated by Whitaker that many refugee settlements are located in areas most parts of Africa where environmental degradation and desertification were major problems even before the arrival of refugees.¹⁰³ As such, it is in order to argue that a strain in forest resources can be caused by an influx of refugees in Kenya.

Another environmental resource is water. Black points to this fact that demands on water supply in refugee camps a settlement may create water shortages for both the host community and refugees, which in some extreme situation may necessitate the supply of water in tanks from

¹⁰²Homer-Dixon T.F. (1991), *On the Threshold; Environmental Changes as Causes of Acute Conflict*, *International Security*, Vol. 16, No. 2, p. 76-116

¹⁰³Whitaker B.E. (2002), *Refugees in Western Tanzania: The Distribution of Burdens and Benefits Among Local Hosts*, *Journal of Refugee Studies*, Vol 15 No.4 p. 339-358.

elsewhere.¹⁰⁴ In addition to this, an increase in demand for land for housing is also caused by refugee influx. By extension, there is often an increase in the prices of those parcels making it hard for those who are poor in the host community to afford. This is a positive impact for those who sell these lands however.

Food security is another environmental resource affected by the increase in population induced by refugee arrivals. Population increase leads to high demand for farm produce which in turn affects the prices of these foods. Unfortunately, this unbalanced purchasing power affects the poor hosts mostly. Socio-economic resources may include employment. In Kenya, there is already a challenge of unemployment. Refugee influx further makes this challenge worse and may end up idle, frustrated and aggressive. With that, frustration-aggression theory suggests that individual becomes frustrated when they view something is hindering them from achieving their goals. This frustration culminates into aggression. High rates of crime and violence are evident around camps and urban areas with many refugees in Kenya.

Homer-Dixon rightly opened that clashes arising from migration could alter the operation of the society's markets and thereby it's economic activity.¹⁰⁵ The economy and unemployment is further coupled with a high cost of living especially from the poorer hosts. The education sector is also affected due to these key noted aspects. With this discussion, it begs the question 'are refugees a burden or an opportunity, or both for the host community?'

Evidently enough, the refugee host country relationship is greatly influenced by socio-economic issues greatly revolving around the competition of resources. Refugees in Kenya are regarded as a threat to the economic and secure well-being of the Kenyan population. This is what led to the government restricting the movement of refugees in the country and opted to confine them in refugee camps. The refugee-host country relationship in Kenya is heavily dependent on the social, economic, historical and political conditions in the country.

¹⁰⁴Black R. (1993), *Environmental Change in Refugee Affected Areas in the Third World; The Role of Policy and Research*, The Journal of Disaster Studies, Vol, 18, No.2, p. 107-16

¹⁰⁵ Ibid, Black R. (1993). p. 13

Refugees fleeing to Kenya bring their own cultures and norms that may not sit well with the local communities. For instance, refugees from Uganda have been facing homophobia as many of them fled due to the Homosexuality Bill passed by the Ugandan governments. The Somali community today is discriminated against because the al-Shabaab terrorist group has created an operating site in Somali. As such, they are somewhat portrayed as the face of terrorists. It is this notion that also attributed to the Operation Usalama Watch in 2014 that was characterized by gross violation of human rights by the Kenyan police force.

The acts of terror and competition of resources changed the local population's perceptions in Kenya about refugees. The ideals of the nation have been shifted from those of assistance to thy neighbor, to those of protecting oneself at all cost. It is this idea that shapes the current hostile refugee-host country relationship in Kenya especially in the urban areas. The hostility of this relationship varies between camp refugees and urban refugees. The dynamics of camp refugee situations and urban refugee situations presents the different key issues that affect the refugee-host country relationship.

3.4 Camp Refugee's versus Urban Refugees.

In Africa, there are two groups of refugees: Those who come from the rural areas of their home country and settle in the country of asylum in a similar, though not always, environment and culturally characterized area as their homeland. Secondly, there are those who are considered from the urban areas of their country of origin, who will go to the African capital cities. As such, these two groups are what create camp and urban refugees that we have today in Kenya.

Kenya has a long-standing history of hosting refugees both in secluded camps and urban areas.

3.4.1 Camp Refugees

Currently, Kenya has two refugee camps; the Dadaab Refugee Camp is located in Garissa, North Eastern Province of Kenya. It is made up of five other camps; Dagahaley, IFO, Ifo 2, Kambios and Hagadera. The population mainly comprises of Somali decent. It was the closest camp to flee to after the numerous conflicts in Somalia.

The camp was originally constructed for a population of 90,000 people in 1991. However, with the recurring maternal conflicts in the region around Kenya, the population has been increasing rather at a fast rate. With that, there is a lot of overcrowding coupled with violence and risk of violence. Furthermore, the level of insecurity is characterized by killings, rape and abductions among the refugees. This has now become a major concern for refugees and the international organizations that work in Dadaab Camp.

Kakuma Camp is located in Turkana and was established on 1992. This was in response to the vast arrival of the lost boys and girls of Sudan. They are referred to as such because they travelled through Sudan, into Ethiopia and entered Kenya, by foot, as they fled civil war in Sudan. This same year, many Ethiopians also fled to Kenya after the fall of the Ethiopian government. Kakuma also comprises of local population mainly comprising of Turkana ethno-cultural community.

For the past two decades, the camp has had major demographical changes; however, the local economy has remained constant. The Turkana community depends on livestock and a bit of subsistence agriculture. The district is characterized with high levels of poverty making it one of the poorest regions in Kenya. Just like Dadaab, Kakuma Refugee camp is also characterized with a lot of insecurity and violence. However, this situation is further amplified by the various populations with variant origins and culture clashing. Furthermore, the level of poverty in Turkana County has had refugees and the host community occasionally resulting into violence. This historical tension is fueled by the competition over resources.

The relationship between the host communities around the camps differs. The diversity in Kakuma Refugee Camp has contributed to the nature of the conflict between the two groups. The conflict over resources is further fueled by the social construct each group has of the other. The intensity of the conflict is dependent on how far the local community and the refugees in the camp are willing to go to fight for the scarce resources.

The conflicts around the Dadaab Refugee Camps are not as intense as those in Kakuma Refugee Camp. This is due to the fact that there is a high concentration of Somali culture in Garissa

which is home to the camp mostly comprising of Somalis. It is the sharing of similar ideals and beliefs that has pacified the potential of their being a refugee-host community violent conflict. Camp refugees have lost all hope under the predictable conditions in the camp. Hence the onset of Kenya having urban refugees.

3.4.2 Urban Refugees: Hope vs. Suffering

We can no longer view refugees as only those in tents in the camps. The world is urbanizing and so a refugee who are now moving to build up areas. Urban refugees are defined as persons from recognized refugee producing countries who have settled in urban centers.¹⁰⁶

The reasons for moving from the camp to urban areas such as Nairobi and Mombasa vary. Categorically, this research argues that there are five key reasons why people are encouraged to leave the camp. These reasons are regarded as the push and pull factors. They include limited livelihood opportunities, harsh climate conditions, lack of adequate food, security threats and lack of medical services.

Women have been known to flee Dadaab refugee camp due to the rise in sexual violence and killings. This is a confirmed report from the UNHCR, which states that cases of sexual violence have increased, from 103 in 2007 to 219 in 2008, with 79 cases of rape.¹⁰⁷ In addition to this there are tensions between local communities and population in the refugee camp. Case in point, disputes between the local Turkana community in Kakuma and Sudanese refugees have led to several reported killings over the last decade.¹⁰⁸

The push factors encouraging refugees to leave camps can be viewed in terms of access to security, livelihood, health and education services. While the push factors in their case are the livelihood opportunities, better healthcare services and education, and the chance to live in a more secure environment. Refugees in Kenya will leave the camp in search of safety and

¹⁰⁶RCK (2005), *Self-Settled Refugees in Nairobi- A Close Look at their Coping Strategies*, Refugee Consortium of Kenya, Nairobi, Kenya, p.8.

¹⁰⁷IRIN News (2009), *Kenya: Camp Resources Stretched by Influx of Somali Refugees*, IRIN.

¹⁰⁸IRIN News (2003), *Kenya: Featured, Marginalized Turkana vie with Refugees*, <http://irinnews.org/report.aspx?reportid=45076>

economic independence. More often than not, they come to urban areas out of necessity and the need to build new lives as they cannot be repatriated.

However, as they come to urban areas such as Nairobi and Mombasa in search of a sense of community, economic independence and safety, the reality is that they find a lot of harassment and poverty. Most of all, they find isolation in the struggle. Simon Tuner argues that refugees in camps live lives with no hope because they are locked in the predictability that the camps offer with the UNHCS services; food rations, relative comfort and security.¹⁰⁹ It is the hope to get away from this predictability that leads refugees to leave the camps and go to the urban areas not knowing they might end up suffering there.

The current situation in Nairobi today is one filled with overcrowded shelter, poverty and discrimination. These challenges are unique when related to refugees and their legality. The study acknowledges that there are various urban areas where refugees reside in Kenya. For instance, a good number of Sudanese refugees reside in Githurai and Ruiru, Congolese in Kangemi, Oromos and Somalis in Eastleigh. Somalis are considered the largest nationality of refugees in Kenya followed by Ethiopians. Eastleigh has attracted refugees from Eritrea and Sudan, as well as from countries in the Horn of Africa and Central and Southern Africa.¹¹⁰

3.3.2.1 Urban Refugees in Nairobi: A Case of the Invisible Population Hidden but Exposed

In Kenya, the population of the capital, Nairobi, has grown more than ten-fold since 1960, representing some of the highest population growth rates in Africa.¹¹¹ There are no clear boundaries in Nairobi unlike in camps where refugees are set to live in specific areas. Refugees are widely dispersed throughout the city and intermix with a variety of local Kenyans,

¹⁰⁹Turner S. (2001), *The Barriers of Innocence-Humanitarian Intervention and Political Imagination in a Refugee Camp of Burundians in Tanzania*, Roskilde University, Denmark, p.8

¹¹⁰Campbell, E.H. (2006), *Urban Refugees in Nairobi: Problems of protection, Mechanisms of Survival, and Possibilities for Integration*, journal of refuges Studies Vol,19 No.3, p.32

¹¹¹Metcalfe V., Paranello S. & Mishra P. (2000), *Sanctuary in the City- Urban Displacement and Vulnerability in Nairobi*, London, p.1

immigrants, asylum seekers, foreigners- and often hold a variety of documents.¹¹² Urban refugees in Nairobi are diverse in nationality, socio-economic background and ethnicity.

Little focus on the rising numbers of refugees in Nairobi was noted with worry, up until insecurity increased in the country. The study acknowledges that refugees are an invisible population in the Nairobi as they do not come forward for fear of being deported. Refugees have been displaced all over Nairobi today with significant needs of protection, but they fear coming forward and they would rather be highly mobile than permanently in one area.

It is the situation of urban refugees that further demonstrate the need for locally integrating refugees. The largest group of refugees in Nairobi is of Somali origin who have had a lengthy history of migration to Kenya, and have long-established important trade network.¹¹³ As of 2009, there were 20,111 registered refugees and asylum seekers of Somali origin in Nairobi, the greater majority in Eastleigh District.¹¹⁴ Eastleigh, often referred to as Little Mogadishu, is dominated by Somalis and has been transformed through the 1990s by Somali business men. Refugees have been able to tap into Kenyans, more specifically Nairobi's, trade network and created an informal economy. Urban refugees also present benefit to the economy. They bring skills and experiences that have continuously had positive economic contributions to Kenya. Somali refugees for instance have created a thriving economy around Eastleigh.

However, a key question is how is the relationship between refugees and the local population in Nairobi? Also, what is their legal status? Currently, there is an ever-growing perception among Kenyans that refugees, specifically Somalis, represent a threat to national security and Kenya's economic welfare. There is resentment towards refugees who are business owners who are seen to employ their own and leave odd or menial jobs for Kenyans to take up.

¹¹²Campbell E.H. (2005), *Formalizing the Informal Economy: Somali Refugee and Migrant Trade Networks in Nairobi*, Global Migration Perspective, No. 47, Global Commission of International Migration, Geneva, Switzerland, Binghamton University State of New York, p.2

¹¹³Ibid, Campbell E.H. (2005), *Formalizing the Informal Economy: Somali Refugee and Migrant Trade Networks in Nairobi*, p.399

¹¹⁴UNHCR (2009), *Refugees and Asylum Seekers in Kenya*, Statistical Summary, b. p.2

Research has shown that many Kenyans would prefer it if refugees were among the poorest without easy access to similar services and economic opportunities. As such, this sentiment is somewhat not barred by the Kenyan government as it does not see Kenya as the appropriate destination for refugees but rather a temporary hosting area.

In Nairobi, there is lack of legal protection or recognition. This makes it hard for refugees to access basic services deeming them vulnerable to exploitation and human rights abuse. Refugees in Nairobi face intimidation and harassment by the Kenyan authorities. There is constant harassment by the police, beatings, confiscation of documents, illegal detention and intimidation done by the Kenyan police. In their pursuit for economic independence, refugees leave the camp and come to Nairobi, hoping to find employment. However, they find themselves working for unfair wages and in unsafe conditions. They are deemed to be what push a shadow economy in Kenya. For fear of being deported back to the camp, they do not come forward, even to UNHCR, when they are exploited for their labor.

Evidently enough, refugees in Nairobi face distinct challenges that many national approaches may not be suitable. Refugees have been seen to bring burdens to the city. This pushes them to be the invisible population. This environment further encourages the Kenyan government to follow the population's perception rather than pursue local integration and encourage tolerance.

The growing population in Nairobi and other urban areas overwhelmed the Kenyan government to a point they could not secure the state as before. In response to a growing insecurity in Kenya, on 5th April 2014, the government launched an internal security operation called Operation Sanitization of Eastleigh, publicly known as Usalama Watch (meaning peace and safety in Kiswahili).¹¹⁵ The purpose of the operation, carried out by the national police service, was to track down illegal migrants in order to deter terrorism¹¹⁶, and this included both Somalis and other urban refugees. Terror attacks such as one that was in the Westgate Mall in Nairobi

¹¹⁵Clapier L. &Wintero J.A. (2015), *The Construction of illegality in Nairobi; An Analysis of urban Refugees coping mechanisms*, Aalborg University Copenhagen, 2015, p.11

¹¹⁶The Independent Policing Oversight Authority (IPOA) (2014), *Monitoring Report on Operation Sanitization Eastleigh*, publicly known as Usalama Watch. (available at <http://www.ipoa.go.ke/downloads/other-documents> (Accessed 12 Jun 2017)

resulted in a massive crackdown in the city on refugees. Over 50,000 refugees were expected to vacate Nairobi and go back to the camp.

This was evidently a sanitization process. There was racial profiling and targeting a specific ethnic group of Somalis in order to enhance security and protect Kenyan citizens this was clear violation of other fundamental human rights. The reality is there are refugees cannot stay in the camps while they still have hopes to achieve a sustainable independent livelihood. At the time of writing, it should be noted that the Kenyan government continuously urges refugees to go back to the camps. Also in 2016, there was an attempt to close Dadaab refugee camp on well-founded fears of insecurity.

Refugees in Nairobi present an illegal presence coupled with vulnerability towards authorities and lack of protection. Arguably enough, refugees in Nairobi struggle to have a normal life and access basic rights. However, the ability to have local integration boils down to the legal status of refugees in Nairobi. Kenya practices an encampment policy, where urban refugees have time and time again been told to go back to the camps lest they be treated as illegal aliens.

3.5 Conclusion

The refugee-host country relationship in Kenya is clearly revolving around social, political, historical, and environmental and security issues. Key issue to note however is that the underlying push to the issues mentioned is that availability of resources. Resources can range from the accessibility to education, health services to resources such as food and water.

This chapter aimed to demonstrate that it is this relationship that further influences the ability of a country to fully implement the principles of local integration. In the Kenyan context, the refugee-host country relationship does not seem to favor the option for local integration to its full potential. The institutional frameworks in the country have not given refugees a platform to fully participate in them without fear of discrimination or unequal treatment.

The refugee-host country relationship in Kenya can be argued to influence the legal framework governing the states affairs and refugees, as such; local integration seems to be pegged and

dependent on positive refugee host country relationship. The social construct in Nairobi for instance encouraged the operation Usalama Watch where the local population did not voice out any disapproval on the violation of refugee rights.

The legal framework governing the management and assistance of refugees can clearly not be fully implemented without coordination with other arms of the government. It is also the government's implementation of the principles provided in the act that requires the citizens to also be aware of. Members of parliament have not played their role in sensitizing the local population about the Act and what benefits are there from pursuing local integration.

4.0 CHAPTER FOUR: A CRITICAL ANALYSIS OF LOCAL INTEGRATION APPROACH IN KENYA

4.1.0 Introduction

The development of this study has expounded on the literature about refugee host country relationship and local integration. The argument is not on which concept is more important than the other, but how to achieve one without hindering the other.

The formulation and implementation of the Kenya Refuge Act is one key issue informing local integration as well the refugee-host country relationship. The international community informs the traditional approaches Kenya is taking to secure herself from the impacts of refugees. Prior discussions of this study have expounded on the relationship between refugee-host country relationship and local integration. The conceptualization of local integration shows the degree of importance refugee rights and freedoms are given. This chapter endeavors to critically analyze the practical issues surrounding local integration in the Kenyan context. Thoughts from chapter two and three are what informed the questionnaire used to collect data from both refugees and Kenyan citizens.

It should be acknowledged that a conceptual difficulty has been realized in the incorporation of the local integration with a positive refugee-host country relationship not fully realized. For a long time now Kenya has had a protracted refugee situation. In this case, refugees are regarded as being in a protracted situation when they have lived in exile for more than five years, and when they still have no immediate prospect of finding a durable solution to their plight by means of voluntary repatriation, local integration or resettlement.¹¹⁷ This means that the country has failed to fully pursue one acceptable durable solution offered by UNHCR and an increase of refugees in the country is the end result. Political conflicts in their home countries delays the possibility of repatriation.

There is a lot of concern on global terrorism that has further delayed the process of resettlement of many refugees. Some refugees can no longer be resettled in particular developed countries

¹¹⁷Crisp J. (2003), "No Solution in Sight: The Problem of Protracted Refugee Situations in Africa," New Issues in Refugee Research, Working Paper No. 75 Geneva: UNHCR, p. 1.

because of the countries they come from are blacklisted on the basis of being safe havens for terrorist recruitment.

These factors have led the researcher to argue that local integration is the option left for Kenya to pursue to deal with the rising numbers of refugees received every day. In addition to this, Kenya will have almost full control over the benefits of refugee presence in the country. Three million refugees were reported to be in a protracted situation in Africa in 2001. Historically, governments have relied on material support in responding to refugee situations.¹¹⁸ This refugee assistance comes in terms of aid with donors and international organizations focusing on the top most crisis. As a result, protracted situations develop, which drag on for years and where there is no immediate prospect of a durable solution for the refugees concerned, have consequently been neglected.¹¹⁹

The current situation in Kenya today is one which refugees may deem hopeless while they are in a state of limbo waiting for resettlement and giving local integration or repatriation any chance. Repatriation remains the final goal for the country. However the conflicts in her neighboring countries seem not to end. There is no level of certainty for refugees while they live in limbo. Resettlement today has been greatly affected by global terrorism and as such nationalities such as Somalis and Sudanese go through more security checks than others. These security checks may end up barring them from being resettled. It is the hope of the researcher to demonstrate in this chapter that refugees and the local communities have an opportunity to have development in their living environment.

The chapter begins with a description of the nature of local integration in Kenya. This is followed by a discussion about the benefits of local integration. An analysis on the perceived burden that is brought about by refugees as an inhibitor of local integration is provided. These sections are mostly informed by data collected through interviews and questionnaires conducted in Nairobi and Dadaab on both refugees and the local communities.

¹¹⁸Merkx J. (2000), "*Refugee Identities and Relief in an African Borderland: A Study of Northern Uganda and Southern Sudan*," New Issues in Refugee Research, Working Paper No. 19, Geneva: UNHCR p.19

¹¹⁹ Crisp J. (2002), "*No Solutions in Sight: The Problem of Protracted Refugee Situations in Africa*" Kyoto, Japan p.22

4.2 The Nature of Local Integration in Kenya

With the increase in the inflow of refugees in Kenya, urban refugees have been on the rise. In 2014, the UNHCR estimated that half of global refugees are urban, with many concentrated in large cities, such as Nairobi which hosts over 100,000 urban refugees.¹²⁰ The geopolitics of her neighboring countries prevents safe repatriation. As a result there is an overwhelming number of refugees that further limits the impact of resettlement to third countries to Kenya.

Kenya currently has two main refugee camps, Dadaab and Kakuma refugee camps. Both camps are in the northern parts of the country that are impoverished. Refugees from these camps move to urban areas such as Nairobi and Kiambu where they are still confronted with poverty and worse still marginalization. In order to survive in the urban areas, refugees in Kenya are forced to integrate within the local community to some extent. They are forced to adapt to the host community's lifestyle and cultural norms and expectations. Refugees will work and live among the host community. This is what is known as de facto integration; a phenomenon common in Kenyan urban areas. However, de facto integration is legally unsupported meaning their rights are not entirely recognized.

Furthermore, there is a core difference between camp refugees and urban refugees in Kenya. This is mainly the element of service provision. While in the camps, refugees are provided with basic life-sustaining services such as food, healthcare, water and sanitation. Humanitarian actors provide the infrastructure for these services. However, this does not exist in the urban setting. Refugees are expected to provide for themselves. There are no services set out for urban refugees as such, they are left vulnerable.

Among local communities, there is unequal distribution of the benefits and burdens that come with refugee presence in Kenya. Host's experiences are dependent on the settlement patterns and the nature of the refugee-host country relationship. As such, those host communities that already have access to resources such as water and education are advantaged and benefit from the refugee presence. This is evident near Kenya's refugee camps. There are those communities, especially

¹²⁰Campbell, E. H., Crisp, J. and Kiragu, E. (2011) *Navigating Nairobi. UNHCR Policy Development and Evaluation Service*, January, <http://www.unhcr.org/4d5511209.pdf> (accessed 11 August 2017)

in the Turkana community that had access, though still limited, to water and education. With refugee presence comes humanitarian infrastructure. There are also those that were already disenfranchised and they become more marginalized. This is also evident in urban areas. The poor are greatly affected by the high rates of inflation due to high prices of basic food supplies such as sugar.

The nature of local integration in Kenya is varied across the country's geographical locations. The hosts around the camps are affected differently than those in the urban areas. The country has not yet come to terms with the possibility of local integration being an effective durable solution. De facto integration has historically been more acceptable way of naturalizing refugees in Kenya. However, today the international community is characterized by terrorist attacks and resource based conflicts. The frequency of these two conflicts is what has eluded the minds of many policy makers as an inhibitor to refugee local integration in Kenya.

Kenya currently has the Refugee Act 2016 that is yet to be publicly accepted. The act outlines the rights and fundamental freedoms of the refugees in Kenya. It is its implementation that is yet to be seen, the act provides legal protection to promote local integration. Data collected demonstrates that many Kenyans are not aware of the Refugee Act 2016 or the rights refugees are entitled to. There is a misperception on what exactly refugees need from the host community.

Many of the interviewees who were not refugees sympathize with the plight refugees have gone through, however their self-preservation is what is guiding their arguments that refugees are here to take their jobs and any other opportunities the government might present. The lack of information in the local community, especially around the camps, in Kenya has further influenced the negative refugee host country relationship.

Of those interviewed using the questionnaire, almost 90% of the participants do not know any locally integrated refugees. The de facto integrated refugees are not thought to be fully integrated in to the Kenyan community. For many of the interviewed participants local integration is indeed a forgotten solution. Refugee freedom of movement is what many refugee interviewees argued to be the most crucial element to achieving a positive refugee-host country relationship and in turn

local integration in the long run. Furthermore, it is the inability to move out of the refugee camps that was the most noted answer as to what has informed fears among the Kenyan population and negative refugee-host country relationship.

While the study demonstrates the means and ways of achieving local integration, data collected shows that it is economic opportunities that many of the participants perceive as a foundation for local integration. In addition to this, unequal treatment and the disrespect of refugee rights by a significant number of the Kenyan police enforcement are what discourage refugees from being open to being locally integrated into the Kenyan community.

Most of the literature on local integration is focused on the role of the state. However, little has been researched on the role of refugees in the host community. Refugees have as much a big a role in achieving local integration as do the local community. Refugees are key in influencing the perceptions of the host community; perceptions that in turn inform the policies pursued by the Kenyan government. Refugees in Kenya are not satisfied with the nature of local integration or negative refugee-host country relationship. The sampled Kenyan population is rather not for the idea of locally integrated refugees. Many are for the repatriation of refugees. The thought of having locally integrated refugees in Kenya is not welcomed among many of the Kenyan nationals.

4.3 The Benefits of Local Integration in Kenya

The benefits of local integration can be analyzed in terms of the benefits of refugee presence in Kenya. Refugees, despite the nature of their origin, come with opportunities for the host country to benefit from. Key aspects of the benefits are the economic and socio-cultural spheres of the country. At a national level, refugees in Kenya are viewed as a threat to security and economic welfare of the local population. However, at the country level this is viewed differently. Turkana and Garissa country that host the two refugee camps in Kenya benefit immensely from refugee presence. The possibility of local integration might as well increase the benefits the countries reap now.

The refugee act has provided refugees with the rights to seek employment. However the national Kenyan culture is not one that accommodates refugee employees with ease. Instead, many Kenyans prefer to employ people they know. This study will mainly discuss the economic and developmental benefits of integrating refugees and broadly touch on the other institutional spheres in Kenya.

Refugees in Kenya have found ways to integrate informally while in exile. However there are no clear cut measures to a formal integration. Local integration in Kenya will give refugees the ability to contribute legally to the country such as working legally and paying taxes through the appropriate channels. Self-sufficiency and entrepreneurship among refugees is economically beneficial for Kenya.

Economic integration in Kenya will involve creating sustainable livelihoods for refugees with decent standards of living comparable to the host community. At the county level in Kenya, villages close to Kakuma and Dadaab refugee camp are able to take advantage of cheap labor from refugees, trade opportunities and relief services. However, those communities far from the refugee camps do not benefit as much from the opportunities created by refugee presence. The remoteness of refugee settlements has been seen to prevent the realization of broader economic and social benefits.¹²¹As a result of settlements around different geographical patterns, these benefits are extending mostly within the counties.

Refugees in Kenya are not entirely dependent on donor actors and aid from humanitarian organizations. There is immense informal trade within the two refugee camps in Kenya. Much of this trade is illegal. Refugees rarely acquire business permits from the government of Kenya as would a Kenyan citizen. There is no tax collection on most of the businesses conducted by refugees especially within and around the camps. The Kenyan government loses out on an opportunity to tap into this kind of revenue.

¹²¹ Armstrong A. (1987) *Evolving Approaches to Planning and Management of Refugee Settlements; The Tanzanian Experience*, Special Report No. 3, Dar es Salaam, Tanganyika, Christian Refugee Service, p.17

This lack of legal pathway of conducting business creates a system where businesses and their contribution cannot be accounted for.¹²² Kenya has no structured system to benefit immensely from the refugee businesses. Refugees have a significant contribution to the economy. In Kakuma, there is a well-established economic network. It has been founded to be run by mostly Somalis and Ethiopian traders. While refugees do not pay taxes to the Kenya revenue authority, there is reportedly tax collection by individuals who misrepresent themselves as agents of the Kenyan government. As such, this is not on the country's tax income reports. Kakuma has been argued to contribute 1.1 million Kenya Shillings annually in tax¹²³...that is accounted for.

In Kakuma and Dadaab refugee camps there is a large market business for the host community. 70% of a refugee's disposable income is spent on non-food item and food items. As such, Kakuma camp is the largest market for livestock producers-generating the demand for animal produce in Turkana County. The prices of these livestock are higher in Kakuma than in other parts of Turkana because of the high demand. Refugees pay tax to move any of their agricultural produce; this is applicable on each animal slaughtered at the refugee camp to the county.

Refugees have presence in a number of communities has led to job creation. This job creation is due to NGO presence and construction plans of infrastructure such as schools in the refugee camp. In addition to this, there is what is known as a "fake economy" resulting from the distribution of the free food and non-food items that negatively impacted the country's economy.¹²⁴With the need to revitalize local integration, UNHCR has been working towards building a more sustainable economic framework that benefits both refugees and the host community.

Economic integrating refugees presents Kenya with an opportunity to gain economic advantages. The infrastructure contributed by refugees in Kenya is immense considering most are as a result of refugee initiatives. In urban areas, the local community benefits from the buying and selling of goods and services. Refugees have been argued to positively impact the host country's economy

¹²² Danish Refugee Council (DRC) (2016), *Devolution in Kenya: Opportunity for Transitional Solutions for Refugees?* Samuel Hall, Nairobi, Kenya.p.7

¹²³ Ibid, DRC (2016) p. 10

¹²⁴ Ibid, DRC (2016), p. 11

by utilizing their skills and knowledge in order to pursue their livelihoods. These direct and indirect impacts are not only on the economic sphere in Kenya, but also other sectors such as security and social-cultural connections.

There are numerous impacts, both positive and negative, of locally integrating refugees in Kenya. The impacts are dependent on the refugee-host country relationship. In the case of Nairobi, there will no longer be a shadow economy if local integration is encouraged and pursued. This is because; refugees will no longer live in fear but rather have the courage to come forward and look for jobs other than the menial work they get for little or no pay. They will cease being an invisible population or society being harassed and discriminated against.

By extension, the rights of refugees will be fully protected and respected where accountability will be adhered to by the state agencies. Transparency between the local host community and refugees will be created hence minimizing the levels of suspicion and fear of violence.

Politically, refugees will have the ability to fully participate in Kenya's institutions without fear of being harassed. This will encourage cohesions and a continued improvement of the structures already in place

4.4 Consequences/ Impacts of Local Integration in Kenya

Protracted refugee situations contribute to what the US committee for Refugees and Immigrants (USCRI) has described as a denial of rights and a waste of humanity.¹²⁵ It is this protracted refugee situation that leads to problems within the host state and countries in the region. These problems can be categorized in terms of security/ insecurity, political instability and socio-cultural tensions.

Camps are located close to country borders. This is a safe haven for trafficking sites for small arms and contraband. The border regions where camps are located are often unstable. Black market is the least of the counties' problems. Small trade of arms around Dadaab refugee camp in Garissa country has been a security issue for the longest period of time. It is this trade that has

¹²⁵Smith, M (2004), 'Warehousing Refugees: A Denial of Rights, a Waste of Humanity', *World Refugee Survey*, 38–56.

given many Kenyans the perception that the camp is a recruitment site for the al-Shabaab terrorist group. A security problem that has proven difficult to fully deal with due to the weakly protected borders Kenya has close to refugee programs.

Refugees also represent an indirect security threat and source of grievance if the local population perceives them to be in receipt of humanitarian assistance not available to the citizenry or if they have move irregularly to urban areas and become dependent upon informal sector.¹²⁶ Such situations can also become a threat to the wider international community as they may contribute to the irregular secondary movement¹²⁷ or become a potential source of radicalism and terrorist recruitment.¹²⁸ Dadaab refugee camp has been argued to be a safe haven for the radicalization of many youths in to the al-Shabaab terrorist group. Furthermore, it is this same camp, mostly populated by Somali nationals, that has been blamed to be the hot spot for recruiting terrorists who are deemed responsible for the terror attacks experienced in Kenya.

However, it should be noted that this is a perception yet to be grounded on well-founded facts and investigations. Clear evidence is yet to be demonstrated linking the protracted refugee situation Kenya is experiencing toady and terrorism. Furthermore, the incidents of terrorism in the general population have not been greater than those among the refugee population.

There is evidence of prolonged idleness and lack of opportunity in the refugee camps among refugees. This has historically been thought to provide a source of recruitment for armed and radical groups and non-state actors in civil conflicts and proxy wars. Numerous become militarized and used directly or indirectly to support armed groups.¹²⁹ Many host governments

126 Milner, J (2000), 'Sharing the Security Burden: Towards the Convergence of Refugee Protection and State Security', *Refugee Studies Centre Working Paper No. 4*, Refugee Studies Centre: Oxford, p. 23

127 Swiss Forum for Migration (2005), 'Movements of Somali Refugees and Asylum Seekers and States' Responses Thereto' (SFM: Neuchatel), p. 16

128 Kagwanja, P and Juma, M (2008), 'Somali Refugees: Protracted Exile and Shifting Security Frontiers', in Loescher, G and Milner, J (eds), *The Politics, Human Rights and Security Dimensions of Protracted Refugee Situations*. (United Nations University Press: Tokyo), 214–247.

129 Zolberg, A, Suhrke, A and Aguayo, S (1989), *Escape From Violence: Conflict and the Refugee Crisis in the Developing World*, Oxford, p.3

have also expressed concern about the relationship between the long-term hosting of refugees and terrorist recruitment.¹³⁰

It is this possibility that has led to the reluctance from the Kenyan government to provide resources to refugees to access the benefits of local integration. As a result, most refugees find themselves in protracted refugee situations bogged down in an intractable state of limbo and trapped for years in institutionalized camps and settlements.¹³¹ It is argued that the protracted situations are only in the camps; however, it is a situation among refugees in urban areas such as Nairobi as well who are facing long-term rights deprivation.

In the past, Kenya allowed self-settling of refugees in rural and urban areas. There was not restriction of movement. However, this idea has become unpopular overtime. Findings demonstrate that the local community fears there are more consequences than benefits of refugee local integration in Kenya. No civic education on this matter has been done. As such, many Kenyan citizens do not appreciate the need to look into more benefits to be reaped once refugees are integrated in the community. Furthermore, data collected demonstrated that many, refugees and Kenyan citizens, are not aware of the refugee act. The legal framework provided has not been publicized as it should be. It seems it should just be on paper. This is a loophole that institutions such as the police take advantage of because refugees do not know their rights. In the end, there is police brutality on refugees that is seen to be normal.

Economically, the local host community has often regarded refugees as better advantaged; in essence refugee presence comes with the presence of NGO development programmes. As such, it is the refugees who benefit the most and gain monetary advantages. The essence of economic local integration is to establish sustainable livelihoods and standard for living for the refugees. Kenya itself has not yet reached the economic capacity to create sustainable livelihoods for its citizens. As such, it is indeed difficult to guarantee the economic development of refugees with the possibility of local integration.

130 Ibid, Kagwanja, P and Juma, M (2008) '*Somali Refugees: Protracted Exile and Shifting Security Frontiers*', p.214-247

131 Harrell-Bond, B (1986), *Imposing Aid* Oxford: Oxford, p. 15

The inability to economically assist refugees has further created an easier avenue for black market to thrive in Kakuma refugee camp. It involves purchasing relief goods from refugees, repacking the goods (...) and then selling them to retailers within the camp or wholesalers who come from Kakuma town, Lodwar, Kitale and Eldoret.¹³² Refugee presence has created a fake economy in the camps and countries hosting them the unequal distribution of ideal economic strength has further strained the relationship between refugees and local communities.

Kenya already has resource scarcity related conflicts. It is theoretically argued that economically integrating refugees will further increase resource scarcity in the country. The frustration from local population has in time resulted into aggression and ultimately conflict. The lack of capacity for the Kenyan government to ensure local integration is pursued is dependent on the economic strength the country has to balance the needs of the host community and those of the refugee present.

Politically, local integration of refugees in Kenya provides an opportunity for rebel groups to create recruitment of radicals and sleeper cells in the country. Kenya's neighboring countries are what one can describe as unstable centers of historical violence. Kenya has always been regarded as the peaceful country in the region. By extension, the country already fears 'recruitment' in the camps and radicalization of young jobless and idle refugees. There is the possibility of spreading ideology not in line with the Kenyan interests that create an environment conducive to having a conflict in the host community. The refugees in the country have different stories; some are victims and some are the perpetrators of violence in their countries of origin. The movement of these insurgents with different ideologies has the potential to destabilize Kenya.

The consequences of local integration maybe in terms of impacts on the social-cultural fabric of the Kenya population. A clash of cultural identities is evident today without local integration being fully pursued, and this might worsen of the spirit of tolerance is not encouraged among the citizens. The communities living around refugee camps experience this cultural diversity the most. However, tolerance of different cultural identities is not something Kenya is accustomed

¹³² Oka, R. (2011), *Unlikely cities in the Desert*, p.245

to. The country is already struggling with tensions among a number of its tribes. Tensions between communities such as the Sudanese (from both South- Sudan and Sudan) and the Turkana community is one that has been coupled with violence in the recent past. The people from both communities are pastoralists and living in somewhat close proximity to each other. Natural resources play a hand in amplifying the cultural differences communities may have. The same applies to those refugees who live in urban areas.

Furthermore, while Kenya may not have a singular “Kenyan Culture”, it is feared that there are very high chances cultural practices in the country may be further diluted than they are now by refugees from other communities and nationalities. This is a perception merited by the intermarriages seen between refugees and Kenyan nationals,

4.4 Conclusion

The findings from this study clearly show that the failure of Kenya to achieve refugee local integration is due to negative refugee-host country relationship. The researcher concludes that the findings indeed confirm the first hypothesis that indeed hostile refugee-host country relationships discourage the implementation of local integration principles. The two concepts cannot be separated and should be analyzed in terms of the role of the host nation as well as the role of the refugee. Fundamental rights that enable refugees to enjoy economic opportunities are key to not only achieving refugee self-sufficiency but also very important in ensuring social connections are strong enough to stand the negative perceptions of skeptics.

The study has gone on to demonstrate the benefits and consequences of refugee local integration. It is these benefits and consequences that tilt decisions made in the Kenyan government on whether to support refugees or not.

5.0 CHAPTER FIVE: SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1. Introduction

The pursuit of national security of a country has its claws digging in many issues, one of them being human rights and fundamental freedoms. Concerns with human rights have become a fad in recent times¹³³ it was the aim of the researcher to investigate the nexus between refugee-host country relationship and local integration. By extension, the notion that local integration is a forgotten solution in Kenya was another focus of this study.

The study clearly suggests there is a gap between what is practiced every day in Kenya and what is on paper. The refugee Act itself has been under-utilized. This legal instrument is key in influencing the perception of many Kenyans yet it has not been publicized to both refugees and the Kenyan citizens. This chapter summarizes the findings from the previous chapters. These findings are classified with regards to the objectives and the hypothesis of the study. This will be followed by a conclusion and the recommendations.

5.2 Summary of Findings

The pursuit of national security is taking precedence in the policy making realm in Kenya and many other countries in the international system. As such, issues of humanitarian concern have not been given priority as such. Regardless, the possibility of local integration has only been good on paper. The benefits of local integration, not only for refugees but also the local population, have mostly been economically motivated. Research on other benefits especially political ones or even socio-cultural ones have not been given a thought.

It is the view of many Kenyans that refugees should not be in Kenya to stay. Very few Kenyans even know what local integration is or what it entails. There is a huge gap on what the local population knows and what is expected of them. The government has not taken up the responsibility to educate its citizens on the nature of the refugee crisis the country is facing. Rather, the idea of forced repatriation is what has been covered mostly. As a result, the idea of local integration is not entertained.

¹³³Mwagiru M. (2001) *Diplomacy And Its Relations: Perspectives On Contemporary Themes In Diplomacy* ., Institute of Diplomacy and International Studies, University of Nairobi, pp 129

It is the social construct that refugees are all bad and a threat to the livelihood of all Kenyans that has inhibited the possibility of refugee-host country relationship and in the long run local integration. The markers and means of local integration are impossible to achieve without the social bonds and connections being invested in by the hosting government. Kenya has proven to be more interested in securing itself than playing a humanitarian role in the international community. Case in point Operation Usalama Watch paved way for the idea among many Kenyans that refugees should leave the country and go back to their homes.

The message from policy makers and the Kenyan government is one of hostility towards refugees rather than of empathy. Refugee rights have been immensely discussed in the Kenya Refugee Act 2016, however, it is not fully adhered to. Law enforcement units are not too keen with upholding human rights as long as they secure the country. Kenyan nationals and refugees go through police brutality; however the impact on refugees is worse.

Key findings of this study revolve around the means and ways of achieving local integration as recommended by Ager and Strang. There is a lack of strategy on how to achieve local integration. Coupling with this thought is the institutional constraints that are arising from issues of insecurity and resource scarcity. It is the lack of a properly manifested and implemented policy that leaves refugees in Kenya vulnerable with their human rights trampled. There is no deep rooted policy or culture of non-discrimination especially in areas experiencing poverty and population influx such as Eastleigh in Nairobi.

5.2. Key findings

The broad objective of the study was to examine the option of local integration of refugees in Kenya in the context of refugee-host country relationship. The current geopolitics in the world features the threat of terrorism. This situation is just one of the issues that have discouraged countries such as Kenya not to entertain the option of local integration of refugees. Many of the refugees in the country come from Somalia. A country that has overtime grown to have a terrorist group responsible of many deaths and casualties in east Africa.

The option of local integration is thought to be impossible in Kenya because of the lack of economic opportunities for refugees and Kenyan citizens to enjoy. The unemployment rate in Kenya is quite high, and locally integrating refugees will cause more stress. The frustrations among Kenyan citizens, those living near refugees or not, are mostly due to a scarcity in resources such as money and food. Hostile refugee-host country relationships are bound to be present if the host community feels disadvantaged because of refugee presence. If refugees are in a hostile environment, local integration is quite unachievable. This is not because the capable institutions in Kenya cannot pursue the principle of this durable solution, but because the refugees themselves will not feel free enough to integrate in to the community. There is a lack of safe space where refugees to feel free in the local community.

The study's first main objective was to analyze the option and consequences of local integration in Kenya. The institutions that can promote refugee local integration in Kenya have proven that the durable solution is impossible to achieve without the coordination of the arms of government geared to one specific goal. The consequences of local integration have been founded to be mostly based on security and economic concerns.

The second main objective was to investigate the refugee-host country relationship in Kenya. While this relationship is dependent on the host country's reception of refugees, the same weight of expectation is placed upon refugees to try and adapt easily to the new environment without too much disruptions. The third objective aims to identify how Kenya has implemented the Refugee Act and International treaties to promote refugee local integration. The Kenya Refugee Act 2016 has expounded on the rights refugees are entitled to. This Act also clearly shows that Kenyans need to be aware of these rights provided. The lack of knowledge about refugee rights is wanting in the sense that one cannot expect to a nation to accept a particular issue if insufficient information has been made available and emphasized upon.

Local integration cannot be achieved without positive refugee-host country relationship; however, the refugee-host country relationship does not necessarily depend on local integration. Policies may be put in place with the coordination of institutions, but it is impossible to force a community to accept a population of refugees from different countries that have unfamiliar

cultural practices. As such, the pursuance of local integration has to refer to the nature of refugee-host country relationship.

5.3. Conclusion

Local integration requires a positive refugee-host country relationship to be present. It is impossible to achieve local integration in isolation. Concluding remarks draw observations from the study. Any assistance planned out for refugees should include self-sufficiency as an underlying goal. Self-sufficiency and local integration operate in a symbiotic relationship.¹³⁴ It is impossible to have one without the other.

Secondly, Kenya needs to change her policy on refugees in order to realize the benefits of local integration for both the refugees and the host communities. Furthermore, there is a need to shift focus from the economic benefits of refugees to a broader approach that includes other sectors.

Thirdly, local integration is quite impossible if development is not in the picture. The development of a country assures the respect for human rights and possibly better relations between refugees and the host community.

For too long local integration has been thought of as a fall back plan. It is not the first option a country such as Kenya would take up. Resettlement and repatriation are no longer effective with the high numbers of refugees countries are hosting today. This study demonstrates that local integration is on durable solution that Kenya can focus on in order to provide stability for refugees who are in limbo and the host community who fear more strained competition over resources.

This study is not necessarily an advocacy for local integration Kenya but rather a demonstration of the little regard given to this durable solution as a possibility with benefits. The argument may sound naïve or improbable in its implementation, but limiting oneself to that thought renders the situation hopeless. It is not impossible, rather institutions and incoherent policy making makes it impossible.

¹³⁴ Dryden-Peterson S. and Hovil L. (2015), *A Remaining Hope for Durable Solutions: Local Integration of Refugees and their Hosts in the Case of Uganda*, Makerere University, Uganda, p. 35

5.4. Recommendations

Understanding the current situation in Kenya helps draw up the following recommendations that are also informed with the fact that the Kenya lacks the capacity to effectively implement the Kenya Refugee Act and pursue local integration as an option.

5.4.1. Local integration in Kenya

The success and practice of local integration is determined by the political, social and economic environment of the host country and the country of origin. Refugee situations vary from one region to another due to mostly the difference in the legal system that provides refugees with rights and fundamental freedoms. This research has illuminated the need for a defined identity for refugees that allow them to enjoy their freedoms. As such, it is prudent to provide refugee IDs to all refugees. This is important as it protects refugees from a state of limbo where they feel stateless.

In addition, Kenya should draw up secure mechanisms to have work permits issued to refugees. The voluntary needs to realize that this is a group of people who are coming with a variety of skill sets that could develop the country no matter the degree of effect.

However, the above mentioned recommendations are impossible if there is restricted movement of refugees. This restriction should be dealt with by the state institutions promoting hostility towards refugees. This does not mean that the country should just accept the movement of refugees without secure measures in place that will make the country less vulnerable than it is. But rather, it is Kenya's responsibility to invest in its security sector and have a policy that both protects the refugees and host community effectively.

The outcome of the above mentioned recommendations will be structured governance that assures protection, civil access to government services and a reduction of conflict instances within the host community. Further research on the role of refugees in the pursuance of local integration in Kenya is recommended.

5.4.2. Refugee-Host Country Relationship

There are key opportunities available for a positive refugee-host country relationship. Samuel Hall recommends a Three-Tiered Recommendation that includes knowledge building, advocacy and programming.

There is need to change the mind set of many Kenyans that refugees are a constant threat to a state's security and move it towards one focused on refugees as an economic asset. There is need to effectively publicize the Kenya refugee act and the actual protracted refugee situation in Kenya to the host population. Knowledge building will set stage for advocacy for refugee opportunities. The refugee-host country relationship will need capacity building in the counties. The capacity building should focus on the protection of refugees.

Effective accountability meant to ensure security can demonstrate that they actually take refugee rights in to account tin practice. The Kenyan police force should have an oversight body to emphasize on the respect of refugee rights. The status quo of having refugees on the side lines needs to end in order to pave way for a positive refugee-host country relationship.

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ANNEX 1: INDEPTH INTERVIEW GUIDE
PART ONE: Questions for Practitioners, Academics and Kenyan Citizens

Section I: To Analyze the Option and Consequences of Local Integration in Kenya

1. Does Kenya have the option of pursuing local integration of Refugees? If yes or no, why?
2. Are you aware of the consequences, positive or negative, of local integration on a country such as Kenya? If so, please mention one.

Section II: The Refugee-Host Country Relationship in Kenya.

1. How can you describe the refugee-host country relationship in Kenya?
2. What indicators do you see of a positive or negative refugee-host country relationship in Kenya?

Section III: How Kenya has implemented the Refugee Act and International Instruments to Promote Local Integration.

1. Are you aware of the 2006 and 2016 Refugee Acts?
2. Do you believe the act is enough to promote refugee local integration? If not, what are your suggestions to improve this?
3. Are you aware of the rights of refugees?

PART TWO: Questions for Refugees.

Section I: To Analyze the Option and Consequences of Local Integration in Kenya

1. Do you know what local integration is and how to pursue it?
2. Is Local integration an option for you? If so, or not, why?

Section II: The Refugee-Host Country Relationship in Kenya.

1. How is your relationship with the Kenyan population?
2. If positive or negative, what are the indicators?

Section III: How Kenya has implemented the Refugee Act and International Instruments to Promote Local Integration.

1. Are you aware of the Refugee Act, 2006/ 2016?
2. Do you know your rights as a refugee?
3. What can be done to improve the relationship between refugees and the Kenyan population?

2. Kindly indicate how long you have lived in Kenya (click where appropriate)

- a) 0-5 years
- b) 5-10 years
- c) 10 years or more

3. What is your nationality?

- a) Kenyan
 - b) Somali
 - c) Ugandan
 - d) Congolese
 - e) Rwandese
 - f) Burundian
 - g) Sudanese
 - h) South Sudanese
 - i) Any other (please specify) _____
-

4. What is your understanding of Local Integration?

- (a) Refugees living in the camp settlements
 - (b) Refugees living in harmony with the Kenyan local population
 - (c) Refugees freedom of movement, association and political participation
 - (d) Refuge freedom to work and seek employment.
 - (e) Others (specify) _____
-

5. How are refugees treated in Kenya?

- a. Good.
- b. Fair.
- c. Bad.

6. Refugees are often in conflict with the local community in Kenya.

- a) Strongly agree. d) Strongly disagree.
b) Agree. e) Disagree.

7. What are some of the disputes between refugees and the local community in Kenya today?

- (a) Land Dispute
(b) Political differences
(c) culturally motivated disputes
(d) Watering point's dispute.
(e) Clan conflict.
(h) Others (specify)
-

8. Local integration of refugees is not a forgotten solution in Kenya

- a) Strongly agree. d) Strongly disagree.
b) Agree. e) Disagree.

9. Refugees and the local community in Kenya are peaceful with each other.

- a) Strongly agree. d) Strongly disagree.
b) Agree. e) Disagree.

10. What indicators signify a positive refugee-host country relationship?

- (a) Refugee freedom of movement
(b) Participation in cultural activities in the local community
(c) Living in camp settlements
(d) Access to equal education standard by the refugees
(e) Lack of clan conflicts
(h) Others (specify)
-

11. Refugee-host country relationship in Kenya has an impact on local integration as a durable solution

- a) Strongly agree. d) Strongly disagree.
b) Agree. e) Disagree.

12. Refugee-host country relationship in Kenya is influenced by? Tick one or more)

- (a) Refugees' perceptions on the local community
- (b) Local Community's perception of refugees
- (c) All mentioned options
- (d) Political situation
- (e) availability of environmental resources
- (f) Equal access to basic amenities by both the refugees and the local community
- (g) Others (specify) _____

13. What contributes mostly to negative refugee-host country relationships in Kenya (tick one or more)

- (a) limited political participation of the refugees
- (b) resource scarcity around the camps and in urban areas
- (c) cultural differences
- (d) economic strains on both the refugees and the local community
- (e) Political incitements.
- (g) Others (specify) _____

14. Are you aware of the Kenya Refugee Act 2016/ 2006?

- a. Yes
- b. No

If yes, do you believe the Act promotes local integration?

- a. Yes
- b. No

15. To what extent has Kenya respected Refugee rights?

- a. Good.
- b. Fair.
- c. Bad.

16. What rights are evidently infringed by the Kenyan institutions on refugees?

- (a) Freedom of movement
 - (b) Freedom of association
 - (c) Right to healthcare
 - (d) Right to education
 - (e) Right to housing
 - (f) Others (specify)
-

17. Local integration has positive impacts on which Kenyan sector?

- (a) Political.
 - (b) Social-cultural
 - (c) Economic
 - (d) Others (specify)
-

18. Local integration has negative impacts on which Kenyan sector?

- (a) Political.
 - (b) Social-cultural
 - (c) Economic
 - (d) Others (specify)
-

19. Do you know any locally integrated refugees in Kenya?

- (a) Yes.
- (b) No.

20. Are you satisfied with the nature in which Kenya is locally integrating refugees?

- (a) Yes.
- (b) No.

(ii) If no, what do you think should be done?

Please give suggestion on how best Kenya can promote local integration as a durable solution.