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SOCIAL INTEGRATION OF REFUGEES: A CASE STUDY OF KENYA

BY

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DECLARATION

I declare, that this research project is my original work. It has not been submitted or presented for degree in any other university.

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DEDICATION

This work is dedicated to my late father for his hard work to put me through school and also believing in me.

ACKNOWLEDGEMENT

I thank the Almighty Allah for giving me this opportunity and also seeing me through the completion of this project. I am greatly indebted to my supervisor for his patience during this process, his professional guidance, advice and taking his time to read through my draft and suggesting workable alternative. I humbly appreciate you.

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ACCRONYMS

AU	African Union
DRA	Department of Refugee Affairs
IOM	International Organization for Migration
NCRA	National Consortium on Refugee Affairs
Rehope	Refugee and host population empowerment framework
RRF	Regional Refugee Forum
RSD	Refugee Status Determination
SA	South Africa
UN	United Nation
UNHCR	United Nations High Commission for Refugee

ABSTRACT

Kenya has received many refugees in the last two to three decades. These refugees have some of them found their way to find homes in various urban centers as majority of them still live in the refugee camps. This study will be guided by the three objectives formulated to help finding out the social integration of these refugees in the country and what lessons Kenya can learn from other countries on how to deal with refugee integration. The study will be guided by a theoretical framework that is the social constructivism theory and secondary data form various sources relating to the study will be used. The findings of the research will be used by policy makers in understanding refugee situation in Kenya and how social integration can be an alternative way of handling refugees other than generally relying on encampment policy.

CHAPTER ONE

INTRODUCTION AND BACKGROUND TO THE STUDY

1.0 Introduction

In current studies, the problem of refugee movement affects almost every country in the world. The refugee problem being a vital issue in the world has led the United Nations to develop a convention that relates to the status of refugees, which is the 1951 Refugee convention.¹ Many countries fear an influx of refugees because of the uncertainty relating to whether or not these people will one day go back to their country of origin. There are a number of countries including Zambia that have opted to reintegrate refugees into their local populations. Kenya is one of the Countries in Africa that hosts a large population of refugees from different countries neighboring it some of whom are living outside of the designated refugee camps. This study seeks to investigate the extent of social integration of refugees, mainly of Somali origin in Kenya.

1.1 Background of the Study

At the end of 2015, the global number of refugees under United Nations High Commission for Refugees (UNHCR) mandate was estimated to be 16.1 million. This figure was the highest compared to others in the past two decades and approximately 1.7 million more than the total recorded 12 months earlier². Kenya was said to be hosting the seventh largest refugee population worldwide by the end of 2015, hosting roughly 600,000 refugees³.

Host states and UNHCR are the major actors in providing safety and protection and also coming up with durable solutions for the refugees⁴. The state of Kenya is one of the countries that are signatory to several conventions that are applicable to individuals who seek asylum and protection. It ratified the 1951 UN convention that relates to the status of refugees on May the 16th May 1966 and its protocol of 1967 was ratified in 13th November

¹ www.unhcr.org/en-us/1951/-refugee-convention.html

² UNHCR. (2016). Global Trends. Forced Displacement in 2015, 66, page 13

³ UNHCR. (2016). Global Trends. Forced Displacement in 2015, 66, page 15

⁴ UNHCR. (2016). Global Trends. Forced Displacement in 2015, 66, page 23

1981⁵. Kenya is also a member of the African Union (AU) convention that is the African Union Convention Governing Specific Aspects of Refugee Problems in Africa that governs the specific aspects of refugee problems in Africa. It signed the convention in 1969 and ratified it in June 1992⁶. Apart from these two, in 1984, Kenya acceded to the convention against torture and other cruel, inhumane or degrading treatment or punishment and ratified it in February 1997⁷. One of the most relevant parts of the convention that is important to refugees is the provision in the convention on non-refoulement. The Provision states; “(o) state party shall expel, return (refouler) or extradite a person to another state where there are substantial grounds for believing that he would be in danger of being subjected to torture”⁸.

Migration policies are determined by the central government and in Kenya, refugee issues are handled under the department of immigration, under the immigration Act and Alien Restriction Act while the issues of refugee status determination matters are handled by UNHCR. Recently, Kenya put in place a legal framework that is the Legal Framework on the Status of Refugees in Kenya that governs refugee issues. The framework has also partially assumed responsibilities for the process of Refugee Status Determination (RSD). This process was done when Kenya took a step to implement its roles under International Law by passing the refugee Act in 2006. The Act took effect in 2007 with its subsidiary legalization on refugee; reception, registration, regulation and adjudication.

The Act also established the Department of Refugee Affairs (DRA), which deals with the process of reception of refugees and also the application for refugee status⁹. Currently the DRA carries out some of the functions of RSDs for instance the endorsement of RSD

⁵ UNHCR. (2015, December 1). *State parties to the 1951 Convention to the Status of Refugee and the 1967 Protocol*. Retrieved from <http://www.unhcr.org/3b730d63>

⁶ African Commission for Human and Peoples' Rights. (2015, December 1). *Ratification Table AU Convention Governing Specific Aspects of Refugee Problems in Africa*. Retrieved from <http://www.achpr.org/instruments/refugee-convention/ratification>

⁷ United Nations Treaty Collections. (2015, December 1). *Status Kenya*. Retrieved from http://www.treaties.un.org/Pages/ViewsDetails.aspx?src=treaty&mtdsg_no=iv9&chapter=4lang=en

⁸ Office of the United Nations Commissioner for Human Rights. (1984, December 10). *Convention against Torture and Other Cruel and Inhumane or Degrading Treatment or Punishment*. Art 3. Retrieved <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>

⁹ <http://www.loc.gov> (2006). *Refugee Act 7*.

determinations that were made by UNHCR and also the process of issuing notifications of recognition to refugees. The UNHCR was to finalize the process of transferring all the functions of RSD to the DRA section by the beginning of 2016¹⁰. As refugees have some legality in the host country, what the host country does so as to help them settle is important to this paper. Kenya has two big refugees camps; daadab and kakuma refugee camps. Daadab refugee complex is located in Garissa County and it's made up of five camps namely; Dagahaley, Hagadera, Ifo, Ifo11, and Kambios. Kakuma refugee camp is located in Turkana County¹¹. Due to its geographical location, Kenya has been known to be one of the Eastern African countries that host a larger number of refugees from the horn of Africa. UNHCR records show that there were 625,250 refugees and asylum seekers in 2014 in Kenya¹². By 2015 the figure had risen to 650,110.¹³ These refugees come from different parts of Eastern Africa, 70% are of Somali origin, 20% of Sudanese origin and the remaining percentage are of Ethiopian and Congolese origin. Around 20,000 of this remaining percentage are termed as stateless persons. Refugee integration entails that refugees should be able to fully realize their potential so as to positively contribute to their host society.

1.2 Problem Statement

For a long period of time, refugees have been considered through their country of origin, their ethnicity and, their linkage to countries where they seek asylum and how they keep their ties with other relatives in other parts of the world. This study seeks to examine the social integration of refugees specifically of Somali origin in Kenya and the process of through which they have maintained social ties with their families who seek asylum in other countries around the world and also their country of origin.

¹⁰ <http://www.loc.gov> (2006). *refugee Act 7*

¹¹ UNHCR & IOM. (2015, February 25). *Joint Return Intention Survey Report 2014*. Retrieved from <http://data.unhcr.org/horn-of-africa/download.php?id=1535> ;IOM. (2015, December 31). *Kakuma*. Retrieved from <http://kenya.iom.int/kakuma>

¹² UNHCR. (2013, December 1). *Global appeal2014-2015*. Retrieved from <http://www.unhcr.org/528a0a244.html>

¹³UNHCR. (2014, December 1). *Global appeal*. Retrieved from <http://www.unhcr.org/5461e600b.html>

This study addresses two aspects of the social integration process. The first concerns how refugees are conceptualized. This aspect emphasizes the need to define refugees in terms of generational cohorts. Generation cohort is sometimes referred to as generational group, which includes those who share social life or historical experiences and the effect of all these are relatively stable over the course of their lives. Experiences can differentiate a generation from the other. First generation can be said to be a native born citizen whose parents are of foreign origin.

In addition, it is important to consider the second generation as a distinct group, because growing up in a refugee household can also shape life chances and level of integration. The second aspect concerns where refugees settle. Evidence indicates that local contexts are a predictor of refugee success. It is worthy to note that some studies indicate that spatial assimilation is a major indicator of structural integration.

1.3 Research Questions

1. What are the various ways that have been used in the process of refugee integration?
2. Who are the stakeholders in the process of refugee integration in Kenya?
3. What impact does social integration have on the host country?

1.4 Research Objectives

1.4.1 General Objective

The general objective of this study is to establish ways in which refugee integration can be used so as to address the problem of refugee movement in Kenya.

1.4.2 Specific Objectives

1. Assess the process of refugee integration in Kenya
2. Analyze what other African countries are doing in terms of socially integrating refugees and drawing lessons for Kenya.
3. Assess the possible impact social integration of refugees on Kenya.

1.5 Justification of the study

Different countries have different ways of handling refugees. By critically analyzing different African countries namely; South Africa, Uganda and Zambia and how the refugee population is handled and integrated as well, Kenya can learn from this and also have data for the way this process is formulated is vital to the country.

Study on social integration of refugees is needed in Kenya for as country solutions other than encampment of refugees is vital. Most studies have been carried out on refugees in Kenya and on various social issues but the study on social integration at societal level needs more research. Kenya's refugee department will benefit from this study for it will offer other avenues on how to handle and deal with the refugee crisis.

Kenya has her policies that deal with refugee crisis as widely discussed in chapter 3 of this work. Refugees being human beings have various rights that are universally important and this can help in the ways that they are managed in the host state. This study will help in understanding how refugees should be treated based on various policies of the host state.

1.6 Scope of the Study

The study will examine how refugees have been socially integrated in Kenya, whether there are set aside objectives by the involved bodies in carrying out integration. It will also look at what has been done to make it possible for refugees to live in the country. The focus on the time of the process will be since the times of refugee influx in Kenya in the early nineties.

1.7 Literature Review

This chapter discusses the literature related to refugee integration in Africa's different countries. The chapter has three sections. Section one and two give the conceptual review of integration and various processes of integration in different countries.

1.7.1 The Concept of Social Integration

This project focuses on social integration of refugees and therefore explaining the concept of integration is vital. Integration is derived from a Latin word *integer* that means untouched on whole¹⁴.

It is important in integration for both parties involved, to agree in sharing all that they have in common. In this situation people join in diversity in the process of forming a new society. It is vital to put together all the cultural, social and economic aspects that differ in order to form a common heritage. The process of integration is sometimes more ambiguous concept for it can refer to the absorption of new members of a society to the forces of internal cohesion within the larger social unit¹⁵ Integration of refugees entail that refugees should be able to fully realize their potential so as to positively contribute to their host society¹⁶.

Social integration on theoretical level indicates the principle by which various actors, agents, individuals or subjects are bound in a social space and the relationship that they share. Integration in a broad sense is used to define the developments that determine connection of related diverse elements into social system, community or social whole or units¹⁷. Thus in addition integration can be used to refer to the inclusion of units that form a higher -level entity. Social integration can said to be the elements in a social system¹⁸. Sometimes it is viewed that, social integration's main objective is to create a more stable, just and safer society for all. In this situation every individual, each of them with rights and responsibilities having an active role to play. In this society there is no forcing or coercing, the society must be based on the principle of embracing each individual's rights and responsibilities. Making a decision is through embracing different diversities and the involvement of all stakeholders in important decisions that affect their lives¹⁹.

¹⁴ Maagero and Simonsen. 2005. Norway: society and culture (2nd ed). Portal. 147

¹⁵ Baubock et.al.1996. The Challenges of Diversity and Pluralism in societies of Immigration Cultural Pluralism, volume 21 of European center Vienna. Avebury. 10

¹⁶ Teressa J. et. al. (2014). Migration and Refugee Integration in Global Cities. *The Role of Cities and Businesses*

¹⁷ Beresneviute V. (2003). Dimensions of Social Integration. *Appraisal of theoretical approaches*, Institute For Social Research, Vilnius. 97

¹⁸ Rainer Strobl (2007;44,29) from Ritzer George book (1983) Sociological Theory, 9th Edition

¹⁹ United Nations E-Dialogue. (2007). Creating an Inclusive society: *Practical Strategies to Promote Social integration*. Retrieved from http://www.un.org/esa/socdev/inclusive_society/social%20integration.html

In this situation social integration makes it possible for justice to be there for all in the society. When there is justice in the society, social cohesion is easy for people live in mutual confidence. In that sense, society is for everyone to play his or her own role in order to promote peace and development with the help of the government, the United Nations and other stakeholders involved²⁰.

1.7.2 Forms of refugee integration and settlements

There are various types of integration processes that are practiced in various parts of the world. All these processes have to do with a host country and those who seek refuge in them. Refugees are either integrated in a host country or they are hosted in a formal place that they can be helped until repatriation²¹.

Full integration refers to granting refugee's asylum, residency and also giving them full, permanent membership status. The host government does all the above for the refugees and in the process refugees acquire state protection. They also enjoy full range of economic, civic rights and social rights that are enjoyed by permanent legal residents. In this situation, refugees have the chance to access citizenship²².

Local integration is where the host government allows refugees to locally integrate and this mostly happens to refugees who have stayed long in the host country and the situation in their home country is still not safe for their return. Although refugees may integrate locally, this process may or may not lead to the reception of permanent residence or citizenship by the refugees²³.

Self-settlement is the process by which refugees share local household and sometimes set up temporary accommodation. They get help and other assistance from local families or even from local community organization in the host community. These group of refugees

²⁰ United Nations. (2007, November 10). "Building peaceful social relationship by, for and with people". Retrieved from <http://www.un.org/esa/socdev/peacedialogue/background.htm>

²¹ Jacobsen K. (2003, October 1). Local Integration. *The forgotten solution*. 8 page 3

²²Jacobsen K. (2003, October 1). Local Integration. *The forgotten solution*. 8 page 3

²³<http://www.unhcr.org/epau>

have no legal refugee status but the UNHCR recognizes their status only that they cannot provide any form of formal protection to them. They are active in local activities for instance economic issues despite the legal restriction of such activities.

Encampment is the situation where a host country builds a refugee camp on a selected location and UNHCR and the host government administer it, for instance in Kenya. Services such as health, schooling, food, and water are provided by the relief agencies. Refugee camps are not self-sufficient and are mostly planned for long-term use thus used to manage population growth of long-term refugees. Camps make it easier to manage refugees thus being preferred by both host government and relief agencies. Repatriation is also possible and can easily be managed and process made easy in the camp²⁴.

Organized or local settlements are well-planned villages or segregated-enclaves that are specifically created for refugees. They differ from refugee camps in a way that in these organized or local settlements, refugees are expected to be self-sufficient as they wait for repatriation. These settlements have more permanent housing constructions and there is limited freedom of movement. The government provides access to land for various purposes²⁵.

For integration to take place, there are various stakeholders who are involved. These stakeholders initiate themselves in the process of integration and also involve themselves with refugee country of origin and the host country in different ways. They include; UNHCR which deals with the protection of refugees, refugee rights, assists in voluntary repatriation, plans for funds to be utilized well in assisting refugees, helps in the process of post conflict reconstruction thus continued presence in the host country and it commits its dependence on donors in the process of refugee assistance. The second stakeholder group is the donors for instance the World Bank. They assist host countries in the process of making better use of relief money, assist in post conflict reconstruction, helps in the process

²⁴ Jacobsen K. (2003, October 1). Local Integration. *The forgotten solution*. 8 page 5

²⁵www.unhcr.research/working/3b7d24059/forgotten-solution-local-integration-refugees-developing-countries-karen.html

of repatriation and also are concerned for the economic interests and regional security of the host countries by funding where necessity arises²⁶.

NGOs are the third group. Various NGOs like the Red Cross International have been known for their services towards the refugees for many decades. NGOs deal also with the protection of refugee rights, funds projects and make good plans on how the funds can be utilized. They also deal with the process of reconstruction after conflicts thus many of them being present in various countries²⁷.

Host government are also major stakeholders for they provide security to the people, creates relations with the donors. The host government focuses on local economic development and works on the process of helping the community on how to manage resources and also makes various policies on environmental issues. It takes part when handling the process of repatriation²⁸.

Local population is a vital category of the stakeholder group. In most situations they get to live with the refugees where they assist them and the refugees tend to integrate socially in most of the local communities. They take part in various activities of development towards the local economy of the country. When it comes to security matters they work with the authorities to ensure security for themselves. They in some situations get assistance that the refugees get from refugee agencies. Refugees in various situations live in secure places in the host country,, some end up becoming self-supporting through carrying out various economic activities. In other countries where they are allowed to work they contribute towards the countries economy. They access various rights in host countries with favorable refugee policies. Some end up preferring voluntary repatriation and thus committing to the social political and economic commitment in their country of origin²⁹.

²⁶ Jacobsen. K. (2001, July). The Forgotten Solution: Local integration for refugees in developing countries, Working paper No. 45

²⁷ Jacobsen. K. (2001, July). The Forgotten Solution: Local integration for refugees in developing countries, Working paper No. 45

²⁸ ²⁸ Jacobsen. K. (2001, July). The Forgotten Solution: Local integration for refugees in developing countries, Working paper No. 45

²⁹ Jacobsen. K. (2001, July). The Forgotten Solution: Local integration for refugees in developing countries, Working paper No. 45

1.7.3 Integration in Africa

According to UNHCR, there are approximately 9,753,000 people of concern in Africa³⁰. As a continent it has been plagued by armed conflicts, civil wars, ethnic violence, since the period of decolonization.

Apart from these conflicts, famine has become a factor in generating massive refugee movements in different parts of Africa. In addition, many countries in Africa have shown welcoming policies for most of them have open border policies towards refugees.

Many African countries have received refugees from their neighboring countries due to different reasons. They differ in policies and regulations that are put in place to manage refugees. Some of the countries that are discussed in this paper are South Africa, Uganda and Zambia and some discussion on West African region.

1.7.4 Integration in South Africa

South Africa is known to receive many refugees from different countries in Africa that are affected by conflicts and instabilities. It does not have camps and refugees are not entitled to any form of either social or financial assistance from the state. Refugees can live in any part of the country as long as they have a valid permit that is a requirement for all the refugees to have. When they are settled, they can access various opportunities and can integrate socially and culturally with the local host community. In addition they get to enjoy same human rights as the local South Africans in most situations³¹.

1.7.5 Refugee integration Zambia

UNHCR promotes durable solution like the local integration of refugees in various host countries on grounds that they get permanent legal status. Zambia is among the earliest African countries to take in refugees and in recent years it is among the first in the implementation of local integration³².

³⁰ UNHCR. (2007). Protecting Refugees and the Role of UNHCR. (UNHCR, Geneva), p. 13.

³¹ info@lrc.org.za

³² Simuchoba A. (2014, June 7). *How did Zambia become the Continent-leader in refugee Integration?* by African Arguments Editor

On December 18th 2012, the first permanent resident status was granted to a family of three Angolan refugees, paving way for citizenship. This is a great step for the country for it gave hopes to the refugees that they will one day get accepted and make a permanent home in their host country. The process was not to stop there for it was just a beginning of helping 10,000 Angolan refugees earmarked for local integration. Local integration is an expensive process for a host country, the African Union (AU) has given Zambia US\$100,000 after the first permit was offered by the Minister of Home Affairs. The country has been receiving refugees from time to time due to displacements arising from various conflicts in the neighboring countries. At the early stages liberation wars in the region has displaced many, for instance the subsequent RENAMO insurgency in neighboring countries like Mozambique that caused an influx into eastern Zambia. The earliest of the refugees to flee to Zambia were of Angolan origin³³.

Angola is located to the western side of Zambia. These refugees have stayed in Zambia for so long that the Zambia's refugee policy is planned with them included. There was liberation war in the early 1960's in Angola and people fled to Zambia just after two years of its independence in 1964. Zambia established its first refugee settlement in 1967 at a place called Mayukwayukwa in the western part of the country. This settlement is among the oldest in Africa. In 1971 another settlement was established also for refugees of Angolan origin in the northwest part of the country. Since the arrival of the first refugees in Zambia, it has been 50 years this year and thus there are second and third generation of refugees among them. This generation is Zambian born and raised thus having no knowledge of their own country of origin³⁴.

In 2012 Angolan refugees lost their refugee status for the civil war that was keeping them away ended in 2002. Although many Angolan refugees have returned to their country, those who are born in Zambia and had no fast-hand knowledge of their country were among the many who opted to stay. They had no idea of vital issues like the National language

³³ Simuchoba A. (2014, June 7). *How did Zambia become the Continent-leader in refugee Integration?* by African Arguments Editor

³⁴ www.africaarguments.org/2014/06/17/za

that is spoken in Angola that is Portuguese and thus they felt the difficulty ahead of them that could make adjustments impossible. Between 2003 and 2010 the UNHCR has confirmed a total of 76,500 refugees being repatriated back to Angola. Zambia also hosts Rwandan refugees who after the 1994 genocide were numbered over 11,000. Unlike the Angolans who showed interest in repatriation, Rwandans were reluctant. They were mainly urban based and most of them had ventured into businesses mainly trading. Though their status lapsed in 2013 many had settled down and were prospering in different fields. With the lapse of the status, many could face possible scenario of being stateless³⁵.

There are two groups of refugees in Zambia whose refugee status has expired. There are around 53,000 former refugees, 19,000 of whom live in the two refugee settlements. All of them are hoping for a legal alternative that will favor them. With the help of international community, Zambia's government has undertaken to facilitate local integration, starting with 10,000 Angolan refugees and that those who will be successful in the screening process will be granted residency status. This will in the future help them progress to citizenship in accordance to the country's immigration rules. The country needed, require approximately US\$21 million between that time and 2016 in financial help from the international community so as to facilitate various socio-economic programs for both the refugees and the host communities. The Rwandan refugees are part of the integration process. Roughly 4000 of them will be eligible but still there is less certainty about them. As it is in Rwanda that its own government is willing to find justice for the victims of the genocide and those who were involved should not escape punishment through settling in other countries. Voluntary repatriation to Rwanda has failed largely because of lack of interest among the refugees³⁶.

In addition, other refugees also present in Zambia are the Congolese refugees who fed there due to the periodic uprisings in their home country. Burundi refugees are also there and their interest in lack of returning to their country has made it difficult for the process of

³⁵ Simuchoba A. (2014, June 7). *How did Zambia become the Continent-leader in refugee Integration?* by African Arguments Editor

³⁶ Simuchoba A. (2014, June 7). *How did Zambia become the Continent-leader in refugee Integration?* by African Arguments Editor

repatriation. Zambia has sometimes back hosted a large number of Malawi refugees who were mainly Jehova witness believers, whose fundamentalism had caused conflicts between them and the state of Malawi³⁷. Just like Uganda, Zambia's decision to implement local integration has been praised by UNHCR. The representative for UNHCR in Zambia, Laura Lo Castro described the process as, "crucial and exemplary in Africa and beyond and Zambia is seen as a pioneer of durable solutions in a region where management of refugees is still plagued by a number of shortcomings".

In conclusion, the path that Zambia has chosen is way effective for the problems of refugees currently in the world is more increasing than reducing. Local integration is therefore the most effective process for it is a big step for a former refugee who receives permanent legal status thus one day even applying for citizenship. Zambia's three-year program hopefully will be a good example that other countries in Africa can recommend to their government in the process of handling refugee crisis.

1.7.6 Refugee Integration Uganda

Uganda's policy on refugee, that is embodied in 2006 Refugee Act and the 2010 Refugee Regulation is very favorable in a way that it opens Uganda's doors to all individuals who seek asylum irrespective of where they are from or their ethnic affiliation. The policy grants; freedom of movement for the refugee and also right to get employed, provision of prima facie asylum to refugees of specific nationalities and finally provision of land to refugee families for their own use³⁸.

Uganda has been receiving refugees and asylum seekers from its neighbors for several decades. These neighboring countries include, South Sudan, Democratic Republic of Congo, Somalia, Rwanda, Eritrea and Burundi. The refugee and asylum seekers population in Uganda is currently more than 550,000 and all of them are hosted in the northern, southern and southwestern region of Uganda. The government of Uganda has set aside

³⁷ www.africaarguments.org

³⁸ <http://www.worldbank.org/en/topic/fragilityconflictviolence/brief/ugandas-progressive-approach-refugee-management>; (2016, August 31). 2

approximately 350 square miles of land for the purpose of organized refugee settlement. The social impact of Uganda's policy on refugee is that, the refugees who are based in the rural areas and also within the host communities are able to get access to basic services like education, health and water, they also get protection and they can also cultivate the land that is provided to them for subsistence farming. Apart from this the refugees who have income and other financial capabilities to fend for themselves settle in urban centers. There is good relationship between the host community and the refugees and also there are reports on increased intermarriages between the locals and the refugees, thus improving integration³⁹.

1.7.7 Summary of gaps in Literature Review

Literature review on social integration of refugees in Africa is not covered extensively. Basing this study on social integration in Kenya will add on to the body of knowledge that deals with how Kenya can learn from the countries discussed above on issues of refugee integration.

1.8 Theoretical Framework

The main theory used in this project is social constructivist theory, which maintains that reality is always constructed through various activities that human beings perform. Humans create meaning through their interactions with one another and also interactions with objects in their environment. The theory emphasizes the importance of culture and context in the process of understanding what happens in a society and construction knowledge based on this understanding⁴⁰. This theory helps in the explanation of the idea that human create through the process of socialization and integration. When people from one society join others so as to live within them, it's only through knowledge about that society that one can tell how the relationship between the two has been.

³⁹ <http://www.worldbank.org/en/topic/fragilityconflictviolence/brief/ugandas-progressive-approach-refugee-management> (2016, August 31) 2&3

⁴⁰ Derry SJ. (1999). A fish called peer learning: Searching for Common themes. *Cognitive perspective on peer learning*, 197-211. , Mchmohan M.1997. Social Constructivism and the World Wide Web- A Paradigm for Learning

It is through various member of the society together that the different property of the world is invented⁴¹. To constructivists, knowledge has always been a product of also human creation and this knowledge is mainly socially and culturally constructed⁴².

1.9 Research Methodology

This chapter will outline the methods that will be used in the process of planning and executing of the research study⁴³. The study will use secondary data where various documents, journals, and previous studies will be used.

1.10 Definition of Key Terms

Cessation clause - “The ceased circumstance” contains a provision which allows a refugee to invoke “compelling reasons arising out of previous persecution” for refusing to re-avail himself or herself of the protection of the country of origin.

Policy –Are the principles that are made deliberately to guide in decision making so as to achieve rational outcomes.

Refoulement – Eviction of people who otherwise have the right to be treated as refugees.

Refugee – Article 1 (A) (2) of the 1951 Convention defines a refugee as an individual who is outside his or her country of nationality or habitual residence who is unable or unwilling to return due to a well-founded fear of persecution caused on his or her race, religion, nationality, political opinion, or membership in a particular social group.

Repatriation – Is the process of returning an item or a person (in this case a refugee)

Social Integration – Is a process of movement through which a minority group like refugees, ethnic minorities or under privileged persons move into the mainstream of a society. It requires the minority group to be able to accept the common language of that particular society, accept its laws and adopt the common values that are practiced.

Society – This is an organized group who are associated together in activities such as religion, culture, politics and other collective activities.

⁴¹ Kukla A. (2000). *Social constructivism and the philosophy of science*. Psychology Press.

⁴² Earnest P. (2001). *Social Constructivism as a Philosophy of Mathematics: Radical Constructivism*, Glendler ME. (1997). *Learning and instruction: Theory into practice* (3rd ed). Upper Saddle River, NJ: Prentice-Hall

⁴³ Silverman D. (2005). *Doing Quantitative Research* (4th ed). Page 99

1.11 Organization of the Research

This study has five chapters in total. The first chapter is this proposal. It will constitute an introduction, the problem statement, the research questions, research objectives, the justification, literature review an overview of the methodology and the chapter outline.

The second chapter includes a comprehensive literature review where the concept of integration, integration in Africa and some various chosen countries in Africa is discussed widely.

Chapter three assesses the refugee situation in Kenya, reasons for influx and their settlements, various policies and regulations that the government of Kenya has put in place concerning refugees and refugee ties with their country of origin.

Chapter four will be a critical analysis of refugee integration. The chapter will draw lessons from other countries.

Chapter five will provide a summary of the research, a conclusion and suggest areas for further research.

CHAPTER TWO

LITERATURE REVIEW ON SOCIAL INTEGRATION OF REFUGEES

2.1 Introduction

This chapter examines literature on the various aspects of social integration of refugees. It in particular, focuses on the concept of integration and its variants; social integration, cultural integration and acculturation. It then proceeds to look at literature on integration of refugees in Africa by concentrating on experiences from a number of specific countries.

2.2 The concept of integration

Integration is derived from a Latin word *integer* that means untouched on whole⁴⁴. Integration in a broad sense is used to define the developments that determine connection of related diverse elements into social system, community or social whole or units⁴⁵. Thus in addition integration can be used to refer to the inclusion of units that form a higher -level entity. It is important in integration for both parties involved, to agree in sharing all that they have in common. In this situation people join in diversity in the process of forming a new society. The process of integration is sometimes more ambiguous. It can refer to the absorption of new members of a society to the forces of internal cohesion within the larger social unit⁴⁶. For instance when refugees come to a certain country, they tend to live within a host community if they are not restricted in a specific area for instance a refugee camp. Since they are new to the host society, it will take time for them to fully incorporate in that society or even not fully incorporate depending on the host society and their welcoming tendencies.

These forces of internal cohesion are for instance, similarities among the group members. People of same race, culture and language tend relate. In addition when people have similar beliefs, opinions, code of conduct and morals, they tend to enjoy each other's company and

⁴⁴ Maagero and Simonsen. 2005. Norway: society and culture (2nd ed). Portal. 147

⁴⁵ Beresneviute V. (2003). Dimensions of Social Integration. *Appraisal of theoretical approaches*, Institute For Social Research, Vilnius. 97

⁴⁶ Baubock et.al.1996. The Challenges of Diversity and Pluralism in societies of Immigration Cultural Pluralism, volume 21 of European center Vienna. Avebury. 10

thus enhancing the cohesiveness of a certain group. The size of the group also matters, where the smaller the group the more cohesive it is for small groups tend to interact face to face more often with each other thus enhancing the relationship among its members because of constant communication. Inter dependency also is a force of internal cohesion for the more people depend on each other the more close they get. Integration of refugees entail that refugees should be able to fully realize their potential so as to positively contribute to their host society⁴⁷.

2.2.1 Social integration

Social integration, on theoretical level, indicates the principle by which various actors, agents, individuals or subjects are bound in a social space and the relationship that they share. Social integration of refugees deals ways in which refugees have socially integrated in a host society that they live with through different ways for instance, sharing basic amenities like schools, churches, mosques and even hospitals.

Social integration can be likened to elements in a social system.⁴⁸ Sometimes social integration's main objective is considered to creation of a more stable, just and safer society for all. In such a situation every individual is seen to have rights and responsibilities and an active role to play. In other words, there is no forcing or coercing rather the society must be based on the principle of embracing each other's rights and responsibilities. Making a decision is through embracing diversities and involving all stakeholders in decisions that affect their lives⁴⁹.

In this situation social integration makes it possible for justice to be there for all in the society. When there is justice in society, social cohesion is easy for people to live in mutual confidence. In that sense, society is for everyone to play his or her own role in order to

⁴⁷ Teressa J. et. al. (2014). Migration and Refugee Integration in Global Cities. *The Role of Cities and Businesses*

⁴⁸ Rainer Strobl (2007;44,29) from Ritzer George book (1983) Sociological Theory, 9th Edition

⁴⁹ United Nations E-Dialogue. (2007). Creating an Inclusive society: *Practical Strategies to Promote Social integration*. Retrieved from [http://www.un.org/esa/socdev/inclusive_society/social%20 integration.html](http://www.un.org/esa/socdev/inclusive_society/social%20integration.html)

promote peace and development with the help of the government, the United Nations and other stakeholders involved⁵⁰.

Scholars like Emile Durkheim analyze how the modern society could in the end maintain social integration after the traditional society's family bonds are replaced by modern society's economic relations. According to Durkheim, there are two types of integration that are compatible with both traditional and modern social systems. These types are mechanical solidarity that in his terminology is related to major values and beliefs that is collective consciousness. The second type is the organic solidarity which is as a result of interdependence and reciprocal functions⁵¹. Mechanical solidarity refers to situations where people are linked together through solid collective consciousness. In organic solidarity, it is the modern society that puts people in circumstances that are complementary dependent on each other when it comes to functions. An individual totally depends on what his or her counterpart does.

Societies that are socially integrated are characterized by factors such as values and ethics that play a big role in the accommodation of diversity, values of freedom, democracy and security. There is less likelihood of violence in case of disagreements in these societies. Complete socially integrated societies are rare to find. Social integration is often an important ongoing process.⁵²

The United Nations has a social integration branch, which is part of the Division for Social Policy and Development (Department of Economic and Social Affairs), UN DESA. It is one of the branches of the United Nations Secretariate that is responsible for following up important UN summits and conferences. It also helps the UN DESA council, the Second and Third Committee of the UN General Assembly with functions. In addition, UN DESA helps countries around the world with the process of setting agendas, decision making

⁵⁰ United Nations. (2007, November 10). "Building peaceful social relationship by, for and with people". Retrieved from <http://www.un.org/esa/socdev/peacedialogue/background.htm>

⁵¹ Durkheim quoted in Kaladjahi; Iranians in Sweden; economic, Cultural and Social Integration 1997b:116

⁵² United Nations "Social integration as a process of building peaceful social relations", (2007, November 12) [online]. URL http://www.un.org/esa/socdev/egm/e_dlg_sumry.htm.

where the main aim is meeting the economic, social and environmental challenges. It also works with various International Corporations to help them meet the 2030 Agenda for Sustainable Development Goals⁵³.

2.2.2 Cultural integration and acculturation

The Centre for Advanced Research on Language Acquisition defines culture as, “Shared patterns of behaviors and interactions, cognitive constructs and understanding that are learned by socialization”. Cultural patterns means,

*“Prescribed ways of behaving or norms of conduct, beliefs, values, and skills”
and “the artifact created by these skills and values”⁵⁴.*

Different societies in different countries have their own cultures. The models of their social lives differ from one another even though they might share same country. Humans can adopt different cultures at different times depending on the setting. Culture is dynamic and can change to reflect different social realities and diversities. In most cases, socio-cultural integration of refugees is determined by host communities they live within. In Kenya, most of the refugee communities like the Somali and Ethiopian refugee live within the Kenyan Somali community whose cultural practices are the same thus no scenarios of culture shocks. There could also be cases of change of cultural patterns of new arrivals like refugees to that of the host societies, otherwise referred to as acculturation.

2.3 Refugee Management in Africa

2.3.1 West Africa

According to the African Union Migration and Regional Integration framework, in African, close to 3 million persons are displaced by factors such as conflicts and persecutions in 2014 were refugees⁵⁵. Different countries in Africa have different policies when it comes to refugee management. In West Africa, the Economic Community of West African States

⁵³https://en.wikipedia.org/wiki/United_Nations_Department_of_Economic_and_Social_Affairs

⁵⁴ Gordon. (1964:33) ; see also Richmond, 1973:253 for similar definition, quoted in Kaladjali, (1997: 76).

⁵⁵ Landau L & Achium E Tendayi. (11th Nov 2015). Publication/Policy & Practice Brief. The AU migration and regional integration framework

(ECOWAS) has its policies on free movements of persons. The ECOWAS treaty and its free movement protocols, neither advocate for refugees' free movement in the region nor do they against their movement. A statement issued by ECOWAS states that refugees should get the same treatment as the rest of the community citizens under its movement protocols⁵⁶. Thus the movement protocols have become attractive to refugees for refugees are entitled to secure residence and work entitlements and they also get to retain their original national.

Many countries in ECOWAS, have, however, avoided the issuance of dual citizenship and allowed refugees to use their original nationalities. Sierra Leonean and Liberian refugees have received offers of naturalization from countries like the Gambia, Ghana, Guinea, and Nigeria but most of them have preferred to keep their original nationalities. UNHCR has used three important guiding principles to address the issue of refugees in West Africa. UNHCR's programs have focused on seven countries in the region; Nigeria, Liberia, the Gambia, Ghana, Sierra Leone and Guinea. The UNHCR applies two principles. The first principle is where the organization took advantage of the ECOWAS free movement protocols by providing the entitlements that are set in the protocols. The initiative helped in providing a degree of reciprocity between Sierra Leone and Liberia. Both Sierra Leonean and Liberian refugees would benefit from the application of entitlements. Through this initiative both countries provide incentives and are generous towards each other. The second principle is the use of host communities in implementing UNHCR's initiatives towards refugees than address individuals. The third principle, is to adhere to the ECOWAS free movement protocols by considering factors such as secure legal status in addition to refugee status that includes first residency and work permit, second, years of support for community based projects that provides self-reliance and activities that are important in capacity building, third, environmental programs initiated in refugee affected areas so as to rehabilitate the environment, lastly UNHCR encouraged other agencies to get involved in dealing with refugees⁵⁷.

⁵⁶ Boulton A. (2009). The ECOWAS Free Movement Protocols provide a basis for long term refugees from Sierra Leone and Liberia

⁵⁷ Boulton Alistair. (2009). The ECOWAS Free Movement Protocols provide a basis for long term refugees from Sierra Leone and Liberia

In Sierra Leon refugees are supported to be self-reliant, through initiatives that deal with inventory of skills. The refugees are dispersed in various host communities that are taken into consideration in this process. In Nigeria, refugee transition to a legal status is set out in detailed multi-partite agreements. This agreement has signatories that include the governments of Nigeria, Liberia, Sierra Leon, and UNHCR and ECOWAS. In the agreement both Liberian and Sierra Leonean government issues passports to their refugees in Nigeria. By doing so, they will explicitly acknowledge that they are under the protection of their government and are no longer under the protection of the international agencies. To help with the process, UNHCR subsidized costs of both the permits and passports.

These initiatives are faced by challenges like lack of interest by some of the refugees who with all these advantages prefer to settle in a second or third country as refugees other than nationals of their original country. Another challenge is that the ECOWAS protocols on visa free travel is limited to 90days and thus integration cannot be fully realized. In addition, ECOWAS entitlements are limited to ECOWAS member states only and thus refugees from other regions of Africa cannot enjoy this, thus creating discrimination towards others.

2.3.2 Southern Africa

2.3.2.1 The Case of South Africa and Zambia

South Africa is a signatory to the 1951 Convention on the Status of Refugee and its 1967 Protocol. It became a signatory in 14th January 1996⁵⁸. According to the law of South Africa, a refugee is defined as a person who fled from a “place of habitual residence” because of well-founded reasons like fear of being persecuted for reasons like religion, tribe, race nationality, political opinion or even being a member of a certain social group⁵⁹. The country’s policy on refugees is a progressive refugee policy that considers the basic principles that deals with refugee protection. These basics include, right to work, freedom

⁵⁸ www.unhcr.org

⁵⁹ <http://africacheck.org/report/south-africa-home-million-refugees-numbers-dont-add>

of movement and accessing basic services like education, and healthcare. By the end of 2015 UNHCR reports estimated the number of refugees in South Africa to be 121,645⁶⁰.

Many refugees flee to South Africa for they are allowed to work and study among the locals as their applications are processed. One of the major objectives for UNHCR in 2012 was to help vulnerable people like the refugees have optimal access to education. This was done through planned activities like advocacy. Provision of school supplies like uniforms and also making sure that there was access to early childhood education⁶¹.

Refugees can access education because in South Africa basic education is made available to everyone. The countries constitution guarantee's this through the Bill of Rights, Section 29, (1) Everyone has the right to be a basic education, including adult basic education. In addition through the department of education, the government allows refugee children who may experience language barrier to be placed in a school that offers bridging course to help the child learn the language. Not all schools may offer this course and therefore the other alternative that is used is placing a child in an environment that he or she can learn the local language. The South Africa constitution Section 29 (2) states that everyone has the right to receive education in the language of their choice in public education institution, where that education is reasonably practical⁶².

Refugees are also eligible to benefits form social grants that is done through the South African Social Security Agency (SASSA). They qualify for different grants for instance care dependency grant, child support grant, disability grant, foster child and old age grant. The main requirement is a refugee identity documentation that is needed when processing grant. They are also allowed to have a bank account only after verification of the refugee documents have been done through the Department of Home Affairs⁶³.

⁶⁰ Keogh. RK. (2016). The Rights of Refugees and Migrant Learners, Chapter 6, Section 27

⁶¹ soschildrensvillages.ca/refugees-access-education-south-africa

⁶² Keogh. RK. (2016). The Rights of Refugees and Migrant Learners, Chapter 6, Section 27

⁶³ info@lrc.org.za

Therefore when one has an official refugee permit he or she is allowed to work, move to any part of the country and live and also access various amenities and services just like the citizens expect for voting in national elections

In addition, through various information campaigns in the communities that refugees have settled, South Africans have been made aware of why refugees are forced to flee from their countries, why they need moral support and protection. This has made the South Africans show significant change in their attitudes towards refugees.

In South Africa, refugees are also empowered in different ways. A Refugees cannot be empowered through dealing with an individual refugee who visits the specific office for assistance. Therefore the office that deals with refugees in South Africa has made booklets which are distributed to various refugee population in the country. Right based workshops have been organized for refugee community leaders where several rights are discussed by experts for instance, the right to safety and security, the right to health care and information on who to exactly approach when these rights were violated. Information on how to engage the necessary government departments in case problems was also made public to them. In addition, other rights that refugees are taught are rights to work where they have to know what is to be done if this right is violated through unfair discrimination. Many refugees in the recent years live more meaningful lives through understanding of their different rights and what they are entitled to⁶⁴.

Workshops have been done in partnership with different important role players for instance Human Rights Commission, the Rental and Housing tribunal, Department of Labor, Office of the Public Protector and Independents Complaint Directorate. The workshops have had great impact in South Africa because refugee issues have been placed on agenda of the above mentioned public bodies. Trained refugee leaders have trained other refugees on

⁶⁴ Khan F. (2007, September 26). UNHCR Annual Consultation's with NGO's Local Integration; *Lesson Learned and the way Forward* 8 page 7

legal issues that they were trained on but currently the funds that were for this training work had been stopped⁶⁵.

Although refugees enjoy different advantages there are various situations where they have been exposed to violence. There have been cases of attacks on refugees where a lot of property has been damaged and people displaced in the nationwide Xenophobic attacks of 2008⁶⁶. In this situation, most attackers were targeting small informal business owned by migrants, refugees and asylum seekers. The attacks, as they were widely covered by the media in the order of how they happened, targeted migrants and refugees, especially between 2008 and 2015⁶⁷.

In addition, collective violence has been witnessed in some parts of S.A. targeting business owned by refugees. These attacks have led to loss of lives, goods looted, damages on the property, displacements thus making the business UN operational⁶⁸.

2.3.2.2 The Case of Zambia

Zambia is one of the first countries in Africa to embrace integration. Zambia is a game changer in issues of handling refugees in Africa. On December 18th 2012, Zambia granted the first permanent resident status to a family of three Angolan refugees, paving way for citizenship⁶⁹. This was a great step for the country for it gave hope to the refugees that they will one day get accepted and make a permanent home in their host country. The process was not to stop there for it was just a beginning of helping 10,000 Angolan refugees earmarked for local integration⁷⁰.

⁶⁵ Khan F. (2007, September 26). UNHCR Annual Consultation's with NGO's Local Integration; *Lesson Learned and the way Forward* 8 page 7

⁶⁶ Hassim. S., Kupe T. and Worby, E. (eds)(2008). *Go Home or Die Here: Violence, Xenophobia and Reinvention of Difference in South Africa* (Johannesburg: Wits University Press)

⁶⁷ Idemudia, E., Williams, J. and Wyatt, G. (2013). "Migration Challenges among Zimbabwean Refugees Before, During and Post Arrival in South Africa" *Journal of Injury and Violence Research* 5:17-27

⁶⁸ Jacobsen, K. (2006). "Refugees and Asylum Seekers in Urban Areas: A Livelihoods Perspective" *Journal of Refugee Studies* 19:273-286

⁶⁹ africanarguments.org/zambia-continent-leader-in-refugee-integration-by-arthur-simuchoba

⁷⁰ Ministry of Home Affairs. 2014. Commissioner for Refugees. Government of Zambia. Available from: <http://www.homeaffairs.gov.zm/?q=commission_for_refugees> [Accessed 19 September 2017].

On 30th June 2012 the government of Zambia invoked the Cessation Clause and Angolan refugees lost their refugee status for the civil war that was keeping them away ended in 2002. Although many Angolan refugees have returned to their country, those who are born in Zambia and had no fast-hand knowledge of their country were among the many who opted to stay. They had no idea of vital issues like the National language that is spoken in Angola that is Portuguese and thus they felt the difficulty ahead of them that could make adjustments impossible. Between 2003 and 2010 the UNHCR has confirmed a total of 76,500 refugees have been repatriated back to Angola⁷¹.

Local integration is an expensive process for a host country. On 31st December 2012, The African Union (AU) gave Zambia US\$100,000 after the first permit was offered by the Minister of Home Affairs⁷². Angola refugees have stayed in Zambia for so long that the Zambia's refugee policy is planned with them included. There was the liberation war in the early 1960's in Angola and a number of Angolans fled to Zambia from around 1964. Zambia established its first refugee settlement in 1967 at a place called Mayukwayukwa in the western part of the country. This settlement is among the oldest in Africa. In 1971 another settlement was established also for refugees of Angolan origin in the northwest part of the country. Since the arrival of the first refugees in Zambia, it has been over 50 years, thus there are second and third generation of refugees among them. This generation is Zambian born and raised thus having no knowledge of their own country of origin⁷³

Zambia also hosts Rwandan refugees who after the 1994 genocide were numbered over 11,000. Unlike the Angolans who showed interest in repatriation, Rwandans were reluctant. They were mainly urban based and most of them had ventured into businesses mainly trading. Though their status lapsed in 2013 many had settled down and were

⁷¹ <http://www.unhcr.org/news/latest/2006/8/44e1e4faa/angolan-repatriation-zambia-resumes-final-year.html>

⁷² Simuchoba A. (2014, June 7). *How did Zambia become the Continent-leader in refugee Integration?* by African Arguments Editor

⁷³ www.africaarguments.org/2014/06/17/za

prospering in different fields. With the lapse of the status, many could face possible scenario of being stateless⁷⁴.

There are two groups of refugees in Zambia whose refugee status has expired. There are around 53,000 former refugees, 19,000 of whom live in Mayukweyukwe and Meheba refugee settlements. All of them are hoping for a legal alternative that will favor them. With the help of the international community, Zambia's government has undertaken to facilitate local integration, starting with 10,000 Angolan refugees and those who will be successful in the screening process will be granted residency status. This will in the future help them progress to citizenship in accordance to the country's immigration rules. The country needed, require approximately US\$21 million between that time and 2016 in financial help from the international community so as to facilitate various socio-economic programs for both the refugees and the host communities⁷⁵. The Rwandan refugees are part of the integration process. Roughly 4000 of them will be eligible but still there is less certainty about them. As it is in Rwanda that its own government is willing to find justice for the victims of the genocide and those who were involved should not escape punishment through settling in other countries. Voluntary repatriation to Rwanda has failed largely because of lack of interest among the refugees⁷⁶.

Other refugees present in Zambia are the Congolese and Burundi who fled there due to the periodic uprisings in their home country. Zambia has also often back hosted a large number of Malawi refugees who are mainly Jehova witness believers, whose fundamentalism had caused conflicts between them and the state of Malawi⁷⁷.

⁷⁴ Simuchoba A. (2014, June 7). *How did Zambia become the Continent-leader in refugee Integration?* by African Arguments Editor

⁷⁵ <http://www.worldbank.org/en/news/press-release/2016/05/27/zambia-world-bank-20-million-supports-former-refugees-integration>

⁷⁶ Simuchoba A. (2014, June 7). *How did Zambia become the Continent-leader in refugee Integration?* by African Arguments Editor

⁷⁷ www.africaarguments.org

Just like Uganda, Zambia's decision to implement local integration has been praised by UNHCR. A representative for UNHCR in Zambia, Laura Lo Castro once described the process as, "crucial and exemplary in Africa and beyond and Zambia is seen as a pioneer of durable solutions in a region where management of refugees is still plagued by a number of shortcomings"⁷⁸.

2.3.3 Eastern Africa

2.3.3.1 The Case of Uganda

In Uganda refugees are allowed to live with the host community. Land is provided to them whereby they can put up a homestead and do subsistence farming. The country is the third largest refugee's hosting nation in Africa. The refugees are welcomed in the country and not only are they given land but also they are allowed to work, settle and start businesses in whichever place part of the county they like. It is also one of the countries in Africa where refugees are not put in the camps. The policy of Uganda on refugees has been positively received by the UNHCR agency for it advocates for prospects, for self-reliance and independence and is considered to be among the best in the world. Because of the nature of coexistent, around 30% of refugee funding is given to the host communities⁷⁹. Service provision to the refugees is vital and thus services that are targeting the refugees are also open to the host communities. Refugees in Uganda are likely to stay because of the favorable conditions and the sort of reception they get from host communities. The new Refugee and Host Population Empowerment framework famously known as Rehope, could help the country to improve on ways that long-term refugees are treated and also help the poor community of the host country⁸⁰.

Currently the United Nations and the World Bank have a five-year plan of \$350 million plan that aims to promote self-reliance not only among the refugees but also the host community⁸¹. These two groups are handled under the same level by the same program

⁷⁸ allafrica.com/stories/201406181021.html

⁷⁹ <https://www.theguardian.com/global-development-professionals-network/2017/mar/02/uganda-welcomes-refugees-environmental-cost-trees>

⁸⁰ Patton A. (2016, September 21). In Uganda. *A new approach for refugees and for Ugandans*. 4 page 1

⁸¹ The World Bank. (2016, April). Uganda Economic Update, from smart budget to smart returns, unleashing the power of public investment management

thus making the process of integration stronger. Under Rehope, basic services for refugees are embedded in local government structures. Most primary schools in settlements are already integrated within Uganda's systems.⁸².

Because of the favorable policy in Uganda's Refugee Act, for instance the part that encourages freedom of movement and right to work, there have been opportunities for refugees in terms of employment whether in informal or formal sectors. There is also access to productive capital that varies in both rural and urban areas. In Uganda's urban centers, refugees have established business enterprises such as bars, transportation, milling, hairdressing, money transfer, and retail. In the rural areas, more than 78% of the refugees are involved in agricultural activities while only 5% of them in urban centers do agriculture⁸³.

Uganda is a fertile country and crops are produced in plenty, crop surplus encourages Ugandan traders to get them from the refugee settlements thus making a direct supply chain. In the country the refugee labor force participation is 38% while the host community stands at 74%. When it comes to issues of employment and refugee economic integration, 41% are actively involved in labor market of their host communities, 31% are self-employed and 12 % are employed in the formal sector⁸⁴.

The UNHCR is working with the government to reduce and mitigate poverty for vulnerable refugees and the host community that they live within. In addition they also involve key stakeholders like district leadership, various sector's ministries, the host communities and the refugees themselves to work on various issues that is of assistance to both the refugees and their host community⁸⁵.

⁸² Patton A. (2016, September 21). In Uganda. *A new approach for refugees and for Ugandans*. 4 page 1

⁸³ The World Bank. (2016, August 31). Uganda's progressive approaches to refugee management ,5 page 3

⁸⁴ The World Bank. (2016, August 31). Uganda's progressive approaches to refugee management. 5 page 3

⁸⁵ Patton A. (2016, September 21). In Uganda. *A new approach for refugees and for Ugandans*. 4 page

2.4 Conclusion

This chapter explains the concept of integration and other forms of integration for instance social integration, cultural and acculturation, and the process of refugee integration into the host society. It discusses how various countries in Africa namely South Africa, Zambia and Uganda have dealt with refugees and how refugees have integrated into these countries society. The mentioned countries have their own domestic policies on how to deal with refugees and the refugees these three countries enjoy certain advantages as they live within the host community.

CHAPTER THREE

ASSESSING THE REFUGEE SITUATION IN KENYA

3.1 Introduction

Chapter three assesses the refugee situation in Kenya, reasons for influx and their settlements, various policies and regulations that the government of Kenya has put in place concerning refugees and refugee ties with their country of origin.

3.2 Refugee situation in Kenya

Before the formative years of 1990's, which saw the setting up of refugee camps, a small number of refugees and asylum seekers who came to Kenya were scattered in different town centers of Kenya like Nairobi, Mombasa and Thika⁸⁶. Later, Kenya set up enclosed refugee camps at Daadab and Kakuma . Daadab refugee camp is located 470Km east of Nairobi and 80Km from the Kenya/Somalia border in Garissa County. The first camp in Daadab called Ifo Camp was set up in 1991 following the Somalia civil war that broke out that same year. As more refugees crossed the border two other camps were added in 1992 which are, Hagadera and Dagahaley. In 2011 the other two camps were opened due to refugee influx following the drought crisis in the horn of Africa⁸⁷.

Kakuma refugee camp in Turkana County is the other major camp in Kenya. It is located 850 km Northwest of Nairobi and 150Km from the border south of South Sudan. Its first camp was established in 1992 after the arrival of the so-called "lost boys and girls", a group of 12,000 children and their caretakers fleeing civil war from Sudan The camp's population has so far increased with other nationalities from neighboring countries coming to the refugee camp. When a Comprehensive Peace Agreement for South Sudan was signed in 2005 after two decades of war in Sudan, a big number of refugees returned to South Sudan. The UNHCR voluntary repatriation program helped in the process of repatriation and a large number went back to South Sudan thus reducing the population in Kakuma

⁸⁶ Lucy K, Rufus K. (2013, November). Asylum space in Kenya; *evolution of refugee protection over 20 years*, page 1 of 3

⁸⁷ WFP. (2015). Refugee_Factsheet.pdf (page 2 of 2)

significantly. More refugees returned to their homeland after the landmark referendum in 2011 that broke South Sudan from North Sudan⁸⁸.

In 2013, civil war broke out again in South Sudan making the number of refugees returning to the camp high. In Kakuma the host community is Turkana who are nomadic pastoralists. Majority of these Turkanas live in general deprivation of social services and economic opportunities. There are major challenges like chronic insecurity, poverty and in this region under-nutrition is a common case.

The main refugee agency UNHCR is in charge of handling refugee issues in both camps. World Food Program (WFP) is the main organization that refugees rely solely on food for survival. Since 1991, WFP has provided food to refugees living in these camps, mostly in-kind food commodities. This is done through providing a monthly ration of cereal, vegetable oil, salt, pulses and nutrient-enriched flour made from maize and soya, to all refugees and their families in the camp. Apart from food distribution, WFP does such programs as Nutrition Support. Apart from this, to improve food security, WFP introduced the project for asset creation that is for both the host community and the refugees. The productive asset helps in combating short-term hunger sessions. This project includes, tree planting, water ponds, trapezoidal buds (which are water harvesting structures). There is also water diversion ditches for crop growing.

Another program for WFP is the Food for Training project that supports learning among the young people from both the host community and the refugees. They get vocational training on fields such as; carpentry, electrical and mechanical engineering, computer lessons, tailoring and dress-making and cookery.

Briquette production is also another program run by WFP so as to help refugees in the camps. In this project, the common plant, prosopis is used to make an alternative form of cooking fuel. Firewood is the most common source of fuel in the camps. The introduction

⁸⁸ WFP. (2015). Refugee_Factsheet.pdf

of this product has reduced the chances of violence that women and children are exposed to while collecting firewood in the forest. In addition WFP also came up with Safe Access to Firewood and alternative Energy (SAFE) by distributing fuel-efficient stoves to both refugees and host communities at Kakuma refugee camp. Tree seedlings are also distributed to replace trees that are cut down by planting new ones.

Lastly the WFP has introduced integrated School Health and Nutrition in Kakuma refugee camp. They are testing how sorghum that is produced there can support the schools as means of meals for the children and also improve its farming and local economy. This is done through equipping the farmers with the required equipment, capacity building and advising them on organized market structures to sell the product. Among the equipment is the setting up of a mill where flour is produced and sold to local schools. Using this flour, WFP has helped the locals through training some groups in bread baking where these rolls of bread are used as mid-morning snacks on a test basis in the schools. Children at the schools are given porridge. The meals at the school are a source of motivation to make more children enroll⁸⁹.

In recent years the number of refugees living outside of refugee camps especially in Nairobi has expanded significantly. UNHCR has provided 46,000 refugees with a Mandate Refugee Certificate (MRC). This is a document that every refugee is issued in Kenya before the 1st of July 2014 and they are refugees that are recognized in the country. It is issued to refugees who are over 16 years and it is valid for a period of two years. UNHCR issues this document through RSD offices and when one want to renew it the process is done by the refugee protection delivery unit. In addition another 11,000 refugees have been waiting for their status to be determined. In general, UNHCR and NGO staff have estimated the number of urban refugees to be between 80,000 to 100,000 where 43% are from Somalia, 26% from Ethiopia, 5% from South Sudan and 18% from the Great lakes region. Nairobi

⁸⁹ WFP. (2015). Refugee_Factsheet.pdf (page 2 of 2)

hosts most of the refugees because of the city has dynamic socio-economic and cultural environment⁹⁰.

3.3 Refugee influx in Kenya

There are various reasons as to why people leave their country to seek refuge in other countries. Civil wars, government persecution, famine and drought are some of the major factors in the horn of Africa that have caused refugee influx into neighboring countries.

For Somalia, a civil war grew out of hand in the process of resisting Siad Barre's regime in the 1980s. By 1988-1990 the fighting was intense and it resulted in the displacement of many civilians thus others crossing the borders to the nearest countries to seek refuge⁹¹. Kenya received roughly 400,000 refugees in 1992 and this number was too big for the government of Kenya to handle. The government was ill-equipped to deal with the large number and therefore it handed over the main responsibility of dealing and managing refugee affairs to UNHCR, and the government withdrew from refugee affairs.⁹²

In 2011, due to drought crisis, there was influx of Somali refugees into Dadaab. The camp was receiving more than 1000 per day. The registered number of refugees in the camp reached 467,000.⁹³ Before the youngest state in Africa, South Sudan was formed, there had been a protracted conflict in Sudan. Following the independence of South Sudan in 2011, conflict began when the peace agreement that was between the government and the SPLM-10 failed. The peace agreement that was reached between SSDM/A –Cobra Faction also failed in January 2014 and the organization resumed fighting against the government in September 2014⁹⁴. Other local insurgencies also continued to fight after peace agreements⁹⁵. Drought and famine were declared as a disaster in some parts of South Sudan

⁹⁰ Campbell C. et. al. (2001). UNHCR, Policy Development and Evaluation(PDEs). *A Review of Implementation of UNHCR's Urban Refugee Policy in Kenya's capital city*. page 11 of 49

⁹¹ http://en.m.wikipedia.org/wiki/Somali_Civil_War, page 2 of 29

⁹² Horst, C. (2006). *Transnational Nomads; how Somalis cope with refugee life in Dadaab camps of Kenya*, Bergen Books: New York, Oxford

⁹³ WFP. (2015). *Refugee_Factsheet.pdf* (page 2 of 2)

⁹⁴ Al Jazeera. (January 31st, 2014). *South Sudan signs peace deal with rebel groups*; Retrieved 13th July 2016

⁹⁵ Sudan Tribute. (February 14 2015 retrieved January 18th 2017). "Murle faction announces defection to S. Sudan rebels".

and it caused displacements of civilians thus many seeking refuge in the neighboring countries.

Since the beginning of the civil war in South Sudan, more than 3.5 million people out of the country's 12 million people were displaced. 1.2 million Of the displaced people were internally displaced persons while around 1.5 million fled to neighboring countries like Kenya, Sudan and Uganda⁹⁶. South Sudan refugees make the 3rd largest refugee population after Syrians and Afghanistan. 86% of South Sudan refugees are women and children⁹⁷. The fighting that erupted in December 15th 2013 between the government and the opposition in Juba resulted to South Sudanese refugee influx in Kenya thus Kakuma camp registering 49,000 new arrivals of refugees⁹⁸.

3.4 Policies and regulations that Govern Refugees in Kenya.

Kenya was governed by the 1962 Constitution until 2012. This constitution relied heavily on the English Common Law and had no specific reference to refugee issues until the miscellaneous Amendment Act No. 6 of 1972. The Act amended Immigration Act and also introduced issues of refugee protection and refugee as a group that alien permit should be given⁹⁹. Since the refugee law never existed, Kenya as a country used the Immigration Laws (the Immigration Act), chapter179. These laws were intended to regulate entry of persons into Kenya, though the persons came voluntarily for some specific purpose, the same laws were applied on refugees¹⁰⁰.

Kenya has always had laissez-faire approach towards accepting refugees¹⁰¹. Refugees in the early years, ending in the late 1980s and early 1990s enjoyed free movement. In addition, they enjoyed different opportunities for instance rights to move freely and live in different parts of the urban centers in the country, rights to access education and also rights

⁹⁶ Al Jazeera. (February 11th 2017). "UN; Refugees from Sudan cross 1.5m mark".

⁹⁷ The Guardian UK. (December 23th 2013). "South Sudan the State that fell apart in a week".

⁹⁸ WFP. (2015). *Refugee_Factsheet.pdf* (page 1 of 2)

⁹⁹ Nyambane K. (2013). *Refugees' versus Responsibility: An analysis of Kenya's Refugee Encampment Policy*, abstract

¹⁰⁰ <http://erepository.uonbi.ac.ke.8080/xmlui/handle/12345678/60755>

¹⁰¹ Guglielmo V. et. al. (2005). *Rights in Exile: Janus-Faced Humanitarianism*; Berghahn Books, 31:385

for refugees to apply for local legal incorporation. This kind of hospitality was enjoyed by a small number of refugees in the country at the end of 1980s. The population at the time was estimated to be 12,000 persons¹⁰².

The 1990s saw more restrictive approach with Kenya introducing the encampment policy. This was because of the global happenings at that time and shifts in ideologies that came with the end of the Cold War. The West lost its ideological wishes of relocating refugees to their countries and therefore the hosting of refugees became the burden of first countries that the refugees seek asylum¹⁰³. Since then, Kenya has been using a de facto encampment policy where all the refugees were required to live in the camps. Refugees were required to strictly reside there and those who wished to travel were supposed to have written permission from the various authorities governing them¹⁰⁴.

Living in the refugee camps, have limited livelihood opportunities. The encampment policy in practice was not fully enshrined in Kenyan law though it has been a working policy for a long period of time. The UNHCR over the past 20years has worked with various government authorities in the country and thus being able to make certain exceptions on encampment rule for instance in cases where refugees needed access to medical treatment, higher education or in cases where they are under threats with regards to protection in the camps. Although this encampment policy, refugees have found their way to urban centers through travelling with regular passenger busses that operate between for instance Garissa and Nairobi¹⁰⁵.

The country took a new step and it enacted the Refugee Act in 2006 which is anchored in the Universal Declaration on Human Rights (UDHR). Article 14 of the UDHR states that; “Everyone has a right to seek and to enjoy in other countries asylum from persecution.” In

¹⁰² Campbell, Elizabeth H. (2006). “Urban refugees in Nairobi: Problems of Protection, Mechanisms of Survival, and Possibilities for Integration” *Journal of Refugee studies*, 19:369-413

¹⁰³ Hyndman, J. and Nylund, B. (1998). UNHCR and the States of Prima facie Refugees in Kenya, *International Journal of Refugee Law* 10 (1/2) 21-48.

¹⁰⁴ Campbell E. et.al. (2011). UNHCR Policy Development and Evaluation; *A Review of Implementation of UNHCR Urban Refugee Policy in Kenya’s Capital City*. 11:49

¹⁰⁵ Campbell E. et.al. (2011). UNHCR Policy Development and Evaluation; *A Review of Implementation of UNHCR’s Urban Refugee Policy in Kenya’s Capital City*. 10:49

Kenya, the Universal declaration on Human rights are echoed in the Refugee Act No. 13 of 2006 Section 18. The basic foundation of the refugee laws and policies in Kenya and indeed globally are based on the principles of Non-refoulement¹⁰⁶. The Refugee Act No. 13 of 2016 makes provisions for the recognition, protection and also the management of refugees in Kenya. Section 3 of the Act defines refugees as, “Someone who owing to the well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion or political opinion is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country.” “Someone who, not having a nationality and being outside the country of his former habitual residence, is unable to such fear is unwilling to return to it”¹⁰⁷ In the Kenya legislation, that is; (the Refugee Act and Alien’s Restriction Act), it is punishable offense when a refugee is found outside the specific demarcated areas although those areas have never been gazette¹⁰⁸.

Though Kenya has been welcoming towards refugees and asylum seekers, recent terror attacks have made the country make drastic changes on its policy on refugees and asylum seekers. In 2011, Kenya officially endorsed the encampment policy for it had allowed asylum seekers and refugees live in the town centers and the process of refugee registration in urban centers began in places like Nairobi, Nakuru, Mombasa and Malindi where refugees were issued refugee certificates¹⁰⁹. Terror attacks were witnessed in different urban locations in Kenya and this prompted the Department of Refugee Affairs (DRA) to announce encampment policy by the end of 2012. This policy required all the refugees and asylum seekers leave the cities and relocate to the refugee camps with the government’s long-term plan being repatriating them to their countries¹¹⁰

¹⁰⁶ www.academia.edu/27530883/LEGAL_FRAMEWORK_OF_REFUGEES_IN_KENYA

¹⁰⁷ UNHCR. Refugee Convention of 1951 page 5.3

¹⁰⁸ www.academia.edu/27530883/LEGAL_FRAMEWORK_OF_REFUGEES_IN_KENYA

¹⁰⁹ Refugee Consortium of Kenya, *supra* note 13, at 77.

¹¹⁰ Garlick et al., *supra* note 14, ¶¶ 270–271; Kituo Cha Sheria & 8 Others v. Attorney General [2013] paras. 1–6 eKLR, <http://kenyalaw.org/caselaw/cases/view/84157>, archived at <https://perma.cc/E2YL-22TJ>

DRA's decisions were not taken lightly by the civil society working on Human Rights and therefore it triggered a legal challenge where a case was heard at the Kenya High Court in Nairobi. The court issued a ruling in July 2013 where it held that the government's decision was a violation of the constitutional rights of movement and also went against the principle of non-refoulement that is enshrined in the Refugee Act.¹¹¹ The government did not back down and in March 2014 it issued another ruling that ordered all urban refugees to relocate to designated camps for it stated that it was having challenges handling refugee logistical matters and tensions in security situation in Kenya at the time which resulted from the presence of refugees in the urban areas. The government too ordered the deployment of five hundred law enforcement officers in both Mombasa and Nairobi for surveillance and security enhancement¹¹². Locals were advised to report refugees they encountered outside the designated camps so that they could be returned to the camps.

By December 2014, the country took more serious measures to amend the Refugee Act of 2006 with then encampment policy being made a permanent policy. The amendment stated that, "[e]very person who has applied for recognition of his status as a refugee and every member of his family shall remain in the designated refugee camp until the processing of their status is concluded"¹¹³ Another provision states that "[e]very refugee and asylum seeker shall. . . not leave the designated refugee camp without the permission of the Refugee Camp Officer"¹¹⁴. Another amendment in the 2014 amendment was the reduction of asylum seekers and refugees through forced repatriation. It stated that, first, only one hundred and fifty thousand refugees and asylum seekers are allowed to stay in the country and it shall not exceed this number. Second, that Kenya's National Assembly can vary the

¹¹¹Kituo Cha Sheria & 8 Others v. Attorney General, para. 94.

¹¹² Press Statement, Cabinet Secretary for Interior and Coordination of National Government, Refugees and National Security Issues (Mar. 26, 2014), https://www.hrw.org/sites/default/files/related_material/PRESS%20STATEMENT%20BY%20CABINET%20SECRETARY%20FOR%20INTERIOR%20%20COORDINATION%20OF%20NATI%20%20%20.pdf, archived at <https://perma.cc/DR2N-MGT6>.

¹¹³ Security Laws (Amendment) Act No. 19 of 2014, § 46 (Dec. 2014), available at http://kenyalaw.org/kl/fileadmin/pdfdownloads/AmendmentActs/2014/SecurityLaws_Amendment_Act_2014.pdf, archived at <https://perma.cc/XU3W-EGW3>

¹¹⁴ <http://www.lo.gov/law/help/refugee-law/kenya.php> 47

number of asylum seekers and refugees who are permitted to be in the country and third, that this variation may not exceed six months. Lastly, the variation can be reviewed to further extend the period for more than six months. This process was to be done by the National Assembly¹¹⁵

If the above law was strictly implemented it would have led to the refolement of a large population of refugees in the country. This law however did not go without any challenge, multiple petitions were filed, for instance on the 25th of February 2015, the Constitution and Human Rights Division of the High Court of Kenya, concluded that this particular provision was “unconstitutional and thus declaring it “null and void” at a court in Nairobi¹¹⁶. This law, the court argued, would lead to the expulsion of a large number of refugees thus violating the principle of non-refoulment, which is in the Kenyan Law and is visible in the constitution¹¹⁷.

The Garissa University attacks that took place on April 2, 2015 was one of the deadly attacks by Al-Shabaab insurgent group, that the country experienced and this claimed close to 150 lives. Following this the government announced that it will close down the Daadab refugee complex and all the Somalis living there to be repatriated back to Somalia¹¹⁸. This did not happen as planned because the county was pressured by the International Community for instance the United States to stop its plans¹¹⁹.

There are various circumstances under which Kenya does not grant an individual refugee status. First, when one has committed crimes against peace, crime against humanity and war crimes he or she is not granted refugee documents. Second if one commits a serious

¹¹⁵ <http://www.lo.gov/law/help/refugee-law/kenya.php> 48

¹¹⁶ Coalition for Reform and Democracy (CORD) & 2 Others v. Republic of Kenya & 10,others,2015,par,427, <http://kenyalaw.org/caselaw/cases/view/106083/>

¹¹⁷ *Id*

¹¹⁸ Mark Hanrahan, *Kenya Tells UN to Close Dadaab Refugee Camp After Garissa University Attack*, International Business Times (Apr. 12, 2015), <http://www.ibtimes.com/kenya-tells-un-close-dadaab-refugee-camp-after-garissa-university-attack-1878568>, archived at <https://perma.cc/Z9GY-GZXP>

¹¹⁹ Kathleen Cauderwood, *Kenya Retracts Plans to Close Dadaab, World's Largest Refugee Camp, After International Pressure*, International Business Times (May 7, 2015), <http://www.ibtimes.com/kenya-retracts-plans-close-dadaab-worlds-largest-refugee-camp-after-international-1912768>, archived at <https://perma.cc/GQ5H-GDFU>

nonpolitical crime outside Kenya or in Kenya he or she is not given and third if one commits acts which are contrary to the purpose of the UN or AU is denied refugee status and lastly if the person is a holder of dual citizenship, he or she is required to seek refuge in the other country that she or he holds the passport¹²⁰.

A refugee in Kenya can lose his or her refugee status under various circumstances. These circumstances can either be voluntary or involuntary. A person may voluntarily acquire a new citizenship, or reacquire a lost citizenship and even re-avails himself or herself of the protection of his or her nationality. One can lose in an involuntary way for instance when the reasons under which refugee status was granted ceases to exist¹²¹.

The DRA in Kenya can withdraw refugee status of an individual on proven reasons of believing that an individual has ceased to be a refugee or he or she should even not been granted refugee status to begin with¹²². This circumstances occur if the individual was granted refugee status by mistake in a way the individual concealed important facts from the authorities, which would have concealed the determination of his or refugee status¹²³. DRA can withdraw refugee status from an individual if the individual is believed to be of any danger to the national security of a country or poses any danger to any community¹²⁴. When a refugee status is withdrawn from an individual, a family member can also be expelled if necessity arises on the grounds of national security or by public order¹²⁵. If this happens other family members whose refugee status can be affected are allowed to petition for protection individually¹²⁶.

¹²⁰ Refugee Act 4

¹²¹ *Id.*

¹²² *Id.* Section 20

¹²³ Refugee Regulations section 37

¹²⁴ Refugee Act section 19

¹²⁵ Refugee Act section 21; Refugees and Regulations 47

¹²⁶ Refugee Act section 20; Refugee Regulation section 41

3.5 Refugee ties with their country of origin

One of the major risks that refugees face is the risk of separation from loved ones in the process of fleeing for their lives. In International laws, family unity is a fundamental principle.¹²⁷ In Kenya, the Somali refugees present loss of contacts with their home country through various ways. When Somali civil war erupted and many refugees found shelter in Kenya's Daadab refugee complex, they relied on Red Cross Message (RCM) where they could write to their relatives in Somalia or any other part of the world. This messages was then delivered by Red Cross workers to their designated addressed premises¹²⁸. In the current technological innovations, the International Committee for Red Cross has come up with mobile phone services where when a refugee arrives at the camp and after the process of registration is over, the refugee settles in and then he or she is given a mobile phone that he or she is allowed to use. The mobile phone usage is limited to two minutes so as cover a large population at a time. The refugees communicate with their families back home to let them know that they arrived safe in the camps. The ICRC provides this service for free and it has helped refugees keep ties with their homeland¹²⁹.

Apart from communication ties, most of the urban refugees in Kenya especially of Somali origin are businessmen and women who rely on informal money transfer system to help their relatives back home. The 'Hawala' mostly known as Somali Remittance Organization by the World Bank is the means that they use in the process of sending money. The term hawala mean trust or transfer in Arabic depending on the context that it is being used. This system replaced the banking system in Somalia that had collapsed due to civil war¹³⁰. Informal hawala System therefore refers to the system of money transfer that happens in the absence of all formal requirements that are used in the formal banking sectors¹³¹. Through this system one can transfer large sums of money. Refugees always live in a state

¹²⁷ Jastram K. & Newland K. (2001). Draft discussion on Explanations of Family International Law

¹²⁸ <http://www.icrc.org/eng/resource/documents/interview/2011/somalia-interview-2011-09-20.htm>

¹²⁹ <http://www.icrc.org/eng/resource/documents/interview/2011/somalia-interview-2011-09-20.htm>

¹³⁰ ndn.wnpt.org/documentaries/Somali/money-transfer/

¹³¹ Mohammed EL Qorch, Samuel Munzele Maimbo, and John F. Wilson. (August 18th 2003). Informal Funds, Transfer System; An Analysis of Informal Hawala System, A joint IMF-World Bank paper. *Occasional Paper*222

of multiplicity and mobility¹³². They are unpredictable for it is hard for them to predict what happens in the future. Therefore this system has helped them keep ties with their home country especially on matters of their family's financial needs. Internationally it is estimated that between seventy million and hundred million dollars is transferred between Somali diaspora communities and their relatives and businesses in Somalia¹³³.

In addition the Somali telecommunication sector has flourished despite lack of guidance from the country's central government, since its collapse in 1991¹³⁴. The collapse of the government was a 'blessing' to private investors for it gave them the chance to penetrate the telecommunication markets, enjoying lack of low, no tax payment, no licensing and the collapse of foreign currency exchange rates¹³⁵. The international call rates are said to be the lowest in the world making it easy for Somali refugees spread all over the world to communicate with their loved ones. In Kenya urban refugees have access to mobile services and internet, also refugees camps also have mobile network connections thus making it easy for the process of communication thus helping in building ties with Home County.

3.6 Chapter Summary and Conclusion

Refugees in Kenya are mainly managed by international agencies that is the UNHCR and also WFP in the camps. The Kenyan government has designated the land where the refugee camps are located. Apart from this the refugees who live in town centers have been required to have proper documentation through the government and also UNHCR. Being located on the immediate border with Somalia and Sudan, Kenya has always been one of the countries that have felt the burden of refugee influx in cases of any crisis in these two countries.

¹³² Pasquier M. (Nov 2013). Somali Diaspora and Mobile Money: Research on Hawala Presented at Afrikoin, *academia, countries, innovation, market trends*

¹³³ Bosh AM. (April 08, 2015). Money Talks, Kenya is stopping remittances of \$70m a month from reaching its Somali community.

¹³⁴ Budde.com.au

¹³⁵ <http://somalieconomicforum.org/>

To manage this crisis, Kenya has its own policies and regulations that have for a period changed so as to keep up with the changes in refugee situation in the country. Finally, refugees have been able to keep in touch with their country of origin through various humanitarian agencies program and also favorable technologies that have enhanced communication globally.

CHAPTER FOUR

A CRITICAL ANALYSIS OF REFUGEE INTEGRATION AND LESSONS FROM OTHER COUNTRIES

4.1 Introduction

This chapter will discuss refugee integration in Kenya and the lessons that Kenya has learned from various African countries discussed in this project.

4.2 Refugee Integration the Kenyan perspective

When integration happens in a host country there are three interconnected aspects that are vital. These are; the legal aspect where according to the refugee rights, they are entitled to rights to employment, movement, ownership of property, rights to permanent residency and even rights to citizenship. The second aspect is the economic aspect where a refugee becomes self-sufficient through carrying out various self -sustainable activities and businesses. Third is the social aspect, which is important to this study. Social aspect in this scenario is the situation where refugees get to live among the communities of the host country¹³⁶.

Theoretically, refugees in Kenya can engage in self -employment activities. This can be done without the need of any formal authorization and when it comes to paid employment, they are required to obtain a work permit¹³⁷. Refugee Act of 2006 states that “every refugee and member of his family in Kenya shall, in respect of wage earning employment be subject to the same restriction as are imposed on persons who are not citizens of Kenya”¹³⁸. Work permits for refugee in Kenya are currently available free of any charges¹³⁹. Class M work permit are available to refugees and spouses if the right procedures were followed and

¹³⁶ Refugee Consortium of Kenya, *supra* note 13, at 79.(check out the right citation format- This is lifting directly from another publication-This concern is applicable to most of your other footnotes below

¹³⁷ Garlick et al., *supra* note 14, Annex I, ¶ 10.

¹³⁸ Refugees Act § 16.

¹³⁹ Pavanello et al., *supra* note 11, at 21; Kenya Citizenship and Immigration Regulations, *supra* note 79, Ninth Sched

applications submitted¹⁴⁰. This class M work permit allows them to engage in any profession, from professional field to trade and businesses¹⁴¹.

All these mentioned advantages of refugees working is, however, more theoretical than practice. For instance the Kenya Refugee Consortium in 2012 stated that the government of Kenya does not give work permits to both refugees and asylum seekers, except in a “few cases that are isolated”¹⁴². This situation has made refugees only to seek employment in informal sectors. Encampment policy in Kenya has made the rights of refugees to move around and seek employment difficult. Refugees are not entitled to naturalization in Kenya though the Kenyan Constitution of 2010 provides that, “[a] person who has been lawfully resident in Kenya for a continuous period of at least seven years” can get it. Others who also meet the legal requirements that are relevant may also be naturalized¹⁴³. In the Kenyan law the ability to speak Kiswahili and or any other local language are some of the requirements that are valid in the law on citizenship. In addition the capacity by an individual to make substantive contribution to development of Kenya is also a valid requirement to get citizenship. Many refugees have this ability but Kenya does not grant citizenship to them¹⁴⁴.

4.3 Lessons from Other African Countries

4.3.1 Lessons from South Africa

South Africa is one of the countries in Africa that is known for its fair treatment of refugees. Refugees in South Africa have the right to move around and settle in urban areas after they have been granted permits, or waiting for permits to be ready which can take years. They are also allowed to work in various sectors that they can find work. Refugees in South Africa get to enjoy fundamental rights as South African citizens in most situations and this

¹⁴⁰ Kenya Citizenship and Immigration Regulations, 2012, Seventh Sched., 11 Laws of Kenya, Cap. 172 (rev. ed)

¹⁴¹ Kenya Citizenship and Immigration Act, 2011, § 41, 11 Laws of Kenya, Cap. 172 (rev. ed.

¹⁴² Refugee Consortium of Kenya, *supra* note 13, at 80–81.

¹⁴³ Constitution of Kenya, 2010, § 5, 6 Laws of Kenya (rev. ed.

2014), <http://www.kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=Const2010>, *archived*

¹⁴⁴ Garlick et al., *supra* note 14, Annex I, ¶ 220.

situation is made possible by the liberal constitution that was written after apartheid¹⁴⁵. Since 2007, the government of South Africa has introduced the rights for refugees to access health care just as the locals of South Africans do through the Department of Health (DOH)¹⁴⁶.

Refugees who have ventured in various business opportunities have had positive impact on the economy of South Africa. Research done by The African Centre for Cities (ACC) at the University of Cape Town shows that refugees are among the foreigners who own businesses in South Africa. This particular research was also conducted to examine the role of refugees and other foreigners as entrepreneurs in the informal sectors so as to show how these different groups contribute to the economy of South Africa. Findings also suggest that, these entrepreneurs contribute to the economy for they service the need of the consumers who are poor and are in demand of certain products and services by making them available at a cheap price and at appropriate quantity, at a convenient place thus meeting their niche demands. Refugees who have settled and started businesses have also brought scarce skills into the townships for instance manufacturing. All these entrepreneurs pay rent to South Africans or the city council¹⁴⁷.

In addition a study on small enterprises economy in Johannesburg, shows immigrants and refugees have created jobs for local South Africans. Out of seventy micro and medium entrepreneurs who were interviewed, there were a total of 227 jobs that were created thus an average of 3.3 jobs per business. This therefore contradicts the perception that local South Africans have of foreigners snatching their jobs and which has unfortunately led to xenophobia over the past few years¹⁴⁸.

¹⁴⁵https://www.washingtonpost.com/news/worldviews/wp/2017/02/15/south-africas-role-as-a-refugee-haven-may-be-coming-to-an-end/?utm_term=.17b5dbba0544

¹⁴⁶ Human Rights Watch. (Dec 7, 2009). No Healing Here, Violence, Discrimination and Barriers to health for Migrants in South Africa.

¹⁴⁷ www.groundup.or.za/article/how-immigrants-contribute-sa-economy_3043

¹⁴⁸ H. Jeff et al. (2013). Advancing refugee Protection in SA. Implementing Durable Solutions for Angolan Refugees in South Africa

Apart from all that refugees invest also in both major urban centers and small towns of South Africa. A study was done to show the comparison of refugee business owners in Limpopo and Cape Town. According to the findings male dominate the entrepreneur activities with woman making 20-25% in the ownership of the businesses¹⁴⁹. When it comes to the age group, in both locations, entrepreneurs under the age of 40 and very few over the age of 50 years.

Majority of the entrepreneurs in Cape Town are of Somali ethnic group who engage in both formal and largely informal economy¹⁵⁰. In Limpopo, Ethiopians were the majority making around 28%. Other refugees from different ethnic background were from Zimbabwe that is 11% in Limpopo and in Cape Town they were 7%. From DRC they were 11% in Limpopo and 17% in Cape Town¹⁵¹. Small groups made of members of other origins in Limpopo and Cape Town were from Rwanda, Cameroon, Burundi and Sudan. Most of the business owners in this groups arrived in South Africa in both Limpopo and Cape Town in the year 2000. Refugees have relocated from big city centers to states like Limpopo because of the violence against informal businesses owned by non-South Africans¹⁵².

In the study Limpopo findings show that one of the major reasons for relocation is xenophobic attacks on the refugees. One of the persons interviewed in the study was with a Somali refugee who lived in Johannesburg after going through difficulties to arrive there as other Somalis do¹⁵³. He said that he helped his brother in his shop. While there he continued, the people were nice only for some few who were really rough. He witnessed two foreigners being killed in broad daylight and he decided to move to another place in Johannesburg. He bought a small spaza (informal shop) in another location called orange

¹⁴⁹ Jonathan, C., Godfrey, T., Cameron, M., and Sujata, R., (2017). Refugee Entrepreneurial Economies in Urban South Africa, table 3 page 12

¹⁵⁰ Basardien et al., "Entrepreneurial Orientation of Spaza Shop Entrepreneurship"; Gastrow and Amit, "Somalianomics"; Gastrow and Amit, "The Role of Migrant Traders in Local Economies"; Tawadzera et al., *International Migrants and Refugees in Cape town's Informal Economy*

¹⁵¹ Jonathan, C., Godfrey, T., Cameron, M., and Sujata, R., (2017). Refugee Entrepreneurial Economies in Urban South Africa, table 3 page 12

¹⁵² The Border Within: The Future of the Lesotho-South Africa International Boundary (2002) ISBN 1-919798-41-2

¹⁵³ Jinnah, "Making Home in a Hostile Land ", Sadouni, God is Not Unemployed".

farms, where he operated for one year. According to him, Orange farm was a good are for business but it was not safe.

*“As a foreigner you are always conscious of your security and you can feel that this place is not good. It is far from Johannesburg city business district (CBD) and there are few police there. So even when there are robberies, the police come very late and sometimes they do not come at all. I was robbed seven times in the period that I stayed in Orange farm. Most of the time the robbers would come when it is at night and you are still operating. They pounce on you with sticks, spanners or iron bars and they hit you hard. So I was almost killed twice and I thought this is enough. Let me leave this place. Then I left and came here.”*¹⁵⁴

Fear for one’s life and frequent violent crimes were some of the reasons he moved to Limpopo. Though Limpopo sounded like a safe haven for many refugees there were also incidents where refugees have been robbed and harassed. All this has been blamed on police being reluctant, when it came to helping refugees; the survey found there were cases of police harassment, confiscation of goods, demands for bribes and also physical violence towards refugees¹⁵⁵.

Findings further showed that the kinds of entrepreneur activities refugees engaged in varied from retail business that seemed to be the most practiced at (75%-79%) to service provision 25-28% and small scale manufacturing at (4-8%)¹⁵⁶. Since the state does not provide financial assistance to set up businesses many refugees save up to start their own businesses or even borrow capital from friends and family.

On the issue of contributing to South Africa’s economy, a group made of Ethiopia refugees in Limpopo observed that though they paid VAT on good but they were not able to make claims on rebates. One of them explained that,

¹⁵⁴ Interview with Somali Refugee, 12 March 2016

¹⁵⁵ Hassim et al., Go Home or Here; Landau, Exorcising the Demons Within.

¹⁵⁶ Jonathan, C., Godfrey, T., Cameron, M., and Sujata, R., (2017). Refugee Entrepreneurial Economies in Urban South Africa, table 6 page18

“There are many things we do to help the economy. We operate our business and we buy stock from the wholesalers. We pay VAT there so our money is going into the economy. We pay a lot of money that way. Some of our people go to buy goods that are worth ZAR 200,000 or even more. Some buy every week and some buy every day. So imagine if you are paying ZAR 200,000 for goods and VAT is 14% so that is more than ZAR 25,000 I am paying to the government. Even after paying this large amount of VAT we suffer because we cannot claim some of it because at the end of the year we would claim some of the VAT like South Africans do. We are actually contributing more through VAT than most South African small businesses¹⁵⁷.”

Although South Africa have been known for its fair treatment to refugees, research done by Human rights watch suggests that refugees face many challenges. They live in poor conditions and are mainly exposed to dangers of diseases, rape, assault, and discrimination. Refugees explained to the human rights watch that most of the times when they seek medical treatment they end up being refused treatment, overcharged for services or even harassed verbally and end up being physically mistreated for not being South Africans. This leads poor services to refugees leading to harmful health conditions¹⁵⁸. Xenophobia as mentioned in this chapter is a major problems. The word xenophobia is derived from a Latin word, which means a stranger or a foreigner. The word ‘phobia’ means fear. Therefore xenophobia is used to describe the strong fear, dislike and hatred for foreign and stranger¹⁵⁹.

“There is no healing here in South Africa. Since I arrived here there is no rest, no recovery.” Ndona, Congolese refugee, Johannesburg

Thousands of refugees like Ndona were made homeless by the xenophobic attacks that took place in 2008. The attacks forced these refugees to move to unsafe areas like buildings that were abandoned, open grounds and churches. These places were more prone to further

¹⁵⁷ Focus Group Participants, Burgersfort, 1 April 2016

¹⁵⁸ H. Jeff et al. (2013). Advancing refugee Protection in SA. Implementing Durable Solutions for Angolan Refugees in South Africa

¹⁵⁹ Procher et al, Longman Dictionary of Contemporary English. London. Harlow.

East Leigh town that is an area in Nairobi, the capital city of Kenya, is populated with Somali, Ethiopian and Eritrean refugees who came to the county in the late 1980s and early 1990s where they enjoyed various legal advantages like free movement, and right to work permits among others¹⁶². Most of these refugees have settled and set up businesses. East Leigh is one of the most booming economic hubs in Kenya. Goods and services offered there not only serve Kenyans alone but also other customers for Eastern and Central Africa. Since mostly Somali refugees who are the largest in Kenya are businesses minded people, letting them the permission to settle in various towns in Kenya will contribute positively to the economy.

4.3.2 Lessons from Zambia

Zambia is one of the African countries that received refugees just three years after independence due to its neighbor's political instability at the time. It has enjoyed peace as compared to its neighbors and it supported liberation struggles and gave asylum to freedom fighters of these neighboring countries as it also hosted hundreds of refugees. These refugees have lived there for decades and therefore Zambia has become their 'home'. Although some of them have voluntarily repatriated back to their country of origin, many have stayed behind. Currently Zambia is hosting 57,000 former refugees and refugees who reside in both the designated settlements and urban areas¹⁶³.

Refugees are based on settlements where they live and take part in various activities that help them earn their daily bread. Being a signatory to the 1951 Convention on the status of Refugees and its 1967 protocol, the government of Zambia has made it possible for refugees to settle in the country. Although the convention's Article 17(2) and 26 respectively limits the rights of refugees to access paid employment and also freely move in the country, In Zambia refugees get the chance to be treated like other foreigners, where they are required to apply for work permit. The work permit needs to be accompanied by a letter from the office of the Refugee Commission. In Zambia thus department is under

¹⁶² Campbell, E. (2006). Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival, and Possibilities for Integration', *Journal of Refugee Studies* Vol. 19(3): 396-413

¹⁶³ UN High Commissioner for Refugees. (March 15th, 2017). *Zambia Refugees Economies: Livelihoods and Challenges*.

the Ministry of Home Affairs. They are granted work permits by the Immigration department with the help of the Ministry of labor and Social Security under the conditions that the locals have no qualification to occupy the particular job a refugee is looking for a work permit. In most situations, refugees and also foreigners are advised to pursue self-employment businesses and also invest in private sector respectively¹⁶⁴.

Apart from these, the Zambia Initiative (ZI) is a policy that was designed to help in the process of refugee integration into the Zambian society. The initiative started its operation in 2002 and its main objective was to bring together refugee needs with the host communities' long-term development programs. In the process of its operations, ZI has helped in the provision of micro-finance schemes that helped the beneficiaries earn more money¹⁶⁵. It supported projects like animal husbandry, development of infrastructure, agricultural credit and construction. ZI was however interrupted by mass repatriation of Angolans in 2002 as many locals from the western region preferred repatriation of Angolans rather than they integrated locally. UNHCR also confirmed that the remaining Angolans were too many for local integration thus only a few will be integrated fully¹⁶⁶.

Research done by the University of Zambia, under the Institute of Economic and Social Research in partnership with Oxford University Refugee studies Centre in October 2016 to 2017 January shows that Refugees positively contribute to the economy of Zambia. This particular research targeted refugees of Rwandan, Burundian, Congolese and Somali origin. It also involved former Angolan and Rwanda refugees who have settled for decades. Refugees in Zambia practice various economic activities for instance farming, animal husbandry, trading shops, and artisans. They also provide services through both informal and formal employment of locals mostly in the urban centers. According to findings, it indicates that refugees and former refugees are in a position to transfer skills to the locals. This is evident through the change in the farming and also consumption behaviors of crops

¹⁶⁴UN High Commissioner for Refugees. (March 15th, 2017). Zambia Refugees Economies: Livelihoods and Challenges

¹⁶⁵ Low, Ann (2006). 'Local Integration: a durable solution for refugees?', Forced Migration Review 25, May 2006., p. 64-5

¹⁶⁶ UNHCR. (2007). Zambia 2006 Annual Protection Report. (UNHCR: Geneva), p. 11.

like cassava, rice and also handcrafting clay that is used as roofing tiles. The art of making the roofing clay is practiced by the Rwandans and Burundian refugees in Zambia. In the urban centers, the locals have learned how to run small business from the Burundians and Rwandans who are good with starting and managing small businesses like vegetable shops¹⁶⁷.

Apart from all these, refugees face various challenges. Under the Refugee Control Act (RCA), all the refugees are required to stay at the specified settlements. At the settlements, they have gate passes that allows them to move freely. This time-restricted gate passes are offered by the refugee officers and it's a legal document that helps them move freely in the country. For a refugee to relocate from the settlement to urban areas, he or she is required to have formal authorized documentation for without it, legal actions will be taken towards them and even leads to prosecution. Freedom of movement is controlled and therefore it hinders the refugees from accessing different sources of income, essential goods and also various education opportunities. This limits also young refugees who have the urge to look for better opportunities in the urban centers¹⁶⁸.

In addition the fees to get both work and business permits are high. The study done by Oxford University recommends Zambia to do away with some of the reservations it made to the 1951 Convention so that refugees can be fully integrate and the country can enjoy the economic contributions of the refugees¹⁶⁹.

4.3.3 Lessons from Uganda

Uganda is known for its hospitality towards refugees. Refugees are made to feel at home through the provision of some various amenities like land. When refugees arrive in Uganda in large numbers for instance from South Sudan, they are received at a refugee camp in

¹⁶⁷ Mushiba Nyamazana (team leader), Grayson Koyi, Patricia Funjika & Edward Chibwili. (2017). Study commissioned by the UNHCR Zambia and conducted by the Institute of Economic and Social Research (INESOR), University of Zambia in partnership with the Refugee Studies Centre, University of Oxford, United Kingdom.

¹⁶⁸UN High Commissioner for Refugees. (March 15th, 2017). Zambia Refugees Economies: Livelihoods and Challenges.

¹⁶⁹ UN Country Team, Zambia. (2015).United Nations Country Analysis Report, Zambia (page 27 of 44).

Uganda where they get to initial assistance. Refugees can be given land to start their lives but if one is unable to settle on his or her own on arrival, it was always advisable for them to stay in the camp so as to access basic amenities like food and shelter. These camps have become very important to some of the Sudanese refugees in Uganda for instance some of the elderly refugees who have been based in these camps for some time because of being unable to depend on themselves. Some of the elderly women who were interviewed in a study done by the International Refugee Rights Initiative in July 2015 stated that:

“For me, the camp is a good thing because they take care of me here. It would not be good for a young person who is still searching for better means of survival and also taking care of other people.”

Another elderly woman also said:

“I am aging now and my husband is far away, so for me my focus is on having UNHCR to help me.”

Although most host countries label refugees as a ‘burden’, there are benefits that host countries get from the refugees it hosts for instance Uganda¹⁷⁰.

In 2013, Oxford University through its Refugee Study Centre conducted a comprehensive study that focused on the economic activities that were undertaken by refugees in Uganda. The project was called the Humanitarian Innovation project and its findings showed that many refugees took advantage of the Ugandan policy on refugees and engaged in their own businesses rather than depending on the international aid for their daily survival thus contributing to Uganda’s economy. A refugee by the name Mustafa who is of Ethiopian origin was interviewed. He had moved to Uganda and since 2008 he has been running a restaurant that serves traditional Ethiopian cuisine.

“Currently, there are 12 employees at my restaurant. Only four of them are Ethiopians and they are all cooking staff since they know how to cook our traditional cuisine well. The rest are all Ugandans. They work as kitchen assistants, waitresses and cleaners. They have been working with us for many years.”

¹⁷⁰ O. Naohiko. (August 25, 2014). Challenging the refugee burden.

Apart from the employment that Mustafa provides to the locals, he also rents the building from a local Ugandan landlord. He pays the various fees that are charged by the municipality in the process of running a business, shops for his items in the Ugandan market thus leading to concrete contribution to the Ugandan economy¹⁷¹.

Refugees in Uganda settle on a piece of land that can lead hold a house, latrine and a small area for cultivation. Authorities don't intervene or get into the way of refugees as they move from one place to another. The refugee settlements in Uganda that is in the South West of the country Nakivale are known to be a vast network of village that has been settled on by refugees. These settlements are not like camps that are enclosed. Ugandan government allows refugees to be self-reliant. The approach is that refugees are encouraged to undertake activities that will help them develop themselves. All this encourages the integration of various basic services for the refugees and the host communities¹⁷².

Although Uganda's policy favors refugee integration, in most situations some of the advantages that refugees are said to enjoy are just but in theory. Refugees grow crops at their settlements to cater for their food supplies but in most situations this is hindered due to the administration interferences. In settlements like Nakivale it's not all household that have access to land for cultivation. Those who cultivate have to travel to access markets for their surplus but the authorities restrict their freedom of movement. The refugee Act in Uganda, section 30 (1) states that, "a recognized refugee is entitled to free movement in Uganda". Section 30 (2) differs with this for it states that this movement is only "subject to a reasonable restriction specified in the law of Uganda"¹⁷³.

Research findings states that the refugees who are in the settlements like Nakivale and Kyangwali do not go outside these settlements to transact business. Refugee population in the settlements have to transact their businesses within the borders. Out of 621 recorded self-sufficient business community in these settlements findings show that only 10% go

¹⁷¹ <http://www.opendemocracy.net/author/nashiko-omata>

¹⁷² Office of the Prime Minister (Uganda), "Self-Reliance Strategy for Refugee Hosting Areas in Moyo, Arua and Adjumani: Report of the mid-term review," April 2004.

¹⁷³ Ugandan Refugee Act, 2006, available at: <http://www.refworld.org/docid/4b7baba52.html>

out regularly to earn a living¹⁷⁴. A significant number of the host community that borders this settlement visits them on daily basis to purchase products and also services. These neighboring areas are Mbarara, Kampala and Hoima. This clearly shows that the host community that is the Uganda Nationals move more freely to the settlement than the refugees.

In most situation refugees are required to have a permit to leave the settlement although the Ugandan government have not fully enforced this. The main thing is there is bureaucratic restriction that hinders free movements and this means that a refugee not only spend a lot of time to try and travel but also money, for it needs follow up from different relevant offices thus making it tiresome to get permits. This hinders those who are not involved in agriculture from accessing labor markets due to the movement restriction. Refugees who have self-settled are not eligible to any assistance from the government or international community. Although many refugees have intermarried with locals it is not possible to get naturalization. Refugees have been legit vulnerable because of the unofficial form of integration without the provision of any legal protection, thus making them fear for when their legal status gets questions¹⁷⁵.

In Uganda many refugees have been given some piece of land so that they can at least rely on themselves when it comes to growing food and also selling the excess. This encourages these refugees to have a choice of what they can eat and also plant. In Kenya refugees are totally dependent on the international humanitarian agencies that provides them with various amenities like shelter, food and medical and education services. In Kenya though the issue of land giving can be tricky, the refugees can be place in various camps that are not based in the harsh climatic region as they are now so that they can also be encouraged to be self-reliant in various ways like agriculture.

¹⁷⁴ Betts, Bloom, Kaplan and Omata. Refugee Economies: Rethinking Popular Assumptions, Humanitarian Innovation Project, University of Oxford, June 2014, available at: <http://www.rsc.ox.ac.uk/refugeeeconomies>

¹⁷⁵ Office of the Prime Minister (Uganda), “Self-Reliance Strategy for Refugee Hosting Areas in Moyo, Arua and Adjumani: Report of the mid-term review,” April 2004.

Zambia also has settlements. Refugees can move freely in this settlement and are also encouraged to carry out private investments. In Kenya the international refugee agency can look for ways in which it can work with the government, where the government will help with various documentations, so that it can empower the refugees who are not in the camps economically so that they can also be important to the country's economy.

4.3.4 Lessons from Western African (ECOWAS Members)

In the previous chapter, ECOWAS as a regional body was discussed where in West Africa refugees are allowed to travel to various countries in that economic block. As a vital member of the East African community Kenya can learn from the ECOWAS countries, see how helpful this process is and help in the introduction of the same idea in East Africa where documented refugees can be allowed to move around in the member states. These refugees can be encouraged to be investment focused so as to contribute to the countries.

4.4 Conclusion

This chapter explains integration in the Kenyan perspective and discusses the findings on what Kenya can learn from the countries that have been covered in this study. The countries have different policies on refugee situations and with different ways in handling refugees, there are various advantages to them as host countries, though there are some difficulties that the refugees go through.

CHAPTER FIVE
SUMMARY, CONCLUSION AND SUGGESTED AREAS FOR FURTHER
RESEARCH

5.1 Introduction

This chapter presents summary, conclusions and suggests areas for further research. The chapter is presented in view of the study objectives that included; assessing the process of refugee integration, analyzing what African countries are doing in terms of socially integrating refugees and lastly drawing lessons from other African experiences for Kenya.

5.2 Summary of Findings

5.2.1 Accessing the process of refugee integration

The study establishes that establishes various African countries receive refugees from their neighboring countries due to factors like wars, draught and famine and also political unrest. In this study countries like South Africa, Uganda and Zambia were looked into and all of them have different policies when it comes to dealing with refugee's .All these countries are members to the United Nations Convention on Refugee Status and thus refugees are treated on based on their own domestic policies on refugees. All the above mentioned countries allow refugees to settle and work either in various urban centers like South Africa or in the settlements like the case of Uganda and Zambia. In Kenya, apart from a certain population of refugees that lives in the urban centers, most refugees are based in both Daadab and Kakuma refugee camps.

5.2.2 Analyzing what African countries are doing in terms of socially integrating refugees

The study was able to establish how various countries deal with the issues of socially integrating refugees. As for South Africa, it receives refugees from not only its regional neighbors but also refugees from other parts of Africa. On arrival in South Africa, refugees are required to apply for an identification card that is granted for free. After receiving the identification card, he or she is to apply for a United Nations Convention Travel Document (UNCTD) and this application can be done at any refugee reception office. This documents

enables them to move freely and settle at any urban center of their choice. Through undertaking various activities and settling down, interactions with the locals is a natural process and thus making them part of a certain society in that particular area thus allowing them to socially integrate into the society for they are allowed to leave in various urban centers in the country. As its policy states, refugees are not put in a specific camp but instead allowed to settle in various urban centers, these refugees have found themselves ways to survive and invest in various opportunities. Some of the cases that have been mentioned in this project show that as a country, South Africa benefits from the economic contributions of the refugees for they invest in various sectors of economy.

The country also allows refugees to access education in various public schools for its constitution does not discriminate any person from accessing it. Various social amenities like hospitals are also accessible to the refugee society. Therefore refugees in South Africa enjoy same rights as the locals. Despite the fact that refugees can move and settle freely in the South African societies, they have also faced difficulties when it comes to integrating with the locals for there have been cases of xenophobic attacks on refugees, rape cases and also difficulties in the process of accessing some basic social amenities such as hospital charges made extremely expensive for them. The government has an obligation to grant the required protection to refugees and any other person who is in need of protection and this is as required in the 1951 Convention relating to status of the refugees.

Uganda's policy on refugees is termed as one of the most favorable for refugees are offered a piece of land where they can build a house and practice subsistence farming. Through this refugees tend to find it easy to settle and socially blend to and thus intermarrying with the local host communities. They are also allowed to trade their surplus in various parts of the settlements and also do investments in the country so as to be self-reliant for many refugees in Uganda do not depend on the international refugee agencies. The policy of providing land to the refugees to start a life is a practical and realistic way of helping individuals who would rather not know where to begin because of the dilemma of seeking refuge in a foreign country.

Zambia has been receiving refugees from its neighboring countries since it got its independence in the 1960s. It is one of the African countries that has implemented the policy of giving citizenship to refugees of mainly Angolan origin who have lived there for more than four decades and have a second generation that relates more to Zambia than their country of origin. It also has a policy where refugees live in settlements. In the settlement the refugees can get involved in various activities like agriculture and also put up small investments like grocery shops. They also engage in other businesses like small industries where clay tiles are made and all these makes them self-dependent. Although access to job opportunities and further investment are restricted by controlled movements and excess fees on work permits and business licenses, investing in the settlements have improved their lives. Both refugees and host communities have interacted on various occasions of selling goods and services to each other and also for the former refugees like the Angolans they have lived there for many decades thus making part of the society in Zambia. They have been integrated and the first refugees to be given formal papers to settle in Zambia are of Angolan origin.

The government's efforts to promote integration in Zambia is an initiative that African countries can copy so as to have a durable solution to refugee crisis for the amount of people seeking refuge in various countries in this world is an increasing all the time rather than reducing. Kenya receives refugees from various neighboring countries such as Somalia, South Sudan, Ethiopia and also other countries like Congo, Rwanda and Burundi. In certain situations, when refugees are from the same ethnic, cultural and linguistic setting, there is identification with the local community and a lot of sympathy because of the circumstances. In Kenya, the refugees of Somali origin mostly identify with the local Kenyan Somalis on various issues and the camp that majority of the Somali refugees are based is located in the Somali populated region of Northern Kenya. Kenya's encampment policy has limited the refugees from various opportunities of being productive in the Kenyan economy. Those who have left the camps in the early years and integrated into Kenyan society have made their lives possible through various activities such as small business and large business investments in areas like Eastleigh, in Nairobi Kenya.

In addition, in other parts, of Africa like the ECOWAS countries the refugee movement has been considered in the regional block policy and therefore making it easy for refugee integration and movement in that region.

5.2.3 Possible impact of social integration has on Kenya

From the study, it was clear that social integration of refugees has various impacts on the society. In Kenya refugees are restricted by the encampment policy and therefore a large population lives in the refugee camps while a certain population lives in urban centers like Nairobi, Mombasa and Garissa. Kenya has changed its refugee policy over recent years due to some of the insecurity cases that happened in various parts of the county. The policy has somehow sensitized the Kenyan society to the point of granting them permission to report refugees who are illegally staying within the urban centers. All these measures were taken to curb the insecurity in the country. Apart from this, refugees of Somali origin have fully integrated with the Kenya Somalis for they enjoy various factors that they have in common thus they have been able to live together in various Somali populated areas of Nairobi like the Eastleigh region. In this region both local Kenyans and people from neighboring countries have enjoyed the blossoming economy of the area. Somali Kenyans and Somali refugees have set up investments that provide a large public with various goods and services. Kenya as a county has also benefited from the growing economy and the returns it gets in form of taxes and payments for licenses from the thriving economy.

Refugee Somalis who have settled in urban centers in Kenya enjoy various social amenities such as schools for their children, medical facilities and also practice their face as its required for there is no limitations or restrictions that have put in place to restrict the refugees.

5.3 Conclusion

The study concludes that social integration of refugees is indeed an important factor to consider in the country. Although the Kenyan policy on refugees encourages the encampment of refugees so as to control various factors that can come up with free movement, integrating refugees also has its positive effects on a country and therefore the

idea of integration can be considered, for refugee problems is a current global issue and rather than being restrictive towards them, treatment based on humanity should be considered.

5.4 Areas for further research

Other areas of further research to be considered are studies like:

- How effective is encampment policy in Kenya.
- Benefits of Refugee integration in Africa.
- Perception Kenyans have of Somali refugees leaving in the cities like Nairobi.

5.5 Recommendation

5.5.1 The host country

The study recommends that rather than focusing on what harm refugee integration can cause to a country, social integration of the refugees into the host community can also be considered for confining refugees in an isolated camp is not a long term factor to people who are capable of working and changing their fate in life.

5.5.2 Refugee Agencies

The agencies dealing with refugee issues in the world should come up with ways of working with refugee hosting governments so that they encourage the idea of socially integrating refugees to the local communities rather than focusing on assisting refugees from the camps. The funds used for services in the camps can be utilized to help with the process of socially integrating refugees.

5.5.3 Refugees

Refugees come to host countries to seek safety because of various reasons that made them leave their country of origin. Therefore while in the host country, they should obey the policies and regulations that has been set up by the host country so as to get the needed assistance and also avoid criminal activities that can lead to them sent back to their country of origin.

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