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**INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES**  
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**Urban Refugees and Human Security Management in Africa:**  
**Case Study of Kenya**

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**Research Project Submitted in Partial Fulfillment of the Requirements for the  
Master of Arts Degree in International Studies of the University of Nairobi**

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**Declaration**

I declare that this project is my original work and has not been presented for another academic award in any other University or Institution.

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## **Dedication**

My profound gratitude to my spouse David, children Lovine, Madedo and Rehema for their undying support, encouragement, prayers and great desire to see me through great heights of academic excellence. You are the foundation of my success.

Special dedication to my late parents Headmand Ngao and Debora Madedo. Also to my entire family for always encouraging me to stay on course.

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## List of Abbreviations

AU	African Union
CID	Criminal Investigation Department
CHS	Commission on Human Security
ICISS	International Commission on Intervention and State Sovereignty
IDMC	Internal Displacement Monitoring Centre
IDPs	Internally Displaced Persons
NGO	Non-Governmental Organization
NWFP	North-West Frontier Province
O.A.U	Organization of Africa Unity
PLO	Palestine Liberation Organization
R2P	Responsibility to Protect
RPA	Rwandan Patriotic Army
SPRRA	Special Program for Refugee Affected Areas
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees

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## Abstract

This study is about the urban refugees and human security management in Africa: case study of Kenya. It assessed the nature and extent of urban refugees' problem in Africa, analysed the relationship between urban refugees and human security management in Africa, evaluated the impact of urban refugees on human security in Kenya and proffer the refugees' policy recommendations on human security in Kenya. The study also set out two hypotheses namely urban refugees is not a problem in Africa, there is a negative relationship between urban refugees and human security management in Africa and urban refugees have no impact on human security in Kenya. The study used primary data and presented data using frequency tables. It was guided by push and pull theory and Copenhagen Securitization Theory. The study found out that a large number of the respondents indicated that urban refugee was a problem that faced Kenya. This leads to a conclusion that indeed Kenya faces a problem of urban refugees. The respondents indicated that urban refugees especially have presented a security problem in Kenya. Armed groups have used the urban refugees' camps for recruiting fighters, shelter, and food. This has been linked to terrorism and proliferation of arms being alleged as the main carriers of these weapons. Majority of the respondents indicated that urban refugees was a cause for human security threat. This means that urban refugee is a threat to human security. With over half of the respondents stating that insecurity level by urban refugees to be very high; this implies that policies governing the urban refugee regime are not very effective and hence better and effective policies and laws are required to effectively stem the resultant insecurity. From the findings above it is clear that the nature of urban refugees relating to insecurity was terrorist scare. The other concern urban refugees was theft. This study examined the Relationship between Urban Refugees and Human Security Management in Africa by investigating if urban refugees has influenced human security management and strategies of managing urban refugee issue. Majority of the respondents indicated that urban refugees had influenced human security management. Majority of the respondents indicated that voluntary repatriation was a strategy of managing urban refugee issue while others proposed encampment. Local integration with the community was also probed while others indicated resettlement. The research, recommends that international community through United Nations should look into the making of peace in countries neighbouring Kenya among their tribes and strengthen the government institutions to counter displacement. The government of the affected countries should preach peace among its citizens to avoid conflict. Further integration should be facilitated with support from World Bank and IMF to resettle the urban refugees if peace is not guaranteed in their country of origin. Economic and security tensions between Kenya and urban refugees occur constantly for several reasons discussed in this research. Approaches that foster peace and security amongst the two communities may be pursued further. Peace and Security Committees, *Nyumba Kumi* Initiatives spearheaded by Kenya Security agencies like National Coordination should continue and bring more and influential actors on board. Joint initiatives like common markets, common schools, common hospitals and recreation places equally create good relationship and interactions between hosts and urban refugees.

## **1.0 CHAPTER ONE**

### **1.1 Introduction and Background to the Study**

This chapter gives the introduction to the study. It gives the background of the study where the human security management in urban refugees is discussed from globally, regionally and locally. The problem is articulated, research objectives and questions stated and the study justified. Both theoretical and empirical literature is reviewed in this chapter. The hypothesis is stated and the research methodology developed. A summary is given at the end of the chapter.

### **1.2 Background to the study**

Human security today has become a major issue on the international political agenda.<sup>1</sup> Even though there are a wide range of approaches (United Nations system, regional and international organisations, bilateral cooperation, civil society organisations, etc.), all actors realise that security is no longer limited only to the traditional view of protecting State borders and territories against external threats. Emphasis is increasingly placed on human security focused on the citizen rather than the State. As specified in the 1994 UNDP Human Development Report, the concept of human security stresses the protection and promotion of human life and dignity.

In the last few decades, the world has witnessed a rise in the number of refugees and displaced persons. Globally, a significant number of the world's displaced people are located in Africa. A huge number of the displaced persons have been driven from their homes both as a result of interstate and intrastate conflicts.<sup>2</sup> The United Nations High Commissioner for Refugees reports that there were 43.3 million forcibly

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<sup>1</sup> Beyani, Chaloka (2014): Human Rights Standards and the Free Movement of People within States. Oxford: Oxford University Press: 7.

<sup>2</sup> Clapier, L. & Astrid, W. (2015). The Kenyan Government and refugees, Aalborg University, Copenhagen, Denmark

displaced people worldwide at the end of 2014, the highest number since the early-2000s.<sup>3</sup> Of these, 15.2 million were refugees. UNHCR<sup>4</sup> estimates that more than half of the world's refugees reside in urban areas and less than one third in camps.

A significant part of the world's refugees is located in Africa. Most have been driven from their homes both as a result of interstate and intrastate conflicts. Such coerced migration often violates people's rights and freedoms, and most have been displaced into settings where conditions fall far short of what is required to live with basic human dignity.<sup>5</sup> According to the UNHCR<sup>6</sup>, there were more than 10.5 million refugees in 2016. Currently in Africa, the number of refugees is still alarming as many flee local violent conflicts or political persecution.

The size of refugee influx in recent years has generated urgent concern throughout the world.<sup>7</sup> According to Mitchell<sup>8</sup>, these flows have produced a mixture of humanitarian concern for the millions of people forced into exile and fear for the potential threat to the social, economic and political stability of host states caused by streams of unwanted newcomers. The host states are therefore struggling to strike a proper balance between the need to maintain control over their borders and the need to protect refugees who seek asylum within their borders.<sup>9</sup>

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<sup>3</sup> United Nations High Commissioner for Refugees- UNHCR. (2015). UNHCR Refugees in the Horn of Africa: Somali Displacement Crisis. UNHCR Refugees in the Horn of Africa: Somali Displacement Crisis. (Retrieved on 11, 05, 2018)

<sup>4</sup> *ibid*,pg.11

<sup>5</sup> Agier, Michel 2002: *Between War and City: Towards an Urban Anthropology of Refugee Camps*. Available at: <http://eth.sagepub.com/content/3/3/317> (Accessed the 18th of April 2015)

<sup>6</sup> UNHCR. 2017. UNHCR Global Trends 2016: A Year of Crisis. Geneva.

<sup>7</sup> Elliott, H. (2012). *Refugee resettlement: the view from Kenya - Findings from field research in Nairobi and Kakuma refugee camp*, Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI): European University Institute.

<sup>8</sup> Mitchell, S. (2009). *Technology Based Development Opportunity within Dadaab Refugee Camp, Kenya*.

<sup>9</sup> Kirui, P. and Mwaruvie, J. (2012). *The Dilemma of Hosting Refugees: A Focus on the Insecurity in North-Eastern Kenya*. *International Journal of Business and Social Science*, Vol. 3 No. 8, pp 162-168

The movement of refugees across international borders is not dictated by choice but by need. Refugees are victims of circumstances that they did not create or desire. The world must therefore, address the issues that create and keep on creating refugees, that is, address the root cause of conflicts in states, and solve refugees' problems. Issues that create refugees include, war, discrimination, persecution and intolerance which inevitably lead to violent conflicts.<sup>10</sup> The victims of dysfunctional conflicts flee their homes to seek peace and security. Nevertheless, there are international legal instruments like the 1951 Convention Relating to the Status of Refugees<sup>11</sup> and its Protocol of 1967, which are a response to the development of the international refugee regime after the Second World War. The 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa adds to the existing instruments reflecting the African context.

Given the instability experienced in Eastern Africa, Kenya has played host to millions of refugees. In Kenya there are 608,974 refugees.<sup>12</sup> The majority of refugees are from Somalia and South Sudan but also from Ethiopia, The Democratic Republic of Congo, Eritrea, Rwanda and Burundi to lesser extents.<sup>13</sup> A significant number of refugees in Kenya are residing in urban areas and in particular in Nairobi where 51,757 registered refugees live and an unknown number of unregistered refugees that is said to exceed 50,000.<sup>14</sup> The majority of these registered refugees are Somalis, but also many Congolese and Ethiopians live in the capital as well as a smaller number of

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<sup>10</sup> Symser, W.R., (2017), *Refugees Extended Exile*. Washington: Centre for Strategic and International Studies.

<sup>11</sup> UNHCR 1996. *The State of World Refugees*: New York UN Publishers.

<sup>12</sup> UNHCR, Ghana. (2014). *United Nations High Commissioner for Refugees Global Appeal 2012-2013*: [www.unhcr-ghana.org](http://www.unhcr-ghana.org)

<sup>13</sup> United Nations High Commissioner for Refugees- UNHCR. (2015). *UNHCR chief visits Somali port of Kismayo, meets refugee returnees*. UNHCR. Retrieved 12 June 2018.

<sup>14</sup> Mohammed, A. (2010). *The challenges facing refugees and their influence on socio-economic development of local community in Daadab camps in Kenya*. A published thesis for Master of Project Planning Management, University of Nairobi, pp 2-7

Eritreans.<sup>15</sup> In 2016, Africa hosted 6.3 million of the world's 22.3 million refugees, most of who were hosted by Kenya.<sup>16</sup> Indeed, the exact size of the refugee population in the capital city Nairobi is not known.

Kenya has been a generous refugee hosting state for several decades and the country has hosted many refugees fleeing from insecurity and instability in its many neighbouring countries. Prior to 1991, refugees in Kenya enjoyed full status rights, including the right to reside in urban centres, to move freely throughout the country, the right to obtain a work permit and they could access educational opportunities, as well as the right to apply for legal local integration.<sup>17</sup> The political crises in Sudan, Somalia and Ethiopia in 1991-92 and later in Burundi, Rwanda and the Democratic Republic of Congo, led to a large-scale influx of refugees into Kenya. This significant migration movement overwhelmed the Kenyan government's refugee protection capacity, resulting in the handover of the responsibility of registration to the UNHCR and the withdrawal of Kenyan authorities from all refugee affairs. If the pre-1991 refugee regime in Kenya can be characterised as generous and hospitable and with an emphasis on local integration, the post-1991 regime has been less hospitable, characterised by growing levels of xenophobia and few opportunities for local integration which is deemed to be seen as a result of the growing national insecurity.

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<sup>15</sup>United Nations High Commissioner for Refugees- UNHCR. (2015). UNHCR chief visits Somali port of Kismayo, meets refugee returnees. UNHCR. Retrieved 12 June 2018

<sup>16</sup>UNHCR (2017). UNHCR Factsheet on Kenya. (Accessed on 25th May, 2018) Available at: <http://www.unhcr.org/524d84b99.html>

<sup>17</sup>Verdirame, G., & Harrell-Bond, B. E. (Eds.). (2015) Rights in exile: Janus-faced humanitarianism (No. 17). Berghahn Books.

<sup>18</sup> Campbell, Elizabeth H. (2016). "Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival, and Possibilities for Integration." *Journal of Refugee Studies* Vol. 19, No. 3

### 1.3 Statement of the Problem

Human security is an extremely serious issue in Africa.<sup>19</sup> Many internal conflicts have undermined security over the past two decades. Political instability, civil wars, under-development and poverty have weakened governments (responsible for their populations' security) and rendered large sections of society increasingly vulnerable.<sup>20</sup> The challenges to human security concern not only countries shaken by conflict but also those emerging from conflict or at peace. They are linked to natural, human and political factors. Human security can be considered as a worldwide or regional public good. Human security management should encourage the development, implementation and success of strategies, policies and action to provide human security for all in Africa.<sup>21</sup>

Reports by national security management agencies have linked urban refugee with criminal networks that have find their way in the host county through the same channel.<sup>22</sup> In Africa and specifically in Kenya, any significant event that involves insecurity threat linked with urban refugee escalates distrust towards them and a subsequent police raid follows. Due to this many urban refugees try to avoid any confrontation with police or CID (Criminal Investigation Department).<sup>23</sup> This goes contrary with the human rights policies that refugees and asylums seeks must enjoy full security right granted to the host nationalities. The Kenya's Department of

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<sup>19</sup> Berger, T 2006 Slums and insecure tenure in urban Sub Saharan Africa-A conceptual review of African best practices. Thesis (MA), Institute of Housing and Urban research, Uppsala University

<sup>20</sup> United Nations Development Programme 2006 'The Human Security Framework and National Human Development Reports: A Review of Experiences and Current Debates'. New York City, NY: UNDP.

<sup>21</sup> UN-HABITAT 2003 'Global Report on Human Settlement'. Nairobi, Kenya: UN-HABITAT.

<sup>22</sup> Kessides, C 2005 'The Urban Transition in Sub-Saharan Africa: Implications for Economic Growth in Africa Region', in Lawrence, R J 1997 Better Understanding Our Cities; The role Urban Indicators, Paris, OECD.

<sup>23</sup> Campbell, Elizabeth H. (2016). "Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival, and Possibilities for Integration." *Journal of Refugee Studies* Vol. 19, No. 3.

Refugee Affairs has of several times stopped the registration of refugees in urban areas, and even forced some refugees to leave urban areas to refugee camps due to insecurity concerns.<sup>24</sup> This study sought to investigate the rationale exercised in dealing with urban refugees and human security management in Africa with reference to Kenya.

#### **1.4 Research Questions**

The following research questions guided this study;

1. What is the nature and extent of urban refugees' problem in Africa?
2. What is the relationship between urban refugees and human security management in Africa?
3. What is the impact of urban refugees on human security in Kenya?
4. What are the refugees' policies recommendations on human security in Kenya?

#### **1.5 Research Objectives**

The study sought to investigate urban refugees and human security management in Kenya.

##### **1.5.1 Specific Objectives**

The following specific objectives guided this study;

1. To assess the nature and extent of urban refugees' problem in Africa.
2. To analyse the relationship between urban refugees and human security management in Africa.
3. To evaluate the impact of urban refugees on human security in Kenya.
4. To proffer the refugees' policy recommendations on human security in Kenya.

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<sup>24</sup> Horst, Cindy (2012). "Vital Links in Social Security: Somali Refugees In the Dadaab Camps, Kenya." *Refugee Survey Quarterly* Vol 21, No. 1&2.



## **1.6 Justification of the Study**

### **1.6.1 Policy Justification**

The study may be of importance to the policy makers like the government, ministry of foreign affairs and UNHCR. The findings of the study may form a basis for policy making on urban refugees and human security in Kenya. This would guide security management in Kenya and ensure that the security issues relating to urban refugees are contained for improved security in Kenya.

### **1.6.2 Academic Justification**

The study may form a basis for further research. The researcher aims to build on the available literature on the phenomenon on refugees. This would enable other researchers to explore the area of human security and refugees based on the study. The study will build up on other literature relating to human security management and refugees. The scholars may find this useful as it may provide literature for their assignments and academic research.

## **1.7 Literature Review**

The CHS, in its final report Human Security Now, defines human security as: “to protect the vital core of all human lives in ways that enhance human freedoms and human fulfillment”.<sup>25</sup> Human security means protecting fundamental freedoms – freedoms that are the essence of life. It means protecting people from critical (severe) and pervasive (widespread) threats and situations. It means using processes that build on people’s strengths and aspirations. It means creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity”.<sup>26</sup> As mentioned the concept of human security has been under debate since it was introduced as a political tool in the

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<sup>25</sup> Commission on Human Security. 2003. Human Security Now: Final Report, New York: CHS.

<sup>26</sup> *ibid*, pg.4

UNDP report. Theorists try to provide an actual conceptualization for human security and thus, there can be find two security theories in international relations; one being based on neorealism and other on Copenhagen School's theory of securitization. While neorealism keeps emphasis on the states sovereignty within a broadened concept of security, securitization takes a stand on the other end of this dispute, placing emphasis on non-state actors too. Rethinking of security debate is about broadening. However, the security agenda will be as broad or as narrow as the political theory frames it.

Since the late 1980s the broadening in security issues has much to do with the inclusion of non-traditional threats.<sup>27</sup> The neorealist approach is promoted by Kenneth Waltz, in his work "Theory of International Politics" (1979).<sup>28</sup> Waltz argues that international system is dominated by anarchy and that there is no common worldwide government. Neorealism has been one of the most used theory in security studies because it underlines national security and territorial sovereignty. It can be seen that new security threats cannot be explained by traditional security theories. However, in the study of human security, neorealism cannot be ignored. Neorealism looks at international system as being dominated by anarchy, and use of force is acceptable in any cases. National and territorial security leans towards military capabilities and threat is posed by other states, not international organizations or non-state actors.

After the Cold War, neorealism received a lot of criticism concerning its usefulness in international affairs when a new set of threats became more and more dominant. These new threats are not connected to states only and thus they are nearly impossible to be assessed with traditional power politics, mainly because "they lack of

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<sup>27</sup> Booth, K. (2007). *Theory of World Security*. Cambridge: Cambridge University Press.

<sup>28</sup> Waltz, K.N. (1979) *Theory of international politics*. New York: Random House USA.

counterpart with which a balance of power could be achieved”.<sup>29</sup> However, in today’s world the issues are not so much connected with threats towards states but more towards individuals. The state-centric nature of neorealism causes lack of capabilities to address issues such as intrastate conflicts which mainly dominate the security threats in the world and in the individual level. Copenhagen School theorists such as Barry Buzan promote a broader concept of security.<sup>30</sup> As said the post-Cold War era challenged the old notions of security and security became more complex and interdependent concept in international relations. In his book “People, States and Fear” Buzan points out that the concept of security was too narrow during the Cold War and he argued for a broader framework of security.<sup>31</sup> Buzan added new dimensions to security such as five sectors of security; political, military, economic, societal and environmental. According to Buzan all these sectors work together and are interlinked and interdependent. Buzan also adds dimension of regional security and thus undermines the individual states. He also broadens the ideas of insecurity, threats and vulnerabilities. He addresses this as states international security strategy and national security strategy. Buzan argues that neither of the options will work alone, but combining these security policies will work on multiple levels. More recent contribution by Buzan to international relations theories is concept of securitization, which was coined by Ole Wæver. He argues that “by definition, something is a security problem when the elites declared it to be so.”<sup>32</sup>

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<sup>29</sup>Bruderlein, C. (2001). People's security as new global stability. s.l. [http://www.hpcresearch.org/sites/default/files/publications/353-366\\_Bruderlein.pdf](http://www.hpcresearch.org/sites/default/files/publications/353-366_Bruderlein.pdf) (retrieved 2.7.2018).

<sup>30</sup>Buzan, B. (1983) *People, states, and fear: The national security problem in international relations*. United States: University of North Carolina Press.

<sup>31</sup>Buzan 1983, pg.8

<sup>32</sup>Buzan, B., Wæver, O. and de Wilde, J. (1998) *Security: A new framework for analysis*. Boulder, CO: Lynne Rienner Publishers.

Securitization is when something becomes declared as a security issue and the public approves it. Securitization works as an analytical tool to address security issues and thus widens the security agenda. Both Waltz and Buzan address security from states perspective. However, the Copenhagen School based on more critical security studies broadens the notions of security by addressing other aspects of security beside states sovereignty and territory. The difference between these two theories is in the way they analyze the object of security. In other words, what is the object of security and how to make it secure. Thus, this is evident in the ongoing debate of identifying the primary subject of security. Although the human security concept stresses the security of the people, the states' role as both a provider and threat of security cannot be removed from the concept.

### **1.7.1 Definition of refugees**

The 1951 United Nations Convention Relating to the Status of Refugee define a refugee as any person who, owing to a well-founded fear of being persecuted for reason of race, religion, nationality, membership of a particular social group 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 the country.<sup>33</sup> Loescher, noted that the regional instruments in refugees expanded the UN definition.<sup>34</sup> For instance, the Convention Governing the Specific Aspects of Refugee Problems in Africa, a regional instrument adopted by the Organization of Africa Unity (O.A.U) in 1969, besides adopting the UN definition expands it to include people fleeing external

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<sup>33</sup> United Nations High Commissioner for Refugees- UNHCR. (2015). UNHCR Refugees in the Horn of Africa: Somali Displacement Crisis. UNHCR Refugees in the Horn of Africa: Somali Displacement Crisis. (Retrieved on 11, 05, 2018)

<sup>34</sup> Loescher, G. (2012). Refugee Movements and International Security, Adelphi Paper 268, (London: Brassey's for IISS, pp.6.

aggression, internal civil strife, or events seriously disturbing public order in African countries.

Apart from the 1951 Convention, there are other regional agreements, which give its own definition of refugees. Convention Governing the Specific Aspects of Refugee Problems in Africa, also known as Organization of African Unity Convention, is a regional agreement accepted in 1969, which expands on the existing definition from the 1951 Convention, characterizing a refugee as a person who “owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.”<sup>35</sup>

In 1984, the Cartagena Declaration was adopted by the Colloquium on the International Protection of Refugees in Central America, Mexico and Panama as a response to the refugee crisis in Central America. This regional agreement also builds up on the existing definition from the 1951 Convention and broadens it by including “persons who flee their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order” as refugees. Even though this declaration is not legally binding, the majority of Latin American countries apply it in practice, with some of them even incorporating it into national legislation.<sup>36</sup>

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<sup>35</sup> Organization of African Unity 1969: Convention Governing the Specific Aspects of Refugee Problems in Africa.

<sup>36</sup> UNHCR, 2000: The state of the world’s refugees. Fifty years of humanitarian action.

Betts defines a refugee as a person outside their country of origin because of an existential threat to which he/she has no access to a domestic remedy or resolution.<sup>37</sup> Therefore, both registered, unregistered refugees and asylum seekers are referred to as being “refugees”. Additionally, in line with Malkki, refugees are believed to be a complex and dynamic process of becoming rather than a static identity that one acquires permanently as a result of crossing an international border.<sup>38</sup> Diverse motivations have led to the focus on the urban refugees’ situation. First, despite a notable increase in refugees living in urban settings worldwide there is a significant lack of focus on and information about urban refugees.<sup>39</sup>

The terminology urban refugee is defined as a person who fits in internationally recognized definition of a refugee in the Convention on Refugees of 1951 and who has decided or was obliged for some reasons to settle in urban areas of the country where he found asylum rather than common based settlement.<sup>40</sup> Urban refugees are persons from recognised refugee producing countries who have settled in urban centres.<sup>41</sup> There is an important dearth of available information on urban refugees’ profiles on a global scale.<sup>42</sup> UNHCR estimates, 50,800 mostly Somali refugees

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<sup>37</sup> Betts, Alexander 2010: *Survival Migration: A New Protection Framework*, Global Governance special edition on International Migration, Vol. 16:3, pp. 361-382

<sup>38</sup> Malkki, Liisa 2016: *Speechless Emissaries: Refugees, Humanitarianism and Dehistoricization*, *Cultural Anthropology* 11(3), pp. 377-404

<sup>39</sup> Pavanello, Sara; Samir Elhawary & Sara Pantuliano 2010: *Hidden and Exposed: Urban Refugees in Nairobi, Kenya*, Overseas Development Institute, London

<sup>40</sup> S. Pavanello, S. Elhawary, S. Pantuliano *Hidden and Exposed: Urban refugees in Nairobi, Kenya*, HPG Working paper 2010 [http://www.rescue-ok.org/sites/default/files/hidden%26 exposed urban refugee report final pdf](http://www.rescue-ok.org/sites/default/files/hidden%26%20exposed%20urban%20refugee%20report%20final.pdf), accessed on 12th April 2013

<sup>41</sup> RCK 2015: *Self Settled Refugees in Nairobi – A Close Look at their Coping Strategies*, Refugee Consortium of Kenya, Published in 2015, Nairobi, Kenya

<sup>42</sup> Betts, Alexander; Louise Bloom; Josiah Kaplan & Naohiko Omata 2014: *Refugee Economics: Rethinking Popular Assumptions*, published by the Humanitarian Innovation Project, University of Oxford, June 2014. Available at: <http://www.rsc.ox.ac.uk/refugeeeconomics> (Accessed 15th of March 2015)

currently reside in Nairobi.<sup>43</sup> In contrast to a significant number of urban refugees residing in the city, the information about them is scarce. Betts define refugees as “persons outside their country of origin because of an existential threat to which they have no access to a domestic remedy or resolution.”<sup>44</sup>

Horst<sup>45</sup>, Macchiavello<sup>46</sup>, and Sommers<sup>47</sup> all demonstrate the natural connection between refugees and urban centres. Refugees settle in urban centres to avoid dependence on rations, boredom, hopelessness, hardships and restrictions that prevail in camps. They use their skills and pursue opportunities provided by greater economic resources, such as education for their children.<sup>48</sup> Buscher recognizes there has often been a ‘premise of advantage’ attached to urban refugees.<sup>49</sup> An assumption prevails that as they are in cities; urban refugees have access to money, connections and opportunity and, hence, are in less need of assistance than camp-based refugees. As a result, urban refugees are often underserved and/or subject to inconsistent application of assistance. In fact, Buscher argues that urban refugees are more likely to be

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<sup>43</sup>Akin-Aina, Sinmi 2014: The State of Exception and Legal Ambiguity: The Kenyan Forced Encampment Directive for Urban Refugees, *Oxford Monitor of Forced Migration* Vol. 4, No. 1

<sup>44</sup>Betts, Alexander 2010: *Survival Migration: A New Protection Framework*, *Global Governance special edition on International Migration*, Vol. 16:3, pp. 361-382.

<sup>45</sup>Horst, Cindy (2012). “Vital Links in Social Security: Somali Refugees In the Dadaab Camps, Kenya.” *Refugee Survey Quarterly* Vol 21, No. 1&2.

<sup>46</sup>Macchiavello, Michela (2014). “Livelihoods Strategies of Urban Refugees in Kampala.” *Forced Migration Review* 20.

<sup>47</sup>Sommers, Marc (April 2009). “Urbanization and its discontents: urban refugees in Tanzania.” *Forced Migration Review* (4): 22-24.

<sup>48</sup>Campbell, Elizabeth H. (2016). “Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival, and Possibilities for Integration.” *Journal of Refugee Studies* Vol. 19, No. 3

<sup>49</sup>Buscher, D. 2013. Case identification: challenges posed by urban refugees. Paper presented at the Annual Tripartite Consultations on Resettlement, June 18–19 2003. Geneva. Geneva: International Catholic Migration Commission.

detained, face discrimination and racially motivated attacks, be subject to deportation and suffer serious human rights abuses such as sexual violence and arbitrary arrest.<sup>50</sup>

### **1.7.2 Refugee and Human Security**

The concepts and theories of human security are still far from being consensual and there have been many debates and discussions on how to approach human security.<sup>51</sup>

Alkire argues that a threat-identification exercise, although a central part of human security, is likewise an insufficient foundation because it leaves unspecified a key area: the fundamental grounds by which threats are identified which sometimes doesn't consider what the affected people value and need, what they consider to be of essence to their life.<sup>52</sup> Instead, the same author explains, human security should focus on vital core and people's reflections on the basis of their own experience and knowledge, of their values and needs.

In fact, vital core is at the center of human security definition by the Commission on Human Security (CHS) in 2003, and it embraces all essential aspects of human life. However, for the particular case of human security analysis based on an identified vulnerable group such as refugees, the threat-perspective seems to be more appropriate as a starting point. First, because threat is an underlying element in the definition of refugees by the 1951 Refugee Convention. From the provisions of this convention, we can clearly understand that refugees are people living in fear, being persecuted for different reasons, and without protection.<sup>53</sup> In a last instance we can

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<sup>50</sup>Buscher, D. 2013. Case identification: challenges posed by urban refugees. Paper presented at the Annual Tripartite Consultations on Resettlement, June 18–19 2003. Geneva. Geneva: International Catholic Migration Commission.

<sup>51</sup> Alkire, Sabina. 2003. *A Conceptual Framework for Human Security*. Oxford: CRISE.

<sup>52</sup> *ibid*

<sup>53</sup> 1951 United Nations Convention



conclude that refugees are threatened people, and it was argued by Owen<sup>54</sup> that human security is defined by what threats are actually affecting people.

One other discussion on how to approach human security is centered on freedom from fear and freedom from want. These two elements are often referred to as narrow and wide approach of human security, respectively.<sup>55</sup> In some cases, these approaches to human security are connected to policies undertaken by governments. For instance, Edwards<sup>56</sup> explains that Japan adopts the broad-all-encompassing approach by the Commission on Human Security, including infectious diseases, poverty and environmental degradation, while Canada's view of human security is complementary to national security. In this regard, Krause argues that the narrow view of human security as freedom from fear is intellectually and programmatically more coherent, in contrast to the broad vision which includes freedom from want, seems to capture almost everything that could be considered a threat to well-being.<sup>57</sup> In this sense, human security in a broad vision has no utility for policy-makers or analysts, since it does not facilitate priority-setting.

Hovil and Werker conducted a research in refugees' settlements in districts of northern Uganda. Based on the broad approach of human security, the authors assessed the personal safety and access to goods and services.<sup>58</sup> Their framework captures essential parts of the human security analysis considering the Human Development Report of 1994, and it also integrates a psychosocial component as a

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<sup>54</sup> Owen, Taylor. 2014. Challenges and Opportunities for Defining and Measuring Human Security. Disarmament Forum.

<sup>55</sup>Tadjbakhsh, Shahrbanou and Chenoy, Anuradha. 2017. Human Security: Concepts and Implications. Routledge.

<sup>56</sup>Edwards, Alice. 2009. Human Security and the Rights of Refugees: Transcending Territorial and Disciplinary Borders. Michigan Journal of International Law.

<sup>57</sup>Krause, Keith. 2017. Towards a Practical Human Security Agenda. Geneva Center for Democratic Control of Armed Forces.

<sup>58</sup>Hovil, Lucy and Werker, Eric. 2011. Refugees in Arua District: A Human Security Analysis. Refugee Law Project.

new element which seems to lack in the human security framework - relational well-being of refugees. However, this framework seems to lack a more comprehensive view of human security when it doesn't make any reference to empowerment or dignity. Therefore, their analysis focuses essentially on the threats to refugees, and doesn't go deeper in considering their own capacities to intervene actively to reduce the threats and create basis for sustainability in all the aspects regarding their lives.

McGrath also presents a relevant analysis of refugee issues using the ideas of freedom from fear and freedom from want based on the seven categories of threats to human security presented in the Human Development Report of 1994.<sup>59</sup> However, similar to Hovil and Werker<sup>60</sup>, McGrath's framework also doesn't expand into considering empowerment and dignity as important pillars in the analysis of refugee issues. Moreover, while numerous studies have examined refugee issues centered on threats to their security, there is still scarce information regarding to the perception of refugees by the parties providing protection. It is important to consider that the way refugees are perceived might influence the actions towards mitigation of threats to their security, on a positive or negative way.

Ayodeji Aduloju and Omowunmi Pratt did a study on 'Human Security and Developmental Crisis in the Contemporary West Africa: A case of Nigerian Refugees'<sup>61</sup> The study expounds, operationalizes and clarifies the concept of human security and development, and how refugee security issues lead to underdevelopment in Nigeria. The paper highlights details on the developmental crises that have

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<sup>59</sup> McGrath, Ian. 2011. Enhanced Refugee Registration and Human Security in Northern Ecuador. Geneva, UNHCR.

<sup>60</sup> Hovil, Lucy and Werker, Eric. 2011. Refugees in Arua District: A Human Security Analysis. Refugee Law Project.

<sup>61</sup> Ayodeji Aduloju and Omowunmi Pratt 'Human Security and Developmental Crisis in the Contemporary West Africa'. *Journal of Human Security*, 2014, 10, 1, 46-58

bedevilled the sub-region and at the same time exposes the threats these crises pose on national security and peace in the subregion. This paper concludes that there is no appreciable effort in operationalizing human security in West Africa and this will lead to instability given the high number of unregulated refugees in urban areas in Nigeria.

Léa Clapier & Julie Astrid Wintero did a study on “The construction of illegality in Nairobi An analysis of urban refugees’ coping mechanisms”. It is explored how the urban refugees develop coping mechanisms to reduce their vulnerability and to better cope under these circumstances; discrimination, illegal status, poor protection and assistance. In other words, this paper continues the analysis at the civil society level, where social change and social mobilisation are scrutinised in relation to how urban refugees are adapting and by that impacting the host society. The intention is to underline the exceptional resilience this group of people is capable of exercising and to what extent their contribution to the society is changing and sometimes benefiting local environments and people. The social and economic spheres are analysed to evaluate in what ways they can be seen as being integrated into the society yet deeply excluded from it. The complexity of the urban refugees’ presence in the city is stressed and questioned. It is concluded that the urban refugees are finding creative ways to adapt to the environment in Nairobi; e.g. engaging in informal work and negotiating the police’s authority. It is shown that the urban refugees develop both negative and positive coping mechanisms, where a negative coping mechanism is the act of staying inside most of the day and hiding from the police. Somalis are a particular case in Kenya and the securitization of them spills over to the rest of the refugee population. Somali refugees share the same living conditions as the rest of the urban refugees (of same socio-economic status), and are treated in the same way in Nairobi.

Abdirahman Ali 'Influx of Somali Refugees and State Security: Kenya (2002-2012)'.<sup>62</sup> This study employed a descriptive survey research design. Data collected was analyzed based on primary statistics of the questionnaires. Somali refugees have been used as a scapegoat for much of the insecurity and disorder that has plagued Kenya. The fact remains that Somalia, as a country, has been politically unstable for much of its post-colonial existence. Kenyans, therefore, overwhelmingly believe that Somali refugees simply brought problems into Kenya. Any significant event that involves terrorism in Kenya almost certainly brings an increased distrust towards Somali refugees.

Muoka, Josephat did a study 'Urban Refugees in Kenya: The Case of Banyamulenge Refugees in Nairobi; 1996-2012'.<sup>63</sup> The refugees in question vacated their state of origin due to persecution; they were pushed out of Congo and were pulled to Kenya in Nairobi by factors like security and basic necessities where they sought refuge. Alex Honneth's theory of struggle for recognition also was applied and used through this work and in that Banyamulenge refugees struggled to be recognized by the government and other urban communities in Kenya for their survival through coping. Both primary and secondary data sources were utilized in writing this work. Major finding was that Banyamulenge refugees are still facing problems in Kenya as urban refugees. The key problem that they faced was security as they were seen as the source of insecurity in Nairobi and faced harassment by the police and other security organs of the government.

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<sup>62</sup> Abdirahman Ali 'Influx of Somali Refugees and State Security: Kenya as a Case Study (2002-2012)' 2014, Bachelor of art in international studies, University of Nairobi, Kenya.

<sup>63</sup> Muoka, Josephat 'Urban Refugees In Kenya: The Case Of Banyamulenge Refugees In Nairobi; 1996-2012' Master Of Arts Degree In Armed Conflict And Peace Studies, University Of Nairobi, Kenya.

### 1.7.3 Refugees as a Factor of Human Security

Refugees are often mentioned in the human security discourses. The Human Development Report of 1994 which is generally thought to be at the center of human security as a concept, also considered to be the document where the term “human security” was presented and first used by the United Nations, makes a short reference to refugees, mainly as victims of conflicts.<sup>64</sup> The Commission on Human Security presents an in-depth perspective of refugees, mostly as victims and vulnerable group. Their publication – Human Security Now – is one of the important human security documents which exhaustively focus on refugee situation as people caught up in violent conflict and people on the move in need of immediate protection.<sup>65</sup>

However, in the human security arena, refugees are also referred to as a threat to national, internal or regional security. For example, the International Commission on Intervention and State Sovereignty (ICISS) in 2001 argues that: Civil conflicts are fueled by arms and monetary transfers that originate in the developed world and their destabilizing effects are felt in the developed world in everything from globally interconnected terrorism to refugee flows, the export of drugs, the spread of infectious disease and organized crime. In this point of view, refugees are not only considered to be a threat, more than that, they are placed in the same group of problems such as drugs, infectious diseases and crimes. Furthermore, the same author explains that “many human catastrophes will have significant direct effects on neighbouring countries through spill-over across national border taking such forms as refugee flows or use of territory as a base by rebel groups.”<sup>66</sup> Adepoju<sup>67</sup> explains that by defining

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<sup>64</sup> McIntosh, Malcolm & Hunter, Alan. 2010. New Perspectives on Human Security. Greenleaf.

<sup>65</sup> Commission on Human Security. 2013. Human Security Now. New York.

<sup>66</sup> Ibid

<sup>67</sup> Adepoju, Aderant. 2012. The dimension of refugee problem in Africa. African Affairs. Vol.8, pp.21-35.

refugees as one key source of threat to state security, the notion of “human security” disguises rather than resolves the contradiction and increases insecurity for the displaced and refugees in places such as Africa. Refugee issues are attached to a dual existence in the human security realm. Even though refugees are located at the center of human security as a vulnerable group critically affected in terms of freedom from fear and freedom from want, they can also be considered a source of human insecurity for the country of origin and the country of asylum.

Besides the conflict-security threat point of view, in some cases refugees are also considered to be threat to public health. The Human Security Centre<sup>68</sup> explains that in times of conflict, the most significant health impact on Border States comes from the floods of refugees seeking cross-border sanctuary from the fighting at home. Grove and Zimmermann<sup>69</sup> analyzed this perception of refugees as threats and concluded that this situation inverts health concerns such that the receiving population is seen to be under threat rather than attending to the health needs of the displaced. Perhaps, instead of being regarded as threats for public health, refugees should be perceived as a group vulnerable to health problems, and in need of immediate assistance. In this perspective, it could be possible to reach a more positive impact for the human security problems related to the health of refugees.

#### **1.7.4 Addressing Human Security Issues of Refugees**

The protection of refugees is one of the eminent issues of human security, however, the interrelationship between refugee protection and human security is relatively

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<sup>68</sup> Human Security Centre, 2015. Human Security Report 2005. New York: Oxford University Press.

<sup>69</sup> Zimmermann, S. E. 2009. Irregular secondary movements to Europe: seeking asylum beyond refuge. *Journal of Refugee Studies*. Vol. 22, No.1.

unclear.<sup>70</sup> In fact, there are still debates and discussions regarding to a consensual approach to analyze refugees` situation in a human security point of view, considering the practical and factual conditions of refugees in their place of asylum. As mentioned before, the concept of human security is still far from being consensual and there are several approaches to understand human security. With such different ways of perceiving refugees, it makes sense that a consensual approach to address refugee issues from a human security point of view, is most likely to be a difficult point to reach.

It seems convenient that a framework for analysis of refugee issues in a human security perspective should start from a threat point of view. The seven categories of threats to human security advanced by the United Nations Development Report of 1994 provide a relevant initial point. However, these threats should be approached considering how refugees are perceived, whether as threats or victims. The perception analysis is relevant because it might help to understand the way that the threats are addressed, not only reflected in the policies, laws or regulations, but also in the practical actions to attend refugee`s situations from the moment of their arrival in the country of asylum and all the process towards durable solutions.

The threat or victim focus should be connected to the responsibility to protect or provide for refugees. According to the 1951 Refugee Convention, the responsibility to protect lies primarily on the government after ratifying the Convention and then to the international community.<sup>71</sup> In a broader sense regarding to the population in general, this perspective is explained by the International Commission on Intervention and

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<sup>70</sup>Yamamoto, Satoshi.2012. A Japanese Approach to Improving Refugee Protection: Perspectives from Human Security. Tokyo, Center for Documentation of Refugees and Migrants.

<sup>71</sup>United Nations High Commissioner for Refugees, 2005:7. An Introduction to International Protection: Protecting People of Concern for UNHCR.

State Sovereignty, and also expressed in the resolution 60/1 (2005) by the United Nations.<sup>72</sup> Although it focuses on general population, for the particular case of refugee population, the responsibility to protect (R2P) framework should expand into involving also the civil society organization and refugees themselves as important actors in the protection structure.

The protection of refugees should be developed and implemented by all intervening parts in the procedures towards their support, through interconnected actions and shared responsibilities. On a national level, it is important to understand how the refugee policies and regulations are created and implemented. For example, the omission of a time frame for decision on refugee status determination might contribute for protracted refugee situation.<sup>73</sup> In some African countries like Kenya, Zimbabwe, Zambia, and Uganda, most of the legislation relating to refugees doesn't have a clear time frame for final decision on asylum claim.<sup>74</sup> During the time that the refugee awaits for the decision on his claim for asylum, he is not legally capable to fully enjoy his rights relating to education, work or movement, and he is entirely dependent on the support by Governments and other organizations on a national or international level. These constraints on a policy level might produce a negative impact for the human security of refugees, therefore, it should be considered as a relevant point while addressing to or analyzing refugee problems.

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<sup>72</sup> International Commission on Intervention and State Sovereignty. 2011. The Responsibility to Protect. Ottawa: International Development Research Centre.

<sup>73</sup> Executive Committee of High Commissioner's Programme (2014) Protracted Refugee Situations

<sup>74</sup> Kenya Refugees act (2006); Zimbabwe Refugee Act (1983); Zambia Refugee Act (1970); Namibia Refugee Act (1999); Uganda Refugees Act (2006).



It is important to seek long-term solutions for refugee's problems as argued by Edwards<sup>75</sup>, however it is even more important that long-term solutions should be sustainable and in consideration of refugees' dignity. As explained in the report of the Secretary-General of the United Nations<sup>76</sup>, "no security agenda and no drive for development will be successful unless they are based on the sure foundation of respect for human dignity". One way to enhance the dignity of refugees is to act on the respect for their human rights and fundamental freedoms which should be the pillars for the construction of durable solutions that can be sustained over time.

### **1.7.5 Gaps in Literature Review**

The study reviewed various studies relating to human security and refugees. Muoka, Josephat did a study 'Urban Refugees in Kenya: The Case of Banyamulenge Refugees in Nairobi; 1996-2012'. This study is limited to Banyamulenge Refugees while the current study focus on all refugees in urban centres. Abdirahman Ali did a study on the 'Influx of Somali Refugees and State Security: Kenya (2002-2012). The study limits itself to Somali refugees in urban areas and camps. The current study limits itself to urban refugees but does not limit itself on the refugees' origin. The studies do not bring the out the human security aspect of urban refugees. This creates a research gap that this study seeks to fill by assessing human security management in urban refugees in Kenya.

Léa Clapier & Julie Astrid Wintero did a study on "The construction of illegality in Nairobi An analysis of urban refugees' coping mechanisms Ayodeji Aduloju and Omowunmi Pratt did a study on 'Human Security and Developmental Crisis in the

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<sup>75</sup> Edwards, Alice. 2009. Human Security and the Rights of Refugees: Transcending Territorial and Disciplinary Borders. Michigan Journal of International Law.

<sup>76</sup> Vide, In Larger Freedom: Towards Development, Security and Human Rights for All, 2005:34.

Contemporary West Africa: A case of Nigerian Refugees McGrat Hovil and Werker<sup>77</sup> conducted a research on refugees' settlements in districts of northern Uganda. This study therefore aims to fill the glaring gaps as identified above.

## **1.8: Theoretical Framework**

The study was guided by two theories, namely; push and pull theory and Copenhagen Securitization Theory. These theories recognize the pervasive influence of influx of urban refugees because they hold the unit of analysis as an individual contemplating state security where the entry of urban refugees, capable of producing extraordinary political outputs with relatively few inputs as well.

### **1.8.1 Push and Pull Theory**

In this study the “push and pull theory” of Earnest, Ravenstein an English geographer in his of migration studies was used where he argued that it's not normal habit for humans to move from one place to another. He used census data of migration from England to Wales to develop his laws of migration.<sup>78</sup> He therefore pointed out that migration was governed by push and pull factors which include conditions that do not give comfort for peaceful stay in a certain place. The conditions involve ethnicity oppressive laws, heavy taxation, and conflict that push people out of their places of abode. Alternatively it is presumed that in other places their existed favorable conditions which attract people to enjoy and comfortably reside.<sup>79</sup> Further to that, absence of conflict and positive peace as per scholar Galtung remarks in his study of peace draws the attention of research in that, urban refugees in the name Banyamulenge from Congo were excluded from their place of origin which explains

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<sup>77</sup> Hovil, Lucy and Werker, Eric. 2011. Refugees in Arua District: A Human Security Analysis. Refugee Law Project.

<sup>78</sup> E.G.Raventstein, 'Laws of Migration,' Journal of the royal established society, Vol 52, 1889 pp, 241-305.

<sup>79</sup> <sup>26</sup>E.G.Raventstein, op cit p 15.

the scenario of being pulled out through extermination and absence of peace then migrated to Kenya and important to note pull factors have been found in town like Nairobi resulting to the same refugees settling in Nairobi due to access of basic necessities and peace.

### 1.8.2 Copenhagen Securitization Theory

Buzan, Waever and Wilde developed the Copenhagen Securitization Theory in 1998.<sup>80</sup>In securitization theory, a difference is made between non-politicized, politicized and securitized issues. A specific issue gets politicized when it enters in the public debate, such as the environmental question during the late parts of the 20th century. Thereafter when the process of securitization occurs, the topic is labelled 'security' by regarding it as an urgent, existential threat. This in turn gives reason for controversial measures that go beyond normal political actions. The line between a politicized and securitized issue can sometimes be thin, therefore stressing the need for developing accurate criteria when securitization occur.

Buzan discusses migration as a potential referent subject (threat) in the 'societal' sector, where the referent object is society (compared to the state in the political sector). Here, the importance of identity is emphasized – the criterion of societal securitization is that the referent object is threatened as to its identity (core values, culture, language)<sup>81</sup>. The theory fits the data in that it explains the human security relating to immigration. The movement of refugees especially in the urban areas creates insecurity which requires societal securitization.

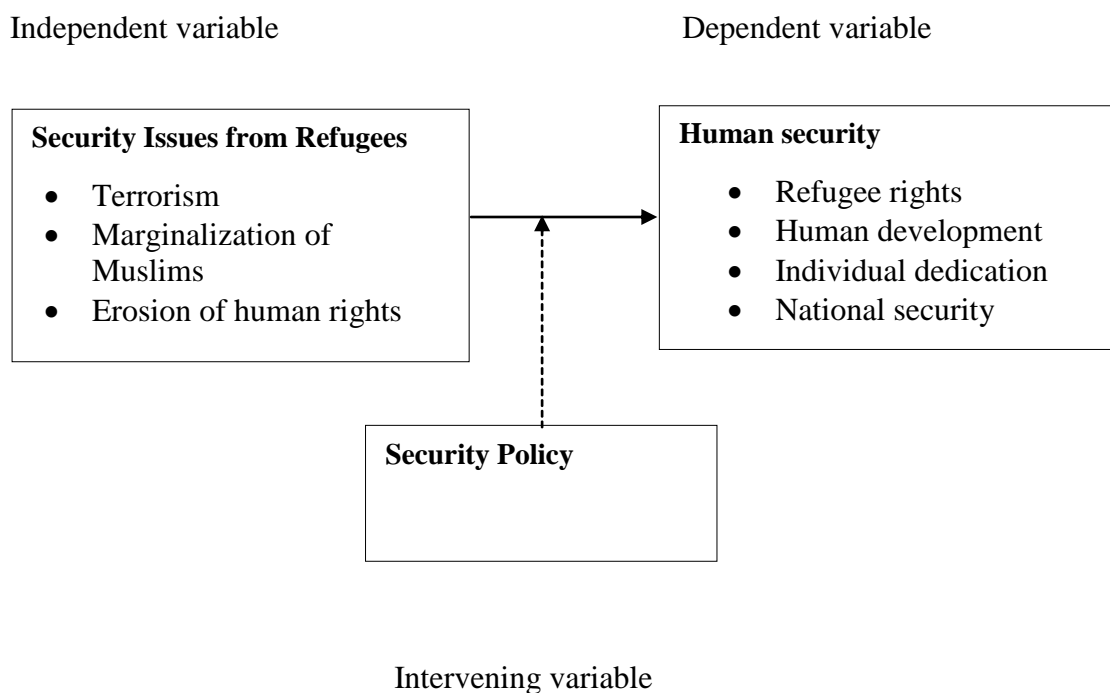
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<sup>80</sup> Buzan, B. Waever, O. & Wilde, de. (1998). Security - A New Framework for analysis. London: Lynne Rienner publishers, Inc.

<sup>81</sup> Buzan et al. 1998, pg. 41

## 1.9 Conceptual Model

The human security approach is an essential means for addressing critical and pervasive threats to people's lives, livelihoods, and dignity, which compromise peace and sustainable development.<sup>82</sup> This approach identifies threats to vulnerable groups and capacity gaps in implementing alternative and sustainable development programs to improve both the livelihoods of the refugees and those of the host community. Human security in the Kenyan context has been approached by policy makers through a human development lens, since the 1990s. The study has been conceptualized based on the variables. The independent variables will be human security issues and security policy acting as the intervening variable. Human security was the dependent variable in this study. The variables are conceptualized in Figure 2.1.



**Figure 2.1 Conceptual Model**

**Source: Author**

<sup>82</sup> Hasegawa, Y. 2007. Is a human security approach possible? Compatibility between the strategies of protection and empowerment. *J Refug Stud*, 20, 1–20.

### **1.10 Research hypotheses**

1. Urban refugees is not a problem in Africa
2. There is a negative relationship between urban refugees and human security management in Africa
3. Urban refugees have no impact on human security in Kenya

### **1.11 Research methodology**

#### **1.11.1 Research design**

The research was conducted using the descriptive design. This kind of design is commonly used when examining social issues that exist within communities. The research itself was a mixed method where both qualitative and quantitative approaches to data collection was employed. This design predominantly premised on review and critical analysis of literature and state practice to help in analyzing the rationale exercised in dealing with urban refugees and human security management in the Kenya. The design was fit as it enabled the researcher establish the relationship between urban refugees and human security in Kenya.

#### **1.11.2 Target population**

The study targeted refugees living in Nairobi and other urban locations including Thika, Isiolo towns. According to UNHCR, the urban refugee program caters for 65,715 refugees as at the end of December 2017.<sup>83</sup> The study also involved the Ministry of Interior and Coordination of National Government, UNHCR and Organizations that are concerned with refugees and human security in Kenya as key informants.

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<sup>83</sup> UNHCR, 2018

### 1.11.3 Sampling procedure

The sampling frame was list of urban refugees in Kenya which was gotten from the UNHCR offices in Kenya. 10 interviews was conducted. This involved 1 Senior official of Department of Immigration Services in the Ministry of Interior and Coordination of National Government, 3 officers from UNHCR Kenya and 6 members of Institutions from the organizations dealing with refugee management. The interviews were selected purposively in order to get the person with the required information. This was based on the area of expertise and the experience with refugees and human security around the refugee problem in Kenya.

99 refugees were also selected for the study. The researcher used Yamane (1967) statistical formula in the selection of the refugees to be involved in the study. The selection formula is:

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

Where n= the required sample size

N = Total population

e = accuracy level required Standard error = 10%

$$\begin{aligned} n &= \frac{65,715}{1+65,715(0.1)^2} \\ &= \frac{65,715}{1+657.15} \\ &= \frac{65,715}{658.15} \\ &= 99 \end{aligned}$$

#### **1.11.4 Data collection instruments**

Fieldwork was carried out in the towns of Mombasa, Nairobi and Moyale. Various research techniques was combined, which included a documental analysis, semi-structured interviews and last but not the least, and discussions with focus groups. The semi-structured interviews were conducted mainly with key informants in the Ministry of Interior, the UNHCR Office of Kenya and other organizations dealing with refugees in Kenya. The focus group discussions took place in the urban centres and it involved agents from the police bureau, refugees and members of the surrounding communities. Secondary data was basically obtained by perusing appropriate literature both print and online.

#### **1.11.5 Validity and Reliability**

The validity and reliability of the data collected can be trusted because the researcher used the nonprobability method of identifying respondents both at the individual level and organizational level. Through the use of nonprobability sampling, the researcher targeted refugees in urban Kenya, Ministry of interior, UNHCR and Organizations that are concerned with refugees and human security in Kenya.

#### **1.11.6 Data Collection Procedure**

The researcher visited the interviewees and have face to face interactions. Where this was not practical online interviewing was undertaken. The essence of this was to obtain extensive primary data without much undue delay. The focus group discussions were done in open halls where the researcher discussed key issues relating to refugees and human security. Besides this, secondary data was obtained by way of undertaking analysis of existing relevant literature and documents. This information generated was qualitatively analyzed. The unit of analysis for the purpose of research was

institutions and individuals that were involved in security and refugee matters as well as individual Refugees.

#### **1.11.7 Data Analysis**

Data analysis involved both quantitative and qualitative techniques. The quantitative data from the structured questions of the interviews was analysed through descriptive statistics like percentages and frequencies. The data was presented in form of tables.

Data collected was screened for any errors, completeness sample representation and whether there are any extreme outliers. Once cleaned and necessary editing done the data was coded and captured into SPSS for manipulation. A quantitative and qualitative analysis was then undertaken for all the different data collected.

#### **1.11.8: Ethical Considerations**

The study sought consent from the respondents and upheld confidentiality and anonymity of the respondents. Informed Consent: The respondents were provided with a summary of the key aspects of the interview prior to commencing the interview. The use of fictional names was done to ensure the opinions of the respondents are not traceable to them. Anonymity: Respondents were informed before the interview that they would remain anonymous and any information they gave would be confidential and used only for the purpose of this research.<sup>84</sup>

In addition, the study did not entice or deceive respondents with an aim of luring them to take part in the study no gifts nor certification was offered to the participants. Data was not manipulated to achieve the desired context of the study. Every data collected was treated with utmost care and respect without any biases.

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<sup>84</sup> Ruhi, B. and Mike, N. Ethical Issues in Research. London: Mark Allen Publishing. "The Integrity of Researchers is paramount." 2009.



### **1.11.9 Scope and Limitations of the Study**

The study was done on urban refugees and human security management in Kenya. The study focused on refugees living in towns of Kenya like Nairobi, Thika and Garissa. The study was done for a period of 8 months from January 2018 to August 2018. Most of the statistical data had been collected through databases of International organizations such as United Nations High Commissioner for refugees (UNHCR), which generally depends on the availability information to be provided by Governments in each country which sometimes is not completely accurate. The analysis was made considering the period from 2012 to 2017. Another constraint was due to political and sensitive situation or information. Some important information in the study had to be omitted in order to protect the refugees and avoid tensions between states regarding to the treatment of refugees.

### **1.12 Chapter Outline**

Chapter 1 starts with a general introduction to the dissertation. Furthermore, it presents structures under which all the research was carried out. It contains the background to the study, statement of the problem, research questions, objectives, justification of the study, Literature Review, Theoretical Framework, Conceptual Model, hypotheses, research methodology. It discusses the nature and extent of urban refugees' problem in Africa. Chapter two analyses the relationship between urban refugees and human security management in Africa. Chapter three analyses the impact of urban refugees and human security in Kenya. Chapter four gives the refugees' policy recommendations on human security in Kenya. Chapter five gives the summary, conclusions and recommendations based on the findings.

## **2.0 CHAPTER TWO**

### **2.1 Nature and Extent of Urban Refugees' Problem in Africa**

This chapter gives the context of the nature and extent of urban refugees' problem in Africa. It examines the origin of the urban refugees. It presents the problems associated with urban refugees including the employment opportunities, education, refugee conflict and security.

### **2.2 Urban Refugees around the World**

There are 21.3 million refugees, and 59% of them live in urban areas. Since more refugees are expected to move to urban areas, hosting countries have to integrate refugees in their development plans on different scales: local, regional and national, with special attention for urban areas.<sup>85</sup> In urban hosting communities, refugees constitute a recognized percentage, and they become a part of its urban socio cultural and economic context, whether they were consistent with the host community or not. In urban areas, refugees' movements reconsidered as a dynamic agent that affects their development and economic growth both positively and negatively. It reshapes the urban areas: size, location, internal structure and their physical and human characteristics.

In urban areas, refugees can be effective tools in sustaining development and achieving economic urban growth. Refugees' settlement in urban areas transforms the urban areas texture. The UN-Habitat indicated that refugees were active in urban market; refugees' settlement will induce higher demand on goods and services, which could be obtained from either local market or international aids. Furthermore,

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<sup>85</sup> UNHCR. "Figures at glance". Retrieved 25,07,2018. from <http://www.unhcr.org/figures-at-a-glance.html>.

providing goods and services to refugees will create more jobs either for local or refugees workforce.<sup>86</sup>

For instance, in Jordan, Iraqi refugees increased demand and prices of the real estate sector when 25% of them owned their home and the rest rented them.<sup>87</sup> Also refugees work as a bridge between origin and distant areas, they create an interaction current; through which they transfer their skills and resources to recipients' cities. These cities can benefit by investing them. Urbanization level in Kenya rose because of refugees, and as result of influx of refugees, certain cities transformed to trade centers especially those on boarder with Somalia and Ethiopia.<sup>88</sup> Refugees in Kenya also benefit the economy in three ways: money transfers, establishing shops and saloons and utilizing refugees' skills in low skill jobs. While in Jordan, it was found that 42% of Iraqi refugees depended on money transfers.<sup>89</sup>

When the Jordanian authorities stop issuing work permits unemployment between Syrian refugees reach 88% outside refugees camps. Moreover, local employees complain from higher competitiveness which limits work opportunities and reduces income, since refugees accept to work with less payment and longer work hours. However, Syrian refugees still affect work opportunities negatively in informal sector.<sup>90</sup> When, 27% of refugees' families depend on their work in adjacent cities to

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<sup>86</sup> UNHabitat. 2015. "Migration and Refugees in Urban Areas". Retrieved 30,11,2015 from [http://unhabitat.org/wp-content/uploads/2015/04/Habitat-III-Issue-Paper-2\\_2\\_Migration-and-Refugeesin-Urban-Areas-2.0.pdf](http://unhabitat.org/wp-content/uploads/2015/04/Habitat-III-Issue-Paper-2_2_Migration-and-Refugeesin-Urban-Areas-2.0.pdf)

<sup>87</sup> Norwegian Research Institute (Fafo) & Department of Statistics. (2007). "Iraqis in Jordan their number and characteristics". Retrieved 1,11,2016 from <http://www.unhcr.org/47626a232.pdf>

<sup>88</sup> Pavanello, S. Elhawary, S & Pantuliano, S. (2010). "hidden and exposed: Urban refugees in Nairobi, Kenya". Retrieved 30,11,2015 from <http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/5858.pdf>

<sup>89</sup> Ibid

<sup>90</sup> Stave, S. E. & Hillesund, S. (2015). "Impact of Syrian refugees on the Jordanian labor market". International labor organization and FAFO. Retrieved 29, 7, 2018 from [http://www.ilo.org/beirut/publications/WCMS\\_364162/lang--en/index.htm](http://www.ilo.org/beirut/publications/WCMS_364162/lang--en/index.htm).

Za'atari Camp. Indeed, in the report of Phenix Center for Economic and Informatics Studies found that refugees obtained 50,000 jobs in construction, restaurants and retail sectors. In addition, refugees could be a burden on urban society and its economy.<sup>91</sup> Hosting refugees demand high costs mostly paid by host countries, in specific urban areas, these costs hamper economic growth and destroy urban market. Refugees cause increase in prices of goods and services. They also minimize the availability of basic needs for local urban communities.

Jacobsen in his Article 'Supporting Displaced Livelihoods' observed that urban refugees are self-settled, they are believed to be residing in urban areas.<sup>92</sup> The livelihood problems they face in urban are similar to those faced by urban poor people regardless of whether they are refugees or not. The difference between them and urban refugees is the additional problems in reference to legal status and negative perception by the local people in the host states this can influence their livelihoods and coping strategies. However the argument is general and do not touch on particular refugees more so the legal status is not elaborated and the host country is not known. He further argues that UNHCR assumes that those who migrate to cities can support themselves because they have to secure stay in the camps where their problems can be addressed.

The issue of refugees in world gained dominance from prolonged crises of Second World War that led to massive displacement of civilians, It was caused by German from the East with her allied states during the Second World War and refugees who

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<sup>91</sup> Phenix Center for Economic and Informatics Studies, (2015)."The effects of Syrian workers on Jordanian labor market". retrieved 10, 07, 2018 from [http://www.phenixcenter.net/uploads/ar\\_phenixcenter.net](http://www.phenixcenter.net/uploads/ar_phenixcenter.net).

<sup>92</sup> Jacobsen K," Supporting Displaced Livelihoods" The economic impacts of protracted conflict and displacement. Lessons learned from four micro enterprise interventions, November 2012.

survived death camps mainly Jews from all corners of Europe added millions of displaced persons who were in need of basic needs and resettlement. The war ended in the year 1945, peace was restored and United Nations was formed through UN Charter. Jews who survived the war migrated to Israel and (United States of America (USA) due to persecution in Europe.

The encampment policy for refugees throughout sub – Saharan African countries has resulted in numerous camps mushrooming across the continent, springing up as a consequence of the many conflicts in the region.<sup>93</sup> When these camps were originally established, it was not envisioned that they would become the permanent structures that they have developed into<sup>94</sup>, with thousands of children being born inside the camps and never knowing any other life. However, this trend is resulting in more and more refugees seeking independence and better opportunities in cities, while foregoing assistance from UNHCR, which provides only a limited service in some urban areas to a small number of legal refugees. Governments too are often loathe to allow organisations such as UNHCR to operate in urban areas, believing this will only draw more refugees into the city.<sup>95</sup> Urban refugees in Africa typically lack legal status and fear being sent to camps, causing other challenges: exploitation by law enforcement and a lack of access to support services, official refugee status determination systems, and some durable solutions.<sup>96</sup>

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<sup>93</sup>Crisp, J. (2010). ‘Forced displacement in Africa: Dimensions, difficulties, and policy directions.’ *Refugee Survey Quarterly*, 29(3) pp. 1–27.

<sup>94</sup>Crisp, J. and Jacobsen, K. (1998). ‘Refugee camps reconsidered.’ *Forced Migration Review*, 3 pp. 27–30.

<sup>95</sup>Pavanello, S., Elhawary, S. and Pantuliano, S. (2010). *Hidden and exposed: Urban refugees in Nairobi, Kenya*. London: Overseas Development Institute.

<sup>96</sup>Asylum Access (2011). *No Place Called Home: A Report on Urban Refugee Living in Dar es Salaam*, Dar es Salaam, Asylum Access. Available from: <<http://asylumaccess.org/AsylumAccess/wp-content/uploads/2011/11/No-Place-Called-Home>>.

### 2.3 Urban Refugees in Sub-Saharan Africa

Within Sub-Saharan Africa, conflicts in Central Africa and the Great Lakes and in particular the Rwandan genocide caused the number of refugees to peak in 1994. Since then, the number of refugees originating from that region has stabilized at around 1 million people, about half of them escaping violence in the Democratic Republic Congo.<sup>97</sup> Since the mid-1990s, Eastern Africa and the Horn of Africa are the main source of refugees and are driving the increase over the recent years. The Greater Horn of Africa has been the center of increased violence intensity, potentially fueled by extreme weather shocks, in Somalia,<sup>98</sup> as well as in North and South Sudan (Maystadt et al. 2015). Precise and systematic data per country are missing for IDPs. For instance, it was only in the latest IDMC annual overview that the number of 3,300,000 IDPs was reported to be produced by the Nigerian government. Nonetheless, the IDP hotspots in SSA follow similar patterns compared to the refugee source countries. At the end of 2013, IDMC (2014) reported four countries with more than one million IDPs, the Democratic Republic of Congo (2,963,700), Nigeria (3,300,000), North Sudan (2,426,700), and Somalia (1,000,000). Ten years earlier, DRC and Sudan had 3,000,000 and 4,000,000 IDPs, respectively.<sup>99</sup>

Since then, they had the unfortunate record to host the largest number of IDPs in SSA. Countries like Uganda, Liberia, and the Central African Republic also accounted as those countries regularly reporting relatively high numbers of IDPs. On a more positive note, the number of refugees from Southern and Western Africa has strongly

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<sup>97</sup>Maystadt, J-F and Ph.Verwimp, 2014, "Winners and Losers among a refugee-hosting population," *Economic Development and Cultural Change*, 62(4): 769-809.

<sup>98</sup>O'Loughlin, J., Witmer, F. D., Linke, P. M., Laing, A., Gettelman, A., Dudhia, J. (2012) "Climate variability and conflict risk in East Africa, 1990–2009." *Proceedings of the National Academy of Sciences USA*, 109: 18344–18349.

<sup>99</sup>Internal Displacement Monitoring center. 2014. Global Overview 2014: People Internally Displaced by Conflict and Violence (May 2014) Accessed at <http://www.internaldisplacement.org/publications/2014/global-overview-2014-people-internally-displaced-by-conflict-andviolence/>

decreased, since conflicts occurring in Angola<sup>100</sup> and Mozambique<sup>101</sup> at the beginning of the 1990s have been settled or have significantly decreased in intensity. Such a trend is also observed for the number of IDPs.

#### **2.4 Urban Refugees in Eastern Africa**

The rise of Eastern Africa as a main hotspot in terms of origin contrasts very much with the situation prevailing 20 years ago. In 1990, Sudan (including present South Sudan) and Somalia were hosting a decent share of refugees (about 1.8 million). This shift is worrisome and followed the increased vulnerability to weather shocks and the related and unrelated rise of violence observed in the Horn of Africa (O'Loughlin et al. 2012, Maystadt and Ecker 2014; Maystadt et al. 2015). That said, Ethiopia and Kenya remain among the countries hosting the largest number of refugees between 1990 and 2013. Almost one million refugees were hosted in these countries in 2013. Although the flows are not necessarily corresponding (refugees from Sudan and Somalia also fled to Chad and South Sudan), the equivalent outflows from Sudan, South Sudan, and Eritrea point again to the regional nature of the refugees flows. Similar regional patterns are observed in other parts of SSA. In Central Africa, the Republic of Tanzania has also been a refugee hub, hosting between 883,250 refugees in 1994 (mainly from Burundi and Rwanda) and 102,099 refugees in 2013 (mainly from Burundi, DRC, and to a lesser extent, Somalia). Again, most refugees from the Democratic Republic of Congo moved to neighboring countries (on the Eastern side), like e.g. Burundi, Rwanda, Tanzania or Uganda. In Western Africa, most Malian refugees recently moved to Mauritania (31,400), Burkina Faso (15,700) and Niger (11,000).

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<sup>100</sup>Ziemke, J. 2012. "Turn and Burn: Loss Dynamics & Civilian Targeting in the Angolan War." *Journal of Economics and Politics* 20(1): 18-36.

<sup>101</sup>Bruck, T. 2001. "Mozambique: The Economic Effects of the war", in Frances Steward, eds., *War and Underdevelopment*. Oxford: Oxford University Press (Vol. 2, 56-88).

Refugees influence the local economy in a variety of other ways. In general, the increase in population results in an increased demand for products and goods, which raises prices and the cost of living in and around the refugee camp. The influx of refugees also increases job competition. At the Kakuma refugee camp, job competition is intense because NGOs tend to hire refugees, who work for less than the locals. This disparity in employment opportunities causes additional tension between refugees and the host communities.

In East Africa and the Horn of Africa, countries already struggling to meet the needs of their people find themselves coping with large numbers of people fleeing from elsewhere – with an increasing proportion settling in towns and cities. With more refugees and IDPs settling in towns and cities, local authorities have an increasing role to play. There is a significant deficit in basic services – including shelter, water and sanitation – in many urban centres in the region, and refugees are likely to live in informal settlements lacking these.

In a study in Tanzania some food prices had raised in urban areas; namely, those goods that match the refugees' diets. But other types of food price had fallen because refugees sold their food quota of aids that mismatch their diet.<sup>102</sup> As a result Tanzanian urban families and food traders suffered from instable food prices. Syrian refugees caused 15.4% inflation in prices. In specific sectors prices have raised dramatically in Irbid and Mefraq cities that received high number of Syrian refugees between the periods (2010-2013).<sup>103</sup> The prices raise included: apartment renting,

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<sup>102</sup>Alix-Garcia, J &Saah, D. (2009). "The Effect of Refugee Inflows on Host Communities: Evidence from Tanzania". The World Bank economic review. VOL. 24. NO. 1. pp. 148–170.

<sup>103</sup>Sobh, B. et al. (2014)."Analysis of Impact of Influx of Syrian Refugees on Host Communities". UNDP and Ministry of Planning & International Cooperation.



food and clothes prices. In addition, 64% of Jordanian families lived in these cities suffered a shortage of water, and complained from inadequate of education and health institutions to serve locals and refugees.

Even more, urban municipalities push refugees back to camps to minimize political and social conflicts, and to obtain more international aids. Many voices from local community are asking for segregating refugees. For example in the Kenyan cities, conflicts arose between local communities and refugees.<sup>104</sup> The situation of refugees in Tripoli and other Libyan cities is worse; their vulnerability worsens the longer they stay in the city.<sup>105</sup> In Tanzania, any refugees living outside camps in the country are required to have permits; those in Dar es Salaam are for the most part living in the city clandestinely, and without legal protection or access to humanitarian assistance.<sup>106</sup>

## **2.5 Urban Refugees in Kenya**

In Kenya, refugee history began with hosting Ugandan refugees in the year 1971 that were displaced by the coup d'état which brought in that country political instability. Kenya experienced another influx of about 300,000 refugees from Somali after collapse of Siad Barre regime in the year 1991 when he was overthrown from government. The collapse of Ethiopian government again displaced around 40,000 people who entered Kenya and 12,000 Southern Sudan people were displaced due to attack by the government forces in first quarter of 1990s. Congolese refugees also

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<sup>104</sup>Pavanello, S. Elhawary, S & Pantuliano, S. (2010). "hidden and exposed: Urban refugees in Nairobi, Kenya". Retrieved 30,07, 2018 from <http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/5858.pdf>

<sup>105</sup>Phillips et al. (2015). "You're just not that vulnerable enough" – the situation of urban displacement in Libya". Retrieved from <http://urban-refugees.org/debate/youre-vulnerable-enough-situation-urbandisplacement-libya/#more-177>.

<sup>106</sup>O'Loughlen, A. (2016). "All road to Dares salaam". Retrieved 25,12,2016 from <http://urbanrefugees.org/debate/roads-lead-dar-es-salaam/>

entered Kenya fleeing the Mobutu regime after a civil war that continued up to the year 1996 when Mobutu was overthrown<sup>107</sup>. The official number of refugees according to the registered refugees and asylum-seekers by the year 2018 were 481,226. Those in the urban areas were recorded as being 67,670.

Elizabeth Cambell, Veff Crips in their article "Navigating Nairobi" review of implementation by (UNHCR), urban refugee policy in Kenya capital city denoted that, at the end of 2010, Kenya was hosting over 40,000 refugees and asylum seekers. They included Somali who were about 83% Ethiopians 8% Sudanese 6% DRC 2% and Burundi Rwanda Uganda collectively were 1%.the article denotes that Kenya is a signatory to 1951 Refugee convention and 1967 protocol as well as OAU refugee convention but Kenya lacked national legislation until the year 2007 when refugee act has come into force.<sup>108</sup>

Nairobi city in particular has long history of hosting refugees from neighboring countries. In the year 1970, a significant number of Ugandans migrated due to violence that was in their country and took refuge in Kenya. In the year 1980 the country witnessed mass influx of refugees from horn of Africa, refugees and asylum seekers were able to settle in any place of their choice however the article failed to specify the exact settlement area either in camps or in town. In the year 1990 large number of refugee arrivals was witnessed from Ethiopia, Somali and Sudan and refugee camps were set up at the border areas. Somali initially made their way to Mombasa and coastal area but subsequently relocated to the camps like Daadab in

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<sup>107</sup>Kirui and Mwaruvie,"The dilemma of hosting refugees", a focus on security in north eastern Kenya, *International journal of social science* Vol 3 NO 8 (special issue 2013)

<sup>108</sup>Elizabeth Cambel,Veff crisp, "(UNHCR)United Nations High Commissioner For Refugees," Navigating Nairobi; review of implementation of UNHCR, Urban refugee policy in Kenya capital city, Jan 2011(PDES/2011/01

north eastern Kenya, refugees from Ethiopia and Sudan went to Kakuma refugee camp in North West of the country. At this time it was anticipated that the refugee situation was temporally and most people who were concerned were believed to return at their country after a short time. However the article failed to give steps to counter violence and return of peace in the mother countries of the refugees. Further, it was very general since it only mentioned various refugees without giving the exact number and their dates of entry to Kenya.

Employment is an important issue that encompasses all people as a means of earning for daily upkeep and the same applies to refugees; the problem of employment has been highlighted from the fact that urban refugees are in foreign state. The responsibility of state first goes to its citizens and sometimes attention may be directed to aliens with support of international community. However, there is an obstacle of rules and regulations pertaining employment of foreigners considering the fact that in Kenya a foreigner must have a work permit which is expensive to get and it entails a long process before being granted by the relevant authorities. There is the issue of competition from the urban people who rely on the same spaces to earn income therefore the citizens get first priority compared to refugees when being considered for any employment. On the same issue, after being employed, a refugee as a foreigner is paid little money compared to local people that again generates a serious problem to budget for little pay as respondents confirmed that. There is also over exploitation by the employers hence generating imbalance and unfairness to the foreigners in the host states.

## 2.6 Findings/Analysis

This study assessed the nature and extent of urban refugees' problems in Africa by examining if the respondents indeed think that it's a problem.

**Table 1: Urban refugee is a Problem in Kenya**

<b>Response</b>	<b>Frequency</b>	<b>Percentage</b>
Yes	44	73
No	16	27
<b>Total</b>	<b>60</b>	<b>100</b>

A large number 44 (73%) of the respondents indicated that urban refugee was a problem that faced Kenya. A few 16 (27%) did not find urban refugee to be a problem to Kenya. This leads to a conclusion that indeed Kenya faces a problem of urban refugees. This finding was also reflected by UNHCR officer said;

‘Kenya is habitant to many refugees who come from various countries that include Southern Sudan, Somalia, Eritrea and Sudan. This has caused pressure to the security forces in ensuring that there is security.’ (Officer from UNHCR).

The respondents indicated that urban refugees especially have presented a security problem in Kenya. Armed groups have used the urban refugees' camps for recruiting fighters, shelter, and food. This has been linked to terrorism and proliferation of arms being alleged as the main carriers of these weapons.

A senior official of Department of Immigration Services in the Ministry of Interior and Coordination of National Government confirms that a number of urban refugees are sympathizers with the Al-Shabaab and clandestinely support its course. He was quoted saying;

‘Urban refugees harbour terror merchants and police have occasionally seized weapons among the Refugees. These weapons are said to be smuggled in by some of those who claim to flee for their safety. Human rights campaigners though charge that there is no tangible evidence to link refugees to terrorism, although some admit bad elements may infiltrate.’

The state of refugee related to insecurity in Kenya though significantly low has been on the rise especially due to the increase of religious fundamentalism. According to the a member of an institution dealing with refugee management this has led to the increase of radicalization especially among the youthful refugee population who resort to engaging in terrorist’s activities. Radicalization has been the biggest contributor to the heightened insecurity situation bearing on Kenya. Refugee influx has taken place since the early 1990’s making Kenya become one of the countries hosting the largest refugee populations and possessing the biggest refugee camp in the world. These Refugees originate from conflict prone states such as Somalia, Sudan, Burundi and Democratic Republic of Congo. Some of these have actually been former fighters and potentially form a good base for recruiting Foreign Terrorist Fighters (FTFs). They also provide for a source of militias who can be used to fight in their countries of origin. The location of refugee camps near borders in close proximity of conflict states complicates the security situation.

The Kenyan government has made assertions that the planners of the attacks had a support network in the urban refugee camps. The camps are also alleged to be the main trafficking centre for smuggled goods and weapons in the region, with part of the proceeds of allegedly funding terrorism activities.

The government through the Department of Refugee Affairs and in conjunction with UNHCR managed all refugee camps in the country. According to an official of the then refugees registration of all Refugees in the country is done by the government. Apart from encampment which ensures majority of Refugees reside within camps for effective management, other strategies used include provision of security by police in refugee camps, refugee status determination, and registration. In the recent past the government has also been involved in screening all purported Refugees to verify their refugee status. This has been accompanied with issuance of refugee identification cards to assist in monitoring refugee movements and activities. A fence along the Somali border to control peoples' movements including Refugees was established.

### **3.0 CHAPTER THREE**

#### **3.1 Relationship Between Urban Refugees and Human Security**

This chapter presents the relationship between urban refugees and human security management in Africa.

#### **3.2 Security**

This is a vital aspect in the life of human beings bearing in mind that human themselves contribute to insecurity through deviant behaviors. Security of a country is a factor that is considered core responsibility of government agents and the government again has the duty to protect its citizens including foreigners. Refugees are endangered species far back in their original country since the same aspect is core to migration of people from one place to another to secure good haven and hospitable place where a peaceful co-existence can be attained.

In the year 1951, the United Nations Convention for refugees echoed the fact of persecution in the other name of insecurity in reference to study and highlighted it in the definition of a refugee. The fact that refugees cross national borders to another country for their safety considering that there is nobody to receives them but subject themselves in the sense of nothing else from securing their life.

Sometimes they find it difficult to report the matter to police in sense that little they know well the criminals in Kenya. They seldom report the matter however when they report. The matter is investigated and eventually arrest made. They also face insecurity because of perception that the society in Kenya that they came from rich state that has gold beside other minerals and therefore there is a feeling that they have valuables. Another factor is competition for few available resources between the

urban refugees and local population that regenerates into hatred hence upholds the discontent which propagates attacks from the citizens to the foreigners.

### **3.3 Urban Refugee and Human Security**

Specifically in urban settings, the security implications are equally daunting, even with the new policy on urban refugees released by the UNHCR, which seeks to undertake a study and policy options on urban displacement with Cities Alliance (NGO on Environment) led by UN-HABITAT.<sup>109</sup> There have been security consequences of refugee flows, migration, urbanization and city growth which are inextricably linked, leading to incidences of violence among groups of different national, tribal or religious backgrounds, in cities such as Paris, Rome, Los Angeles, Johannesburg and Nairobi. In some receiving countries, lack of appropriate policies on refugee camps and settlements have created city and urban slums which became a source of several societal ills and security problems attributable to refugee flows and concentration, especially where the refugees live in squalor side by side with the locals.

Often neglected and underplayed aspects in this regard are the security implications for both the state, citizen and the refugee as a consequence of an increase in refugee flows into a receiving country. Analysed from a human security perspective, studies have shown that there is an extensive link between migration and human security. Mawadza<sup>110</sup> states that the essence of the human security dimension stems from the fact that it focuses attention on the individual and takes into consideration the various

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<sup>109</sup>United Nations High Commissioner for Refugees (UNHCR). 2010b. *State of Refugees in South Africa*, Statement by UNHCR Senior Public Relation Information Assistant, UNHCR, Pretoria.

<sup>110</sup>Mawadza, A. 2008. "The Nexus Between Migration and Human Security: Zimbabwean Migration in South Africa", *ISS Paper 162*, Institute for Security Studies, Pretoria.



sources of insecurity that impacts both on the country and its citizens, as well as the migrants, including refugees and undocumented migrants.

Africa is the largest refugee producing continent in the world. The main conflicts producing refugees by region and country, are The Horn of Africa, Sudan, Somalia, Chad, Ethiopia, Eritrea, Uganda, Central Africa, Angola, Togo, Guinea, Burundi, Rwanda and the Democratic Republic of Congo (DRC).<sup>111</sup> In Southern Africa, the majority of the refugees are Zimbabweans.<sup>112</sup> The relationship between international refugee flows and national security can be understood as a social construct whereby discourses and practices have shifted refugee flows from a humanitarian idea to a security-oriented idea.<sup>113</sup> The current rise in terrorist activities has been associated with the increasing number of refugees in Kenya. Kenyan anti-terrorist operations have targeted aliens including refugees especially from Somalia Kenya, seen as the source of terrorists it faces.<sup>114</sup>

Refugee host states face increasing challenges to political stability, policy, governance and security. Chief among these challenges is the threat refugees pose to state security. When refugees cross national borders, particularly in large numbers, militant forces have been known to keep fleeing citizens in the country by force. This means that the border patrols of host countries can be drawn into conflict with neighbouring militant forces. Militant groups have also been known to cross borders and attempt to forcefully bring refugees back to their country of origin.<sup>115</sup> In other instances,

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<sup>111</sup>Deegan, H. 2009. *Africa Today: Culture, Economics, Religion and Security*, Routledge, London.

<sup>112</sup>Kruys, G. 2004. "Lessons from African Wars: Implications for the SANDF," *Strategic Review for Southern Africa*, Vol. XXVI, No 1.

<sup>113</sup>UNHCR Refugee Emergency Relief No. 91 (Dec 1992).

<sup>114</sup>A. International, *The Impact of Antiterrorism Operations on Human Rights*, (Washington DC: AI, 2005).

<sup>115</sup> Loescher Gil and Milner James, (2005), *Protracted Refugee Situations, Domestic and International Security Implications*, (London: IISS), 160.

refugees are also used to smuggle weapons and drugs across borders into host countries. Another common occurrence is for militant groups residing in refugee camps near state borders, carrying out militant operations and recruiting members from among the refugees. Camps are also known as a breeding ground for the illegal distribution of weapons, use of drugs and the prostitution of women and children.

Ullman, Waever, Deudney and others defend the view that many things are threatening in terms of security aside from military threats.<sup>116</sup> These writers can be grouped into two groups depending on the account they offer on the scope of security discourses. One group seeks to include non-military threats in the discussion of security as long as these threats undermine the security of states, while the other group seeks to include non-military threats in discussion of security as long as these threats undermine the security of both states and certain other entities.<sup>117</sup>

Trivedi and Patil, examine the inter-relationship between migration, refugees and security in the 21st Century.<sup>118</sup> They observe that recent years have witnessed a growing interest in the relationship between the movement and presence of refugees and the maintenance of local, national, regional and international security. They cite a number of developments as a reason for this; a new awareness of the security and human rights problems that are likely to occur when refugee camps and settlements are politicized, militarized and controlled by armed elements; an apparent growth in the armed attack on refugee camps and settlements undertaken by regular armies, rebel movements, militia formations and local populations.

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<sup>116</sup> Edward Algar et al (eds), *Human Security and the Environment: International Comparisons*, (UK; Edward Elgar Publishing LTD, 2002), 31.

<sup>117</sup> Loescher Gil and Milner James, *Protracted Refugee Situations, Domestic and International Security Implications*, (London: IISS, 2008), 41.

<sup>118</sup> Trivedi R. Priya and Patil Vishwanath, *Migration, Refugees and Security in the 21st Century*; (New Delhi: Authors press 2000), 85.

### 3.4 Urban Refugee and Human Security in South Africa

South Africa since 1994, has become a major refugee destination following its transition to democracy. The refugee problem has often been aggravated and complicated by so-called economic refugees. Most immigration systems tend to divide migrants into three main categories: political refugees, ordinary migrants and economic migrants, otherwise known as economic refugees or illegal migrants. No doubt some economic migrants masquerade as asylum seekers in order to gain entry into rich countries.<sup>119</sup> Most of these economic refugees who are essentially illegal migrants do not meet the requirements of the Organization of African Unity (OAU) now the African Union (AU), and United Nations (UN) Conventions on Refugees.

The sources of insecurity which exist in Africa's refugee camps and settlement areas, including refugees settled among wider society, are varied and numerous. Two categories exist here namely refugee populated areas officially designated as refugee camps and refugees living in ordinary residential areas outside refugee camps, may be the targets of direct military attacks and are subject to a variety of non-military related security threats, involving violence, coercion, intimidation and criminal activities.<sup>120</sup> In this context, refugees may therefore be the targets of certain activities, but are in some cases also the perpetrators of incidents that lead to threats to law and order and national security.

Aspects of the security implications of refugees in South Africa from a socio-economic and political point of view were analysed with a range of other issues, in for instance the work of Minnaar and Hough.<sup>121</sup> One of the main security issues regarding

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<sup>119</sup>Legrain, P. 2007. *Immigrants: Your Country Needs Them*, Little-Brown, London.

<sup>120</sup>Crisp, J. 2002. "Human Displacement: Africa's Refugees: Patterns, Problems and Policy Challenges", *Conflict Trends*, Vol. 1 No.2.

<sup>121</sup>Minnaar, A. and Hough, M. 1996. *Who Goes There? Perspectives on Clandestine Migration and Illegal Aliens in South Africa*, HSRC Publishers, Pretoria.

refugees in South Africa was the attacks on foreigners including some refugees which in some views could lead to civil war.<sup>122</sup> Attacks on foreigners created a renewed awareness amongst others, of refugee issues in South Africa.

Incidents of political conflict, sporadic violence and ethnic or religious violence have been an enduring and constant feature of the African political terrain for several years.<sup>123</sup> Hence, the insecurity situation across Africa has contributed to the refugee flows to South Africa. Insecurity associated with the violent collapse of civil society; armed conflict; political repression and persecution; turmoil, ethnic strife, *coups*, religious and ethnic intolerance, civil war, mass expulsion, human rights abuses and a denial of political rights and participation to certain groups, are important and immediate causes of refugee flows to South Africa.<sup>124</sup>

### **3.5 Urban Refugees and Human Security in Kenya**

Refugee protection in Kenya has changed from relatively tolerant and hospitable regimes of the 1970s and 1980s to open hostility and resistant to refugees in the post 1990s. With time, the phenomenon has come to be seen as a force of national and regional insecurity and instability. It is due to these reasons that refugee policies and administrative structures are geared towards keeping refugees and asylum-seekers out by closing borders, denying entry and asylum as well as sending them back even forcefully.<sup>125</sup>

Refugee flows are associated with other trans-boundary movements such as organized crime and the demand for trafficking and smuggling networks. These types of

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<sup>122</sup>Hassim, S. Kupe, T. Worby, E. and Khoza, L. (eds). 2008. *Go Home or Die Here: Violence, Xenophobia and the Reinvention of Difference in South Africa*, Wits University Press, Johannesburg.

<sup>123</sup>Deegan, H. 2009. *Africa Today: Culture, Economics, Religion and Security*, Routledge, London.

<sup>124</sup>United Nations High Commissioner for Refugees (UNHCR). 2010-2011a. *Global Appeal, Strategies and Programmes, 2010-2011*, UNHCR, Geneva.

<sup>125</sup>Corazon Ma and Gaithe B. *The Rights of Refugees and Asylum seekers*, (Institute of Human Rights, U.P Law Centre, 1996), 71.

transnational networks whether negative or positive in their effects, can feed into domestic politics by defining voting behaviour e.g. in Northern Kenya, Somali refugees were the key determinants of electoral outcomes as they were recruited and registered as voters for the incumbents.<sup>126</sup> A significant part of literature on refugees and International Relations, highlights that refugees are not only a consequence of insecurity and conflict but may also contribute to insecurity and conflict.<sup>127</sup>

A mounting recognition that attacks on refugee camps and other forms of insecurity in refugee populated areas are likely to undermine public and political support for the institution of asylum and the principles of international protection. There is proven danger that the presence of armed elements in camps aggravates tension between States posing a threat to regional stability and cooperation, uncontrolled and irregular movements of people across international borders give a challenge to the sovereignty and stability of receiving countries. The concept of ‘militarised camps’ elicits images of full-scale involvement of refugee population in armed conflict; which cannot be reconciled with the peace and normalcy of the refugee camps in Kenya.<sup>128</sup>

In Kenya, refugees are often viewed as a security threat to the host community. For example, the Turkana tribesmen accuse the Dinka (Sudanese ethnic group) in the Kakuma refugee camp of raping their women and cutting down trees. There have also been numerous cases of cattle rustling. Some locals further argue that they have been attacked during the night and had their cattle stolen.<sup>129</sup> This perceived threat forces the

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<sup>126</sup>Niklaus Gibney and Loescher Gil, *Problems of Protection: the UNCHR, Refugees and Human Rights*, op cit.

<sup>127</sup>Betts Alexander and Loescher Gil, *Refugees and International Relations*, (New York: OUP, 2011), 17.

<sup>128</sup>Mogire Edward, *Victims as Insecurity Threats: Refugee Impact on Host State, Security in Africa*, (England; Ashgate Publishing Company, 2011), 34.

<sup>129</sup> *Ibid.*, 51.

locals to acquire illegal arms and thus sets conditions for terrorist groups to take advantage of the poor conditions at the camp to lure young men to join them.

When refugees arrive at a camp, there is often a great demand for timber, wood, and poles for construction and cooking purposes, which puts a great strain on the timber resources of the local community. The Turkana, who host the refugees at Kakuma, are alarmed at the rate at which refugees cause deforestation. This anxiety causes frequent confrontations and fights between the local population and the refugees, because the hosts argue that their livestock largely depend on foraging and the trees that the refugees have cut down.

The increasing availability of weapons which has helped drive rising insecurity and crime in Kenya where, guns are commonly used to commit a range of violent acts. They are reportedly large numbers of illegal guns in the capital and high levels of armed crime fuel a high demand for firearm licenses across the country. Three quarters of Kenya is awash with illicit arms according to the country's top firearms officer. Arms proliferation in Kenya has reduced crisis proportions. These small firearms are directly or indirectly linked to refugees. In northern Kenya the presence of guns is strongly felt and is having wide ranging repercussions. In some areas e.g. at the borders guns are so common that they are openly carried. Violent incidents involving firearms appear to be sharply on the rise and high numbers of casualties have been reported in parts of coast province and North Eastern province. There are serious concerns that a huge uncontrolled amounts of firearms could pose a significant threat to the stability of the area and undermine national security. Community leaders in North Western Kenya have stated that their communities will

not give up their weapons without a guarantee of protection from armed attacks by rivals, including attacks by neighbouring countries.<sup>130</sup>

The OAU convention of 1969 provides that the presence of armed elements or combatants amongst refugees represent a threat to the safety of refugees and that of a country of asylum. It therefore stated that, where the authorities of the country of asylum discover the presence of armed elements among the refugee population, the authorities should take immediate action to separate and disarm such elements. The role of the UNHCR is to ensure that, this is done in a humane manner and with safety of refugees and local population.<sup>131</sup>

The fear of the state of insecurity in Northeastern province and especially with the influx of refugees, who are feared to be in possession of arms, started with the establishment of Dadaab refugee camps in 1991. This fear was accelerated by memories of the Shifta movement in the 1960s, that waged secessionist wars in northeastern supported by Mogadishu. This was because of Somalia's claim of an expanded Somalia into Kenya's Northeastern province.<sup>132</sup> President Kenyatta, was firm and maintained that, Kenya would not concede any of its territory. To date, Somalis, especially refugees have been viewed with suspicion hoping to seal any possibility of renewed insecurity.

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<sup>130</sup>Menye Solomon, *Socio economic Impact of Refugees on the Areas Neighbouring Camps: A Case Study of Kenya's Refugee Camps*, at [http://usacac.army.mil/cac2/call/docs/12-21/ch\\_6.asp](http://usacac.army.mil/cac2/call/docs/12-21/ch_6.asp).

<sup>131</sup>John Burrie and Vanessa Martin Randin (eds), *Disarmament as Humanitarian Action, From Perspective to Practice*, (UNIDIR, 2006).33.

<sup>132</sup>Rono Jona, *Kenya Foreign Policy" Africa Foreign Policies Stephen Wright* (ed.) (Colorado: Westview Press,1999), 10

### 3.6 Findings/Analysis

This study examined the impact of urban refugees on human security in Kenya by investigating the rate of urban refugees as a human security threat, the rate of insecurity levels by urban refugees and the nature of urban refugee's related insecurity.

**Table 2: Rating of Urban Refugees as a Human Security Threat**

Response	Frequency	Percentage
Yes	38	63
No	9	15
Sometimes	13	22
<b>Total</b>	<b>60</b>	<b>100</b>

**Source:** Research data (2018)

Majority 38 (63%) of the respondents indicated that urban refugees was a cause for human security threat. A few 13 (22%) indicated that urban refugees was sometimes a human security threat while 9 (15%) disagreed to the assertion. This means that urban refugee is a threat to human security.

**Table 3: Rating of Insecurity Levels by Urban Refugees**

Response	Frequency	Percentage
Very high	50	59
High	17	20
Low	11	13
Very low	7	8
<b>Total</b>	<b>85</b>	<b>100</b>

**Source:** Research data (2018)

With over 50 (59%) of the respondents stating that insecurity level by urban refugees to be very high; this implies that policies governing the urban refugee regime are not



very effective and hence better and effective policies and laws are required to effectively stem the resultant insecurity. It was highlighted by a member of institutions dealing with refugees management that;

‘It should be made clear that urban refugees by themselves do not constitute a security threat but rather the conditions they live in make them susceptible to indulging in activities that pose threats to national security.’ (Member of an institution dealing with refugee management).

**Table 4: Nature of Urban Refugees Related Insecurity**

<b>Response</b>	<b>Frequency</b>	<b>Percentage</b>
Rape	12	15
Prejudicing	2	2
Lost of life	3	3
Terrorist scare	36	43
Poverty of host community	2	2
Spy	6	7
Clashes between tribes	5	6
Theft	14	16
Political threats	5	6
<b>Total</b>	<b>85</b>	<b>100</b>

**Source:** Research data (2018)

From the findings above it is clear that the nature of urban refugees relating to insecurity was terrorist scare as shown by 36 (43%). The other concern of urban refugees was theft. These findings seem to have the support of government as illustrated in the following discussion.

According to the senior official of Department of Immigration Services in the Ministry of Interior and Coordination of National Government, the influx of Refugees in the country continues to threaten national security given that adherents of Al-Shabaab have infiltrated the refugee camps disguised as refugees from where they are able to facilitate and perpetrate heinous acts. This has made the camps insecure and vulnerable leading to numerous attacks within and outside the camps.

UNHCR officer echoes this by confirming that urban refugees have been involved in contributing to insecurity through gun running, trade in contraband and in perpetuating terror attacks in Kenya. He points out that the level of urban refugee generated insecurity has attained alarming proportions. He goes ahead to state that urban refugees are an international problem and therefore the international community must take collective responsibility in their management.

He further explains that the move to close the camps came in the wake of security challenges such as Al-Shabaab and other related terror groups that hosting of urban refugees has continued to pose to Kenya. According to him, Kenya has done a lot to improve on the security and peace situation in Somalia and hence the Somali Refugees should go back as normalcy is also returned in South Sudan with the same applying to the South Sudanese.

## **4.0 CHAPTER FOUR**

### **4.1 Impact of Urban Refugees on Human Security in Kenya**

The study of the impact of urban refugees on human security in Kenya focused on the social impacts of urban refugees, political and security impacts of urban refugees and the environmental impacts of urban refugees.

### **4.2 Social Impacts of Urban Refugees**

The refugee presence in hosting countries has potential social impacts on the ethnic balance of hosting areas, social conflict, and delivery of social services. The socio-cultural impact of refugees on the host community may occur simply because of their presence. Thus, if traditional animosities exist between cultural or ethnic groups, it may cause problems when one group becomes exposed to another that has been forced to become refugees. For example, in the late 1990s the mere presence of Kosovo-Albanian refugees in Macedonia generated tensions between ethnic Albanians and Serbs in Macedonia.<sup>133</sup> However, UNHCR has also found that when refugees are from the same cultural and linguistic group as the local population, there are greater opportunities for peaceful co-existence and interaction among them.<sup>134</sup> For instance, approximately 25,000 refugees from the Central African Republic were in the Democratic Republic of Congo during the 1990s. Like their Congolese hosts, the refugees belonged to the Yakoma ethnic group, so their integration into the host society was smooth and peaceful. Similarly, 3 million Afghan refugees in Pakistan, mostly ethnic Pashtun resided for more than a decade among fellow Pashtun communities in the North-West Frontier Province (NWFP). During the entire period,

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<sup>133</sup> Pini Justin. 2008. *Political Violence and the African Refugee Experience*. International Affairs Review. 2008. Available at: <http://www.iar-gwu.org/node/19>

<sup>134</sup> United Nations High Commissioner for Refugees. 1997. *Economic and Social Impacts of Massive Refugee Populations on Host Developing Countries, as well as other Countries*. Standing Committee. UNHCR, EC/47/SC/CRP.7

relations between refugees and the host population were largely peaceful. The same has been the case with the massive influx of Somali refugees into the Dadaab area in Kenya, which is inhabited by people sharing the same culture and language, and which are often related by clan or tribal ties to the refugee population.

In refugee-affected and hosting areas, there may be inequalities between refugees and non-refugees that give rise to social tension.<sup>135</sup> Refugees are frequently viewed as benefitting from privileged access to resources unavailable to the local host population. In this regard, refugee status offers an opportunity for education, literacy, vocational training, health, sanitation, and basic livelihood. However, when social services provided through international funding also target host communities, the likelihood that the local population will have a positive view of refugees increases significantly. Thus, the Special Program for Refugee Affected Areas (SPRRA) in Tanzania (1997-2003) benefited host communities by promoting farming activities, road construction, and income-generating activities in surrounding areas.

A similar approach is currently being developed by the Government of Lebanon in order to address the protracted situation of Palestinian refugees. In response to the destruction caused to the Nahr-el Bared refugee camp in 2007 by high intensity fighting between the Lebanese Armed Forces and the Palestinian Fatah-al-Islam group, the Government of Lebanon is developing a comprehensive new approach to address the protracted situation of Palestinian refugees in the Nahr-el Bared camp, which seeks to turn the crisis into an opportunity. This approach aims to link relief,

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<sup>135</sup> Betts, Alexander. 2009. *Development Assistance and Refugees, Towards a North-South Grand Bargain?* Forced Migration Policy Briefing 2. Refugee Studies Centre, University of Oxford. United Kingdom.

recovery, and reconstruction activities through local development in the Nahr-el Bared camp, as well as in the adjacent and surrounding areas.<sup>136</sup>

Another observation related to the social impacts of forced displacement is that social problems such as gender-based dominance and/or violence often increase during conflict and in displaced settings. This is particularly the case with regard to women's vulnerability to sexual abuse and exploitation, domestic violence and trafficking. For example, UN data shows that during the first three months of 2010, more than a third of the 1,200 sexual assaults against women in the Democratic Republic of Congo took place in the North and South Kivu provinces. This region is not only the epicenter of constant violence between rebel groups and the military, but also hosts a considerable proportion of IDPs and refugees from neighboring countries.<sup>137</sup> Issues of gender-based violence have also been examined in the context of livelihood opportunities in situations of displacement. Some studies show that gender relations within households are affected by the increasing participation of women in income-generating activities, which affects not only the distribution of resources within households, but also traditional roles of family structures.<sup>138</sup> For instance, the majority of male Somali refugees in Sanaa in Yemen face serious challenges to access employment opportunities in the city and have to depend on incomes earned by female family members. In a traditionally patriarchal society, this dependency situation can lead to

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<sup>136</sup> Fielden A. (2008), 'Local integration: An under-reported solution to protected refugees solutions. UNHCR New Issues in Refugee Research No. 158.

<sup>137</sup> United Nations High Commissioner for Refugees. 2010. *UNHCR condemns endemic rape in DRC, helps survivors*. Briefing Notes. 23 April. Available at <http://www.unhcr.org/4bd18e7e9.html>

<sup>138</sup> Women's Refugee Commission. 2009. *Peril or Protection: The link between livelihoods and gender-based violence in displacement settings*. New York, USA. Available at [womensrefugeecommission.org](http://womensrefugeecommission.org).

psycho- social disorders, distress, and domestic violence.<sup>139</sup> Similar situations have occurred in contexts such as the West Bank and Gaza, where measures that restrict freedom of movement have significantly affected livelihood opportunities for men. As a result, women are increasingly participating in informal activities to support their families, including petty trading in Gaza, management of grocery shops, sewing, etc.<sup>140</sup>

### **4.3 Political and Security Impacts of Urban Refugees**

In most cases, the presence of refugees does not have a significant negative impact on the political and security situation of the host countries. Thus, the first section of this brief notes that out of the seven countries that have experienced some form of internal civil war or insurgency, and that host more than 100,000 refugees from a single country of origin, the presence of these refugees are only linked to the conflict in two cases, namely in Pakistan and in Chad. In the remaining five countries, the presence of refugees is not related to political and security instability. However, in some circumstances, the presence of refugees can have negative political and security impacts. The influx of refugees from neighboring countries can destabilize neighboring countries in the following ways<sup>141</sup>:

Expansion of rebel social networks and diffusion of violence. Refugee camps located close to the boundary of the country of origin can provide sanctuary to rebel organizations, and a base from which to carry out operations and fertile grounds for recruitment. For example, in Pakistan the involvement of Afghan refugees in the

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<sup>139</sup> Norris K. J. (2013), 'Livelihood Security among refugees in Uganda: Opportunities, obstacles, and physical Security implications' 1686 *Independent Study Project (ISP) Collection Paper 23*.

<sup>140</sup> World Bank.2009. West Bank and Gaza, Check Points and Barriers: Searching for Livelihoods in the West Bank and Gaza, Gender Dimensions of Economic Collapse, Washington D.C USA.

<sup>141</sup> Salehyan, Idean and Kristian Gleditsch. 2006. „*Refugees and the Spread of Civil War,*“ International Organization, 60: 335-366.

resistance against the Communist regime and its Soviet backers in Afghanistan during the 1980s – which took place with direct support from the Pakistani government - created conditions within Pakistan that radicalized sections of the population, led to a proliferation of arms, and in the long run weakened state authority.<sup>142</sup> Another example is the rebel group made up of mainly Uganda-based Tutsi refugees from Rwanda, which in October 1990 formed the Rwandan Patriotic Army (RPA) and invaded northern Rwanda.<sup>143</sup>

Facilitation of transnational spreading of arms, combatants, and ideologies conducive to conflict. The direct role of the Palestine Liberation Organization (PLO), a government-in-exile formed by Palestinian refugees, in the civil wars both in Jordan (1970) and Lebanon (1975) are examples of refugees as combatants within a host country.<sup>144</sup> Another example is the recruitment of Liberian refugees by insurgent movements in Sierra Leone that caused destabilization and violent conflicts during the second half of the 1990s.<sup>145</sup> Refugees can also serve as domestic opposition groups in the host country with material resources and motivation to wage their own armed battles. For instance, Somali refugees have often worked closely with ethnic Somali separatists in the Ogaden region of Ethiopia.

Creation of bilateral tensions. At times, refugees can pose a security and political threat to the host country; and this, in turn can create tensions in bilateral relations between neighboring countries. Examples include the involvement of Sri Lankan

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<sup>142</sup> Rashid, Ahmed. 2008. *Descent Into Chaos: The United States and the Failure of Nation Building in Pakistan, Afghanistan, and Central Asia*, Penguin Group. USA.

<sup>143</sup> Lomo Zachary, Angela Naggaga and Lucy Hovil. 2001. *The Phenomenon of Forced Migration in Uganda. An overview of Policy and Practice in an Historical Context*. Working Paper No. 1. Refugee Law Project. Uganda.

<sup>144</sup> Salehyan, Idean and Kristian Gleditsch. 2006. „*Refugees and the Spread of Civil War*,“ International Organization, 60: 335-366.

<sup>145</sup> Hoffman, Danny. 2007. „*The Meaning of a Militia: Understanding the Civil Defense Forces of Sierra Leone*,“ African Affairs 106: 639–62.

Tamil refugees in the assassination of Indian Prime Minister Rajiv Gandhi in 1991 over his perceived accommodation of the Sri Lankan government, and the involvement of Rwandan Tutsi refugees in Uganda in the removal of the Milton Obote administration (1980-1985).<sup>146</sup>

#### **4.4 Environmental Impacts of Urban Refugees**

The presence of large influxes of refugees has also been associated with environmental impacts on land, water, natural resources, and slum growth. Various studies provide examples of different types of environmental impacts related to the influx of refugees and their long-term presence.<sup>147</sup> The initial arrival phase of refugee influxes may be accompanied by severe environmental impacts when displaced people often move into and through an area to secure their immediate needs.<sup>148</sup> Some of these immediate effects include fuel wood crises and water pollution in refugee camp areas. As the emergency period passes and refugees become settled, the nature of the environmental impact changes, but can still be significant.

A recent environmental assessment conducted in Sudan highlights that the massive presence of refugees is related to serious environmental damage in hosting areas. Environmental impacts are closely associated with the type of refugee settlements and particularly the concentration of people in large camps. The most evident environmental impacts include: (i) deforestation and firewood depletion, (ii) land degradation, (iii) unsustainable groundwater extraction, and (iv) water pollution. In

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<sup>146</sup> Ibid., 61.

<sup>147</sup> Jacobsen, Karen. 2002. *Livelihoods in Conflict: The Pursuit of Livelihoods by Refugees and the Impact on the Human Security of Host Communities*. Expert Working Paper, prepared for the Center for Development Research Study: Migration-Development, Evidence and Policy Options. Feinstein International Famine Center, Tuft University, USA.

<sup>148</sup> United Nations High Commissioner for Refugees and Food and Agricultural Organization. 1998. *Tanzania: Environmental Assessment Report of the Rwandanese Refugee Camps and the Affected Local Communities in Kagera Region*, 2-30 June 1994. PTSS Mission report 94/29N. Tanzania.



addition, human waste disposal by displaced persons can contaminate local groundwater and cause the spread of diseases.<sup>149</sup> Other impacts from the initial and long-term displacement are related to uncontrolled slum growth.

Another observation is that the type of refugee settlements also affects the access of displaced people to land and natural resources. The assessment of the environmental impacts of refugees in Daadab, Kenya also shows that environmental degradation is a direct consequence of policies aimed at housing refugees in large camps with tight movement restrictions in an area of low.<sup>150</sup> Moreover, large camps tend to slow the development of land use practices that are both sustainable and compatible with local practices.<sup>151</sup> Such environmental impacts can also affect the long-term livelihood opportunities of both refugees and the host population.

Experiences in countries such as Malawi, Tanzania, Kenya, and Zambia have shown that when refugees have been able to access land or common property resources, their productive capacities tend to increase significantly. Correspondingly, in such cases, the burden of refugee presence on host communities and assistance providers tend to decrease as well. Despite some positive experiences regarding access to land for refugees, shortages of land and natural resources is a critical factor affecting the self-reliance of displaced people during their exile.

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<sup>149</sup> United Nations Environmental Program. *Population Displacement and the Environment. Sudan, Post-Conflict Environmental Assessment*. Available at [http://postconflict.unep.ch/publications/sudan/05\\_displacement.pdf](http://postconflict.unep.ch/publications/sudan/05_displacement.pdf)

<sup>150</sup> Nordic Agency for Development and Ecology (NORDECO). 2010. *Impacts of Dadaab Refugee Camps on Host Communities*. (Draft Study Report).

<sup>151</sup> Nordic Agency for Development and Ecology (NORDECO). 2010. *Impacts of Dadaab Refugee Camps on Host Communities*. (Draft Study Report).

#### 4.5 Findings/Analysis

This study examined the Relationship between Urban Refugees and Human Security Management in Africa by investigating if urban refugees has influenced human security management and strategies of managing urban refugee issue.

**Table 5: Urban Refugees has Influenced Human Security Management**

<b>Response</b>	<b>Frequency</b>	<b>Percentage</b>
Yes	66	78
No	12	14
Sometimes	7	8
<b>Total</b>	<b>85</b>	<b>100</b>

**Source:** Research data (2018)

Majority 66 (78%) of the respondents indicated that urban refugees had influenced human security management. A few 12 (14%) indicated that urban refugees had not influenced human security management while 7 (8%) the influence to be sometimes.

**Table 6: Strategies of Managing Urban Refugees Issue**

<b>Strategies</b>	<b>Frequency</b>	<b>Percentage</b>
Encampment	21	26
Voluntary repatriation	32	37
Resettlement	13	15
Local Integration with the community	19	22
<b>Total</b>	<b>85</b>	<b>100</b>

**Source:** Research data (2018)

Majority 32 (37%) of the respondents indicated that voluntary repatriation was a strategy of managing urban refugee issue while 21 (26%) proposed encampment.

Local integration with the community was indicated by 19 (22%) while 13 (15%) indicated resettlement. Camps are a critical element of the humanitarian response to Refugees. As a consequence of their history of militarization, most refugee camps are overwhelmed by the problem of "*mixed populations*". This situation may be seen to aggravate the problem of insecurity within and outside the camps.

States are responsible for the protection and social welfare to Refugees in their territories, including those living in camps. In situations where the authorities are unwilling or unable to offer protection to the displaced population, humanitarian actors have a duty to support the State to do so. In providing protection and assistance to displaced populations, and ensuring that Refugees are treated within the standards of international human rights, refugee and humanitarian laws, establishment of refugee camps are sometimes the only choice available for humanitarian agencies. Camps cannot provide permanent or sustainable solutions, but they can provide a temporary refuge where vital and often lifesaving assistance can be offered.

Voluntary repatriation is often considered as the solution that may be more effective in addressing Refugee issues that are facing many countries and has been favored by both host countries and donors, because normalcy is regained when refugees relocate back to their country of origin. Refugees also often prefer to return if only provided with the necessary assistance to make a safe return and to reintegrate in their home country. Host countries therefore often only offer temporary settlement while waiting for voluntary repatriation to become possible, while UNHCR is engaged in activities which aim to promote such safe repatriation and reintegration.

Resettlement as a refugee management process involves the relocation of Refugees from the country of first asylum to another state willing to accept them in their

countries. Resettlement is one of the durable solutions for the protection and providing for the welfare of Refugees. Accordingly the resettlement country provides the Refugees all the rights enjoyed by its nationals.

Local Integration in the community strategy involves the integration of Refugees in the host country. Local integration implies that the Refugees can legally, economically and socially integrate in the host country. They are therefore granted a progressively wider range of rights. Kenya's refugee policy of integration worked well before 1990's when the number of Refugees was manageable and most of the Refugees had some profession. Refugees were allowed by government to mix with the rest of Kenyans and even get absorbed in the job market. They would get professional employment in the institutions as nurses, doctors, teachers etc. This seemed to work well as Refugees felt as being part and parcel of the Kenyan community and there were no noticeable discrimination. As such Local integration if implemented can offer a durable solution to the plight, and make the Refugees less dependent on aid by becoming progressively more self-reliant.

The use of local integration has received relatively little attention, partly based on the fact that the large influxes of Refugees in the 1990 have made such a strategy very difficult. The urban refugees' situation in Nairobi is urgent to solve as they are deeply endangered and are facing harassments and threats without any recourse to (international) protection. Moreover, does their lack of legal status increase the insecurity and their ability to be heard and recognized and therefore protected. This critical situation illustrates that the current refugee law regime is lacking fundamental elements to address the challenges raised by the existence of refugees outside the camps in Kenya.

## **5.0 CHAPTER FIVE**

### **5.1 To Proffer the Refugees' Policy Recommendations on Human Security in Kenya**

This study on proffering the refugees' policy recommendations on human security in Kenya was done by examining the protection of the rights of refugees, Kenya complying with international human rights standards and norms, the legal protection of refugees in Kenya and the local integration of refugees.

### **5.2 Protecting the Rights of Refugees**

Protecting the rights of refugees can be traced to the Universal Declaration of Human Rights (Universal Declaration) and has since been the subject of study by many scholars and policy makers. The 1951 Convention, the 1967 Protocol and the 1969 OAU Convention remain the key international human rights instruments for protecting the rights of refugees in Sub-Saharan Africa.<sup>152</sup> These instruments guarantee the rights of all refugees including *inter alia* the right to housing, work and education, access the courts, freedom of movement within the territory and the right of refugees to be issued identity and travel documents in order to live decent lives.<sup>153</sup>

States are obliged to protect these rights since they are applicable to all situations.<sup>154</sup>

Protection forms part of an integral approach to fulfilling the basic needs of refugees as well as in obtaining full respect for the rights of refugees under international human

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<sup>152</sup>d'Orsi C. (2012), 'Strengths and Weaknesses in the Protection of the Internally Displaced Persons in Sub-Saharan Africa', "Connecticut Journal of Int'l Law", Vol. 77, Issue 73, pp. 79–116.

<sup>153</sup>Lomo Z. A. (2000), 'The Struggle for Protection of the Rights of Refugees and IDPs in Africa: Making the Existing International Legal Regime Work'. 18 "Berkeley Journal of International Law", Vol. 18, Issue 2, pp. 268–284.

<sup>154</sup>Prince Albert II of Monaco (2015), 'Monaco apologizes for deporting Jews in Second World War' *The Associated Press* 27 August available at <http://www.cbc.ca/m/news/world/monacoapologizes-for-deporting-jews-in-second-world-war-1.3205864> [Accessed: 28.08.2018].

rights law.<sup>155</sup> The former UN High Commissioner for Refugees emphasises that ‘preserving humanitarian space, granting asylum, strengthening legal and institutional frameworks and achieving durable solutions with a holistic perspective of refugees’ human rights and humanitarian protection combined underscores the critical importance of international organisations, governments and the civil society’.

Two conditions that states must meet to effectively protect the rights of urban refugees. The first is adopting domestic refugee legislation and policies that comply with international standards to provide a basis for the protection of refugees.<sup>156</sup> The second is incorporating international human rights laws into domestic legislations, specifically in critical areas where the 1951 Refugee Convention and the 1969 OAU Refugee Convention are silent.<sup>157</sup> Meeting these criteria would require states to institute an expert body to examine asylum applications to guarantee the availability of procedural safeguards at the various levels and to speed up the process. The UNHCR Executive Committee therefore encourages states to promote initiatives that offer durable solutions to ensure that local standards conform to the international normative standards for protection that are also responsive to particular national circumstances.<sup>158</sup>

### **5.3 Kenya Complying with International Human Rights Standards and Norms**

For the rights of refugees to be effectively protected, states must thus comply with international human rights standards and norms. Sub-Saharan African states that are

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<sup>155</sup>United Nations Relief and Works Agency (UNRWA) (2007), ‘Interim Programme Strategy 2008–2009’ 9.

<sup>156</sup> Ibid., 67.

<sup>157</sup> Jastram K., Achiron M. (2001), ‘Refugee protection: A guide to international refugee law’ 5 available at [http://www.ipu.org/pdf/publications/refugee\\_en.pdf](http://www.ipu.org/pdf/publications/refugee_en.pdf) [Accessed: 2.09.2015].

<sup>158</sup> UNHCR (2010), ‘The 1951 Convention and its 1967 Protocol: The legal framework for protecting refugees’ 2.

state parties to the relevant conventions are obliged to incorporate human rights norms and associated international standards and good practice in its policies and programmes in line with the stated purpose of the UN under the UN Charter (Article 1 of the 1945 United Nations Charter). There must also be a national body of experts to ensure compliance and speedy processing of refugee status applications to facilitate local integration.

National protection policies must be derived from the principles explicit or implicit in the existing law as developed and interpreted in practice as well as from the principles of fundamental human rights acknowledged by the international community. This he contends has become necessary because ‘it appears that protection had lost ground to the politics of solutions and to the even more uncertain politics of migration’.<sup>159</sup> In a different study, the conception of the refugee as unprotected individual should be divorced from the politics of the moment and located in a space where the refugee can be recognised as a person with dignity, worth and basic human rights. The prime goal of refugee protection is focused on ensuring that refugees are provided with decent conditions and a safe haven in the host country.<sup>160</sup> The protection of refugees is therefore ‘manifestly not just about their admission in a technical, immigration sense to a particular country although that may be the best way to protect their rights’.<sup>161</sup>

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<sup>159</sup> Goodwin-Gill S. (2014), ‘The Dynamic of International Refugee Law’. “International Journal of Refugee Law”, Vol. 25, Issue: 4, pp. 651–666.

<sup>160</sup> Al Khataibeh O., Al-Labady F. (2014), ‘Guarantees the Protection of the Rights of Syrian Refugees in Jordan’ “Journal of Politics and Law”, Vol. 7, Issue 4, pp. 10–31.

<sup>161</sup> Ibid

#### 5.4 The Legal Protection of Refugees in Kenya

Most refugees in noncamped settings in Africa lack legal status due to the fear of being apprehended and sent to the camps.<sup>162</sup> The survey also disclosed that a lack of legal status causes other protection challenges such as exploitation by law enforcement officers as well as inadequate access to support services. Although some national refugee laws in Sub-Saharan Africa provide refugees with the choice of self-settlement, the governments have required the majority of them to go to camps. The process takes place through making self-settlement difficult for those who opt to reside outside settlement camps.<sup>163</sup> Meanwhile, some government officials have adopted what may be termed as the *de facto* approach of accepting refugees. *de facto* refugees as those who lack recognition for protection and assistance. He posits that *de facto* urban refugee policy permits refugees to reside in the cities but denies them rights and assistance available to recognized refugees.<sup>164</sup>

The legal and theoretical rationale for the measures that most Sub-Saharan African governments adopt to reduce their refugee populations.<sup>165</sup> The measures include forced repatriation or rejection through closure of their borders. Pangilinan argues that a government's willingness to adopt alternatives other than encampment demonstrates its openness to accept refugees upon meeting set requirements.<sup>166</sup> However, these requirements are cumbersome and difficult to satisfy by refugees. The eligibility requirements include demonstrable self-sufficiency, a place to live and

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<sup>162</sup> Asylum Access and the Refugee Work Rights Coalition 'Submission to the Committee on Economic, Social and Cultural Rights on Draft General Comment to Article 7: The Right to Just and Favourable Conditions of Work' (2015).

<sup>163</sup> Norris K. J. (2013), 'Livelihood Security among refugees in Uganda: Opportunities, obstacles, and physical Security implications' 1686 *Independent Study Project (ISP) Collection Paper 23*.

<sup>164</sup> Kagan M. (2007), 'Legal Refugee Recognition in the Urban South: Formal v. *de Facto* Refugee Status'. "Refugee", Vol. 24, Issue 1, pp. 11–26.

<sup>165</sup> Pangilinan C. (2012), 'Implementing a revised refugee policy for urban refugees in Tanzania' (2012) 2 "Oxford Monitor of Forced Migration", Vol. 2, Issue 2, pp. 5–9.

<sup>166</sup> Ibid



employment.<sup>167</sup> He concludes by highlighting a major challenge faced by refugees which is even if they are willing to forego humanitarian protection and assistance, most of them still prefer to be regarded and treated as refugees rather than ordinary migrants, particularly if doing this permits them to undertake status determination and qualify for resettlement or repatriation assistance.

At the regional level, article 12(3) of the African Charter on Human and Peoples' Rights (the African Charter) affirms that 'every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with the laws of those countries and international conventions. There are challenges in enforcing this provision. The provision 'in accordance with the laws of those countries and international conventions' raises a potential debate on the specificity of the quantum and quality of the rights and obligations guaranteed.<sup>168</sup> For instance, the 2006 Refugees Act of Uganda grants the Government the discretion to accept or reject the refugee application of asylum-seekers.<sup>169</sup>

The danger inherent in the interaction between international and domestic law where domestic politicians can manipulate international instruments to serve their own motives.<sup>170</sup> This should not hinder the protection that international human rights law offers because of the common law provision that 'wherever possible the words of a

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<sup>167</sup> Bernstein J., and Okello M. C. (2007), 'To be or not to be: Urban refugees in Kampala' "Refuge", Vol. 24, pp. 45–55.

<sup>168</sup> Okoth-Obbo G. (2001), Thirty years on: A legal review of the 1969 OAU Refugee Convention Governing the specific aspects of Refugee Problems in Africa. "Refugee Survey Quarterly", Vol. 20, Issue 1, pp. 79–138.

<sup>169</sup> Buwa M. G. (2007), *Critique of the Refugees Act, 2006*. Kampala: Refugee Law Project.

<sup>170</sup> Slaughter A. M., Burke-White W. (2006), 'The future of international law is domestic or the European way of law'. "Harvard International Law Journal", Vol. 47, Issue 2, pp. 327–352.

statute will be interpreted so as to be consistent with a treaty obligation'.<sup>171</sup> It can therefore be observed that protecting refugees is beset with several challenges, paramount among them being the politics of protection.<sup>172</sup> However, it can be argued that in the African context, the 1969 OAU Convention has through its provisions strengthened the legal framework for refugee protection.

## 5.5 The Local Integration of Refugees

Local integration is one of the three durable solutions alongside resettlement and repatriation as a means of ending exile through enabling refugees to become full members of the host community.<sup>173</sup> It is the best and most viable among the three solutions. Local integration is whereby refugees become full members of the host community in their first country of asylum.<sup>174</sup> It involves refugees receiving the citizenship of the country of refuge or asylum. Initially, it had been regarded to be almost exclusively rural integration. Even though local integration has always been named among the three durable solutions, it has not been factually used in cases of mass-influx.<sup>175</sup> In this context, it almost becomes a non-solution. The concept of local integration is underpinned by the assumption that refugees will remain in the country of asylum or refuge permanently and therefore find a sustainable solution to their predicament in that country. Local integration involves economic, socio-political and

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<sup>171</sup> Killander M. and Adjolohoun H. (2010), 'International law and domestic human rights litigation in Africa: An introduction', in: Killander M. (ed.), *International law and domestic human rights litigation in Africa*. Pretoria: PULP.

<sup>172</sup> Goodwin-Gill G. S. (2008), 'The Politics of Refugee Protection'. "Refugee Survey Quarterly", Vol. 27, Issue 1, pp. 8–23.

<sup>173</sup> Fielden A. (2008), 'Local integration: An under-reported solution to protected refugees solutions'. UNHCR New Issues in Refugee Research No. 158.

<sup>174</sup> Hovil L. (2014), 'Local Integration' in the Oxford Handbook of Refugee and Forced Migration Studies, Fiddian-Qasmiyeh E., Loescher G., Long K., Sigona N. (eds). Oxford: Oxford University Press.

<sup>175</sup> Ibid

legal processes which are related to, but also different from self-reliance as well as local resettlement.<sup>176</sup>

Self-reliance' as the social and economic ability of an individual, a household or a community to meet the essential needs such as water, food, shelter, protection, education and health in a sustainable manner with dignity.<sup>177</sup> Self-reliance therefore involves developing and strengthening the livelihoods of refugees in order to reduce their vulnerability and long term reliance on humanitarian or external assistance. Self-reliance does not presuppose that refugees will find a durable solution in their new country of refuge but should be seen as part of a continuum which gradually leads to local integration.<sup>178</sup>

Local integration is therefore not distinguishable from the core solution enshrined in the 1951 Refugee Convention which basically comprised of the respect for the rights of refugees.<sup>179</sup> It has been further explained by the UNHCR (2002) that local integration is mainly a legal process whereby refugees are granted a progressively broader range of rights and privileges by the host country that are generally equivalent to that of those enjoyed by the citizens.<sup>180</sup> For instance, in Uganda, the 1995 constitution that promotes and protects basic human rights and freedoms is silent on the rights of refugees. However, the Bill of Rights provides for civil and political

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<sup>176</sup> Dryden-Petersen S., and Hovil L. (2004), 'A remaining hope for durable solutions: Local integration of refugees and the hosts in the case of Uganda'. "Refugee", Vol. 22, Issue 1, pp. 26–38.

<sup>177</sup> UNHCR (2010), 'The 1951 Convention and its 1967 Protocol: The legal framework for protecting refugees' 2.

<sup>178</sup> Dryden-Petersen S., and Hovil L. (2004), 'A remaining hope for durable solutions: Local integration of refugees and the hosts in the case of Uganda'. "Refugee", Vol. 22, Issue 1, pp. 26–38.

<sup>179</sup> Hathaway J. C. (2005), 'The rights of refugees under international law'. Cambridge: Cambridge University Press.

<sup>180</sup> UNHCR (2002), Global Consultations on International Protection/Third Track: Local Integration, 25 April 2002, EC/GC/02/6, available at: <http://www.refworld.org/docid/3d6266e17>. [Accessed: 28.08.2018].

rights as well as social, economic and cultural rights for all persons and in some cases, ‘everyone’ (Article 21[1]).

Refugees who chose to self-integrate (to become self-reliant) are denied protection and humanitarian assistance by the government (article 44 of the 2006 Refugee Act). The constitution further provides that a refugee should reside in Uganda for at least 20 years before he or she can apply for citizenship. This makes the acquisition of citizenship by refugees very difficult. However, it gives refugees the right to be issued with ID cards, to own property, to transfer assets, to education. It further encourages refugees to be self-reliant by guaranteeing them the right to engage in agriculture, industry and commerce in accordance with applicable laws. In practice, refugees do not fully enjoy these rights due to institutional and implementation challenges such as the lack of logistics and inadequate staff.<sup>181</sup>

In Kenya, the situation is not much different. Kenya has signed a number of international human rights and refugee law treaties including the 1951 Convention, its 1967 Protocol and the 1969 OAU Convention. However, the Refugees Act of 2006 functions as ‘the national legal charter governing refugee issues’.<sup>182</sup> Section 7 of the Act set up the Department of Refugee Affairs (DRA), which is mandated to receive and process applications for refugee status.<sup>183</sup> In theory, asylum seekers and refugees have the right to appeal any decisions of the DRA. There is also an Appeal Board presided by a competent legal professional.

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<sup>181</sup> Buwa M. G. (2007), *Critique of the Refugees Act, 2006*. Kampala: Refugee Law Project.

<sup>182</sup> Pavanello S., Elhawary S., Pantuliano S. (2010), *Hidden and Exposed: Urban Refugees in Nairobi, Kenya*. Humanitarian Policy Group Working Paper. London: Overseas Development Institute. <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/5858>. [Accessed 11.7.2016].

<sup>183</sup> Ibid

The Board is supposed to operate autonomously in the exercise of its tasks. The establishment of this expert body satisfies international best practices.<sup>184</sup> Nevertheless, the government has yet to set up this board.<sup>185</sup> Due to this, the DRA and the UNHCR have ‘refrained from rejecting asylum claims till an appeal process is established’. He contend that this situation prolongs the refugee status determination process. This violates the Act which obliges the DRA to determine refugee status application within ninety days.

Moreover, recent terrorist activities in Kenya have prompted the government to introduce radical changes to its Refugees Act. Central to the changes is a compulsory encampment policy. Previously refugees were permitted to live in cities and towns.<sup>186</sup> The new changes require ‘all refugees in the cities and towns to relocate to the designated refugee camps’.<sup>187</sup> However, a Kenyan High Court at Nairobi in 2013 held that the policy directive violates the constitutional right of movement as well as the principle of non-refoulement enshrined in the Refugee Act of 2006.<sup>188</sup> In 2014, the government completed key amendments to the Refugees Act of 2006. The amended Act seeks to make the encampment policy permanent. Section 46 of the Amendment Act provides that ‘every 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’.

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<sup>184</sup> Jastram K., Achiron M. (2001), ‘Refugee protection: A guide to international refugee law’5 available at [http://www.ipu.org/pdf/publications/refugee\\_en.pdf](http://www.ipu.org/pdf/publications/refugee_en.pdf) [Accessed: 2.09.2018].

<sup>185</sup> Garlick M., Guild E., and Solomons M. (2015), Building on the Foundation: Formative Evaluation of the Refugee Status Determination (RSD) Transition Process in Kenya. UNHCR Policy Development and Evaluation Service. Available at <http://www.unhcr.org/5655c8409>. [Accessed 11.9.2018].

<sup>186</sup> Refugee Consortium of Kenya (2012), Asylum under Threat: Assessing the Protection of Somali Refugees in Dadaab Refugee Camps and Along the Migration Corridor. Nairobi: Pann Printers Limited. [http://reliefweb.int/sites/reliefweb.int/files/resources/Asylum\\_Under\\_Threat.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/Asylum_Under_Threat.pdf) [Accessed 11.10.2018].

<sup>187</sup> Ibid., 1, 74.

<sup>188</sup> Kituo Cha Sheria and 8 Others v. Attorney General (2013), eKLR para. 94. Available at <http://kenyalaw.org/caselaw/cases/view/84157> [Accessed 11.10.2018].

In terms of local integration in Kenya, refugees are in theory permitted to engage in any type of self-employment without obtaining official permission. Nevertheless, they need to obtain a work permit before they can take up paid employment.<sup>189</sup> Despite the fact that refugees can in theory work, the practice is allegedly considerably different. The government does not grant work permits to refugees with the exception of “a few isolated cases”. Therefore, refugees are compelled to pursue employment in the informal sector.<sup>190</sup> However, the newly introduced rigid encampment policy is increasingly making it difficult since it restricts the movement of refugees within the country. Despite the attempt to incorporate human rights standards and norms into the domestic refugee law, it can be observed that due to the government’s reaction to terrorist activities and the amendments to the Act, refugee protection and local integration efforts are greatly undermined.<sup>191</sup>

## 5.6 Findings/Analysis

This study made proffer of the refugees’ policy recommendations on human security in Kenya by examining the Kenyan Security and Refugees Laws that need to be changed and the best approach in dealing with urban refugees related insecurity.

**Table 7: Kenyan Security and Refugees Laws that Need to be Changed**

Changes to be made	Frequency	Percentage
UNHCR and refugees leadership to be changed	6	7
Not allowing in new refugees	5	6

<sup>189</sup> Garlick M., Guild E., and Solomons M. (2015), Building on the Foundation: Formative Evaluation of the Refugee Status Determination (RSD) Transition Process in Kenya. UNHCR Policy Development and Evaluation Service. Available at <http://www.unhcr.org/5655c8409.pdf> [Accessed 11.10.2018].

<sup>190</sup> Ibid., 2, 74

<sup>191</sup> Jastram K., Achiron M. (2001). ‘Refugee protection: A guide to international refugee law’ 5 available at [http://www.ipu.org/pdf/publications/refugee\\_en.pdf](http://www.ipu.org/pdf/publications/refugee_en.pdf) [Accessed: 2.09.2018].

Patrols	10	12
Repatriation	43	50
Security policy	3	3
Resettlement of refugees	5	6
Refugees laws on working and travelling	10	12
Handling refugees with dignity	3	4
<b>Total</b>	<b>85</b>	<b>100</b>

**Source:** Research data (2018)

From the findings it seems that there are Kenyan Security and Refugees Laws that need to be changed 43 (50%) indicated that the repatriation law needed to be revised while 10 (12%) indicated that patrols law and another 10 (12%) indicated refugees laws on working and travelling. Not allowing in new refugees law was highlighted by 5 (6%) and Resettlement of refugees was revealed by 5 (6%). A few 3 (4) revealed the security policy law while 3 (3%) revealed the handling refugees with dignity law.

The current Refugees Act makes little mention of screening provisions as recommended by most of the respondents in the study. A members of an institution dealing with refugee management points that the Government must also respect international laws and protocols on respect for Human rights and the International Refugee Law.<sup>192</sup> Additionally since the year 2006, a number of changes that warrant a review of the Refugees Act 2006 have taken place. Two of these changes include the promulgation of the new constitution in 2010 and the changing security environment. All laws including the Refugees Act should be reviewed to conform to the constitution. The Refugees Act has a migration component which in light of the

<sup>192</sup> A member of an institutions dealing with refugee management.

fragile security environment in Kenya requires careful consideration. The current law does not outline the role of host communities who get into conflicts tied with competition of limited resources. The law should be able to address the concerns of host communities yet this is not the case. It is noted that a gap exists between the Refugees Agency and Immigration Department regarding the reporting of those asylum seekers who fail refugee status determination and hence these are left to wander around the country without an immigration status and being a potential threat to security. The two regimes (refugees and immigration) should be harmonized to ensure that failed asylum seekers are removed from the country.

**Table 8: Best Approach in Dealing with Urban Refugees related Insecurity**

<b>Approaches</b>	<b>Frequency</b>	<b>Percentage</b>
Policies and laws	50	59
Managing insecurity	13	15
Involving various stakeholders	10	12
Expel refugees	12	14
<b>Total</b>	<b>85</b>	<b>100</b>

**Source:** Research data (2018)

Majority 50 (59%) of the respondents indicated that policies and laws were the best approaches in dealing with urban refugees related insecurity. Some 13 (15%) indicated by managing insecurity while 12 (14%) revealed by expelling refugees. A few 10 (12%) revealed by involving various stakeholders. The officer from UNHCR said that repatriation was the best approach to dealing with urban refugee related insecurity and also the enactment of relevant laws and policies would solve the problem.



Due to the high population of urban Refugees resident in Kenya the government has persistently requested for voluntary repatriation having discovered that it was not going to be internationally acceptable to undertake forceful repatriation as a way of reducing the big refugee populations in camps. To enhance the repatriation of urban refugees, Kenya according to senior official of Department of Immigration Services in the Ministry of Interior and Coordination of National Government, appealed to the African Union Security Council for approval to put into effect this initiative. The improving peace situation after African Union backed African Mission in Somali (AMISON's) intervention has made this possible and already as indicated in an NTV television documentary made by the then DRA titled East or West Home is Best aired at 10.00 PM on 5th May 2016 on repatriation of Somali Refugees, the initiative has commenced with more than 10,000 Refugees currently voluntary going back to Somalia and many more having already registered for repatriation. According to Mr. Mazou, the UNHCR Country Representative for Kenya as quoted in the above TV documentary, the Tripartite Agreement signed between Kenya, UNHCR, and Somalia has been very useful in facilitating the repatriation process. It did set up a Tripartite Commission which is responsible for the repatriation programme.

## **6.0 CHAPTER SIX**

### **6.1 Summary, Conclusions and Recommendations**

This chapter provides the summary of the findings and also it gives conclusions and recommendations of the objectives of the study. The objectives of this study were to assess the nature and extent of urban refugees' problem in Africa, analyse the relationship between urban refugees and human security management in Africa, evaluate the impact of urban refugees on human security in Kenya and proffer the refugees' policy recommendations on human security in Kenya.

### **6.2 Summary**

This study assessed the nature and extent of urban refugees' problems in Africa by examining if the respondents indeed think that it's a problem. A large number 44 (73%) of the respondents indicated that urban refugee was a problem that faced Kenya. A few 16 (27%) did not find urban refugee to be a problem to Kenya. This leads to a conclusion that indeed Kenya faces a problem of urban refugees. The respondents indicated that urban refugees especially have presented a security problem in Kenya. Armed groups have used the urban refugees' camps for recruiting fighters, shelter, and food. This has been linked to terrorism and proliferation of arms being alleged as the main carriers of these weapons.

A senior official of Department of Immigration Services in the Ministry of Interior and Coordination of National Government confirms that a number of urban refugees are sympathizers with the Al-Shabaab and clandestinely support its course. The state of refugee related to insecurity in Kenya though significantly low has been on the rise especially due to the increase of religious fundamentalism. According to the a member of an institution dealing with refugee management this has led to the increase

of radicalization especially among the youthful refugee population who resort to engaging in terrorist's activities. Radicalization has been the biggest contributor to the heightened insecurity situation bearing on Kenya. Refugee influx has taken place since the early 1990's making Kenya become one of the countries hosting the largest refugee populations and possessing the biggest refugee camp in the world. These Refugees originate from conflict prone states such as Somalia, Sudan, Burundi and Democratic Republic of Congo. Some of these have actually been former fighters and potentially form a good base for recruiting Foreign Terrorist Fighters (FTFs). They also provide for a source of militias who can be used to fight in their countries of origin. The location of refugee camps near borders in close proximity of conflict states complicates the security situation. The Kenyan government has made assertions that the planners of the attacks had a support network in the urban refugee camps. The camps are also alleged to be the main trafficking centre for smuggled goods and weapons in the region, with part of the proceeds of allegedly funding terrorism activities. The government through the Department of Refugee Affairs and in conjunction with UNHCR managed all refugee camps in the country. According to an official of the then refugees registration of all Refugees in the country is done by the government. Apart from encampment which ensures majority of Refugees reside within camps for effective management, other strategies used include provision of security by police in refugee camps, refugee status determination, and registration. In the recent past the government has also been involved in screening all purported Refugees to verify their refugee status. This has been accompanied with issuance of refugee identification cards to assist in monitoring refugee movements and activities. A fence along the Somali border to control peoples' movements including Refugees was established.

This study examined the impact of urban refugees on human security in Kenya by investigating the rate of urban refugees as a human security threat, the rate of insecurity levels by urban refugees and the nature of urban refugee's related insecurity. Majority 38 (63%) of the respondents indicated that urban refugees was a cause for human security threat. A few 13 (22%) indicated that urban refugees was sometimes a human security threat while 9 (15%) disagreed to the assertion. This means that urban refugee is a threat to human security. With over 50 (59%) of the respondents stating that insecurity level by urban refugees to be very high; this implies that policies governing the urban refugee regime are not very effective and hence better and effective policies and laws are required to effectively stem the resultant insecurity. From the findings above it is clear that the nature of urban refugees relating to insecurity was terrorist scare as shown by 36 (43%). The other concern urban refugees was theft. These findings seem to have the support of government as illustrated in the following discussion. According to the senior official of Department of Immigration Services in the Ministry of Interior and Coordination of National Government, the influx of Refugees in the country continues to threaten national security given that adherents of Al-Shabaab have infiltrated the refugee camps disguised as refugees from where they are able to facilitate and perpetrate heinous acts. This has made the camps insecure and vulnerable leading to numerous attacks within and outside the camps. UNHCR officer echoes this by confirming that urban refugees have been involved in contributing to insecurity through gun running, trade in contraband and in perpetuating terror attacks in Kenya. He points out that the level of urban refugee generated insecurity has attained alarming proportions. He goes ahead to state that urban refugees are an international problem and therefore the international community must take collective responsibility in their management. He

further explains that the move to close the camps came in the wake of security challenges such as Al-Shabaab and other related terror groups that hosting of urban refugees has continued to pose to Kenya. According to him, Kenya has done a lot to improve on the security and peace situation in Somalia and hence the Somali Refugees should go back as normalcy is also returned in South Sudan with the same applying to the South Sudanese.

This study examined the Relationship between Urban Refugees and Human Security Management in Africa by investigating if urban refugees has influenced human security management and strategies of managing urban refugee issue. Majority 66 (78%) of the respondents indicated that urban refugees had influenced human security management. A few 12 (14%) indicated that urban refugees had not influenced human security management while 7 (8%) the influence to be sometimes. Majority 32 (37%) of the respondents indicated that voluntary repatriation was a strategy of managing urban refugee issue while 21 (26%) proposed encampment. Local integration with the community was indicated by 19 (22%) while 13 (15%) indicated resettlement. Camps are a critical element of the humanitarian response to Refugees. As a consequence of their history of militarization, most refugee camps are overwhelmed by the problem of "*mixed populations*". This situation may be seen to aggravate the problem of insecurity within and outside the camps. States are responsible for the protection and social welfare to Refugees in their territories, including those living in camps. In situations where the authorities are unwilling or unable to offer protection to the displaced population, humanitarian actors have a duty to support the State to do so. In providing protection and assistance to displaced populations, and ensuring that Refugees are treated within the standards of international human rights, refugee and

humanitarian laws, establishment of refugee camps are sometimes the only choice available for humanitarian agencies. Camps cannot provide permanent or sustainable solutions, but they can provide a temporary refuge where vital and often lifesaving assistance can be offered. Voluntary repatriation is often considered as the solution that may be more effective in addressing Refugee issues that are facing many countries and has been favored by both host countries and donors, because normalcy is regained when refugees relocate back to their country of origin. Refugees also often prefer to return if only provided with the necessary assistance to make a safe return and to reintegrate in their home country. Host countries therefore often only offer temporary settlement while waiting for voluntary repatriation to become possible, while UNHCR is engaged in activities which aim to promote such safe repatriation and reintegration. Resettlement as a refugee management process involves the relocation of Refugees from the country of first asylum to another state willing to accept them in their countries. Resettlement is one of the durable solutions for the protection and providing for the welfare of Refugees. Accordingly the resettlement country provides the Refugees all the rights enjoyed by its nationals. Local Integration in the community strategy involves the integration of Refugees in the host country. Local integration implies that the Refugees can legally, economically and socially integrate in the host country. They are therefore granted a progressively wider range of rights. Kenya's refugee policy of integration worked well before 1990's when the number of Refugees was manageable and most of the Refugees had some profession. Refugees were allowed by government to mix with the rest of Kenyans and even get absorbed in the job market. They would get professional employment in the institutions as nurses, doctors, teachers etc. This seemed to work well as Refugees felt as being part and parcel of the Kenyan community and there were no noticeable

discrimination. As such Local integration if implemented can offer a durable solution to the plight, and make the Refugees less dependent on aid by becoming progressively more self-reliant. The use of local integration has received relatively little attention, partly based on the fact that the large influxes of Refugees in the 1990 have made such a strategy very difficult. The urban refugees' situation in Nairobi is urgent to solve as they are deeply endangered and are facing harassments and threats without any recourse to (international) protection. Moreover, does their lack of legal status increase the insecurity and their ability to be heard and recognized and therefore protected. This critical situation illustrates that the current refugee law regime is lacking fundamental elements to address the challenges raised by the existence of refugees outside the camps in Kenya.

This study made proffer of the refugees' policy recommendations on human security in Kenya by examining the Kenyan Security and Refugees Laws that need to be changed and the best approach in dealing with urban refugees related insecurity. From the findings it seems that there are Kenyan Security and Refugees Laws that need to be changed 43 (50%) indicated that the repatriation law needed to be revised while 10 (12%) indicated that patrols law and another 10 (12%) indicated refugees laws on working and travelling. Not allowing in new refugees law was highlighted by 5 (6%) and Resettlement of refugees was revealed by 5 (6%). A few 3 (4) revealed the security policy law while 3 (3%) revealed the handling refugees with dignity law.

The current Refugees Act makes little mention of screening provisions as recommended by most of the respondents in the study. A members of an institution dealing with refugee management points that the Government must also respect international laws and protocols on respect for Human rights and the International

Refugee Law. Additionally since the year 2006, a number of changes that warrant a review of the Refugees Act 2006 have taken place. Two of these changes include the promulgation of the new constitution in 2010 and the changing security environment. All laws including the Refugees Act should be reviewed to conform to the constitution. The Refugees Act has a migration component which in light of the fragile security environment in Kenya requires careful consideration. The current law does not outline the role of host communities who get into conflicts tied with competition of limited resources. The law should be able to address the concerns of host communities yet this is not the case. It is noted that a gap exists between the Refugees Agency and Immigration Department regarding the reporting of those asylum seekers who fail refugee status determination and hence these are left to wander around the country without an immigration status and being a potential threat to security. The two regimes (refugees and immigration) should be harmonized to ensure that failed asylum seekers are removed from the country. Majority 50 (59%) of the respondents indicated that policies and laws were the best approaches in dealing with urban refugees related insecurity. Some 13 (15%) indicated by managing insecurity while 12 (14%) revealed by expelling refugees. A few 10 (12%) revealed by involving various stakeholders. The officer from UNHCR said that repatriation was the best approach to dealing with urban refugee related insecurity and also the enactment of relevant laws and policies would solve the problem. Due to the high population of urban Refugees resident in Kenya the government has persistently requested for voluntary repatriation having discovered that it was not going to be internationally acceptable to undertake forceful repatriation as a way of reducing the big refugee populations in camps. To enhance the repatriation of urban refugees, Kenya according to senior official of Department of Immigration Services in the



Ministry of Interior and Coordination of National Government, appealed to the African Union Security Council for approval to put into effect this initiative. The improving peace situation after African Union backed African Mission in Somali (AMISON's) intervention has made this possible and already as indicated in an NTV television documentary made by the then DRA titled East or West Home is Best aired at 10.00 PM on 5th May 2016 on repatriation of Somali Refugees, the initiative has commenced with more than 10,000 Refugees currently voluntary going back to Somalia and many more having already registered for repatriation. According to Mr. Mazou, the UNHCR Country Representative for Kenya as quoted in the above TV documentary, the Tripartite Agreement signed between Kenya, UNHCR, and Somalia has been very useful in facilitating the repatriation process. It did set up a Tripartite Commission which is responsible for the repatriation programme.

### **6.3 Recommendations**

The research, recommends that international community through United Nations should look into the making of peace in countries neighbouring Kenya among their tribes and strengthen the government institutions to counter displacement. The government of the affected countries should preach peace among its citizens to avoid conflict. The government of Kenya should work together with international community through UNHCR to give urban refugees mandate and other assistance thereby enabling them to have their basic necessities and not to overburden the economy of the country. Further integration should be facilitated with support from World Bank and IMF to resettle the urban refugees if peace is not guaranteed in their country of origin.

Economic and security tensions between Kenya and urban refugees occur constantly for several reasons discussed in this research. Approaches that foster peace and security amongst the two communities may be pursued further. Peace and Security Committees, *Nyumba Kumi* Initiatives spearheaded by Kenya Security agencies like National Coordination should continue and bring more and influential actors on board. Joint initiatives like common markets, common schools, common hospitals and recreation places equally create good relationship and interactions between hosts and urban refugees. However, these same places create room for both conflicts and mutual benefits. Further improvement of these areas could benefit both urban refugees and Kenyan's host community. Improving this area could benefit both groups.

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## APPENDIX

### APPENDIX I: INTERVIEW SCHEDULE

This questionnaire is to collect data for purely academic purposes. The study seeks to investigate **urban refugees and human security management in Africa: case study of Kenya**. All information will be treated with strict confidence.

*Answer questions as indicated by either filling in the blank or ticking the option that applies.*

#### **PART A: Background Information**

1. Please tick in the box corresponding to where you work.

Ministry of Interior and Coordination of National Government [  ]

UNHCR Kenya [  ]

Members of Institutions dealing with refugee management [  ]

#### **PART B: Nature and extent of urban refugees' problem in Africa.**

2. Do you think urban refugee is a problem in Kenya?

Yes [  ]

No [  ]

If Yes, please explain\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

#### **PART C: Relationship between urban refugees and human security management in Africa.**

3. Do you think urban refugees has influenced human security management?

Yes [  ] No [  ]



If yes, please explain \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Indicate the strategies of managing urban refugee issue.

<b>Strategies</b>	<b>Yes</b>	<b>No</b>
Encampment		
Voluntary repatriation		
Resettlement		
Local Integration with the community		
<b>Total</b>		

**PART D: Evaluate the impact of urban refugees on human security in Kenya.**

5. Do you think urban refugees is a human security threat?

Yes [ ]

No [ ]

If yes, please explain \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. How can you relate the insecurity levels by urban refugees?

Very high [ ]

High [ ]

Low [ ]

Very low [ ]

7. Please indicate the nature of urban refugees' related insecurity.

<b>Response</b>	<b>Yes</b>	<b>No</b>
Rape		
Prejudicing		
Lost of life		
Terrorist scare		
Poverty of host community		
Spy		
Clashes between tribes		
Theft		
Political threats		

**PART E: Proffer the refugees' policy recommendations on human security in Kenya**

8. Indicate the Kenyan Security and Refugees Laws that need to be changed.

<b>Laws</b>	<b>Yes</b>	<b>No</b>
UNHCR and refugees leadership to be changed		
Not allowing in new refugees		
Patrols		
Repatriation		
Security policy		
Resettlement of refugees		
Refugees laws on working and travelling		
Handling refugees with dignity		

9. Indicate the best approach in dealing with urban refugees related insecurity.

<b>Approaches</b>	<b>Yes</b>	<b>No</b>
Policies and laws		
Managing insecurity		
Involving various stakeholders		
Expel refugees		