

**STRATEGIC RESPONSE BY KENYA GOVERNMENT TO
INCREASED REFUGEE INFLUX**

BY:

MARGARET NAZI RUNYA

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DECLARATION

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

MARGARET NAZI RUNYA

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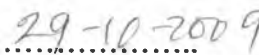
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Date.....

Supervisor: DR. JOHN YABS

This research project study has been submitted for examination with my approval as the University supervisor.

Signature.....

Date.....

DEDICATION

I dedicate this work to my family, my precious daughter Natalie Wakio Kiprono and my friends, their wisdom and strength have inspired me to share what I have learned. They are my source of continuing inspiration.

ACKNOWLEDGEMENT

I take this opportunity to thank God for good health and for bringing me this far. I want to express special gratitude:

To my supervisors Dr. John K. Yabs for accepting to work with me. I deeply value his guidance, encouragement and patience in reading, correcting, re-reading and refining this work.

To all my lecturers for monitoring my progress as a pilot does to a plane, without whose support, I would never have known the joys and challenges of the study.

A number of people contributed to the success of this research paper. My sincere thanks go to Thoronjo and the many people who helped me directly and indirectly with the preparation of the research project; and most of all to my wonderful parents, who have guided and helped me from day one; to my daughter for your presence; and to my partner and best friend for believing in me and making things happen. You are all the light that shows me the way. Finally I acknowledge my employer for the time off, my colleagues Selina and Lucy Kamau for their encouragement and support.

ABSTRACT

Strategy refers to the means by which policy is effected. The environment in which organizations, of which countries are cases in point, operate is constantly changing with different factors influencing the organizations. Since the turn of the millennium, the general business environment has become more volatile, unpredictable and very competitive (Pearce and Robinson, 2005). Countries like Kenya are affected by the environment from the neighboring countries. Political stability in the countries affects it positively while instability affects it negatively.

The objective of the study was to investigate and document the strategic responses of Kenya to increased influx of refugees in Kenya. The specific objectives of the research study was to investigate the strategic response by Kenyan government to increased influx of refugees, to investigate the infrastructure laid-down to cater for the increased influx of refugees and to investigate how Kenyan government reacts to proliferation of arms and clan conflict.

The population of the study consisted of Immigration and registration Officers in the ministry of Immigration and Home Affairs. The primary data was collected by use of a semi-structured questionnaire. Secondary data was obtained from literature on government gazettes and policies concerning refugees. The analysis and interpretation was done with the aid of descriptive statistics which included frequency distribution tables.

From the findings, refugees in Kenya were those who were compelled to leave their domicile because of civil war, political unrest and upheavals. The respondents indicated that the current refugee situation in Kenya is vague, haphazard and unplanned. The researcher recommends a review on the legislation procedures for refugees and establishment of clear government policy on refugees in Kenya.

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LIST OF ABBREVIATIONS AND ACRONYMS

IDP	Internally Displaced Persons
UNHCR	United Nations High Commission for Refugees
NGOs	Non- Governmental Organizations
UN	United Nations
UNICEF	United Nations International Commission for Education Fund
LOB	Line of Business
EHRP	
SBU	Strategic Business Unit

CHAPTER ONE: INTRODUCTION

1.1 Background

Strategy is a term that comes from the Greek word *strategia*, meaning "generalship." In the military, strategy often refers to maneuvering troops into position before the enemy is actually engaged. In this sense, strategy refers to the deployment of troops. Once the enemy has been engaged, attention shifts to tactics. Strategy also refers to the means by which policy is effected. The environment in which organizations, of which countries are cases in point, operate is constantly changing with different factors influencing the organizations. Since the turn of the millennium, the general business environment has become more volatile, unpredictable and very competitive (Pearce and Robinson, 2005).

According to Tregoe and Zimmerman (1980), strategy is perspective, position, plan, and pattern. Strategy is the bridge between policy or high-order goals on the one hand and tactics or concrete actions on the other. Strategy and tactics together straddle the gap between ends and means. In short, strategy is a term that refers to a complex web of thoughts, ideas, insights, experiences, goals, expertise, memories, perceptions, and expectations that provides general guidance for specific actions in pursuit of particular ends. Strategy is at once the course we chart, the journey we imagine and, at the same time, it is the course we steer, the trip we actually make. Even when we are embarking on a voyage of discovery, with no particular destination in mind, the voyage has a purpose, an outcome, an end to be kept in view.

Countries exist as open systems and hence they are in continuous interaction with the environment in which they operate. The environment in which they operate is never static. All organizations lend themselves to this environment, which is highly dynamic, chaotic, and turbulent such that it is not possible to predict what will happen and/or when it will happen. Consequently, the ever-changing environment continually presents opportunities and challenges. To ensure survival and success, the organizations need to develop capability and capacity to manage threats and exploit emerging opportunities promptly. This requires formulation of strategies that constantly match capabilities to environment requirements. Success therefore calls

for proactive approach by the organizations (Pearce and Robinson, 2003). This is referred to as strategic responses.

Countries like Kenya are affected by the environment from the neighboring countries. Political stability in the countries affects it positively while instability affects it negatively. In countries, aggressive behavior of some of the top official leads to unbearable life for some of the citizens who flee their country and become refugee in other countries or seek for a political asylum in another country.

According to Hassan (2002), a refugee is defined as a person who has fled his or her own country to seek refuge in another country for the safety of his/her life and limb because of a well founded fear of persecution. The definition of a refugee also covers those who are compelled to leave their domicile or place of habitual residence because of among other things, 'events seriously disturbing public order in his or her country of origin'. The term 'refugee' does not include 'internally displaced persons' (IDP). These are persons who have been displaced from their homes as a result of political upheavals, social unrest, clashes between different ethnic communities and other similar disturbances of internal nature that occur within the borders of a country.

The main sources of International Law on refugees are the 1951 Refugee Convention, and the OAU Convention of 1969. Kenya acceded to the 1951 Convention but has not ratified it (according to the UNHCR website). The obligations under these documents include not sending a person back to a country where he or she may be persecuted, and in the case of the OAU convention where his or her life is threatened because of the threats to public order which form the basis for refugee status; not discriminating among groups of refugees; the right of refugees to freedom of movement and to work in the country (though a three year limit on the right to work can be imposed to protect the local labour market); the same right to basic education as a national; the duty of refugees to obey the law in the country where they are received. The OAU 1961 Convention adds that members states shall 'use their best endeavours' to receive refugees and ensure their settlement.

The influx of huge numbers of people, many subsistence farmers, into countries which were themselves poor, and who might live in camps for many years, without it becoming clear when their situation would be resolved, was simply not imagined. Nonetheless, the Conventions still set standards of decent treatment for refugees. The fact that refugees may be many, should not obscure the great hardship that some of them have had to endure in order to reach the host country, or the very difficult circumstances in which they live once here.

Governments normally guarantee the basic human rights and physical security of their citizens. But when civilians become refugees this safety net disappears. Without some sort of legal status in their asylum country, they would be exceptionally vulnerable to exploitation and other forms of ill treatment, as well as to imprisonment or deportation. Governments bear the prime responsibility for protecting refugees on their territory, and often do so in concert with local non-governmental organizations (NGOs). However, in many countries, United Nations High Commissioner for Refugees (UNHCR) staff also work alongside NGOs and other partners in a variety of locations ranging from capital cities to remote camps and border areas. They attempt to promote or provide legal and physical protection, and minimize the threat of violence – including sexual assault – which many refugees are subject to, even in countries of asylum (UNHCR, 2008).

The 1951 refugee convention and its 1967 Protocol are the cornerstones of modern refugee protection, and the legal principles they enshrine have permeated into countless other international, regional and national laws and practices governing the way refugees are treated. One of the most crucial principles laid down in the 1951 Convention is that refugees should not be expelled or returned “to the frontiers of territories where [their] life or freedom would be threatened.” The Convention also outlines the basic rights which states should afford to refugees, and it defines who is a refugee – and who is not (for example it clearly excludes fighters, terrorists or people guilty of serious crimes).

The 1951 Convention was never intended to sort out all migration issues. Its sole aim was – and still is – to protect refugees. The challenge is to find other efficient mechanisms to manage economic migration and maintain border security – legitimate state concerns that need to be

carefully balanced with their responsibility to protect refugees. By December 2008, a total of 147 countries had signed the 1951 UN Refugee Convention and/or its 1967 Protocol

1.1.1 Kenyan as a host of Refugees

Since it became independent in 1963 to date, Kenya has been host to refugees fleeing from countries neighboring Kenya as a result of civil war, political unrest and upheavals that at one time or another obtained in those countries such as Ethiopia, Somalia, Sudan, Uganda and countries in the Great lakes region (Zaire, Burundi, Rwanda). At its peak, during the early 1990s, Kenya was host to the largest refugee population in East and Central Africa when it stood at close to a half a million. Today the refugee population is down to about a quarter of a million due to the voluntary resettlement of some of the refugees and the resettlement of others to third countries usually in Europe, Australia and the United States. The refugees are today settled in two camps in Kenya; Dadaab in North Eastern Province and Kakuma refugee camp in Rift Valley Province. This followed the closure of other camps in Mombasa, Malindi, Thika, Moyale and Mandera in 2002 (Hassan, 2002). The U.N.H.C.R, other U.N specialized agencies like UNICEF and other NGOs have assumed the responsibility of providing the basic needs for the refugees in these camps (i.e. food, shelter, water, healthcare, sanitation and education) while the Kenya Government provides the necessary administrative and security back up and generally maintains Law and Order in the camps. According to data available from UNHCR as at the beginning of 2002, there were 239,221 refugees in Kenya of whom 69, 804 were from Sudan, 144, 249 from Somalia and 13, 541 from Ethiopia (Hassan, 2002).

At the end of 2008, Kenya was hosting 329,365 refugees and asylum seekers in Dadaab, Kakuma and Nairobi. The refugee population is expected to increase to 444,908 by the end of 2009 majorly due to the influx of Somalis fleeing civil unrest in Somalia. The continuous influx of refugees into Kenya is straining the resources of the Kenyan Government and other humanitarian actors. New arrivals from Somalia are currently accommodated in three camps in Dadaab (Dagahaley, Ifo and Hagadera). The three camps had a total population of 239,782 at the end of 2008, almost three times more than their capacity. The Kenyan authorities, UNHCR and other humanitarian actors have been working closely together to improve the general living

conditions of Somali refugees but funding levels are insufficient to meet the enormity of the needs.

As at 31st December 2008 the number of registered Sudanese refugees in the camp was 25,723. To date a total of 36,729 Southern Sudanese refugees have returned home since the launch of this repatriation operation December 2005. In 2009 it is planned to repatriate 3000 individuals to Sudan and for which funds are being solicited under the EHRP. The repatriation exercise to specific groups and individuals of other nationalities will continue albeit at a small scale. Years of inhabiting these camps have led to large scale degradation of the environment and depletion of resources. Activities such as Camp Clean up & on-site Rehabilitation; Camp Consolidation and support to Livelihood security are to being undertaken.

In spite of hosting large numbers of refugees over a long period of time, the Kenya Government has not to date developed very clear guidelines and policies on how to deal with the refugees in Kenya. Unlike its neighboring countries like Ethiopia, Sudan, Uganda and Tanzania, Kenya neither has any specific legislation dealing with refugees nor a ministry or department of government to deal with refugee affairs. In general the situation is vague, haphazard, ad hoc and unplanned. In most cases the police, immigration department and the Ministry of Home Affairs are involved in issues dealing with the refugees with no clear definition of the role and functions of each of these departments. The only agency whose role appears clear and consistent is the U.N.H.C.R. which suffers the agony of dealing with the bureaucratic red tape presented by these multiple government organs.

Over the past one year and half, additional resources from partners and donors have been allocated to nutrition programmes in the refugees' camps especially in Dadaab. This contributed to significant decrease in levels of acute malnutrition and associated mortality since 2006. Surveys conducted in 2008 showed that global acute malnutrition rates dropped from 22.2% in 2006 to 12% in 2008 for Dadaab and from >16% in 2006 to 11% in 2008 for Kakuma, still higher than acceptable levels. Micronutrient deficiencies such as anemia are still very high among pregnant women and children with levels ranging from 55- 70% both Kakuma and Dadaab camps. The two camps joint currently host 300,000 refugees (240,000 in Dadaab

and 53,000 in Kakuma) but is expected to reach 400,000 in 2009. It is reported that majority (>80%) of new admissions in feeding programmes are new arrivals). Moreover, health facilities are facing increasing challenges to ensure access to adequate health and nutrition services to refugee populations.

The profusion of refugees in Kenya, most of whom are from Somalia and southern Sudan is a source of tension and occasional instability. Refugees are often perceived by Kenyan citizens as competitors for public services and other resources. Some of the wealthier refugees have been connected to a significant rise in the arms trade in Nairobi. The influx of refugees has exacerbated local clan conflicts, particularly among Somalis. With increased instability in Somalia, Ethiopia, and Sudan, and a proliferation of weapons from these conflict zones, banditry and clan warfare along Kenya's northern borders is on the rise. According to Hassan, (2002), the influx of refugees has led to an increase in the rate of violent crimes in the country, general insecurity; drug trafficking, the smuggling and proliferation of small arms and other illegal weapons and an increase in armed banditry and cattle rustling. This instability has been exacerbated by an increased influx of refugees, who compete with Kenyans for land, water, and public services.

While this is true, retaliation by Kenyan citizens especially the police at times go over-board. Refugees escaping violence in Somalia, who need protection and help, instead face more danger, abuse and deprivation from the Kenyan police force. Kenyan police detain new arrivals, seek bribes - sometimes using threats and violence including sexual violence- and deport back to Somalia those unable to pay. This is a violation of Kenya's fundamental obligations under international and Kenyan refugee law (Mulama, 2009). The African Rights, human rights NGO, conducted a study of the refugee situation in Kenya in the early 1990s and published a report prepared by Alex de Waal and Rakiya Omar entitled, 'seeking refuge, finding terror? the case of Somali refugees in Kenya' wherein harrowing tales of arbitrary searches, arrest, extra-judicial killings, kidnappings and disappearances, theft of money, jewellery and rape of women carried out by the Kenyan security forces against refugees are recounted. Regrettably the Kenya Government has not taken any step to address any of the complaints made by or on behalf of the

refugees against its security forces, who appear to operate with impunity.

1.2 Statement of the Problem

Kenya's porous border areas are witnessing continued refugee inflows, despite the official border closure between Somalia and Kenya. More than 60,000 Somalis crossed the border into Kenya in 2008 alone, and more than 14,000 new refugees have already registered in 2009, adding to a refugee population that already far exceeds the capacity of existing camps and support mechanisms. It is expected that this constant inflow will persist in the coming months and further escalate as a result of ongoing violence in Somalia. To date the majority of the influx is being accommodated in three refugee camps in Dadaab. If the current situation persists, it is expected that the refugee and asylum-seeker population in Kenya will well exceed 400,000, of which more than 300,000 people will be in Dadaab alone. There will be immediate need in 2009 to decongest existing camps, provide assistance to cater the chronically unmet needs of the existing population, accommodate the new arrivals, and provide some assistance to local host communities to avoid conflicts and to get much-needed additional land for decongestion and new arrivals for construction of new camps with full-fledged infrastructure.

According to Mogire, (2009) refugees, who were traditionally conceived and presented as humanitarian issues, are now increasingly viewed as security threats. The language of threat now dominates refugee discourses and policymaking as well as scholarly analysis. Focusing on Kenya and Tanzania, he, explored how refugees have been reconstruction as security threats and the impact this reconstruction has had on refugee rights and protection. The perception of refugees as a threat is not without merit and there is therefore need for measures to address this threat, it is possible for this to be done without violating refugee rights. In other words, the protection of state security and refugee security are not and should not be mutually exclusive.

Gil and James (2005) note that protracted refugee situations are a critical and growing element in continuing conflict and instability, especially in Africa. Such situations can result in direct security concerns, including the presence of armed elements within the refugee population and the spill-over of conflict across borders, and indirect security concerns, as tensions rise between

local populations and refugees over the allocation of scarce resources. Somali refugees in Kenya and Burundian refugees in Tanzania constitute two of the most challenging protracted refugee situations in Africa. The overall response to protracted refugee situations remains fragmented, compartmentalized and ineffective. What is required is a new policy agenda that extends beyond conventional boundaries and seeks to integrate the resolution of chronic and recurring regional refugee problems with economic development and security issues.

Whitaker (2003) explored these questions by examining the contrasting cases of the Democratic Republic of Congo and Tanzania. The 1994 influx of Rwandan refugees into eastern Congo was a contributing factor in the outbreak of war there in 1996 and again in 1998. The 1994 refugee migration into western Tanzania, however, was relatively peaceful and did not generate further conflict. Refugees enter into an existing political context, creating new alignments and transforming old ones. In some cases, conflicts may result, each with its own dynamics, but in others they do not.

Previous research studies on strategic responses has not focused on strategic response by Kenya government to increased refugee influx for example, Goro (2003) carried out a study on the strategic responses of commercial banks to the threat of substitute products. Kiptugen (2003) did a study on strategic responses to a changing competitive environment, a case study of KCB. Mugambi (2003) studied on the strategic responses of tourist hotels to the changes in the environment, a case of tourist hotels in Nairobi while Mburu (2007) studied on the strategic responses to environmental challenges by Kenyan Horticultural Exporters. Thiga (2002) researched on the strategic responses of airlines operating in Kenya in the face of changing environmental condition. Muraah (2003) did a survey on strategic responses by Kenyan pharmaceutical firms to the challenge of the HIV/AIDS pandemic. Currently no pedagogical research has been taken so far on how the Kenya government responds to the increased influx of refugees. This proposed research seeks to fill this gap in Knowledge.

1.3 Objectives of the Study

For best results, this study had objectives at two levels- the main objective and specific objectives that add to the main objective.

1.3.1 Objective

The study sought to investigate and document the strategic responses of Kenya to increased influx of refugees in Kenya

1.3.2 Specific Objectives

So as to achieve the afore-mentioned specific objective, the study sought to achieve the following specific objectives:

- i. To investigate the strategic response by Kenyan government to increased influx of refugees
- ii. To investigate the infrastructure laid-down to cater for the increased influx of refugees
- iii. To investigate how Kenyan government reacts to proliferation of arms and clan conflict

1.3.2 Research Questions

The study also answered the following questions in achieving at its objectives:

- i. How the Kenyan government does strategically responds to the increased influx of refugees?
- ii. What are the infrastructures laid down for the increasing influx of refugees?
- iii. How the Kenyan government does react to proliferation of arms and clan conflict resulting from the increasing influx of refugees?

1.4 Importance of the Study

The study is of importance to the Kenyan government as its findings and recommendation there- to are of importance as an appraisal of how the government can react to and a guideline and a blue print of how the Kenyan government can react to the increased refugee influx. The study is also of importance to the refugees as so.

The study is also of importance to the academicians and researchers for it will assist in pedagogical purposes and form a good reference base from which secondary material and literature on the subject in question will be obtained in future.

CHAPTER TWO: LITERATURE REVIEW

2.1 Concept of Strategy and Strategic Management

In his book, 'Strategy', Liddell (1967) examines wars and battles from the time of the ancient Greeks through World War II. He concludes that strategy is the practical adaptation of the means placed at a general's disposal to the attainment of the object in view that is it is a means to political ends. He further concludes that strategy is the art of distributing and applying military means to fulfill the ends of policy." Deleting the word "military" from Liddell's definition makes it easy to export the concept of strategy to other sectors. That brings us to one of the people considered by many to be the father of strategic planning in the business world: George Steiner.

Steiner, a professor of management and one of the founders of 'The California Management Review', in his book, 'Strategic Planning' points out that strategy is that which top management does that is of great importance to the organization, strategy refers to basic directional decisions, that is, to purposes and missions, strategy consists of the important actions necessary to realize these directions, strategy answers the question: What should the organization be doing? And that strategy answers the question: What are the ends we seek and how should we achieve them (Steiner, 1979)?

Mintzberg, in his 1994 book, *The Rise and Fall of Strategic Planning*, points out that people use "strategy" in several different ways, the most common being planning, a "how," a means of getting from here to there. He also concluded that strategy is a pattern in actions over time; for example, a company that regularly markets very expensive products is using a "high end" strategy, and further that strategy is position; that is, it reflects decisions to offer particular products or services in particular markets and that strategy is perspective, that is, vision and direction (Mintzberg, 1994).

Mintzberg argues that strategy emerges over time as intentions collide with and accommodate a changing reality. Thus, one might start with a perspective and conclude that it calls for a certain position, which is to be achieved by way of a carefully crafted plan, with the eventual outcome

and strategy reflected in a pattern evident in decisions and actions over time. This pattern in *decisions and actions defines what Mintzberg called "realized" or emergent strategy (Mintzberg, 1994).*

Andrews Kenneth presents this lengthy definition of strategy in his book, *The Concept of Corporate Strategy*, Corporate strategy is the pattern of decisions in a company that determines and reveals its objectives, purposes, or goals, produces the principal policies and plans for achieving those goals, and defines the range of business the company is to pursue, the kind of economic and human organization it is or intends to be, and the nature of the economic and non-economic contribution it intends to make to its shareholders, employees, customers, and communities (Andrews, 1980).

Andrew's definition obviously anticipates Mintzberg's attention to pattern, plan, and perspective. Andrews also draws a distinction between "corporate strategy," which determines the businesses in which a company will compete, and "business strategy," which defines the basis of competition for a given business. Thus, he also anticipated "position" as a form of strategy. Strategy as the basis for competition brings us to another Harvard Business School professor, Michael Porter, *the undisputed guru of competitive strategy (Andrews, 1980).*

In a 1996 Harvard Business Review article and in an earlier book, Porter argues that competitive strategy is "about being different." He adds that it means deliberately choosing a different set of activities to deliver a unique mix of value. Porter, hence, argues that strategy is about competitive position, about differentiating yourself in the eyes of the customer, about adding value through a mix of activities different from those used by competitors. In his earlier book, Porter defines competitive strategy as a combination of the ends (goals) for which the firm is striving and the means (policies) by which it is seeking to get there. Thus, Porter seems to embrace strategy as both plan and position (Porter, 1996 & 1986).

In *Top Management Strategy*, Tregoe and Zimmerman (1980), define strategy as the framework which guides those choices that determine the nature and direction of an organization. Tregoe and Zimmerman, (1980), urge executives to base these decisions on a single "driving force" of

the business. Although there are nine possible driving forces, only one can serve as the basis for strategy for a given business. These include products offered, production capability, natural resources, market needs, method of sale, size/growth, technology, method of distribution and return/profit

Strategy, then, has no existence apart from the ends sought. It is a general framework that provides guidance for actions to be taken and, at the same time, is shaped by the actions taken. This means that the necessary precondition for formulating strategy is a clear and widespread understanding of the ends to be obtained. Without these ends in view, action is purely tactical and can quickly degenerate into nothing more than a flailing about (Michel, 1993).

When there are no "ends in view" for the organization writ large, strategies still exist and they are still operational, even highly effective, but for an individual or unit, not for the organization as a whole. The risks of not having a set of company-wide ends clearly in view include missed opportunities, fragmented and wasted effort, working at cross purposes, and internecine warfare (Urwick, 1956). For the leadership of an organization to remain unclear or to vacillate regarding ends, strategy, tactics and means is to not know their own minds. The accompanying loss of morale is enormous (Day, 1984).

One possible outcome of such a state of affairs is the emergence of a new dominant coalition within the existing authority structure of the enterprise, one that will augment established authority in articulating the ends toward which the company will strive. Also possible is the weakening of authority and the eventual collapse of the formal organization. No amount of strategizing or strategic planning will compensate for the absence of a clear and widespread understanding of the ends sought (Urwick, 1956).

From the above definition of strategy, Strategic management can be said to be the art, science and craft of formulating, implementing and evaluating cross-functional decisions that will enable an organization to achieve its long-term objectives (David, 1989). It is the process of specifying the organization's mission, vision and objectives, developing policies and plans, often in terms of projects and programs, which are designed to achieve these objectives and then allocating

resources to implement the policies and plans, projects and programs. Strategic management seeks to coordinate and integrate the activities of the various functional areas of a business in order to achieve long-term organizational objectives.

2.1.1 Tasks of Strategic Management

Thompson and Strickland (1993) give the five tasks of strategic management, all within the strategy formulation and implementation. Developing a concept of the business and forming a vision of where the organization needs to be headed, in effect influencing the organization with a sense of purpose, providing long term direction and establishing a mission is one of the tasks. The task of converting the mission into specific performance objectives follows. According to Thompson and Strickland (1993) a strategy has to be crafted in a way to achieve the targeted performance. Implementing and executing the chosen strategy efficiently and effectively is also critical.

After all that have been put in place evaluation of the performance, reviewing the situation and initiating corrective adjustments into mission, objectives and strategy, or implementation in light of actual experience, changing conditions, new ideas and new opportunities should then follow. They further add that an organization's strategy consists in the moves and approaches devised by management to produce successful organizational performance. Strategy is therefore in effect the management's game plan for the organization

2.2 Strategic Response

Strategic responses are, hence, closely linked to environmental uncertainty. As the external environment becomes more volatile companies need to develop greater flexibility in order to respond to the emerging conditions. According to Evans (1991) flexibility is composed of a number of "senses" including "adaptability, agility, corrigibility, elasticity, hedging, liquidity, malleability, plasticity, resilience, robustness, and versatility". He argued that each of these organizational flexibilities would be in response to some form of external environmental uncertainties or pressures. The type of reaction could be "offensive" or "defensive" and he

categorized these senses into those categories (Evans, 1991).

While flexibility is normally considered solely as an adaptive response to environmental uncertainty (Gupta and Goyal, 1989), it is important to realize that a firm may use its strategic responses to proactively re-define market uncertainties and make it the cornerstone of its ability to compete. Unfortunately, such proactive behavior in using flexibility is often neglected by researchers (Gupta and Goyal, 1989; Nilson and Nordahl, 1995).

Strategic responses implies that the entity as the ability to change according to its needs (Nilson and Nordahl, 1995). Flexibility is the ability to adapt, in a reversible manner, to an existing situation, as opposed to evolution, which is irreversible. This notion reflects the ability to stay operational in changing conditions, whether those conditions are predictable or not, or completely different from conditions known in advance. This adaptability is required from firms that, for economic reasons, are currently turning to efficient techniques of organization and management of the zero stock, just-in-time and tight-flow type which can make them fragile. Strategic responses are crucial in hypercompetitive environments because, the established paradigms of stability of organizational form have limited applicability (Gupta and Goyal, 1989).

Strategy researchers have emphasized stability in a firm's pattern of resource commitments (Ghemawat, 1991). Through resource commitments, firms erect entry barriers, mobility barriers (Caves and Porter, 1977), and isolating mechanisms (Lippmann and Rumelt, 1982) that protect their competitive advantages. Although such patterns of resource commitments provide a firm with competitive advantage (Dierickx and Cool, 1989), they can also become impediments to strategic reorientations (Grimm and Smith, 1997). In order to develop strong strategic responses capabilities an organization needs to have the three types of flexibilities: (a) market flexibility, (b) production flexibility, and (c) competitive flexibility (Yip, 1989).

2.3 Strategy Response Processes

For a strategy to work it has to go through a combination of three main processes; strategy formulation, implementation and evaluation which are as follows:

2.3.1 Strategy Formulation

Strategy formulation is the process of determining appropriate courses of action for achieving organizational objectives and thereby accomplishing organizational purpose. Strategy formulation is part of a strategic management process that comprises three phases: diagnosis, formulation, and implementation. Strategic management is an ongoing process to develop and revise future-oriented strategies that allow an organization to achieve its objectives, considering its capabilities, constraints, and the environment in which it operates.

Diagnosis includes: (a) performing a situation analysis (analysis of the internal environment of the organization), including identification and evaluation of current mission, strategic objectives, strategies, and results, plus major strengths and weaknesses; (b) analyzing the organization's external environment, including major opportunities and threats; and (c) identifying the major critical issues, which are a small set, typically two to five, of major problems, threats, weaknesses, and/or opportunities that require particularly high priority attention by management.

Formulation, the second phase in the strategic management process, produces a clear set of recommendations, with supporting justification, that revise as necessary the mission and objectives of the organization, and supply the strategies for accomplishing them. In formulation, we are trying to modify the current objectives and strategies in ways to make the organization more successful. This includes trying to create "sustainable" competitive advantages -- although most competitive advantages are eroded steadily by the efforts of competitors.

A good recommendation should be: effective in solving the stated problem(s), practical (can be implemented in this situation, with the resources available), feasible within a reasonable time frame, cost-effective, not overly disruptive, and acceptable to key "stakeholders" in the organization. It is important to consider "fits" between resources plus competencies with opportunities, and also fits between risks and expectations. There are four primary steps in this phase. Reviewing the current key objectives and strategies of the organization, which usually would have been identified and evaluated as part of the diagnosis is one of these steps. Identifying a rich range of strategic alternatives to address the three levels of strategy

formulation including but not limited to dealing with the critical issues is also important. Doing a balanced evaluation of advantages and disadvantages of the alternatives relative to their feasibility plus expected effects on the issues and contributions to the success of the organization will prove significant. Deciding on the alternatives that should be implemented or recommended will go a long way in effectively solving the stated problem(s).

2.3.1.1 Aspects of Strategy Formulation

The following three aspects or levels of strategy formulation, each with a different focus, need to be dealt with in the formulation phase of strategic management. The three sets of recommendations must be internally consistent and fit together in a mutually supportive manner that forms an integrated hierarchy of strategy, in the order given.

Corporate Level Strategy: In this aspect of strategy, we are concerned with broad decisions about the total organization's scope and direction. Basically, we consider what changes should be made in our growth objective and strategy for achieving it, the lines of business we are in, and how these lines of business fit together. It is useful to think of three components of corporate level strategy: (a) growth or directional strategy (what should be our growth objective, ranging from retrenchment through stability to varying degrees of growth - and how do we accomplish this), (b) portfolio strategy (what should be our portfolio of lines of business, which implicitly requires reconsidering how much concentration or diversification we should have), and (c) parenting strategy (how we allocate resources and manage capabilities and activities across the portfolio -- where do we put special emphasis, and how much do we integrate our various lines of business).

Competitive Strategy (often called Business Level Strategy): This involves deciding how the company will compete within each line of business (LOB) or strategic business unit (SBU).

Functional Strategy: These more localized and shorter-horizon strategies deal with how each functional area and unit will carry out its functional activities to be effective and maximize resource productivity.

2.3.2 Strategy Implementation

The main functions of strategic management have been explained by Robbins and Coulter (1996) as identifying the organization's current mission, objectives, and strategies, analyzing the environment, identifying the opportunities and threats, analyzing the organization's resources, identifying the strengths and weaknesses, formulating and implementing strategies, and evaluating results.

Strategy implementation involves organization of the firm's resources and motivation of the staff to achieve objectives. The environmental conditions facing many firms have changed rapidly. Today's global competitive environment is complex, dynamic, and largely unpredictable. To deal with this unprecedented level of change, a lot of thinking has gone into the issue of how strategies are best formulated. Strategic management is about managing the future, and effective strategy formulation is crucial, as it directs the attention and actions of an organization, even if in some cases actual implemented strategy can be very different from what was initially intended, planned or thought. The assessment of strategy formulation processes becomes crucial for practitioners and researchers alike in order to conduct and evaluate different formulation processes (Olson et al., 2005).

Historically, numerous researchers in strategic management bestowed great significance to the strategic formulation process and considered strategy implementation as a mere by-product or invariable consequence of planning (Wind and Robertson, 1983). Fortunately, insights in this area have been made recently which temper our knowledge of developing strategy with the reality of executing that which is crafted (Olson et al., 2005). However, as strategy implementation is both a multifaceted and complex organizational process, it is only by taking a broad view that a wide span of potentially valuable insights is generated.

Strategy implementation include allocation and management of sufficient resources (financial, personnel, time, technology support), establishing a chain of command or some alternative structure (such as cross functional teams), assigning responsibility of specific tasks or processes to specific individuals or groups, it also involves managing the process. This includes monitoring

results, comparing to benchmarks and best practices, evaluating the efficacy and efficiency of the process, controlling for variances, and making adjustments to the process as necessary and lastly when implementing specific programs, this involves acquiring the requisite resources, developing the process, training, process testing, documentation, and integration with (and/or conversion from) legacy processes.

In order for a policy to work, there must be a level of consistency from every person in an organization, including from the management. This is what needs to occur on the tactical level of management as well as strategic

Beer et al. (1990) and Woolridge and Floyd (1990), emphasized that the strategy implementation could be more difficult than thinking up a good strategy. Harrison and Pelletier (1998) explained that the real value of a decision surfaced only after the implementation of a decision. In other words, it will not be enough to select a good decision and effective results will not be attained unless the decision is adequately implemented.

2.2.3 Strategy Evaluation

Strategy evaluation is measuring the effectiveness of the organizational strategy. It's extremely important to conduct a SWOT analysis to figure out the strengths, weaknesses, opportunities and threats (both internal and external) of the entity in question. This may require to take certain precautionary measures or even to change the entire strategy.

In corporate strategy, Johnson and Scholes (2003) presented a model in which strategic options are evaluated against three key success criteria:

- i. Suitability
- ii. Feasibility
- iii. Acceptability

2.4 Opening or Closure of Border

Due to increase in bad home practices being carried by refugees to home country governments closes borders with the refugee's home countries (UNHCR, 2008). Kenya for instance closed its 1,200 kilometre of the border between Kenya and Somalia in 2007. Kenyan authorities took that action days after Ethiopian forces intervened to oust an Islamist movement that has captured most of southern Somalia. Kenya justified the closure as a security measure aimed at preventing the insurgents from fleeing onto its ground (Mulama, 2009). Shutting the border has not deterred a mass arrival of refugees from entering Kenya though. Human Rights Watch (HRW) claims thousands of Somalis are using smuggling networks - working hand in hand with extortionist police officers - to cross into Kenyan camps secretly. Following the border closure, the UNHCR closed its refugee transit centre in Liboi, where new refugees previously registered and had health checks before transportation to refugee camps.

2.5 Expansion of Infrastructure

The Kenya Government has not put in place an appropriate institutional mechanism for the reception of persons claiming asylum or seeking refugee status at any of the ports of entry. Refugees enter the country by air, land or sea. Some board aircrafts and land at airports in Kenya while others come on boats, motor vehicles and even on foot. More often than not it is the police or the Provincial Administration which is first to receive them but the buck finally stops at the UNHCR where these refugees are handed over to. The government has no reception centres or authorized agents to receive the refugees to do any preliminary screening and vetting exercise. There are no transit camps or sites set for holding the said refugees. The exercise of screening, vetting and finally registering the refugees actually ends up being the responsibility of UNHCR which has to camp them.

In order to find out solution, Hassan (2002) carried out a research. Majority of the people who gave views concerning refugees were those that were affected most by the presence of these refugees in their areas. This was especially the case in the areas where the refugee camps were located such as Dadaab in Garissa and Kakuma in Turkana. Views were also received from some

Human Rights Organisations and some Kenyan staff of U.N. and other international aid agencies working with or for the refugees in Kenya. The recommendations included that local communities should be consulted first before the government makes the decision to locate refugee camps in an area. Local communities who inhabit the areas where the refugee camps were located made strong and passionate appeals for the relocation of those camps to other parts of the country so that the burden of hosting the refugees is not borne by them alone. They also complained that the presence of the refugees in their areas, which was already an ecologically fragile area, has placed severe strain on the fragile ecosystem and limited resources of the area. They argued that the presence of refugees has caused environmental degradation and depletion of natural resources e.g. water and deforestation caused by the big demand for firewood by those on the camps.

The research also pointed out that influx of refugees has led to an increase in the rate of violent crimes in the country, general insecurity; drug trafficking, the smuggling and proliferation of small arms and other illegal weapons and an increase in armed banditry and cattle rustling. Complaints by the local people against the UNHCR and other NGOs working in the refugee camps that they do not employ or give adequate chances of employment to the local youths who are unemployed were also raised. Clash of cultures, corruption of the morals of the local youth and emergence of immoral activities and other social vices as a result of the presence of the large number of refugees from different countries and the equally large foreign staff and expatriates from other countries working in the refugee camps were noted. The situation is seen to be as a result of lack of a clear government policy on refugees in Kenya. Failure by the government to domesticate the refugee conventions and to enact appropriate legislation dealing specifically with refugee affairs in Kenya has left the problem to escalate.

2.6 Establishment of Policies

The government establishes as a matter of urgency, establish a clear policy on how all issues and matters affecting refugees will be dealt with in Kenya. It also establishes a specific institution, authority or department of government which shall be the central or principal body mandated to

handle all matters relating to refugees in Kenya (UNHCR, 2008).

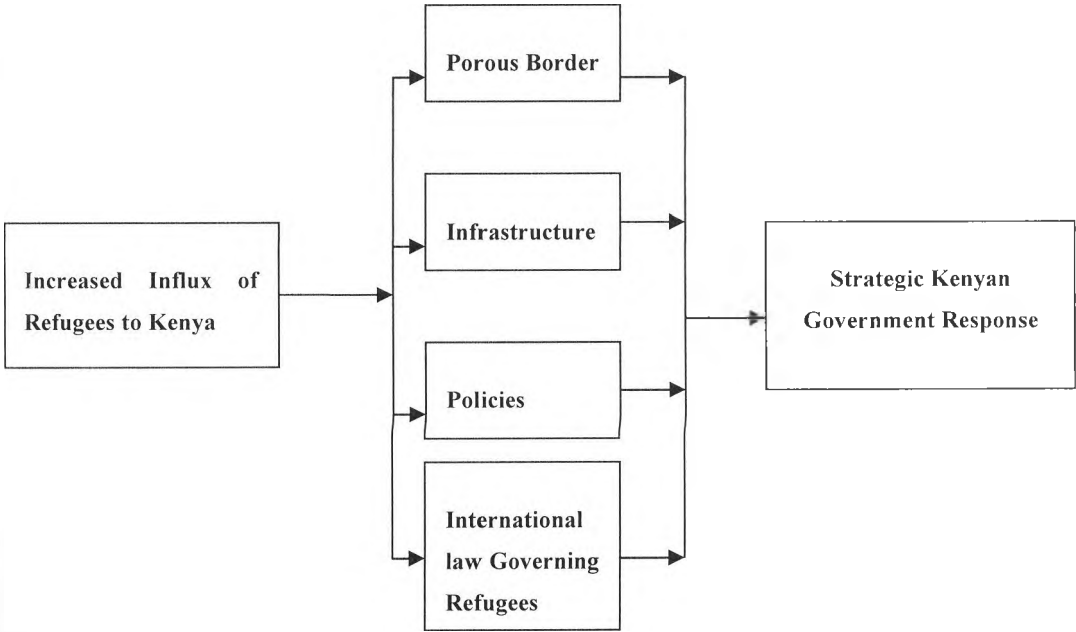
2.7 Adherence to International Law Governing Refugees

The respect for and promotion of the rights of refugees as guaranteed under International Law or in domestic legislation must be recognized in the constitution under the chapter dealing with Fundamental Rights and duties. The state must be directed in the constitution under the chapter dealing with directive Principles of State Policy, to ensure the respect for and promotion of the said rights of refugees in Kenya. The government or the state must ensure the enactment of an appropriate refugee law in terms of the provisions of the 1951 U.N. Convention and 1969 OAU Convention on refugees (UNHCR, 2008 and Hassan, 2002).

2.8 Conceptual Framework

This is a hypothesized model identifying the variables under the study and their relationships. The schematic representation below shows the conceptual relationship between the research variables. The independent variables are adherence to international law governing refugees, establishment of policies, expansion of Infrastructure and opening or closure of border which influence the dependent variable which is the strategic response to increased influx of refugees.

Figure 1: Conceptual Framework



Independent variable

Intervening variables

Dependent variable

Source: Author, 2009

CHAPTER THREE: RESEARCH METHODOLOGY

3.1 Introduction

This chapter is an outline of the methods that were used by the study in obtaining data that enabled the researcher obtain data on how the Kenyan government strategically responds to the increased influx of refugees. The chapter was structured into the research design, target population, sample and sampling procedure, research instruments, piloting of the instruments, data collection and data analysis procedure.

3.2 Research Design

This study used a descriptive approach. According to Schindler and Coopers, (2004), descriptive studies are more formalized and typically structured with clearly stated hypotheses or investigative questions. It serves a variety of research objective such as descriptions of phenomenon or characteristics associated with a subject population, estimates of proportions of a population that have these characteristics and discovery of associations among different variables.

3.3 Target Population and Sample

The population consisted of Immigration and registration Officers (elsewhere referred as employees/officers) in the ministry of Immigration and Home Affairs. This is because Kenya neither has a ministry nor department of government dealing with refugee affairs and in most cases the police, immigration department and the Ministry of Home Affairs are involved in issues dealing with the refugees with no clear definition of the role and functions of each of these departments. The two ministries were, however, taken because based on their position in government they were in a better position to know the strategic response by Kenya government to increased refugee influx. A total of 100 respondents from the two ministries were sampled for the study using stratified random sampling technique. The population was stratified into three strata, ministers in the two departments and two assistant ministers were sampled, workers in the ministry of home Affairs and the ministry of Immigration. Within the stratum random sampling was used to come up with an aggregate sample of 100 officers.

3.4 Data Collection Methods

The primary data was collected by use of a semi-structured questionnaire which was used to record respondents' responses. The questionnaire was ideal because the researcher gave the respondents time to respond to the items during their free time bearing in mind that they were administered when the respondents were in ever busy ministries. The respondents were, hence, issued with questionnaires to complete on their own. Trained research assistants were allocated different branches and had a period of two weeks to physically distribute the questionnaires and collect data. Government gazettes and policies concerning refugees. Secondary data was useful in providing collaborative information on the problem of the study.

3.5 Piloting

Pilot study was carried to test the validity and reliability of the instruments. This pilot study was conducted by the researcher sending some few questionnaires to employees of the two ministries. These were filled by six employees at random from the selected ministries. From this pilot study the researcher was able to detect questions that needed editing and those with ambiguities. The final questionnaire was then printed and dispatched to the field for data collection with the help of research assistants. The piloted employees were not included in the final study.

3.7 Data Analysis

The research was both quantitative and qualitative in nature. This implied that both descriptive statistics and inferential statistics were employed. Once the data was collected it was checked for completeness ready for analysis. The data from the field was first coded according to the themes researched on the Research. This enabled the use of computer in the summarizing of data in tables. Frequency tables were generated using the statistical package for social sciences (SPSS) package. This gave the distribution of responses in the questionnaire in percentage form. The output was also presented in terms of pie charts and graphs.

3.8 Expected Outcome

The researcher expects that objective and honest response on the government's strategic response to increased influx of refugees will be obtained and that the respondents will accept the questionnaire, answer and submit them. This is however impossible for some confidential matters will be concealed and owing to busy schedules of the respondents, some will find it hard to fill-in the questionnaire. However the researcher will reassure the respondents of proprietary measures being taken on the data obtained and will make telephone calls, book appointments to remind the respondents to answer the questionnaires.

CHAPTER FOUR: DATA FINDINGS, ANALYSIS AND INTERPRETATION

4.1 Introduction

This chapter discusses data findings, analysis, interpretation and presentation. The topic of research was to investigate the strategic response by Kenya government to increased refugee influx. This study used a descriptive approach in order to help achieve the research objectives where the target population for the study was all Immigration and registration Officers (elsewhere referred as employees/officers) in the ministry of Immigration and Home Affairs. A total of 100 respondents from the two ministries was sampled for the study using stratified random sampling technique. However, the response rate was found to be 75% indicating that out of the 100 respondent Immigration and registration Officers that the researcher had targeted, 75 of them were able to successfully fill and return back the questionnaires to the researcher. The reason for this was because the researcher adopted the e-mail mode of communication which was faster thus the response was likely to be good. The data collected was analyzed using SPSS and the output presented in form of tables, pie charts and bar graphs. The research made the use of frequencies, percentages, means, mode, standard deviation and Likert scale to interpret the information. For easier analysis, the chapter is divided into two parts: demographic information and the information on Current refugee position in Kenya and the strategic responses undertaken in regard to refugee influx.

4.2 Findings from the Demographic Information

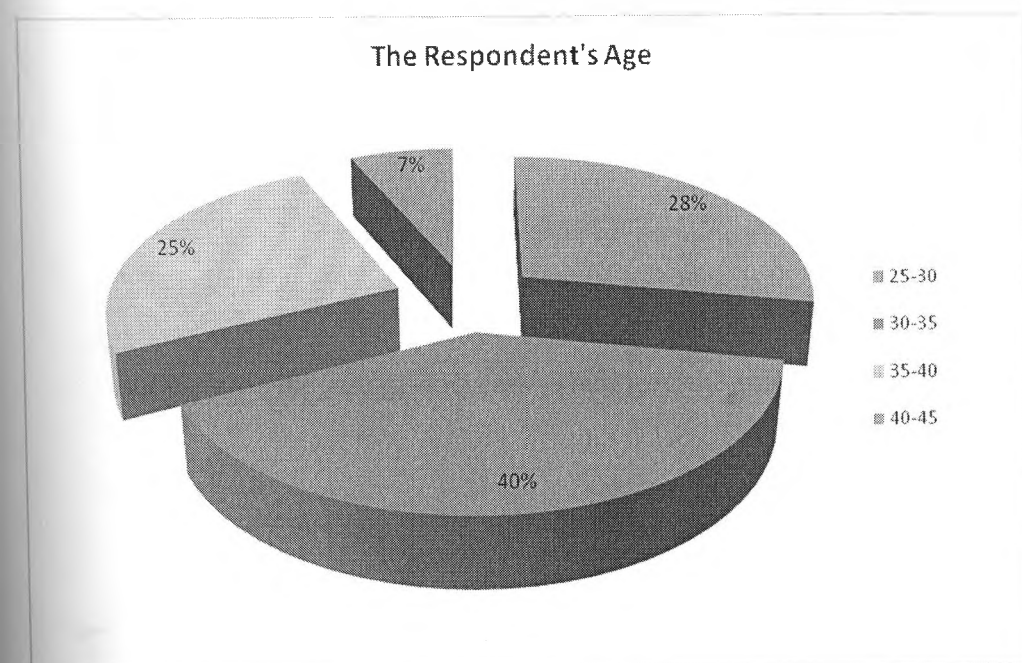
This section concentrates on the demographic information of the respondents and information regarding the Company. The research was interested in knowing the name of respondent and their designation and department of work, age, gender, level of education and the duration they have worked in their respective departments. Information on this section will enable the researcher judge whether they chose the appropriate persons for the study. The researcher found the following in regard to the research questions.

Table 4.1: Respondents Age

Age	Frequency	Percent
25-30	21	28.0
30-35	30	40.0
35-40	19	25.3
40-45	5	6.7
Total	75	100.0

From table 4.1 the researcher found out that 40% of the respondents were of the age 30-35 years, 28% were of the age 25-30 years, 25% were of the age 35-40 years while only 6.7% of the respondents were of the age 40-45 years. Therefore the majority of the respondents were of the age 30-35 years. The same is as given by figure 4.1.

Figure 4.2: Respondents Age



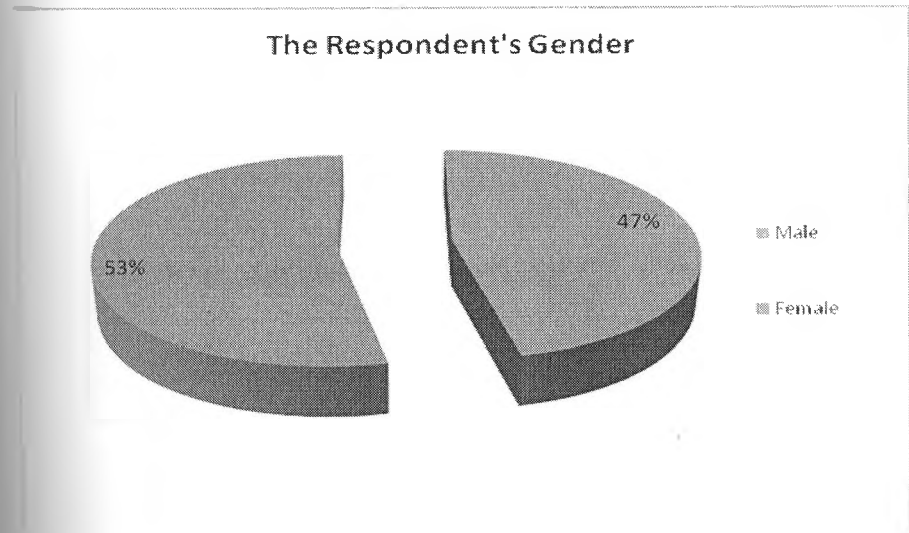
Further the researcher wanted to know the respondents gender.

Table 4.2: Respondents Gender

	Frequency	Percent
Male	35	46.7
Female	40	53.3
Total	75	100.0

Table 4.2 gives the findings and indicates that 53.3% of the respondents were female and 46.7% were male. Thus the majority of the respondents were female. This could be as a result of the increased number of women being offered employment in government offices. Figure 4.2 also gives the same findings.

Figure 4.3: Respondent's Gender



In regard to academic level, table 4.3 shows that 34.7% of the respondents were Diploma holders, 28% were graduates, 24% had A-level certificates while only 8% had O-level certificates. Thus the majority of the respondents were Diploma holders. This could have

resulted from their having been employed for non-technical work which may not require a lot of expertise; for instance registration.

Table 4.3: Respondents Academic Level

	Frequency	Percent
O-Level	6	8.0
A- Level	18	24.0
Diploma	26	34.7
Degree	21	28.0
Post Graduate	4	5.3
Total	75	100

The figure 4.3 is also a graphical representation of the respondent's level of education.

Figure 4.4: Respondents Academic Level

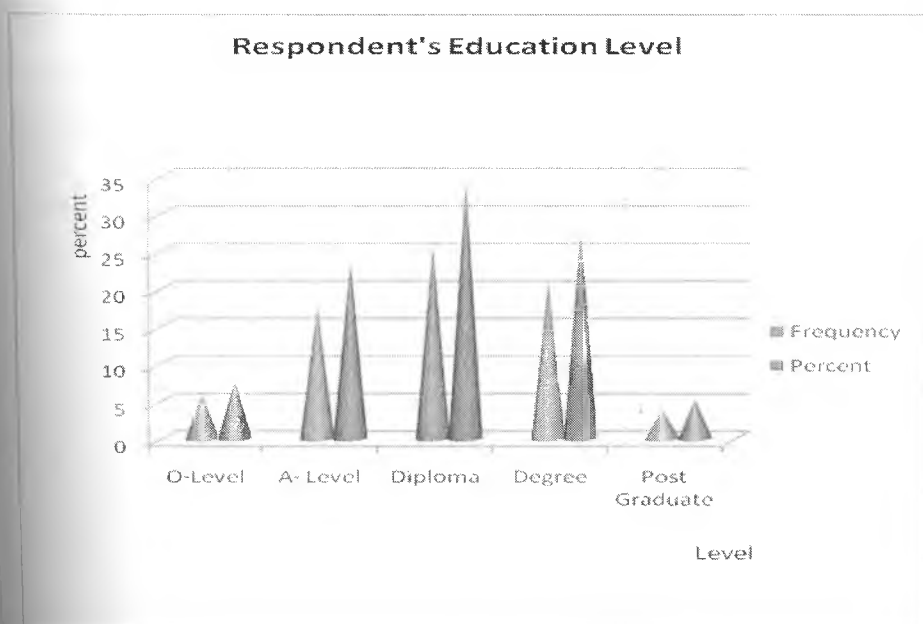
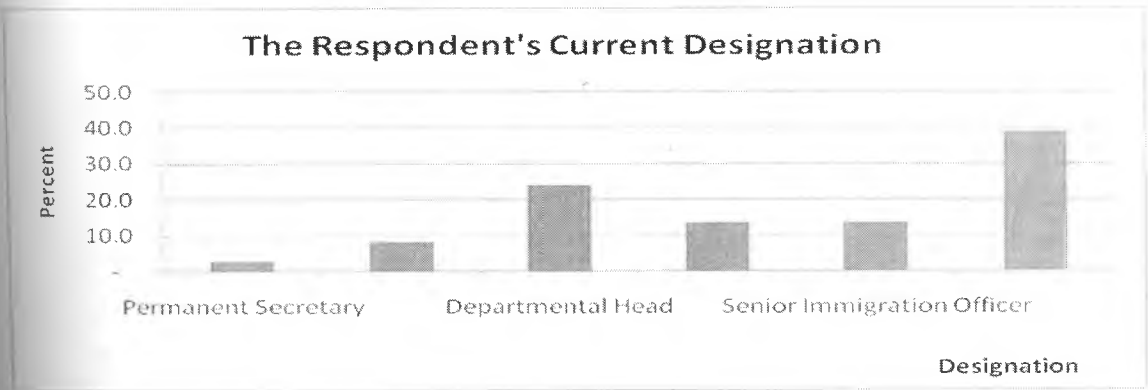


Table 4.4: The Respondent's Current Designation

	Frequency	Percent
Permanent Secretary	2	2.7
Personal Advisor	6	8.0
Departmental Head	18	24.0
Manager	10	13.3
Senior Immigration Officer	10	13.3
Junior Immigration Officer	29	38.7
Total	75	100.0

The researcher further enquired on the respondent's current designation and found out that; 38.7% were junior immigration Officer, 24.0% were Departmental heads, Manager (13.3%), Senior Immigration Officer (13.3%), Personal Advisor (8%) and Permanent Secretary (2.7%). Therefore this indicated that majority of the respondents were junior immigration Officers. This could be as a result of their being many in the Ministries and also their availability could be high as compared to Personal Advisor and Permanent Secretary. Table 4.4 and figure 4.4 gives these findings.

Figure 4.5: The Respondent's Current Designation

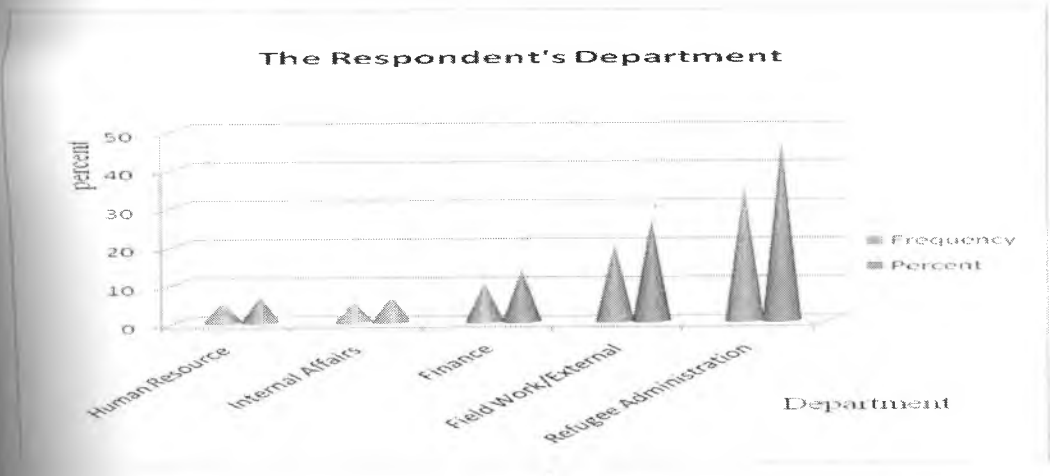


The respondents also gave the departments in which they were located. The results are as per table 4.5. They are given as Refugee Administration (46.7%), Field Work/External (26.7%), Finance (13.3%), Internal Affairs (6.7%), and Human Resource (6.7%). This indicates that the majority of the respondents were from the Refugee Administration department. This could be as a result of the researcher concentrating more on these officials since they understood better the refugee situation. The same information is presented in figure 4.5.

Table 4.5: The Respondent's Department

	Frequency	Percent
Human Resource	5	6.7
Internal Affairs	5	6.7
Finance	10	13.3
Field Work/External	20	26.7
Refugee Administration	35	46.7
Total	75	100.0

Figure 4.6: The Respondent's Department

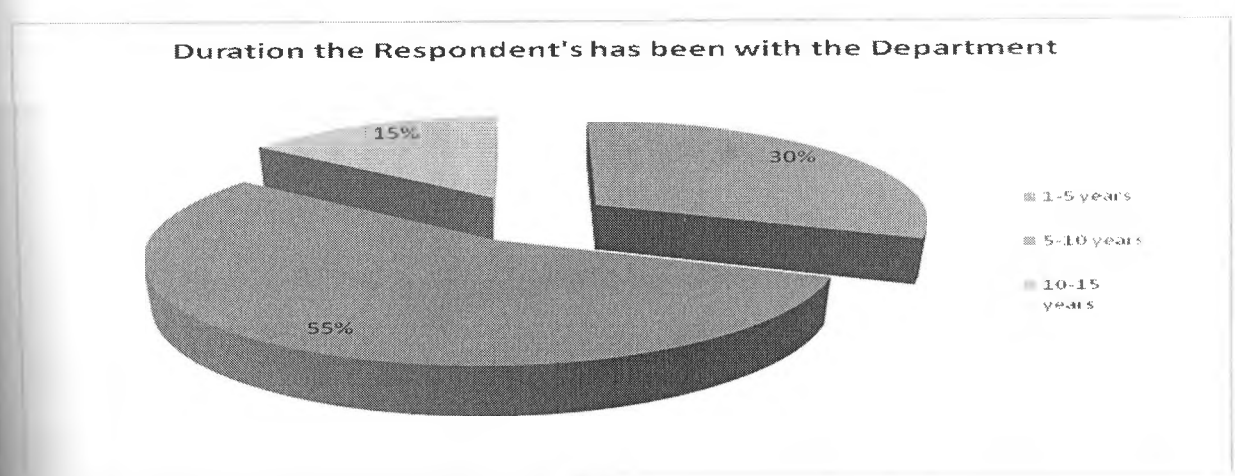


Finally on the demographics the researcher wanted to establish the duration the respondent had been with their department. From the findings 54.7% of the respondents had been with their department for 5-10 years, 30.7% for 1-5 years and 14.7% had been with their department for 10-15 years. This indicates that majority of the respondents had been with their department for 5-10 years. This could be as a result of the time the refugees started coming to Kenya in large numbers; 10 years ago. The refugees continue to increase thus the employees could have stayed for that long in their departments. The table 4.6 and figure 4.6 below graphically show the findings.

Table 4.6: Duration the respondents have been with their Department.

	Frequency	Percent
1-5 years	23	30.7
5-10 years	41	54.7
10-15 years	11	14.7
Total	75	100.0

Figure 4.6: Duration the respondents have been with their Department



4.3 Findings from the refugee situation in Kenya.

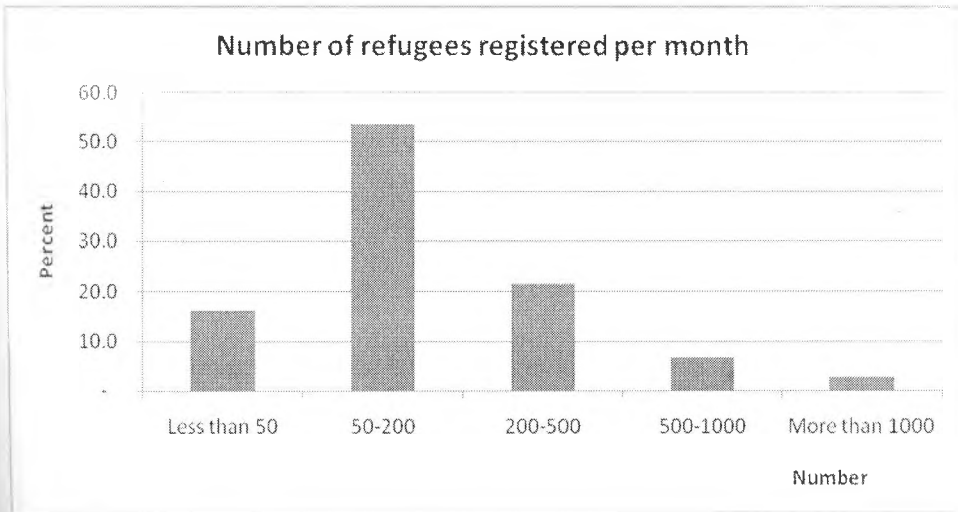
The researcher further sought to know the refugee situation in Kenya. In regard to this she first wanted to know the ministries perception of the refugees. In this context the respondents indicated that the refugees in Kenya were those who were compelled to leave their domicile or place of habitual residence because of among other things 'events seriously disturbing public order in their country of origin for instance civil war, political unrest and upheavals that at one time or another obtained in those countries such as Ethiopia, Somalia, Sudan, Uganda and countries in the Great lakes region (Zaire, Burundi, Rwanda). All the respondents argued out that the refugee situation in Kenya needs to be addressed since it's far beyond the human living standards.

Table 4.7 gives the findings on the number of refugees registered per month in Kenya. The same is given by figure 4.7 in bar graph. As indicated 53.3% of the respondents said 50-200 refugees are registered per month, 21.3% said 200-500 are registered, 16% said less than 50, 6.75% said 500-1000 while only 2.7% said more than 1000 are registered. Thus majority of the respondents (53.3%) indicated that 50-200 refugees are registered in Kenya per month. However this could change as a result of the political unrest in Somalia over the recent past.

Table 4.7: Number of refugees registered per month

	Frequency	Percent
Less than 50	12	16.0
50-200	40	53.3
200-500	16	21.3
500-1000	5	6.7
More than 1000	2	2.7
Total	75	100.0

Figure 4.7: Number of refugees registered per month



In regard to refugee registration, the respondents indicated that in spite of hosting large numbers of refugees over a long period of time, the Kenya Government has not to date developed very clear guidelines and policies on how to deal with the refugees in Kenya. The Kenyan government neither has any specific legislation dealing with refugees nor a ministry or department of government to deal with refugee affairs. The exercise of screening, vetting and finally registering the refugees actually ends up being the responsibility of UNHCR which has to camp them.

The respondents indicated that the current refugee situation in Kenya is vague, haphazard and unplanned. In most cases the police, immigration department and the Ministry of Home Affairs are involved in issues dealing with the refugees with no clear definition of the role and functions of each of these departments. The only agency whose role appears clear and consistent is the U.N.H.C.R. which suffers the agony of dealing with the bureaucratic red tape presented by these multiple government organs. Refugees in Kenya basically stay in their designated camps and cannot travel out of that camp except with permission from the local administration and only for some specified cause such as medical treatment or to attend an official UNHCR sanctioned activity in Nairobi.

The researcher wanted to know what the Kenyan government was doing to support UNHCR and HRW agencies in the country. The respondents indicated that the government always

supported the two agencies in all their undertakings in regard to the refugee's activities since the two agencies aim at improving the refugee situation in Kenya.

Finally in regard to the refugee situation, the researcher sought to understand the litigation procedures in case of crime committed by a refugee. The respondents gave out the following procedures:-

- When any refugee is arrested, either because he is found outside the camp or without any permit to stay out of the camp, the police and the immigration tend to treat the refugee as any other alien despite his or her status
- In first instance the refugee is either handed over to the UNHCR or sent back to the refugee camp.
- The refugee is charged before a criminal court for the offence of being in the country illegally. Where the refugee pleads guilty to such a charge, as is usually the case, the court initially in recognition of the status of the accused, used to order the refugee to be taken back to the refugee camp but in recent times the practice has been to convict the accused and sentence him or her to serve some months in prison in addition to or as an alternative to the payment of a prescribed fine and after the sentence is served or the fine is paid, the accused is ordered to be repatriated back to his or her home country.

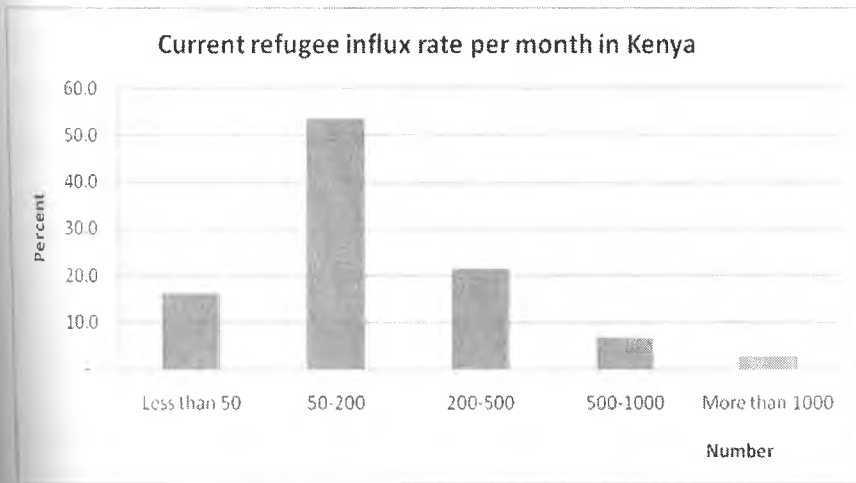
4.4: Findings on strategic response to increasing refugee influx

To begin with the researcher wanted to know the current refugee influx rate per month in Kenya. The findings are as per table 4.8 and figure 4.8.

Table 4.8: Current refugee influx rate per month in Kenya

	Frequency	Percent
Less than 50	12	16.0
50-200	40	53.3
200-500	16	21.3
500-1000	5	6.7
More than 1000	2	2.7
Total	75	100.0

Figure 4.8: Current refugee influx rate per month in Kenya



In regard to the measures the ministry has put forward to ensure the peaceful settlement of refugees, the respondents gave the following:-

- There is no policy in place to allow for the acquisition of citizenship or residence status by refugees regardless of their length of stay.
- Some refugees in Kenya succeed in getting resettlement in a third country such as in Europe, U.S.A, or Australia and usually ends up getting citizenship status of those

countries that they resettle in and any of their children born there get the nationality there.

- A few refugees manage to get Kenyan citizenship after payment of a substantial amount of money as registration fees in addition to the statutory requirement of the renunciation of his or her previous nationality.
- Majority of the refugees settle in the refugee camps and the government in conjunction with UNHCR work on ensuring their peaceful settlement including, food distribution, water and sanitation and community service.

The government as a result of proliferation of weapons by refugees in the country and conflict between refugees and the community has adopted community services such as counseling, sports and recreation, conflict resolution and support for vulnerable groups including women and orphans. This aims at helping the two groups on co-existence. Also organizations like CARE International offer these services in refugee camps and offer helps to provide economic opportunity for camp residents through training in vocational skills, loans of tools and microcredit programs.

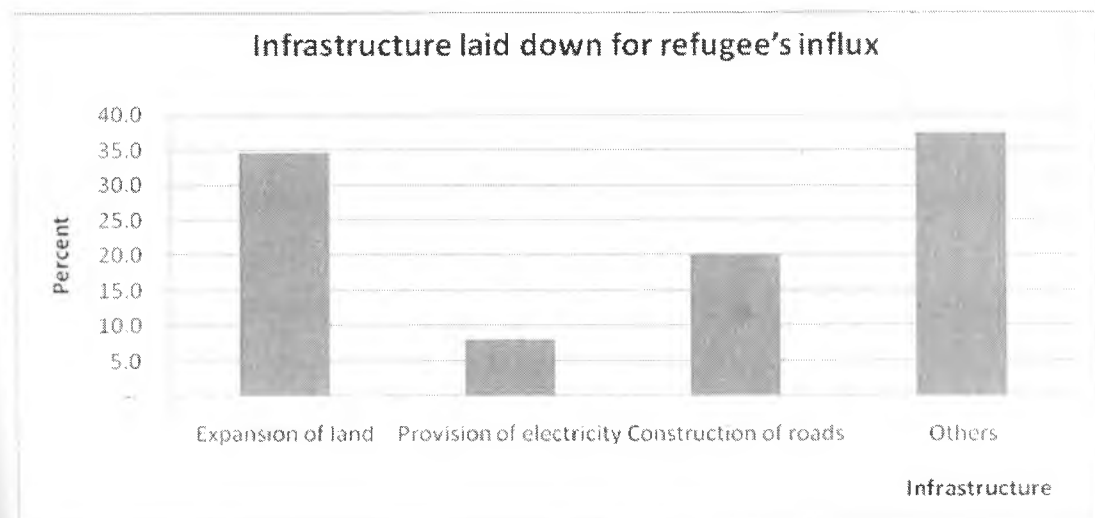
Table 4.9: Infrastructure laid down for refugee's influx

	Frequency	Percent
Expansion of land	26	34.7
Provision of electricity	6	8.0
Construction of roads	15	20.0
Others	28	37.3
Total	75	100.0

According to the respondents, other infrastructure were laid down for refugees influx represented by 37.3%, Expansion of land (34.7%), construction of roads (20%) and provision of

electricity (8%). This implies that majority of the respondents considered other infrastructural activities to have been laid down for the refugees. These included: - schools, water tanks, hospitals, drainage facilities and temporary shelter. This is also given by figure 4.9.

Figure 4.9: Infrastructure laid down for refugee's influx



Finally the respondents were asked to rate the responses that the government adopts toward refugee influx in Kenya. The following were the findings in table 4.10 and figure 4.10.

Table 4.10: Rating on the Responses that the government adopts toward refugee influx in Kenya

	Most Effective	A bit Effective	More Effective	Less Effective	Least Effective	Mean	Std. Dev.
Opening or Closure of Border	0	0	24	42	9	3.8	0.6
Expansion of Infrastructure	10	22	37	6	0	2.5	0.8

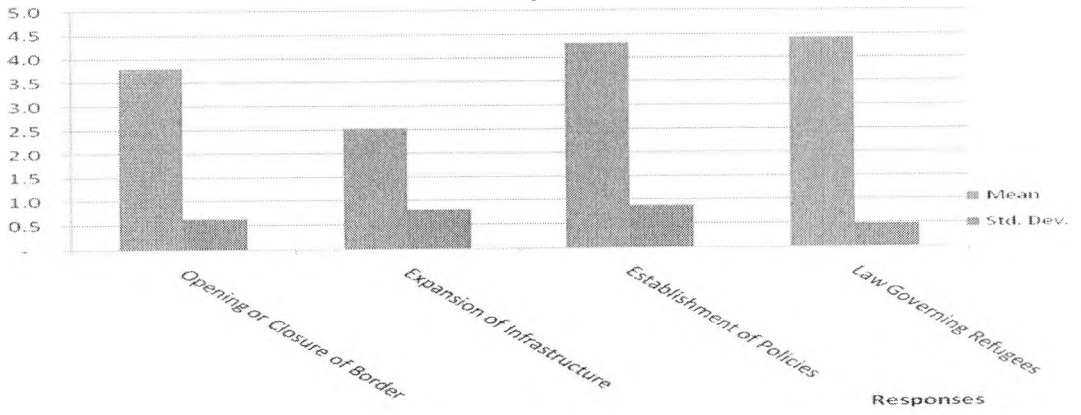
Establishment of Policies	0	0	21	10	44	4.3	0.9
Adherence to International Law Governing Refugees	0	0	0	45	30	4.4	0.5

A five point Likert scale was used to rate the responses that the government adopts toward refugee influx in Kenya ranging from most effective to least effective. According to the scale the responses which were most effective were awarded 1 while the descriptions which were least effective were awarded 5. Within the continuum are 2 for a bit effective, 3 for more effective and 4 for less effective. Also mean and standard deviation was used to analyze the data. According to the researcher those responses with a mean close to 5 were considered to be least effective while those with a mean close to 1 were considered to be most effective. On the same note the higher the standard deviation the higher the rating on the responses. According to the table most of the respondents considered Expansion of Infrastructure as the most effective response (2.5), followed by Opening or Closure of Border (3.8), Establishment of Policies (4.3) and finally Adherence to International Law Governing Refugees (4.4). Therefore expansion of infrastructure for instance roads, temporary shelter and increasing refugee settlement areas were considered the most effective responses. There was no much disagreement among the respondents reason for low standard deviation.

Figure 4.10: Rating on the Responses that the government adopts toward refugee influx in Kenya

Responses that the government adopts toward refugee influx in Kenya

Mean and Std. Dev.



5.1 Summary of Findings

This study was a survey of to investigate the strategic response by Kenya government to increased refugee influx. From the study, the researcher found that, 40% of the respondents were of the age 30-35 years, 28% were of the age 25-30 years, 25% were of the age 35-40 years while only 6.7% of the respondents were of the age 4.-45 years. Further in regard to gender the findings indicated that 53.3% of the respondents were female and 46.7% were male.

In regard to academic level, 34.7% of the respondents were Diploma holders, 28% were graduates, 24% had A-level certificates while only 8% had O-level certificates. Out of all the respondents 38.7% were junior immigration Officer, 24.0% were Departmental heads, Manager (13.3%), Senior Immigration Officer (13.3%), Personal Advisor (8%) and Permanent Secretary (2.7%).

The respondents also gave the departments in which they were located, out of all the respondents 46.7% were in Refugee Administration, Field Work/External (26.7%), Finance (13.3%), Internal Affairs (6.7%), and Human Resource (6.7%). This indicated that the majority of the respondents were from the Refugee Administration department.

Finally on the demographics the researcher wanted to establish the duration the respondent had been with their department. From the findings 54.7% of the respondents had been with their department for 5-10 years, 30.7% for 1-5 years and 14.7% had been with their department for 10-15 years.

Findings from the refugee situation in Kenya. In this context the respondents indicated that the refugees in Kenya were those who were compelled to leave their domicile or place of habitual residence because of among other things 'events seriously disturbing public order in their country of origin for instance civil war, political unrest and upheavals that at one time or another obtained in those countries such as Ethiopia, Somalia, Sudan, Uganda and countries in the Great lakes region (Zaire, Burundi, Rwanda). All the respondents argued out that the refugee

situation in Kenya needs to be addressed since it's far beyond the human living standards. The findings on the number of refugees registered per month in Kenya indicated that 53.3% of the respondents said 50-200 refugees are registered per month, 21.3% said 200-500 are registered, 16% said less than 50, 6.75% said 500-100 while only 2.7% said more than 1000 are registered per month.

In regard to refugee registration, the respondents indicated that in spite of hosting large numbers of refugees over a long period of time, the Kenya Government has not to date developed very clear guidelines and policies on how to deal with the refugees in Kenya. The Kenyan government neither has any specific legislation dealing with refugees nor a ministry or department of government to deal with refugee affairs. The exercise of screening, vetting and finally registering the refugees actually ends up being the responsibility of UNHCR which has to camp them.

The respondents indicated that the current refugee situation in Kenya is vague, haphazard and unplanned. In most cases the police, immigration department and the Ministry of Home Affairs are involved in issues dealing with the refugees with no clear definition of the role and functions of each of these departments. Refugees in Kenya basically stay in their designated camps and cannot travel out of that camp except with permission from the local administration and only for some specified cause such as medical treatment or to attend an official UNHCR sanctioned activity in Nairobi.

Finally the respondents gave out the following litigation procedures incase of crime committed by a refugee:-

- When any refugee is arrested, either because he is found outside the camp or without any permit to stay out of the camp, the police and the immigration tend to treat the refugee as any other alien despite his or her status
- In first instance the refugee is either handed over to the UNHCR or sent back to the refugee camp.
- The refugee is charged before a criminal court for the offence of being in

the country illegally. Where the refugee pleads guilty to such a charge, as is usually the case, the court initially in recognition of the status of the accused, used to order the refugee to be taken back to the refugee camp but in recent times the practice has been to convict the accused and sentence him or her to serve some months in prison in addition to or as an alternative to the payment of a prescribed fine and after the sentence is served or the fine is paid, the accused is ordered to be repatriated back to his or her home.

In regard to the measures the ministry has put forward to ensure the peaceful settlement of refugees, the respondents gave the following:-

- There is no policy in place to allow for the acquisition of citizenship or residence status by refugees regardless of their length of stay.
- Some refugees in Kenya succeed in getting resettlement in a third country such as in Europe, U.S.A, or Australia and usually ends up getting citizenship status of those countries that they resettle in and any of their children born there get the nationality there.
- A few refugees manage to get Kenyan citizenship after payment of a substantial amount of money as registration fees in addition to the statutory requirement of the renunciation of his or her previous nationality.
- Majority of the refugees settle in the refugee camps and the government in conjunction with UNHCR work on ensuring their peaceful settlement including, food distribution, water and sanitation and community service.

The government as a result of proliferation of weapons by refugees in the country and conflict between refugees and the community has adopted community services such as counseling, sports and recreation, conflict resolution and support for vulnerable groups including women and orphans. This aims at helping the two groups on co-existence. Also organizations like CARE International offer these services in refugee camps and offer helps to provide economic opportunity for camp residents through training in vocational skills, loans of tools and microcredit programs.

Finally the respondents considered Expansion of Infrastructure (2.5), as the most effective response that the government adopts toward refugee influx in Kenya followed by Opening or Closure of Border (3.8), Establishment of Policies (4.3) and finally Adherence to International Law Governing Refugees (4.4).

5.2 Conclusion

The researcher concluded that, the current refugee situation in Kenya is vague, haphazard and unplanned. In most cases the police, immigration department and the Ministry of Home Affairs are involved in issues dealing with the refugees with no clear definition of the role and functions of each of these departments. The only agency whose role appears clear and consistent is the U.N.H.C.R. which suffers the agony of dealing with the bureaucratic red tape presented by these multiple government organs. Refugees in Kenya basically stay in their designated camps and cannot travel out of that camp except with permission from the local administration and only for some specified cause such as medical treatment or to attend an official UNHCR sanctioned activity in Nairobi. However the governments always support the UNHCR and HRW agencies in the country in all their undertakings in regard to the refugee's activities since the two agencies aim at improving the refugee situation in Kenya. This combined effort could help ease the refugee situation in the camps.

5.3 Recommendations

The researcher recommends the following regarding the findings of this study:

To begin with the Kenya government does not have any clear policy regulating the status of refugees who have stayed in the country for long periods of time or for children of refugees born in Kenya who have now attained the age of majority. The researcher therefore recommends a review on the legislation procedures for refugees.

Secondly the Kenya Government has not put in place an appropriate institutional mechanism for the reception of persons claiming asylum or seeking refugee status at any of the ports of entry. Therefore the researcher would recommend the adoption of a mechanism for refugee reception

so as to ensure any preliminary screening and vetting exercise for the refugees.

Thirdly the researcher recommends that Local communities should be consulted first before the government makes the decision to locate refugee camps in those areas so as to ensure peaceful co-existence among the refugees and local communities.

Also the researcher noted that there are discriminations on registration of the refugees depending on their wealth and their having substantial business investment in the country or being well connected politically or both. In this case he recommends for the streamlining of the registration process.

Finally the researcher noted lack of a clear government policy on refugees in Kenya. Thus he recommends since this has been an issue in Kenya for the last 10 years, there needs measures to check this.

5.4 Suggestions for Further Study

The study concentrated on information from the two Ministry's officials. The researcher suggests further study on the topic on information derived from the refugees and the local communities. This will help understand the Refugee situation in Kenya better.

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APPENDICES

Appendix I: Introduction Letter

TO WHOM IT MAY CONCERN

Dear Sir/Madam

REF: RESEARCH STUDY

I am a student studying for a Masters in Business Administration student at the University of Nairobi. In partial fulfillment of the requirement to the award of the master's degree, I am required to do and write a research paper. The topic of my research is 'Strategic Responses by Kenya Government to Increased Refugee Influx'

Your ministry is one of the main focuses for the study. The choice is based on your strategic importance in the achievement of development goals in the country especially stability in refugees' situation. I kindly request your assistance by availing time to respond to the questionnaires. Any documentations, reports or journals that you may have that are relevant to this topic of study may be availed to me at your discretion.

A copy of the final report will be made available to you at your request. Your assistance will be highly appreciated. Thank you in advance.

Yours faithfully,

Margaret Nazi Runya

D61/P/8389/2003

Appendix II: Questionnaire

1. Respondent's name..... (optional)

2. What is you age

20-25 []

25-30 []

30-35 []

35-40 []

40-45 []

45 and above []

3. Gender

Male []

Female []

4. Academic level

O-Level []

A-Level []

Diploma []

Degree []

Post Graduate []

5. What is your current designation?

Minister or assistant minister []

Permanent Secretary []

Personal Advisor []

Departmental Head []

Manager []

Senior Immigration Officer []

Junior Immigration Officer []

6. In which department are you?

Human Resource []

Internal Affairs []

Finance []

Field Work/External []

Refugee Administration []

a. Other please specify

.....

7. How long have you worked in the present department?

1-5 years []

5-10 years []

10-15 years []

PART B: REFUGEE SITUATION

8. What is the ministries perception of refugee?

.....
.....
.....

9. Approximately, how many refugees are registered per month?

Less than 50 []

50-200 []

200-500 []

500-1000 []

More than 1000 []

10. What are the procedural measures taken during refugees' registration?

.....
.....
.....

11. What is the current refugee situation in Kenya?

.....
.....

.....
12. What is the government doing to support UNHCR and HRW agencies in the country?

.....
.....

13. Incase of crime committed by a refugee what are the litigation procedures?

.....
.....

PART C: STRATEGIC RESPONSE TO INCREASING REFUGEE INFLUX

14. What is the current refugee influx rate per month?

Less than 50 []

50-200 []

200-500 []

500-1000 []

More than 1000 []

15. What measures has the ministry put forward to ensure their peaceful settlement?

.....
.....
.....

16. What is the government due on proliferation of weapons by refugees in the country and conflict between refugees and the community?

.....

17. What infrastructures are laid down for refugee's influx?

Expansion of land []

Provision of electricity []

Construction of roads []

Others please specify []

.....

18. May you rate the following responses that the government adopts toward refugee influx?

Responses	1	2	3	4	5
Opening or Closure of Border					
Expansion of Infrastructure					
Establishment of Policies					
Adherence to International Law Governing Refugees					

Appendix III: Time Plan

ACTIVITIES	TIME PERIOD 2009
Preliminary Activities	1 ST Month Jan
Introductory Activities	2 ND Month Feb
Literature Review	2 ND Month Feb
Research Methodology	2 ND Month Feb
Questionnaire Development	3 RD Month Mar
Defending Proposal	3 RD Month May
Proposal Revision & Pilot Testing	4 TH Month May
Data Collection	4 TH and 5 TH 2009 Jun
Data Coding & Cleaning	6 TH Month Jun
Data Analysis	6 TH Month Jun
Report Writing	6 TH month 2009 July
Thesis Submission	6 TH Month July

Appendix IV: Budget Schedule

ITEM	COST
PROPOSAL WRITING	
Printing of 38 pages @ Kshs. 30	1,140.00
a. Reproduction 6 copies @ Kshs. 80	4,800.00
b. Binding 6 copies @ Kshs. 50	300.00
c. Travelling Expenses	4,000.00
d. Subsistence	4,000.00
e. Miscellaneous expenses	<u>3,000.00</u>
	17,240.00
PRODUCTION OF THE FINAL DOCUMENT	
- Data collection	3,000.00
- Books and reading material	5,000.00
- Data analysis and computer runtime	5,000.00
- Printing 70 pages @ Kshs. 30	2,100.00
- Reproduction 6 copies @ Kshs. 40	8,400.00
- Binding 5 copies @ Kshs. 1,000/-	5,000.00
- Miscellaneous expenses	<u>4,000.00</u>
	32,500.00
GRAND TOTAL	<u>49,800.00</u>