UNIVERSITY OF NAIROBI

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MANAGEMENT OF HUMAN MOVEMENT ACROSS INTERNATIONAL BORDERS AS A RESULT OF CONFLICT

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DECLARATION

I, Ronnie Timmothy Akedi, hereby declare that this research project is my original work and has not been presented for a degree in any other university

Signed…………………………………………… Date……………………………………

NAME; RONNIE TIMMOTHY AKEDI

This Research Project has been submitted for examination with my approval as University supervisor.

Signed…………………………………………. Date……………………………………

NAME; DR. OCHEING' KAMUDHAI

DEDICATION

This project is dedicated to all my family members, friends and academic colleagues who have inspired me throughout my quest for knowledge.

I also wish to dedicate this project to everyone in the world who has lost life or suffered any form of threat to life and safety owing to conflict of whatever nature.

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TABLE OF CONTENTS

CHAPTER ONE: INTRODUCTION

CHAPTER TWO: HUMAN MOVEMENT

ABSTRACT

This study will investigate the impact of conflict and worse still when the conflict becomes violent leading to movement of human population, it will explore to find out what are the consequences of human movement in times of conflict and worse still when this movement is across international borders. Issues such as border control measures and the right to seek asylum create a tricky balance for the host state. The study will look at and analyze what are some of the consequences of movement of a large human population across international borders and the impact not only to the migrating population but also to the host Government and the host human population. The objective of the study is to clearly create a balance between national security of a host country and the international doctrine where everyone has a right to seek asylum so as to protect their life and safety. It will finally zero in and look at recommendations on how to manage this influx human movement. The study will also look at case studies who have experienced influx migration of foreign population as a result of conflict, Kenya herein being a classic example as it is home to more than 400 000 Somali Refugees who experience xenophobic attitudes from Kenyan nationals, because of different factors including; their perceived economic strength as opposed to Kenyan nationals, their increase in competition for resources, and the current insecurity incidents giving the perception that they are a threat to National security. The study therefore presumes that countries are not well prepared and equipped to manage influx entry of a foreign population. The study hypothesizes that conflict is here to stay and their needs to be effective ways to manage human movement brought about by conflict especially during influx human movement. In pursuit of this objectives and hypothesis, the study adopted a methodology with three components of tool analysis. The first is primary and secondary data analysis. This involves a critical analysis of both published and unpublished material that deal with human movement and conflict. The second component is face to face interviews with stake holders in Kenya who face the problem of mass migration and information from interviews from the print media and the third was through interaction with group participants on the basis of their knowledge and experience with regards to influx entry of foreign population. The study employed the qualitative aspect of the research procedures and narratives in explaining its findings. The research found that the problem of human movement across international borders as a result of conflict is real and needs to be addressed as a matter of priority. In concluding, the research supposes that their needs to be comprehensive reforms in asylum laws, Host community perception and the international community as a whole when dealing with forced human migration as a result of conflict.

ABBREVIATIONS AND ACRONYMS

NGO…………………………………..……Non Governmental Organization

UNHCR……………...United Nations High Commissioner for Refugees

OAU………………………………………......Organization of Africa Unity

ICTR……………………….…...International Criminal Tribunal for Rwanda

ICTY…………….. International Criminal Tribunal for former Yugoslavia

ICC……………………………………………..International Criminal Court

IOM………………………….…...International organization for Migration

DRA………………………………….Department of Refugee Affairs (Kenya)

UNHCR EXCOM……………………………...UNHCR Executive Committee

DRC……………………………………………….Democratic Republic of Congo

DC…………………………………………………..District commissioner

ILO………………………………………….International labour Organization

OHCHR…………… Office of the High Commissioner for Human Right

CHAPTER ONE

INTRODUCTION AND BACKGROUND OF THE STUDY

1.1 Introduction

Since time in memorial, conflict whether peaceful or violent conflict has been an everyday affair in World. Of keen interest is that violent conflict dictates human demography and the innocent and not so innocent people are displaced to the extent that they are forced to leave there home country and cross international borders with the aim of looking for safe havens. Their arises a refugee and asylum seekers population leading to an adverse, social, political and economic effect to the host country, worse still if the movement happens rapidly and in huge numbers such that the host country is overwhelmed to deal with movement.

An example of major influx human movement across borders is evident in Somalia, in 2011, UNHCR's operational environment has been marked by a significant refugee influx from Somalia into north-eastern Kenya and by the decision of the Government of Kenya to allocate additional land in order to reduce congestion in the Dadaab refugee camps, and improve living conditions there. By September 2011, Dadaab had received more than 140,000 new refugees, predominantly Somalis. The refugee population reached 450,000, further stretching infrastructure and services far beyond the original intended capacity of the three camps in Dadaab of a total of 90,000 refugees.[1] The Somali crisis has not just affected Kenya but also other countries around the horn of Africa.

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[1] 2012 UNHCR country operations profile – Kenya. (available at http://www.unhcr.org/pages/49e483a16.html)

Another example is during the genocide in Rwanda in 1994 when there was ethnic tension where between the Hutus and the Tutsi, there was an attempt by the extremist Tutsis to "wipe out" all the Tutsis and the Moderate Hutus. In April 1994, violence started throughout the country. As many as 800,000 people were killed and over 2 million people became ref3ugees between April and August 1994. Until this event, Rwanda had a population of 7.5 million, with a population density among the highest in Africa.[2]

However, it is important to note that things are not any better in today's' Africa, recently there have been "the people's" revolution in Egypt, Tunisia, Libya, the Mali coup etc. which has led to mass human displacement. This has led to the mass movement of the nationals of the affected countries to move across international borders in the pursuit of a safe haven.

1.2 Background of the Research Problem

In order for us to clearly understand the research background, it would be good to have a synopsis of the research question and break down the main points in the Research which will lead us to a realization of the background of the research, the research problem here is management of human movement as a result of conflict, we have to look at thematic areas that form the research problem to understand the background of the research, it is broken in 4 parts as follows:-

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[2] Octave Mugabowineza, University of Kansas "RWANDA: BEFORE AND AFTER THE 1994'S GENOCIDE". , June 2004

1.2.1 Human Movement/Migration

Human migration may be described as the movement of people from one place in the world to another for the purpose of taking up permanent or semi-permanent residence, usually across a political boundary. An example of "semi-permanent residence" would be the seasonal movements of pastoralist looking for pasture for their livestock. People can either choose to move voluntarily ("voluntary migration") or be forced to move ("involuntary migration").[3] This brings out another concept of social science referred to as mixed migration.

Mixed Migration refers to migratory movements, usually irregular ones, of people taking the same routes and same means of transport but traveling for 'different reasons'. This is to mean those that are leaving voluntarily in search of better economic prospects and those that are traveling involuntarily in pursuit of safe havens migrating at the same time. In order for us to understand the research topic well, we need to first of all clearly understand that people move for different reasons hence the term mixed migration. However, there remains much to be done with regard to the most recent developments and consequences of restrictive migration and asylum policies.

1.2.2 People Who Migrate

Emigrant: A person who is leaving a country to reside in another.

Immigrant: A person who is entering a country from another to take up new residence.

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[3] National Geographic society "Human Migration Guide". 2005 Pg 6-8:6

Refugee: A person who is residing outside the country of his or her origin due to fear of persecution for reasons of race, religion, nationality, membership in a particular social group, or political opinion.

Internally Displaced Person (IDP): A person who is forced to leave his or her home region because of unfavorable conditions (political, social, environmental, etc.) but does not cross any boundaries.

Migration Stream: A group migration from a particular country, region, or city to a certain destination.

It's important to note that this movement of human population may be caused by one or more factors which may include Environmental (e.g climate and natural calamities), Economic (e.g search for better economic prospects), Political (e.g conflict brought about by political factors), Cultural (e.g religious freedom, inter ethnic conflict etc)

1.2.3 Movement as a result of conflict

To understand the genesis of violent conflict, we need to consider the deep evolutionary roots of violent confrontation. We need to understand the path of violence and war throughout history, exploring racism, ethnic conflicts, Political conflict, natural resource conflict, the rise of terrorism, and many other causes of armed conflicts. We also consider our innate capacity to effectively manage human movement as a result of conflict and our ability to achieve and live in peace.

Guy Riddihough, in his discussion on human conflict winning the peace asserts that "[4]Competition and conflict both among and within species, for food or a place to live or a mate, are implicit in the process of evolution and thus intrinsic to our biology. But like many other animals, we are also social beings, and, like them, we have evolved behaviors to avoid the detrimental effects of excessive interspecies violence. These include ritual singing or fighting displays, acts of submission or conciliation, and simple spatial avoidance seen in diverse species as birds, ants, and our primate relatives."

It is therefore important to understand that there will always be a concept of survival for the fittest, where human beings will always do their best to protect their interest and fight those that are a threat to their interest.

Interest herein may be as broad as the mind can think; it may be political interest, economical interest, social interest, ideological interest, cultural interest, religious interest etc. It is more often than note that this people with the same interest as stated my form groups to, it is the attempt in legal democracies to attempt to come up with legal legislation to attempt and control the relationship between different interest groups, of which this legal laws are sometimes defied and the interest groups take matters into their own hands.

The groups we consider ourselves to be part of, our "in groups," are critical to our understanding of "self" and categorization of "other" or "out groups"; these groups often form the basis for conflict. Groups can have myriad identities. The first were certainly those of kin, and then

[4] Guy Riddihough, "Human conflict, winning the peace" Vol. 336 no. 6083 pp. 818-819

ethnicity, but as societies grew, groups identified themselves in more complex ways[5]. Our sense of a "group self" influences the way we see and feel about the world around us: We are more likely to empathize with those of our own group and more likely to dehumanize out groups. Groups based around religious or sacred values can increase in group reliance and cooperation through costly rituals, and they can also inspire no rational sacrifices (suicide bombing, for example), whereas reasoned social contracts seem less able to inspire such fervent loyalty. But although we are ready to see the world as made up of coalitions, it is also true that our perception of "us" and "them" is not primordial because people have constantly shifted affiliations throughout history.[6]

In this Research, we hope that understanding how human societies have overcome the odds and developed peaceful relations will help chart a path to a less violent future more so after human movement as a result of the conflict. There are numerous negative effects of human movement not only to the immigrants, but also to the human population hosting the Immigrants. This effect will be analyzed when looking at the Statement of the Research problem[7].

1.2.4 Management of human Movement as a result of conflict

From the abovementioned, it would be safe to conclude that   human conflict is inevitable, when the same escalates and leads to the loss of life and destruction of property in the attempt to secure the interest of a group, it is likely that the weaker groups and those affected by the violent

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[5] Guy Riddihough, Gilbert Chin, Elizabeth Culotta, Barbara Jasny, Leslie Roberts, Sacha Vignieri ,Human Conflict: Winning the Peace, *8 May 2012: Vol. 336 no. 6083 pp. 818-819*

[6] Ibid
[7] See "Statement of the Research Problem' Sub title 1.3

conflict will flee from the conflict area in search of safer havens more so leading to an IDP situation, if the conflict is widespread i.e affecting a majority of the country in conflict, those affected will always move across international borders to neighboring countries, when the number is so high that it can't be contained by the host country then their sprouts a problem forming the basis of this research . It is further important to note that when people across international borders as a result of conflict, it's usually difficult to control such movement because the movement is involuntary and majority of the people are seeking asylum. In 2013 UNHCR reported that:-[8]

"The Islamic Republic of Iran continues to host one of the largest refugee populations in the world. As of December 2011, according to the Bureau for Aliens and Foreign Immigrants' Affairs (BAFIA), the total number of refugees registered with the authorities stood at some 882,700, including some 840,200 Afghans and 42,500 Iraqis. Close to 3,500 Iraqi refugees registered with UNHCR are awaiting a decision from the authorities on their legal status. Most refugees in the Islamic Republic of Iran reside in urban areas, with only 3 per cent living in settlements."

From this it's clear that conflict can lead to mass influx movement that will need proper management to balance the needs of the host community and the needs of the migrants and Refugees community. As will be noted under the statement of the research problem, there tends to be adverse effects of mass movement, the impact on the host country is not to be neglected and the gross violation of human rights of the affected displaced persons should also not be

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[8] *UNHCR;,* 2013 UNHCR country operations profile - Islamic Republic of Iran (*http://www.unhcr.org/pages/49e486f96.html*) 11 March 2013

neglected, there therefore needs to be measures and practices that have been put in place to act as good practices that need to be employed to reduce the negative impact and to effectively manage the mass influx caused by conflict necessitating them to move and cross international borders, this is what the research will delve into .

Having noted the adverse effects of conflict leading to movement of humans across international borders, Member states of the United Nations came up with The *1951 Convention relating to the Status of Refugees and the subsequent 1967 protocol* and African states in their wisdom under the OAU umbrella came up with   *"The 1969 Convention governing the specific aspects of refugee problems in Africa."* to try and address the human rights aspects raised by displacement of persons who have crossed international borders. In as much as the convections gave an obligation to the hosting states to admit genuine Refugees and give the refugees basic human rights as non discrimination, documentation, forceful return etc, it failed to foresee instances where there is an overwhelming number of asylum seekers and the Host Government is unable to cope with the demands of every individual and instances where there is reprehension from the nationals of the host country

We need to herein understand that those that move because of human conflict in pursuit to save their life and property are likely to fall under the legal status of Refugees. This status is derived from the *1951 Refugee convection and the 1967 protocol* and a Regional instrument under the OAU umbrella referred to as *"The 1969 Convention governing the specific aspects of refugee problems in Africa."* Both legal instruments refer to a Refugee as:-

"One who owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside his country

(ies) nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."[9]

The 1969 OAU convention broadened the definition of the Refugee status and prescribed that you don't have to have suffered incidents of threats t life and safety as an individual but rather that you are fleeing generalized violence, in indicates:-

"The term "refugee" shall also apply to every 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."[10]

1.3 Statement of the Research Problem

Movement of persons especially owing to conflict has adverse affects to the nationals of the host country and the Refugee/Asylum seekers community, regional and international Refugee law dictates that the primary responsibility of management of migrants and refugees lies with the Government, but there are times that the Government is unable or unwilling to address the same and there are major issues that are not addressed. They may include the following though not exhaustive:-

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[9] Article 1 (A) 1951 Refugee Convection
[10] Article 1 (2) OAU Convention Governing the specific aspects of Refugee problems in Africa

The problem of mixed migration; where other economic migrants camouflage with people fleeing conflict, Defaulted registration procedures, profiling and relaxed border control measures, Issues of national security e.g threat to Kenya by the Al-shabab , Lack of humanitarian assistance to refugees and asylum seekers, Xenophobia by the host community leading to a disintegrated conflict scenario, Depletion of natural resources owing to the large number of human population leading to a disintegrated natural resource conflict, Owing to the desperate situation for a livelihood amongst the displaced community and the need to survive, there emerges rise in economic crimes e.g Piracy Kidnapping for ransom, Vengeance mentally by people displaced by conflict and hence the formation of armed groups within themselves, Physical safety and human rights protection of people displaced by conflict, this is far and wide and may include protection from forced recruitment into armed groups and last but definitely not least Proselytization, sexual and gender based violence, unlawful detention , rights of special groups e.g disabled, aged , children etc

The abovementioned loop holes which have not been addressed through international and regional legislation lead us to our research question:-

"Are there adequate legal and customary practice measures that ensure effective management of human movement across international borders as a result of conflict??"

1.4 Justification of the Research Problem

There is a common rule that in law their cannot be a vacuum, in fact the law abhors vacuums, similar to the research herein which has a lot of legal implications in as far as humanitarian and human rights law is concern. Legal drafters have attempted to address the issue of individual

rights of people that have crossed international borders as a result of conflict, the furthest that the Refugee convection went to assure safe asylum space is in the principal of non-discrimination:-

'The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin[11]'

However the drafter failed to foresee that at times there would be an influx movement that is unmanageable to the host country that would have dire consequence if not managed well. The New York times reported that Refugee Influx Threatens Balance in Lebanon, if further indicted that many in Lebanon worry that the influx of up to 400,000 Syrian refugees, who are mostly Sunni, may disrupt the delicate balance in the country. Lebanon fought its own sectarian civil war from 1975 to 1990[12]. In the same article Nadim Shubassi, mayor of Saidnayel in the same article indicated that:-

"There is a limit to what the country can handle; maybe we have reached this limit now."

This is just a brief to explain that when there is mass movement of people across international borders, there can end up being another conflict between the Refugee and Asylum population and the host community. Closer to the African Region, the Daily Nation reported that:-

"An influx of refugees has hit a refugee camp, sparking tension between the immigrants and locals over natural resources. On Monday, Turkana West district commissioner Patrick Muriira said that while a number of the refugees were hoping to go for further studies in Kenya and

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[11] Article 3 1951 Refugee Convection
[12] New York times *"The Middle East"* Published February 23, 2013

beyond, others were escaping from the hostilities between South Sudan and its northern neighbor[13]"

It is for this reason that this research study is justified, there needs to be some internationally accepted standards that will dictate how influx movement of Human movement can be managed to avoid the unnecessary tension between the Immigrant population and the host community.

1.5 Objective of the study

The objective of the research is to address the issues raised herein in the problem of the statement, it is to provide guidance to the international community on how to handle   crisis caused by influx situations amongst other issues that may emanate from such situations. The main objective will be:-

a) How do we manage mass movement of human population especially if it's a recipe for further conflict: - This is because there is no law or customary practice that has indicated a uniform approach in dealing with movement of human population especially when there is mass movement such that the host country is not able to cope with the immigrant population

b) What are some of the negative effects of mass human movement across international borders:- As it has been raised, it has already been identified that human movement has a lot of consequences, to both the migrating population and nationals of the host country, the research will attempt to mete out what are some of this negative consequences with an aim of finding

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[13]The Daily Nation *"Tension amid influx of South Sudan Refugees"* Published on April 25, 2013

solutions to make mass human movement tenable manageable considering the fact that human migration is a concept that will always be present in as long as mankind exists.

c) Legal/Humanitarian issues brought about by mass human movement across international borders: - As a minor objective, the Research will intend to look at all legal and humanitarian consequences that are brought about by human movement. It is clear that different countries have different domestic laws, that aside there are international instruments that attempt to address Universal Human Rights, it will be in this research which will attempt to look at the legal and humanitarian issues that are brought about during human movement across international borders and how we can adopt an International universal approach when dealing with mass movement of human population.

1.6 Literature Review

Human security is indivisible. A general dynamic of equitable and balanced development is its best cornerstone. The growing interaction of societies on a worldwide scale increasingly demonstrates the overall need for human security, though it is not yet enough to prevent all forms of violence or conflict. The world's future depends upon a growing need for human security and a better understanding of all the risks and threats that affect populations and individuals.[14]

It is therefore important to conclude that human security is a very pertinent issue and should be treated as such. It is also important to derive that Conflict is a variable to Mass human

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[14] (From the *Agenda for Action of the International SecuriPax Network for the Promotion of Human Security and Peace 2009*)

movement. The more violent a conflict tends to be, the more displacement and human movement there is likely going to be. According to critical scholars like (Baldwins, 1962:195; Markakis, 1994:261; Murungi, 1995:5 and Amutabi, 1995)4*, numerous resolutions or management strategies have been attempted, but none of them seems sustainable in creating an atmosphere for peace, security and inter-ethnic as well as intra-ethnic co-existence in world. It is in this research that we will attempt to look at ways of controlling the negative effects of conflict the same which has led to the gross violation of human rights to the extent that human population are compelled to cross international borders .

In his book G.J Lewis concedes that it's very difficult to understand migration. This he indicates that it's because different people migrate for different reasons, he indicates that this involves desegregation of the population into groups and individuals in order to disentangle the factors involved in the decision of whether to move or to stay[15] He further stresses that we need to understand the causes of migration, because making a generalized reason as to why people migrate would be extremely complex. In this regard, its therefore critical to understand that movement may be individual or in a group where a population is obliged to migrate for a common goal, this was further elaborated by Caroline Betell and James F Hollifield, in their books 'Migration Theory: Talking across disciplines" they attempted to decipher the theory of International migration across different disciplines, he attempted to bring together a sociologist, an economist, an anthropologist, political scientist and a legal scholar and they were all asked to analyze a theory on international migration all in a bid to get a clear pathway to define the cause

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[15] G.J Lewis 'Human Migration' (ISBN 0-7099-0007-4) pp 1-5:5

of human migration, he claims that the there is no either clear answer, rather emphasizing that we should focus on the fact that migration touches on multiple disciplines, he stated as follow:-[16]

Our goal is a dialogue and cross disciplinary conversation about the epistemological, Paradigmatic, and explanatory aspects of writing about and theorizing migration in history, law and social sciences. If this book moves the conversation in the direction of what castles (1993; 30) has called for – "the study of migration as a social science in its own right…. Strongly multidisciplinary in its theory and methodology" it will have achieved its objective

This therefore attests to the fact that the reasons for migration are dynamic and can't hence the reason that the research will attempt to look at the effective management of human movement as a result of conflict.

In the context of the research, it is important to note that conflict is one of the leading reasons why people leave their country and cross international borders. 'Otomer J'[17] in his book explained that conflict may occur for six different reasons, he indicated that the warring parties may have (or may be believed to have) Incompatible goals, they may have achieved high solidarity, they may have organized for the conflict, there can mobilize their conflict resources, they may be hostile towards their opponents and they may have sufficient materials.

This therefore analyzed means that for conflict to have arisen, there has to have been incompatible goals and interests and when that persists where they are no clearly identified and adhered to course for recourse through legal rule of law, then their will erupt a situation where

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[16] Caroline Bieler Brettel and James Hollifield 'Migration Theory: Talking Across Disciplines' (ISBN 0-415-92610-5-92610-6) pp 1-3:2

[17] Otomer J. Bartos 'Using Conflict theory' (ISBN 0-521-79116-2) pp 9-10:9

the more superior party will be hostile to the weaker party. Further still, if they have more resources, they will be able to channel the resources into the hostile conflict; this in turn will make the weaker party exert the flight instinct and look for safer havens. Further still it's important to understand that the weaker opponent may be a mass population and their and their mass movement may lead to what we term as 'influx movement'. Susan Martin and Andrew I. Schoenholtz indicated that by conservative estimates, about fifty million migrants are living outside their home communities, forced to flee and obtain some safety and security, forced migration is deemed to be inevitable and increasing consequences of conflict. Addressing humanitarian crisis involving mass migration is integral to maintaining international security, establishing peace in war tone societies, and promoting sustainable development and respect for human rights[18]

Therefore, we are informed that human migration as a result of conflict is an animal that we have to deal with in as we attempt to have a secure global village, human movement at times cannot be controlled by the host community because of the high numbers of immigrant seeking asylum. It is further important to note that all countries have a duty to protect more so the fundamental human rights of immigrants. Robert I. Rotberg in his book indicated that:-[19]

'Protection of Human rights is certainly relevant to the maintenance of international peace and security. Today the Security Council includes human rights is certainly relevant to the maintenance of international peace and security. Today the Security Council includes human

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[18] Susan Martin and Andrew I. Schoenholtz, 'Human rights and conflict' Promoting the human rights of forced migrants (ISBN-10: 929223-76-3) pp 404

[19] Robert I. Rotberg, 'Mass Atrocity Crimes: Preventing Future Outrages (ISBN-978-0-8157-0471-3)pp 24-27:27

rights in existing peace and security instruments such as the UN peace keeping and peace enforcement operations….. The Security Council has recognized that "massive and systematic breach of human rights law and international humanitarian law constitute threat to international peace and security and therefore demand its attention and action'

Therefore with this obligation in mind then the research attempts to look at means in which peace and security can be enhanced especially in times of mass movement of human population. Management of human movement requires a well designed strategy, a classic example would be in Sweden where there are attempts to have a well designed Governance system that attempts to embrace immigrants and ensure their usefulness in the society. In Sweden, the idea of collective organization as the natural response to the question of how migrants can influence the Swedish society and improve their lives is put forth in every possible way, even in the handbook distributed to migrants upon their arrival. There are around 1200 migrants associations (with a total membership of about 175 000) and more than half of them are unites under 34 umbrella organizations, on the basis of nationality. This unified and centralized structure conforms to the general Swedish organizational model which is "unifying, national, polity-wide and absorbing" (Boli 1991)[20]

However, its important note that when immigrants approach the country where they intend to seek asylum, they need to have some form of awareness as regarding what rights they are entitled to in the host country, it can't happen by magic that immediately after their arrival, they will know what they rights, duties and obligations they hold as immigrants. Joao Sardinha in his

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[20] Yesemin Nuhoglu Soysal 'Limits of Citixenship: Migrants and Postnational membership in Europe' (University of Chicago Press, Ltd London)pp 86-89:89

book indicated that Organizations should work towards attempting to foster integration and cooperation between the host community and the immigrant community, he emphasized that the concept of integration should be clearly pegged together to the national policy of the host country. The host country needs to be pluralistic, liberal and democratic and should touch on every aspect of the right to live without discrimination, this under common human needs/wants such as employment, housing, education, access to justice, non discrimination and programs for fighting social disintegration (Vertovec 1999b) [21]

Integration is an integral phenomenon when dealing with mass movement of human population across international borders. We have to consider three elements of integration-[22]

a) Legal or political integration: - This is to mean that the integration has to be synthesis into some form of legal right through a national legal instrument. This should have good will from the political class who more or less dictate the policies of a country; the immigrant population should have access to justice, when they feel their rights have been violated

b) Social integration: - This calls for the minimum social welfare of immigrants in terms of income, education and shelter. There should be some attempt to have the immigrants be self dependent and integrated with the host community and if possible, the immigrant's community should be involved in activities that propel empowerment.

c) Cultural integration: - This will allow for different religious belief, political opinion, sexual orientation and cultural affiliation to be integrated and to be able to co exist. This

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[21]Joao Sardhinha 'Immigration Associations, integration identity' (Amsterdam University Press, 2009, ISBN 978 90 8964 0369) pp 39

[22] Ibid, 39

call upon the host community to accept multicultural societies: recognition by immigrant

countries. And if possible this diversity should be spelt out in the constitution

If this is achieved, then there will be international peace and stronger international corporation, this are in depth attributes that will effective management of movement of human population across international borders, and because it's more likely that when crossing international borders human population fleeing conflict usually move to the nearest border country brining in the element of regional corporation. It will not be wrong to suggest that one of the main causes of Regional Corporation has been the emergence of conflict. Regional integration grew out of the Second World War and developed integrally within the cold war system. Even so fundamental changes in the system will have an effect on the regional corporation.[23] In essence, this means that for there to be peace there has to be Regional Corporation which will make international policies easier to attain

Baring in mind all the literature herein, we still lack a proper guidance on how to manage movement of human population when there is an influx situation, scholars have attempted to address the issue of Regional Corporation and the human rights aspects of movement but there is no water tight seal addressing the issue of influx movement where there is a likelihood of further conflict in the host country between the locals and the immigrant population. When there is a mass influx, the Executive committee of the UNHCR has always advocated that asylum seekers be accorded basic human rights for example Asylum seekers should be allowed to access

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[23] W.A. Axline 'The Political Economy of Regional Corporation' (Associated University Press, 1994, 0-8386-3608-X) pp1-3:2

material assistance that will help them achieve self sustenance in the same spirit the rights enjoyed by the host community and nationals of the host country should not be compromised.[24]

(De Silva and May 1991; Midlarsky 1992; Brown1996;Carment and James 1997; Lake and Rothchild 1998). Research in this field has focused on identifying factors that contribute to the cross-border spread of violence, and refugee movements are often included on the list. A reading of the literature suggests that refugee movement can contribute to the host country in two main ways. The first is when a refugee influx alters the balance of power in the host state, by changing the country's ethnic composition, for example, or affecting access to resources. This process of *diffusion*, as termed by Lake and Rothchild (1998), can generate violence in the host country. If the process is left unchecked, according to some analysts, the conflict can eventually engulf an entire region.[25]. It is in this regard the this research will create a balance between the refugees and the host community to avoid any form of Political, social or economic imbalance which my lead to a further conflict.

1.7 Research Methodology

The Research method that will be used is to study is to survey and analyze literature that is available in the field of Impact of human migration across international borders and the management of Mass movement of Human across borders, during influx/emergencies.

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[24] Guglielmo Vardirame 'The Right to Exile;Janus – Faced Humanitarianism' (Library of Congress, 2005,ISBN 1-57181-526-0) pp74-80:76

[25] Beth Elise Whitaker "Refugees and the spread of conflict: contrasting cases in central Africa**"** Abstract, (available at http://clas-pages.uncc.edu/beth whitaker/files/2012/02/whitaker-JAAS-2003.pdf)

Secondary sources dealing with the discipline of conflict as a whole with a bias to the adverse effect of movement of human population across international borders and the management of the same. Personal experiences as a humanitarian worker who has been working with IDPs, refugees and asylum seekers for more than four years (2007- currently 2012) providing a framework to analyze some of the dynamics of theory and practice. Lewis (2008: x) argues for a bottom up approach for establishing formal structures of the Government. The researchers' personal experience in Dadaab Refugee Camp (2007) and the interaction with both those affected and displaced by the conflict and the host community will be useful to the analysis of the adverse effects of mass/influx human movement as a result of conflict

As the same will deal with human movement and the counter effects being catalyzed by the host community leading to hence the genesis of the research question, the researcher intends to use much of qualitative analysis research method, qualitative research is all about   exploring issues and understanding phenomena, the research will attempt to gain insight into people's attitudes, behaviors, value systems, concerns, motivations, aspirations, culture or lifestyles. Which is the main cause of the problem hence basis of the research, issues of mistrust, vengeance and revenge attacks in the host country. Xenophobia is all part of human behavior.

Quantitative research analysis will also be employed; things like open ended survey responses interview transcripts, emails, notes, feedback forms will also be used to prepare the Research. To the mind of the researcher   the research in itself cannot be considered a success without involving people in the actual predicament; the researcher intends that the actual visitation of regions hosting mass population of refugees and asylum seekers will be appropriate.

1.8 Chapter Summary

In summary, the study will attempt to epitomize what happens when there is violent conflict, it is always supposed that when disagreements persists, there will always be a trends where people will fight over rights, properties, resources, religion, ideological differences etc and the weaker party to the violent conflict will always tend to move away from the conflict, when the weaker party consists of a large population, the mass movement will always amount to an influx movement and when they cross an international border, they may be a burden to the host state which may have adverse effects.[26] It is for this reason that the research is justified, contemporary world conflict have shown that conflict is dynamic and the causes of conflict also evolve with the current human needs, it cannot therefore be taken for granted that there is need for internationally accepted standards that will dictate how influx human movement can be managed to avoid unnecessary protracted conflict between immigrants and the host community

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[26] See Sub title 1.3

CHAPTER TWO

CONFLICT AND HUMAN MOVEMENT

2.1 Introduction

This chapter will explain the empirical phenomena; it will attempt to explain why it is important for every state to effectively manage movement of human population across borders, it will look at the reasons why human movement occurs during conflict and what are the effects of the movement. Under this chapter, the research will not focus on any case study as it is more often likely than not that that the reasons for human movement across the international boarders have the same consequences globally. However it's important to note that in the research the cause of human movement has been narrowed down to movement as a result of conflict.

Sandra Cheldin in her analysis noted that noted that "[27]oppressive structures itself does not manifest to conflict. The perception of inequitable relation has to precede the demand for change. As the source of conflict are not always visible or obvious, they always remain latent unless one of the parties begin to perceive that the given situation is no more tolerant"

This in its own presupposes that when there is conflict there is always likelihood of the weaker party (ies) to the conflict to back out of the conflict and so to say when its human beings involved, the weaker humans will tend to get away from the conflict this is the movement which has to be managed effectively. The movement may have the following consequences:-

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[27] Sandra Cheldin, Daniel 'Ruckman, Larisa A Fast "Conflict from analysis to intervention" , 2003 pp 158 – 162: 161

2.2 Consequences of Human Movement as a Result of conflict

2.2.1 The Problem of Mixed Migration

The concept of mixed migration is a relatively new phenomenon and is of rising importance, both in terms of sheer numbers and with regard to political significance at national, regional and global levels. One definition frames mixed migration as consisting of complex population movements including refugees, asylum seekers, economic migrants and other migrants (IOM),while another describes them as people traveling in an irregular manner along similar routes, using similar means of travel, but for different reasons(UNHCR).[28] This problem is very common in mass movement as it is most likely that the country receiving the migrants will not be able to individually screen all the migrants owing to lack of capacity.

The Phenomena of mixed migration indicates that people move for various reasons, in times of conflict, it is true that people may migrate to save their life and property, however in the same spirit there are people who take advantage of the influx movement and irregularly cross international borders not to save their life but because they want to move and look for what is referred as "greener pastures" and a better socio economic life in other countries. This becomes a problem because economic migrants are not necessarily asylum seekers and are not allowed to irregularly cross international borders unlawfully, this element of disobeying immigration laws amounts to a criminal offence in which case offenders are usually charged with the offence of being unlawfully present in a country and most often the courts verdict amounting to deportation.

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[28] Regional Mixed Migration Secretariat. "What is Mixed Migration". (http://www.regionalmms.org/index.php?id=53) published on May 2011

Countries like Tanzania realized that their immigration laws are not adequate to deal with the phenomenon of "mixed migration" whereby refugees, asylum-seekers, economic migrants and even victims of human trafficking may be using the same routes, means of transport and smuggling networks to reach a shared destination, but are driven by different motives and have different claims to protection and humanitarian assistance.[29] They therefore resulted to border arrest of anyone who doesn't properly display that s/he is seeking asylum. The problem of mixed migration is that people forcefully displaced by conflict or other compelling reasons and seek protection under international Refugee law are moving together with people dislodged by a real and/or perceived inability to thrive (economic migrants) or motivated by aspirations. Their movement is often organized and facilitated by smugglers, although some move independently. This usually puts the host country in an immigrant dilemma where they are not able to regulate how many immigrants are their territory and they are not able to regulate what kind of economic activity is taking place in their territory therefore leaving open gaps for illegal activity and lack of checks in the control of economic activities that are taking place in a country.

Mixed migration is also very popular in Kenya more so with Ethiopians who are always arrested en route to South Africa where they are allegedly going to pursue greener pastures. The Standard newspaper states as follows:[30]-

"An Ethiopian official who declined to give his name said authorities had moved to arrest members of cartels handling the travelers' finances. ''We have to work with all the countries between here (Ethiopia) and South Africa. If we target those transporting them, this thing will go

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[29] IRIN Report "Analysis: Mixed responses to mixed migration in Africa" 03, July 2013

[30] The Standard Newspaper "The Allure Ethiopians can't Resist Down in South Africa" dated 27th April 2013

down,'' he said. Immediate former Isiolo OCPD Augustine Thumbi said investigations they carried out between 2010 and 2011 showed the Ethiopians were being smuggled out of their motherland by compatriots who had prospered economically. ''Those interviewed said they were joining their well-off relatives and friends in South Africa. Despite the arrests and hardship on the way, they keep on coming,'' said Mr. Thumbi in a past interview."

2.2.2 Threat to National Security

There is no universally accepted definition of National security, as this concept is an objective element within state organs of different states, what one state defines as a threat to National security may vary from another state. However the National security may be generally used to infer to the requirement to maintain the survival of the state through use of economic power, international relations, power projection and political power.

It is important to re-emphasize that during mass movement, the host country is not able to conduct security screening back ground checks into the profile of all the people that enter their territory and may allow in individuals who will be a threat to National security. When there is mass movement of human population seeking asylum, it's important to understand that the movement is as a result of persecution either on grounds of race, religion, Nationality, political opinion or membership to particular social group.[31] During this mass movement it is common that the migrating asylum seekers will be cohesive having a common problem which is the reason that made them flee, they may therefore unite ideology and become a threat to National

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[31] *Op cit*

security of the host nation.[32] This problem becomes a problem for the host country because they were not able to adequately monitor the people getting into their territory because of the large numbers.

A contemporary example of the abovementioned is in Kenya where the Somali Refugees are presumed to have some links to the Al shabab, it is presumed that Al shabab elements come into Kenya in the disguise of seeking asylum hence the grenade attacks that that occurred in Nairobi, Garrisa and Dadaab Refugee camp in 2012. At the Lancaster House conference held on 07th may 2013. Kenya's President Uhuru Kenyatta indicated that;-

"*As a country, we continue to host the largest population of Somalis outside their country,*"[33] Uhuru said that the huge number of refugees posed a security threat to the region. President Uhuru reiterated the recent IGAD Summit position calling on the international community to set definite timelines for the return of refugees. Uhuru acknowledged that securing peace in Somalia was key to their return and emphasized the need for increased international support for AMISOM. In this regard, it is important to note that genuine asylum seekers and refugees are suffering because of elements within them that are posing a threat to National security. Owing to this threat posed by people perceived to be loyalist to the Al Shabab, the Kenya Ministry of Immigration and registration of persons through the Department of Refugee affairs closed registration of all Refugees in urban areas and directed that all Refugees and asylum seekers should reside in the designated camps, this has become a problem to all Refugees and asylum seekers regardless of which country you hail from.

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[32] Edward Mogire 'Victims as Security Threat; Refugee impact on Host state security in Africa" (ISBN 9780754678205) pp 14-16: 16
[33]The Star Newspaper *"Kenya backs return of Somali Refugees"* Published on May 08, 2013

2.2.3 Lack of Humanitarian Aid

Humanitarian Aid is the kind of assistance that is given during humanitarian crisis; it is typically given to alleviate the suffering of people that have been affected by the crisis, in the context of the research herein it is key to understand that in cases of emergency influx, the kind and level of assistance to be offered is usually limited, this is because this kind of movement may not have been anticipated and planned. In understanding the kind of Humanitarian aid we must look at all aspects of living, this include but not limited to Legal and physical protection, food assistance, access to medical care, education, Sanitation etc.

This may be difficult to coordinate when there is an emergency movement and influx of people displaced by conflict. To further understand this humanitarian aid element priority should be given to people with specific needs as they may not be in a position to request humanitarian assistance on their own, this includes but not limited to; Children, former child soldiers, the elderly, disabled, lactating mothers etc. When talking about issuing of Humanitarian Aid, this is not just the role of Non- Governmental organization but rather the core responsibility of this lies with the host Government. At times the influx of Human Population may be too much rendering it untenable to even the Government and Non- Governmental Organizations and movement of population is further required, this also requires strong collaboration between the host Government and Non –Governmental organizations. What this pre supposes is that the high numbers during mass movement makes it almost impossible to offer humanitarian aid; this requires collaboration between the host country, Non –Governmental organizations and the international community in terms of donor funding.

During the Rwandan Refugee Crisis in 1994, no external actor was willing to pay the military and political price of separating the Rwandan military from the Refugees, In Vain the then Secretary General Boutros Ghali appealed to member states to assist. This plan fell through when the UN realized that they will need to move between 60 000 to 100 000 militia and army members and their families at a cost of 90 to 125 million USD. This inaction of the states facilitated the spread of the civil war to eastern DRC.[34] It is therefore clear that in times of mass movement of large population, the issue of humanitarian assistance becomes a difficult task to manage

2.2.4 Formation of armed groups amongst displaced persons

As it has been illustrated above, people displaced during mass movement most often share the same ideology and at times they move together with members of the army or rebel group that was attempting to offer them protection, it is important that that there is demilitarization of the refugee environment[35]. This is because in such circumstances, effects of the conflict may spill over to the host country leading to threats on National; security and public order that could warrant expulsion of the Refugee community. When there is mass displacement of a population, there is usually a feeling of vengeance towards the injustice that has been inflicted upon those that are displaced and they tend to form military groups if they don't already exist because there is a perception that since the Government was not able to protect them, they need to find ways in which they can protect themselves. At the start of the First World War on 4 August 1914 Germany invaded Belgium. From that moment onwards hundreds of thousands of Belgians fled to the Netherlands; among which were about 40, 000 Belgian military refugees. In conformity

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[34] Sarah Kenyon Lischer "Dangerous Sancuaries, Refugee Camp, Civil War and the Dilema of Humaneterian aid"Cornel university Press 2005, pp 30- 33: 32

[35] *ibid*

with the Peace treaty of The Hague of 18 October 1907 the neutral nation of the Netherlands was obliged to disarm and intern every military man.

This clearly shows that effective efforts have to be put in place to demilitarize the refugee and asylum population or to stop any military rebel group from coming up as this may be a threat to national security of the host country and a threat to life and safety of the Refugee population. There are instances where the Refugee camps are used to conduct military attacks,[36] in Tanzania, rebels and other armed militia often used Refugee camps as rare bases for conducting cross border attacks and havens to retreat to primarily escape counter attacks, to reorganize and to re-arm. In the 1960s, Rwandese Tutsi guerrillas used their sanctuaries in Tanzania and other neighboring countries to conduct cross boarder military attacks. Further still military training camps occurred in Tanzania, Refugee warriors and other rebel groups conducted military training within the camps.

On August 13, 2004, a refugee camp in Gatumba, Burundi was the scene of one of the largest civilian massacres carried out in Burundi in recent years. A force of armed combatants, many of them members of the Forces for National Liberation (FNL), massacred at least 152 Congolese civilians and wounded another 106. The FNL is a predominantly Hutu rebel movement known for its hostility to Tutsi and the victims were largely Banyamulenge, a group often categorized with Tutsi. The FNL is believed to have been behind a series of other attacks. This shows that when there is mass movement, there is always a feeling of vengeance and pay back mentality by the displaced community, they end up forming armed groups to attack those they perceive to be

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[36]Edward Mogire 'Victims as Security Threat; Refugee impact on Host state security in Africa" (ISBN 9780754678205) pp 35

their opponent even when they have crossed international borders which may result to spillage of the conflict and a threat to national security to the host country.

2.2.5 Depletion of Natural Resources and Natural Resource Conflict

In times of mass displacement of human population, it is likely that when the displaced persons cross international borders they go and settle where there already exist nationals who form part of the host community, this hot community is using natural resources for their survival, when there is influx settlement of human population where their already exists a host community, this will increase competition for the meager resources and a disintegrated natural resource conflict.

Human beings are adopted to thrive through the use and exploitation of natural resources which form the basis of life, the link between natural resources and conflict is probably as old as mankind. Empires and kingdoms throughout history are known to have risen and fallen because of their victories and defeat in wars that were heavily laden with natural resource consideration. In history, it has also been proved that that alliances and friendships have been made with the aim defending access and control of natural resources[37]. This on its own gives the impression that humans treat natural resources as a matter of life and death because their survival is dependent in the availability of natural resources.

When there is mass movement as a result of conflict, it's more probable that the persons displaced will settle in the same area once they cross international borders, this can be explained by the need for community support and a sense of security when you are with people that you are of your kind, once they settle herein, they find a host community who are usually nationals of the host country making use and exploiting the natural resources in their territory. They then

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[37] Abidodun Alao 'Natural Resource and Conflict in Africa'(University of Rochester Press) pp1

increase the demand for the use of the natural resource which leads to depletion of the use of the natural resources and conflict with the host community.

The movement of Refugees and Asylum seekers are generally the result of conflict but can also be a cause of conflict. Incidents of forced migration are likely to present a continued and growing challenge, because the causes of population displacements appear unlikely to diminish in the foreseeable future. The number of armed conflicts[38] has risen since 1950. The post-Cold War years have seen a reduced number of armed conflicts, but even by 2003, there were 29 active armed conflicts (Eriksson & Wallensteen, 2004). The global human population is likely to increase by around two and a half billion people over the next 50 years (UNFPA, 2003). In the same time-frame, global climate change will further impact on agricultural productivity, greater populations will be exposed to flood and drought, and even the viability of some island societies will be threatened (IPCC, 2001; Barnett, 2003; DfID, 2003).

Refugee settlements provide case-study situations in which theoretical preconditions for environmental conflict develop quickly and often in extreme ways. This provides an opportunity for ex ante studies of environmental conflict, breaking with the tradition of only studying ex post cases, where violent conflict has already resulted. It is widely accepted that influxes of refugees into an area can place considerable stresses on natural resources, leading to both environmental and social impacts (e.g. UNHCR, 1996, 1998; Black & Sessay, 1997; Bisset, 2001; Adisa, 1996). Resource demand can dramatically increase following the creation of settlements, leading to accelerated conversion of forest to agricultural land, collection of firewood, extraction of surface

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[38] Armed conflict is here defined with a lower threshold of 25 annual battle-deaths, as used in the Uppsala dataset

(Gleditsch et al., 2002; datasets available at http://www.prio.no/cwp/datasets)

and ground waters, fishing and hunting. At the same time, the assimilative capacity of environments can be stretched by the additional wastes produced, and this can exacerbate threats to human health.[39]

It is therefore important to note that whenever there is an influx of human in a settlement there is a likely hood that a natural resource conflict will emanate, this was very rampant lately in south Sudan where the massive presence of refugees in Maban County led to tensions with host communities. The region is remote and sparsely populated, but with close to 115,000 refugees' anecdotal accounts contends that refugees outnumber locals by five to one, issues like competition for natural resources have been fuelling conflicts. Refugees cut trees for fuel wood as well as for sale and construction. They own large herds of livestock, inevitably encroaching on grazing grounds, cultivated land and water sources.[40]

2.2.6 Rise in economic crimes

At the height of violent conflict, people tend to loss their livelihood as they are not able to engage in gainful employment or work to earn a living, this is worsened by the fact that when there is mass movement of human population across international borders, there is no chance to obtain paperwork and proper documentation that will allow one to process work permits, the general perception of the host country would be that the foreigners need to undergo thorough scrutiny before they can be issued with work permits. Their therefore emanates a desperate need for survival amongst the displaced population, in case the conflict has spilled over to the host country, there is a further desperate need to economically finance the ongoing conflict.

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[39] Adrian Martin, "Environmental Conflict between Refugees and Host community " 2005, pp 329-346;330
[40] Cosmas Chanda, UNHCR Representative in South Sudan, press statement on 0April 04, 2013

The economic approach to criminal behavior can be summarized ion the following syllogism; people respond to incentives and offenders are people to and they are likely t respond to incentives. Crime in turn inflicts material and emotional harm on both individual victims and the society as a whole and disrupts the foundation of the society and efficient resource allocation. This is true even in the case of petty theft, which entails a small redistribution of wealth from the victim to the offender.[41]

It is therefore imperative to concede that violent conflict is expensive more so to the scale that leads to mass movement of human population across international borders. The displaced migrants will always want to revenge the injustices suffered and they disintegrate the conflict to the host country. For example in Tanzania in 2003, Government reports indicated that strengthened efforts towards internal security have been required due to an increase in the crimes committed by Refugees. The national Government and local individual have attested that the crime rates have increased since introduction of large numbers of Refugees in the country, Crime is also more prevalent in Refugee affected areas such as Kigoma in the western part of the country, Refugees have been connected with the proliferation of arms, thus causing an increase in armed robbery.[42]

Rationale behind Refugees' involvement in economic crimes is the impoverished situations that they find themselves in most often having lost all their wealth and source of income, they engage in economic crimes so that they can abet their survival, most common of the economic crimes in today's world include but not limited to Human Smuggling, Kidnap for Ransom, Piracy activities e.tc. In Dadaab Refugee camp in Kenya in 2012, gunmen killed at least one person and

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[41] Bruce L. Benson and Paul Zimmerman 'Handbook on the economics of crime' (ISBN 978 1 84720 954 2) pp 1-5: 4
[42] Patricia Ongpin, "Refugees in Tanzania – Asset or Burden, Vol 5, (2008) 15-19: 16

kidnapped four aid workers in Kenya's Dadaab refugee camp, close to the border with war-torn Somalia, this was a classic example of an economic crime in a in areas populated with the Refugee population.

2.2.7 Xenophobia by the host community

Xenophobia can be used to describe the fear of foreigners or anything that is foreign, as illustrated above the increase of foreigners during mass movement of human population leads to an increase in competition in the scarce resources. The competition is not limited to resources only rather other elements that compliment healthy stable living, this could be education, employment opportunities, access to basic services from the Government etc. Xenophobic attributes are mostly displayed by the host community who are threatened by the presence of the foreign population; the fear may lead to shunning, intimidation, physical violence, verbal abuse against the foreigners etc.

Most recent example was in South Africa where they have been blatant xenophobia incidents at the expense of the right to seek asylum. Crowds of around a thousand asylum-seekers and refugees trying to legally renew their permits at the Cape Town Refugee Reception Office were refused entry around May 2013, and over three days have been on the receiving end of stun grenades, pepper spray, warning shots and a fire-hose. The tensions outside the Cape Town office come amid a recent national spike in attacks on small businesses owned by asylum-seekers and refugees. A witness to the first incident on 27 May told Amnesty International:[43]-

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[43] *Amnesty International South Africa: 'Police repeatedly turn on asylum-seekers amid xenophobia spike' 29 may 2013* (available at: http://www.amnesty.org/en/news/south-africa-police-repeatedly-turn-asylum-seekers-amid-xenophobia-spike-2013-05-29)

"Suddenly the crowd started moving backwards. I asked someone what was happening and they told me the police were [pepper] spraying people. Then I heard a loud boom which sounded like a gunshot and the crowd started running. I ran with them. I saw a man with blood running down his head and two men with red eyes who had been sprayed."

The same day not only did police use pepper spray, but security guards used a fire hose to force back a thousand asylum-seekers and refugees, including small children and their mothers, who were waiting to renew their papers. Reports of gunshot-like booming noises were consistent with the alleged use of stun grenades. Since the previous week, only women and children have been allowed to access the Refugee Reception Office, leaving hundreds of increasingly anxious and angry male asylum-seekers and refugees outside. Witnesses reported the use of stun grenades and warning shots to disperse the crowd on 28 May, and today security guards physically beat back the crowd. Outbreaks of xenophobic violence are not a new phenomenon in Cape Town. In 2006, over a period of three months, 29 of the city's population of 4,000 Somalis were killed in xenophobic attacks, according to a spokesperson for the Somali refugee community. The police dispute the figure and claim only 10 Somalis were killed, and that this was a result of crime and not xenophobia

Evidence of xenophobia can be seen in high-profile violent assaults on immigrants by hands of citizens (in which a number of refugees and others have lost their lives), this is especially when the host community feels threatened by a huge number of foreigners, this is usually a good and

quick recipe for disintegrated violence in the country of asylum especially when the irregular movement of mass human population is not effectively managed.

2.2.8 Inadequate physical safety and Human rights protection

Human rights are "commonly understood as inalienable fundamental rights to which a person is inherently entitled simply because she or he is a human being." During mass displacement, there is a likelihood that there will be a lot of human rights violations as the quest for survival persists, this is so because owing to the large numbers of people moving from conflict areas, there lacks adequate mechanisms and capacity by the host Government and other Non- Governmental organizations to protect the rights of all the individuals that are moving.

Migrants who succeed in completing journeys to receiving countries are often subjected to human rights violations, in most countries, the mere fact that you have entered a country without proper documentation amounts to being in the country illegally, the lack of documentations often leads to other negative consequences in that this persons are usually not protected by domestic labor laws and employment laws leaving them defenseless against violation of basic rights, they are not able to earn a livelihood because of the lack of documentation . They usually don't have any option but to accept law wages and appalling working conditions exploited by those that want to benefit from their illegal status.[44]

At times the human rights violation is orchestrated by persons fleeing conflict with the victims being persons   they are displaced together with , this is a more common attribute towards children and women, some of the human rights violations are as follows; Forced recruitment as

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[44] Anne Fruma Bayefsky, Joan M. Fitzpatrick, Arthur C. Helton "Human Rights and Refugees, Internally Displaced Persons and Migrant Workers" (2006) pp 517-520:519

child soldiers, Rape, Sexual assault , child labor etc . This is just but a few of examples of human rights violations when people are fleeing. Such persons lack the protection of their country and they are not offered protection by the Host Government therefore leading to inadequate human rights protection, an example is female refugees whose reports of racial discrimination   are disregarded by the authorities and may be experiencing multiple discrimination on account if their race, migrant status, ethnicity and economic status. Failure by the host state to investigate such incidents amounts to human rights violations.[45]

Closely related to this is the fact that there is usually a need to survive when people are fleeing conflict, women and children tend to be desperate and rely on men who are perceived to be more adopted to survival, men may therefore take advantage of the women and children in exchange of aiding their survival. This is not to say that men are not at risk, they may be at risk because they be more targeted in the conflict by the opponents because they are believed to be the stronger link in the community, they may also be at risk from their own community because they and subjected to forced conscription into the military.

A contemporary example of human rights violation that lacks intervention is the current crisis in Eastern DRC;A new UN report shows that serious violations of human rights and international humanitarian law were committed in the Democratic Republic of the Congo last year during the fight between government forces and rebels of the Movement du 23 mars (M23).The atrocities were committed in November 2012 while the two forces were fighting over the town of Goma in North Kivu province, and during the subsequent retreat of the Congolese Armed Forces (FARDC) to South Kivu province. The report by the United Nations Joint Human Rights Office

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[45] *Ibid*

(UNJHRO) details victim and witness accounts of mass rape, killings and arbitrary executions, and violations resulting from widespread looting.[46]

2.2.9 Relaxed border control measures

Every country/ state has border control measures that dictate migration laws and rules, during mass movement of human population, it is literally impossible for the persons displaced to have enough time to run through the correct paper work that allows them to enter into a country they therefore flee without proper documentation, in the same spirit, it is highly discouraged by international legal instruments for the host countries to deny entry to those that are seeking asylum, the only option that is left is to have relaxed border controlled measures. This undermines the national policies of a country as they are not able to control and monitor the persons that enter into their territory, owing to issues related to xenophobia; it is also the wish of the host community for strict border control measures, In Kenya for example It is evident that public sentiment and government action in many countries are in synchrony with stricter immigration laws, border controls and diminishing refugee protection. In Kenya, an opinion poll on 6[th]January 2007 indicated that over 94% of Kenyans who responded were in favor of the government sending back the Somali refugees to Somalia, and that Kenya had hosted Somali refugees for too long. It is unlikely that the immigration law and border controls will be relaxed; rather, they will get stricter and more stringent.[47]

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[46] Migrants news and Guide in the USA 09 May 2013 (available at:*http://www.migrantsinus.com/all-category/africa/277-un-report-reveals-mass-rape-and-other-serious-violations-in-eastern-drc.html)*

[47] Judy Wakahiu (Executive director, Refugee consortium of Kenya) Presentation on Refugee Protection: The challenges from Interventionist and Terrorism concerns, Panafric Hotel 26th February 2007

Mass human movement across international borders therefore makes border control measures untenable leaving the host country at risk of invasion by harmful elements that get inside the country in the disguise of seeking asylum

2.3 Conclusion

We are living at a very special point in human history with respect to population growth. We are adding whole country-sized populations of people in decreasing time intervals." The human race reached one billion people in 1818. Since then it has been growing geometrically, reaching two billion by 1932, four billion by 1982 and close to six billion by 2000. Demographers anticipate that the Earth is expected to house 10 billion people by the year 2050. As history has always proven, there will always be conflict between human beings and in the absence of mutual understanding in solving the conflict, there will also be violence where parties attempt to physically dominate their opponents, the weaker party in the conflict will always try to move away to save their life and property, and this movement is not restricted to national borders, they will attempt to cross international borders. When the movement is in mass population, it brings about adverse effects as explained in this chapter. We therefore need to look at ways in which mass movement of human population can be effectively managed to avoid a further disintegrated conflict.

CHAPTER THREE

IMPACT OF INFLUX HUMAN MOVEMENT

3.1 Introduction

This chapter will look at the practical aspect of the research; we have already established that Human movement as a result of conflict has become inevitable, this gets worse when the movement is of mass human population that it becomes a burden to the host country in one way or another. This chapter will analyze primary data and information collected from different areas Kenya, a country that hosts a large number of Refugees and other types of migrants, it will include direct interaction with stakeholders that deal with forced migration and other migrants and this includes, NGO's, Civil society, Government agencies, Provincial administration and other law enforcement agents. This country in the eastern part of Africa has become home to more than 6 00 000 Refugees majority of Somali Nationality.[48]

The main objective of this chapter is to assimilate the practical concept of mass human movement into the research, the chapter will assist in understanding the theory put forth in a practical manner, Kenya herein has been chosen as the country of choice as it has a porous border with many asylum seekers who migrate into the country under the claim of seeking asylum leading to an influx situation in Kenya. The situation in Somalia has evolved dramatically since 2011 and this has had an impact on Kenya, which hosts large numbers of

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[48] Relief web kenya; UNHCR welcomes Kenya High court decision on urban Refugees, 30 Jul 2012 (available at: http://reliefweb.int/report/kenya/unhcr-welcomes-kenya-high-court-decision-urban-refugee-rights)

Somali refugees. Current hopes for stability to take root in Somalia have led to certain expectations of voluntary repatriation of Somali refugees.

From January to August 2012, the Dadaab and Alinjugur camps registered more than 5,700 new arrivals from Somalia, bringing the total population in these camps to some 474,000.[49] In 2011, Dadaab registered 113,500 new arrivals over the same eight month period. The large numbers were mainly due to the prevailing drought, famine and insecurity in Somalia. The biggest jump in population growth occurred in Kakuma Camp in Turkana County where 13,000 new arrivals, mostly from South Sudan, were registered between January and August 2012. With a population exceeding 101,000, Kakuma is rapidly running out of space. Responding to the need for protection, infrastructure and services of the growing population and alleviating camp congestion are among UNHCR's main priorities in Kakuma. By August 2012, the total number of refugees and asylum-seekers in Kenya, including some 55,000 in Nairobi, stood at more than 630,000.[50]

From the abovementioned and through collection of primary data and information, it is clear that the high numbers have become a burden to the host Government and to the host community in various parts of Kenya worse still because this migrants seeking asylum often prefer to stay in the urban areas of Kenya moving from place to place, The choice in staying in the urban areas is informed by the fact that there is presumably a better life in the urban areas as opposed to the Refugee camps.[51] In urban areas, Refugees and asylum seekers have access to livelihood

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[49] 2013 UNHCR country operations profile – Kenya (available at; http://www.unhcr.org/pages/49e483a16.html)

[50] *Ibid*

[51] Press briefing by Mr, Emmanuel Nyabera , UNHCR spokes person . 20 June 2012

opportunities, better education, better health care and access to more services as opposed to the camp.

3.2 Field Missions to collect primary information

3.2.1 Research in Nakuru and Naivasha.

The choice of conducting the research in Nakuru and Naivasha is because the two towns are flight corridor routes for migrants from DRC and Uganda who come through Busia in the western part of Kenya and the Sudanese who come from Kakuma border on the upper rift valley part of Kenya. Both Nakuru and Naivasha have road blocks where random police checks are carried out with the main aim of looking for illegal immigrants.

Meeting with the Officers in charge of Police Department Naivasha and Nakuru

The police indicated that they are aware of the presence of Refugees and other migrants within this two towns, they further indicated that they were aware that there is a directive that was issued sometime back by the then Ministry of Immigration and Registration of persons that all Refugees should move back to the camp areas, However, they indicate that they are not able to enforce the directive for the following reasons;-[52]

They didn't have the capacity at the time since security enforcement in light of the general elections was the main priority. This was a result of the panic effect after the 2008/2009 post-election violence where the police. In the slums of Nairobi, Kisumu, Eldoret and Mombasa, protests and confrontations with the police rapidly turned into revenge killings targeting

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[52]Meeting with OCPD Naivasha Mr Charles Kotok and OCPD Nakuru Mr Benard Kioko on 25th and 27th March 2013 held at their duty station.

representatives of the political opponent's ethnic base,[53] the police therefore at the moment of the directive had their hands tied with beefing up security just before the Kenya general elections in 2013. The police in Nakuru also indicated that since the majority of refugees in the area are South Sudanese, and unlike the Somalis, they don't have a problem with them since the South Sudanese are not a threat to national security, this can be understood to infer that there is a general negative attitude against Somali migrants who are perceived to be a threat to National security as opposed to other nationalities who are regarded as 'friendlier migrants'.

Both police from Nakuru and Naivasha indicated that enforcement was not easy because they have difficulty differentiating Somali nationals from the Kenyan Somalis and further still, the two groups are interlinked and usually live together hence difficult to make a distinction.[54] The police in Naivasha indicated that the refugee population though growing is not that big and apart from the issue of lack of documentation, they have never experienced any threat to national security and therefore have a lax approach towards the refugee population, the understanding herein would be that Naivasha is usually a flight corridor as the asylum seekers are moving to Nairobi where they feel is more conducive to an asylum seeker.

Reaction of police to the directive that Refugees should reside in the camp

The police believe that the directive for the Refugees and other migrants to reside in designated camp areas is a good initiative owing to the recent insecurity incidents in the country. Interestingly, they fault the insecurity on the Somali population and they further indicate that they have no issue with refugees from other countries suggesting a targeted approach. They are

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[53]KENYA IN CRISIS Africa Report N°137 – 21 February 2008

[54] Meeting with OCPD Naivasha Mr Charles Kotok and OCPD Nakuru Mr Benard Kioko on 25th and 27th March 2013 held at their duty station.

further of the view that there should be thorough vetting of the Somali population before they are allowed entry in Kenya, this they reiterate, will help in ensuring national security.[55]

Police encounter with the migrant population

Police in Naivasha indicated that it was not common to encounter refugees in conflict with the law, rather the most common incident being those that lack documentation and live in Naivasha or are on transit to Nairobi. They are arrested at road blocks which carry out inspections, most victims being Somalis and the Congolese who at times are in large numbers that they can't be accommodated in the cells. The police indicated that it is easy to identify them because they usually travel in groups and they don't understand English or Swahili. Police indicated that they are normally charged and taken to court, most common charge being unlawful presence in Kenya or staying outside camp designated areas. Thereafter an order is issued for them to be taken to either Kakuma or DRA and its then that they liaise with DRA in Nairobi or Kakuma. Those found guilty of unlawful presence i.e. they don't wish to seek asylum usually follow normal legal procedure leading to deportation.

In Nakuru, being a larger town with a higher number of refugees, police interacts with refugees more often and instances of criminal conduct, domestic problems, rent disputes, etc. are recorded. However unlawful presence is also common especially for those transiting the town on their way to Nairobi, they are normally charged by the police who bring in the immigration prosecutor since the Ministry of Immigration now have an office in Nakuru and the process

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[55] Meeting with deputy OCS Naivasha Mr Samuel Ondiro on 25th March 2013 held at their duty station.

follows the same as in Naivasha. At the time of the monitoring exercise, no POC was being detained at any of the police stations.

Meeting with the District Officer one (Naivasha and Nakuru)

A courtesy was paid to the DO1 in both Naivasha and Nakuru.[56] The DO in Naivasha indicated that he had heard of refugees in Naivasha but rarely does he have any personal contact with them; rather he obtained the information through the chiefs that work under him. He indicates that only twice has a Congolese family approached him requesting assistance of which he advices them to approach Ministry of Immigration and UNHCR. He further indicates that he received official communication on the threat to national security that is posed by Refugees but didn't regard it much because enforcement is the prerogative of the police. He indicated that he supports the idea of returning Refugees back to their country because Refugees, especially those of Somali origin, were a threat to national security. He further admitted that he and the chiefs under him are not aware of international and national legal instruments that touch on Refugees and would appreciate some form of capacity building.

The DO1 in Nakuru was well conversant with the plight of refugees as he previously worked in Dadaab and Kakuma; he is also participant in the Provincial working group that addresses IDP and refugee related issues. The working group comprises of Government departments and the civil society. He indicated that the provincial administration has limited interaction with the refugees in Nakuru because of the presence of an immigration office and the Department of Refugee Affairs. He indicated that any interaction with the provincial administration is in the

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[56] Meeting with DO1 Naivasha Mr Michael Kioni and DO1 Nakuru Mr Felix Kisalu on 26th and 28th March 2013 held at their duty station.

outskirts of Nakuru town e.g. Nakuru North and Eldama Ravine where some South Sudanese refugees reside and the provincial administration is more involved with them in dispute resolution and mediation when conflict arises

Detention visits

Detention visits were conducted at Naivasha main Prison and Naivasha Medium prison. Naivasha medium prison is a detention facility for offenders serving short term sentences i.e. less than 5 years while Naivasha main prison is for offender serving more than 5 years.[57]At the time of the monitoring two individuals from Uganda and Tanzania had been detained at the Naivasha medium prison for the offence of residing outside designated areas without authority under the Refugees Act, 2006. The officer in charge at Naivasha medium prison indicated arrest on charges of unlawful presence was common especially amongst the Somali nationals, but detention of Somalis was rare because they were able to pay the required fine as an alternative to detention. The Officer in charge at the Naivasha main prison indicated that he didn't have anyone detained at the moment except 34 Somalis who had been convicted in relation to piracy activities in the Indian Ocean.

Meeting with Refugee community in Nakuru and Naivasha

A meeting was conducted with the Refugee community in the two urban areas,[58] In Naivasha, the Somali community is found in an area known as the Site and the Congolese population is

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[57] Meeting with OIC Naivasha Main prison Mr Patrick Mwenda and OIC Naivasha Medium prison Mr Yusuf Kaitopok on 26th March 2013 at their duty station

[58] Interview with Refugee community leaders from Congolese community (Mr Alex Bigabo), Somali Community (Mr Abdi Ahmed) and Sudanese Community (Mr Mading Kwal and Mr Bol Atem) on 26th March 2013 and 27th March 2013 at Naivasha and Nakuru

spread in different locations within the town. An estimation of around 500 Somalis had relocated from Nairobi to avoid arbitrary arrest and police harassment which they indicate is more rampant in Nairobi following intentions to forcefully relocate all Refugees to the camp. They however indicated that this was a short term measure and they intend to return to Nairobi when things normalize to engage in livelihood activities since there are more opportunities in Nairobi. In Naivasha owing to their low numbers they don't face a lot of threats to their life and safety rather they face incidents of extortion by the police for lack of documentation, some of the Somalis that relocated to Naivasha did not have any documentation.

In Nakuru, the Somali are found in a place known as Section 58 whereas the majority of South Sudan refugees are located in Kiti, Langa Langa, Shabab, Free Area and Naka. In Nakuru, they also don't face much police harassment from the authorities because of the attitude towards them, they are considered a more friendly community than the Somalis, majority of the Refugees in Nakuru are from the Sudanese community where its approximated that their resides around 15 000 Sudanese Refugees, whom the authorities believe are not a threat to national security. However, police officers took advantage to extort money from them by the mere fact that they are foreigners.

Challenges faced by the Refugees community in Naivasha and Nakuru include the following[59]:-

Naivasha

In Naivasha, part of the refugee population cited lack of documentation as they came to Kenya when DRA had closed its operations. Lack of access to education and health services owing to

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[59] Interview with Refugees community Ifrom Congolese, Somali Community and Sudanese Community (through an open forum discussion) on 26th March 2013 and 27th March 2013 at Naivasha and Nakuru

the lack of documentation is also a major problem that the refugees face because delivery of services is based on production of an identification document. Nonexistence of any NGO in the area that deals with refugees where they can approach for assistance without the burden of paying high fares was also raised; most NGOs that deal with refugee are based at either Nairobi or the two camps in Daadab and Kakuma they therefore have to travel distance when going to request assistance. Extortion by the law enforcement authorities during regular patrols, this they claim is a targeted approach based on the fact that they are foreigners and more so they are vulnerable because they are threatened with deportation

Nakuru

Main issue that came up in Nakuru was xenophobic incidents especially in regards to payment of rent which is inflated with the assumption that refugees are given money by NGO's. They also indicated lack of legal representation, since they engage in economic activities they become parties in court disputes where they can't afford representation; Part of the refugee population cited lack of documentation as they came to Kenya when DRA had closed its operations, this further hinders access to other basic services. Failure to pursue their refugee claim because after registration at DRA, they are asked to go to UNHCR to get the mandate, which they indicate is an encumbrance since most of them have large families and they can't manage to travel to Nairobi owing to the costs involved. On the same issue, they can't manage to travel back and forth to because of the repeated appointment slips issued by the office and like the refugees in Naivasha; extortion by the authority during regular patrols is very common in Nakuru.

3.2.2 Research in Mwingi and Kitui

Dadaab is located approximately 100 kilometers from the Kenya-Somalia border. It is situated in the Garissa District. Some 1,300 refugees a day, the vast majority from war-torn Somalia, are pouring into the Dadaab refugee camps in Kenya – now the world's largest such site, with almost 480,000 displaced people in three camps originally designed for 90,000.[60] This numbers continue to grow as new arrivals continue coming into Kenya with a spillover effect to the larger urban towns as the Refugees and migrants look for better economic life. Mwingi is the next largest administrative town after Garrissa which is a flight corridor for those travelling from Dadaab to Nairobi; Kitui was also used for the research because that is also an administrative town which Refugees and Migrants from Somali use when they are coming to Nairobi

Meeting with the Deputy officers in charge of Police Department Mwingi and the Officer in Charge of Police Department Kitui

The Deputy OCPD in Mwingi and the OCPD in Kitui both emphasized the need for a well-coordinated approach when dealing with Refugees and Asylum seekers. The police both indicated that Kitui and Mwingi are not very common in terms of Refugee Settlement rather the two towns are part of the route mainly used for travel to Nairobi and other towns, the police indicate that the number of Refugees living in the two towns are less compared to the number of Refugees and Asylum seekers they encounter en route to other towns[61]

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[60] CARE KENYA "Update on the crisis in the horn of Africa" (available at. http://www.care.org/careswork/emergencies/dadaab/) accessed 17 July 2013

[61] Meeting with Deputy OCPD Mwingi , Mr Leonard Baini on 29th April 2013 at their duty station

Police encounter with the refugee population

Police in Mwingi and Kitui indicate that at the moment, National security is the top priority in the police force and they have a very strict migration rules especially when it comes to Somali nationals, they concede that apart from the identification document, it's not very easy to differentiate between a Somali from Somalia and a Somali from Kenya and the most common test used is the knowledge of Swahili language which they believe can be used to distinguish a Kenyan from a Somali National.[62]

The Police in Mwingi indicated that it was not common to encounter refugees in conflict with the law, rather the most common incident being those that lack documentation and are on transit to Nairobi, closely related to this is the issue of fake copies of movement passes/mandate letters and Refugee Certificates which they believe are fraudulently obtained from a cartel involved in human smuggling. These persons are arrested at road blocks and taken to court most common charge being unlawful presence in Kenya or staying outside camp designated areas. Thereafter an order is issued for them to be taken to DRA for Registration and then to UNHCR for status determination. Those found guilty of unlawful presence i.e. they don't wish to seek asylum usually follow normal legal procedure leading to deportation. The Police indicated they normally liaise with UNHCR Dadaab to facilitate movement of the arrested asylum seekers. The Deputy OCPD was relatively new in Mwingi having served for less than 4 months; he stated that since his arrival in Mwingi he has dealt with 4 cases that have been charged for unlawful presence in Kenya.[63]

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[62] Meeting with corpral Samuel Kirui , Mwingi Police Station on 29th April 2013 at his duty station
[63] Meeting with Deputy OCPD Mwingi , Mr Leonard Baini on 29th April 2013 at their duty station

In Kitui, which is a larger town, the police likewise indicated that the number of Refugees and Asylum seekers arrested while on transit to other towns are more than those who have settled in the town. The OCPD indicated that being the county headquarters, security has been beefed up and there is a presence of Criminal Investigations Department officers at the road blocks and a strong community policing network. The most common incident they have with Refugees and Asylum seekers is movement without proper documentation, closely related to this, is those that transport livestock for sale in Nairobi without proper documentation. These persons are arrested at road blocks and taken to court. The Most common charge is being unlawfully present in Kenya or staying outside camp designated areas. Thereafter an order is issued for them to be taken to DRA for Registration and then to UNHCR for Refugee status determination. Those found guilty of unlawful presence i.e. they don't wish to seek asylum usually follow normal legal procedure leading to deportation[64].

Both Police indicated that it was common to arrest Ethiopians who claim that they have relatives in South Africa and are going to South Africa, this they indicated are usually arrested on deviation paths used by people transporting them using motor cycles, they indicate that the Ethiopians arrested usually follow procedures that would lead to deportation

Challenges faced by the police

The police cited the following challenges when dealing with Refugees and Asylum seekers;-

Somali new arrivals   have discovered new routes outside the main highway to avoid the Police road blocks and this negates the innocent act of seeking asylum and as such they are viewed as

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[64] Meeting with OCPD Kitui , Mrs Lilian Okembo on 30th April 2013 at their duty station

criminals avoiding due legal process. This conduct has been made easy by the introduction of commercial motor cycles which can be used to traverse terrains not commonly used by motor vehicles. Another problem is that after the court process, the police are usually ordered to transport asylum seekers either to DRA or the Refugee camp and they face logistical hurdles in meeting the cost of transportation. The police also believe that Somali criminals come to Kenya in the disguise of seeking asylum because they know that once they declare their intention to seek asylum, they will no longer be detained. This they assert compromises the balance between Asylum and National security because in times of insecurity, they (The Police force) bare the largest blame. Another issue that came out clearly is that the police expressed the need for capacity building in dealing with Refugees and Asylum seekers as they are the main Law enforcement agent, they also indicate that their needs to be training on identification of Refugee documentation because they have a hard time distinguishing between genuine and fake documents.

Meeting with the District Officer (Mwingi and Kitui)

The DO in Mwingi indicated that he had heard of refugees in Mwingi but rarely does he have any personal contact with them. He obtains the information through the chiefs that work under him and the Administration police which was under the local administration. His sentiments were similar to those of the police regarding arrest of Refugees and Asylum seekers since the Administration police are also stationed at the road blocks. Interestingly, owing to the recent insecurity in Garissa which is largest administrative center after Mwingi towards Somalia, the provincial administration has close links with the hotel owners association of the area where the hotel owners are required to report any suspicious person that books a room in the hotel. Further

still, through the chiefs, the Kenyan community has been sensitized to report any suspicious person of Somali ethnicity to the nearest chief. He indicated that he supports the directive because Refugees, especially those of Somali origin, were a threat to national security. He further admitted that he and the chiefs under him are not aware of international and national legal instruments that touch on Refugees and would appreciate some form of capacity building.[65]

The DO in Kitui indicated that he is aware of Refugees and Asylum seekers who transit through the town especially on their way to Machakos and Mombasa. He indicated that most of the Somalis that stay in Kitui are engaged in various forms of business although it's difficult to different Somalis from Kenya and those from Somalia unless there is a reasonable cause to conduct investigation. He further revealed that there is mounting pressure on the provincial administration on matters related to national security and as such they are directed to be cautious with foreigners especially Somalis. He revealed that they have the District Security Intelligence Committee, where issues related to Somali Refugees and Asylum seekers strongly feature. This Committee is in the process of being transformed into a county committee which will cover the entire county including Mwingi which falls under Kitui County. He also stated that they have a problem where Somali nationals attempt to use alternate routes to avoid road blocks and when some are arrested they clearly indicate that their intention was to move on to South Africa in pursuit of greener pastures. On the directive, he indicated that he had heard of the directive through the media and since then he has never heard anything concerning the directive because he believes that enforcement will fall under the police force. He also cited lack of knowledge on

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[65] Meeting with D.C Mwingi , Mr Jospeh Sawe on 29th April 2013 at their duty station

International Refugee Protection amongst the provincial administration now referred to as the county administration and would appreciate trainings on the same[66]

Meeting with the County Director, Children Department (Kitui County)

The County Director (Children Department) in Kitui. The CD indicated that he may not be able to report accurately as he is relatively new in Kitui and has 8 Children Officers under his supervision. However, he is well conversant with the plight of Refugees and Asylum seekers because he had just been transferred from Eldoret where he used to sit in the Provincial Protection Working Group meetings. He indicated that from his preliminary assessment after being posted in Mwingi, he realized that that the police stations don't have child friendly spaces. He reiterated the need for more active role of NGOs and Civil society in the devolved Government especially on issues related to children.

He revealed his intention to push for the formation of a protection working group for the county which will address issues related to children generally as the same is good practice from his experience in Eldoret. The County Director conformed that the only child protection network that he currently has is from church/faith based Organization and the World Vision office in Mwingi and Saikuru which deals with child custody cases.[67]

3.2.3 Interview with members of the Somali community in urban areas

A forum was held together with 15 leaders from the Somali community on 14th June 2013 most of which had migrated from Dadaab Refugee camp to Nairobi.[68] At the time of the meeting, their greatest fear was issues related to the intended repatriation of Somali Refugees something

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[66] Meeting with D.O 1 Kitui , Mr Ngala Mwachiro on 30th April 2013 at their duty station
[67] Meeting with Country Director (Children Department) , Mr Philip Nzenge on 30th April 2013 at their duty station
[68] Forum with 20 Somali Community leaders on 14th June 2013 at Eastleigh Nairobi

that they have heard through the media; they also raised concern over the closure of the Department of Refugee affairs after a Government directive that issued towards the end of 2013 directing all Refugees to reside in the camp, by this they emphasized that members of their community are not able to access services owing to lack of documentation, they indicated that the Government of Kenya was being unreasonable in advocating for repatriation of Somalis because of the situation in Somali which is still not safe, the following was a summary of their contribution:-

One of the leaders indicated that he was amongst the translators during the making of the Somali constitution; he indicated that he had read an article that was prepared by an organization called National Democratic Institute which indicated that there will be an election in 2016. He emphasized that top of his concern is that regions in Somali are not ruled by the indigenous people rather outsiders who took advantage of the displacement during the civil war and that the same people will want to retain leadership after the election. He insisted that if people were to return to Somali, their will erupt a conflict as this leaders will not be accepted by the people who perceive them as outsiders. A Community leader stressed that if at all any repatriation of Somalis is to happen, it has to be gradual as there isn't a credible Government system, he indicated that the current president who is not popular will in no way agree to leave power and therefore the election process will not be free and fair.

A Community leader raised concerns that issues regarding the repatriation were being discussed at top country level and decisions were being made in what he termed "Boardroom meetings". He advised that to get the actual feeling of the real Somalia, UNHCR and other stake holders should conduct a grass root survey at household level. He indicated that such a survey was

conducted in one district in Somalia by the organization called National Democratic Institute that showed that a large majority of Somalis were not willing to return[69]. A different Community leader also raised concerns that Human rights organizations are not present in the media when issues of Somali repatriation are raised, this he indicates would add weight to the repatriation element of "Return to dignity and safety". He further reiterated that the Somali community fears that mass violation of human rights will take place like the period during the directive where the media was not allowed to enter Eastleigh and capture what was going on. This ability of the Government to carry out operations without any media may lead to abuse of power by the Government whereby they may carry out forceful repatriation.

A community leader raised concern over the media's negative role in the intended repatriation, this he indicates created the perception that Kenya does not want to host Somalia nationals, therefore being a recipe for increased xenophobic incidents as the Government seems to be keen to remove Somalis out of Kenya. A community leader indicated raised the issue of lack of proper Governance structures, he indicated that the leadership is still along ethnic clans and there is no room for the minority clans, this he says is a big discouragement to any repatriation. He further indicated that there haven't been any structures and mechanisms to foster reconciliation between communities as ethnic tension in Somali is still very rife, he further indicated that the Al Shabab are still present in Somalia and in control of some regions hence the reason we still hear of attacks by the Al Shabab.

Community leaders raised concern over an intended ministerial conference between Kenya and Somalia Government scheduled for September 2013, they indicate that there is anxiety over the

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[69] National Democratic Institute is a nonprofit organization working to support democratic institutions worldwide through citizen participation

agenda of the meeting and expressed their worries as to why UNHCR is not involved in the meeting, they indicate that the feeling of the Somali community is that the meeting will be used to discuss enforcement of the repatriation of Somalis, they raised concerns as to why the community was not involved in such forums so that their views can be heard.

3.2.4 Meeting with the Kenyan host community

To get the general feeling of the host community attitude towards the High Somali population, a field visit was conducted at Eastleigh which is the town in Nairobi with the highest number of Somali Population[70]

Mohamed, Ibrahim, Rashid, Yusuf and Abdulkadir (All businessmen).

All the above are Kenyan Somalis who assert that they are aware of the high number of Somalis in Nairobi, they all live and work in Eastleigh and they don't support the fact that repatriation of the Somalis should be effected. They claim that although they have formed good relationships with refugees, they fear that the refugees may take over the region owing to their economic strength. They also blame the refugee population for the harassment they face owing to suspicion that they are from Somali and harassed by the police. They indicate that whenever they produce their national identity documents, the same is presumed not to be genuine and they have to part with bribes averaging between Kes 2 000 to 3 000. They further indicate that the harassment becomes worse especially after an insecurity incident and they are calling upon the Government and Somali MPs to come to their aide.

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[70] Interview with Respondents was conducted on 11th and 12th June 2013 at Eastleigh, Nairobi

They don't support the removal of Somali Refugees from Kenya they have formed a symbiotic relationship with the refugee population; they claim that the refugees are their business customers and some of them are employers. They however feel that legislation should be put in place to control how refugees transact business as they have caused a scramble for all the business opportunities in the region because they are wealthier than the Kenyan Somalis.

They claims that they have experienced instances of arbitrary arrest and detention and they continue to face normal police harassment because they are perceived to be foreigners; this they believe is an excuse by the authority (police) to extort money from them.

Ngaru (Shop owner), Samson (Boutique owner), Alex (employee in tyre shop), Damaris (employee in chemist) and Gathu (Spare parts dealer).

The above mentioned are businessmen in Eastleigh, they indicate that they know of the large Somali population in the area. It's important to note that of the above mentioned only two reside within Eastleigh and the rest stay outside Eastleigh and only go to Eastleigh during working hours usually Monday to Saturday.[71]

They claim that they don't face any harassment from the police but are completely against the idea of Refugee repatriation because the Refugees and Asylum seekers are both employers and employees. They indicate that during police swoops, many people opt to stay indoors and business income declines substantially. They however blame the Refugee population because they believe that they are a threat to National security

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[71] Interview with Respondents was conducted on 11th , and 12th June 2013 at Eastleigh, Nairobi with the Kenyan non Somali nationals that conduct business in the area

In general, Kenyans in Eastleigh have heard of the directive that refugees should stay at designated camps which they don't support because of the economic value that the refugee population in Eastleigh, they assert that the refugees are both employers and customers to Kenyans, they further state that business has gone down since the directive and that many refugees have left the area to destinations which are unknown to them, this they can tell by the reduction in business income and the high rate of houses rental houses that became owing to the relocation of residents. They however also want strong legislations to control how Refugees engage in economic activities because they feel that they are a threat to the meager recourses available.

3.3 Conclusion

Kenya is a classic example where their needs to be effective management of Human movement across international borders as a result of conflict, from this chapter, we are able to see the theory clearly linked to the reality, in as far as problems explained in chapter two are concern, e.g Relaxed border control measures, Xenophobic attitudes by the host community, economic crimes, threat to National security etc.

It cannot therefore be swept under the carpets the need for clear policies, legislations and guidelines on how to manage this human movement, the problem has been identified and the problem is real. The succeeding chapters will attempt to look at ways in which this can be done to address problems like those faced by Kenya with regards to management of human movement across international borders as a result of conflict.

CHAPTER FOUR

CORRELATION BETWEEN CONFLICT AND HUMAN MOVEMENT

4.1 Introduction

This chapter will try and analyze and interpret the elements of the research, previous chapters looked already looked at theoretical aspect that calls for the research,[72] the literature review by many renowned scholars and the data collection from the field on the effects of mass human movement across international borders as a result of conflict. The purpose of the data analysis and interpretation phase is to transform the data collected into credible evidence about the development of the intervention and its performance.[73]

The methodology that will be used is where secondary data from the scholars mentioned will be used to supplement the primary data from the police in Naivasha, Nakuru, Mwingi, Kitui. The district officers in Naivasha, Nakuru, Mwingi and Kitui, and officials of the Children's Department, this comprises the law enforcement agents and 20 Somali leaders to get the views of refugee population in Kenya and 10 Kenyans to get the view of the host community with regards to the problem subject of the research. All the information received was through direct interview with the respondents through open ended questions. There was also direct observation as a form of collecting primary data and other source details included old men from the communities, committee members and peace monitors. Community Key informants used were

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[72] Chapter 2 looked at the theoretical aspect of the research
[73] International center for Alcohol policies Data analysis and Interpretation (available at
http://www.icap.org/PolicyTools/Toolkits/EvaluationToolkit/4DataAnalysisandInterpretation/tabid/446/Default.aspx) 13May 2013

knowledgeable in a wide array of issues affecting the community and the responses were mainly qualitative in nature.

While most of us rapidly embrace research that agrees with what we already believe, we are often just as quick to dismiss that research that does not. The challenge is usually to be aware of our beliefs and then be able to set them aside, this ability to be both aware of and to detached from our bias is a component of critical thinking. Ideally critical thinking enables us to see the world as it this enables us to ask questions and to use information that challenges even our most cherished believe.[74] We therefore in this research need to put in a lot of analytical thinking as the problem of mass movement of human population as a result of conflict is a contemporary problem that is with us to stay till eternity.

4.2 Conflict and migration

Whereas it is not always the case, it is usually common that in times of persistent conflict, the conflict tends to be violent when there is no amicable solution, this is because all the parties to the conflict are in a desperate attempt to protect themselves, when the conflict turns violent, the weaker party will tend to move away from the conflict and when they move away they may be forced to move across international borders, this was the theoretical assumption with regards to human movement as a result of conflict. In connection to the relationship between conflict and movement Sandra Cheldin states as follows:-[75]

[74] Gail Johnson "Research methods for Public Administrators" (ISBN 978- 0-76562312-6) pp 4 – 5 : 4

[75] Sandra Cheldin, Daniel 'Ruckman, Larisa A Fast "Conflict from analysis to intervention" , 2003 pp 158 – 162: 161

"Oppressive structures itself does not manifest to conflict. The perception of inequitable relation has to precede the demand for change. As the source of conflict are not always visible or obvious, they always remain latent unless one of the parties begin to perceive that the given situation is no more tolerant"

This can clearly confirm the theory that when there is pressure on the conflict, the conflict will always tend to be violent and tends to blow up to the extent that the weaker parties will tend to move outside that areas of conflict to the extent that they will be forced to cross international borders.

When in the field doing research on movement and conflict, interview was conducted with Somali elders who gave an account of the conflict that was in Somalia.[76] The interview was conducted through an open meeting with 15 Somali leaders from Eastleigh of which some of them had resided at Dadaab Refugee camp before. Of all the 15 that spoke during the meeting, they all conceded that they left Somalia because of war. In this regard war is just another means in which a conflict becomes violent; they all claim that it's because of the violent conflict that they were forced to leave their country. This is a clear indication that whenever there is violent conflict, there will always be movement of the human population by the superior party to the conflict. In regards to the field research that was conducted on Somali Refugee elders, it was clear that they still fear stronger parties herein the militia group "Al Shabab. One of the community leaders raised the issue of ethnicity of which there won't be room for the minority clans who are oppressed and the fact that there is still ethnic tension in war tone Somalia. This

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[76] See Chapter 3 sub title *3.2.3*

clearly indicates that there is aways conflict over social political and economic space and the weaker link to the conflict will always tend to migrate to protect their life and property.

4.3 Mass Movement of Human Population in times of conflict

In the hypothesis of the research it tends to assert that there may be mass movement of human population, mass movement to the extent that it becomes unbearable to manage their movement, this is because at the time of conflict people always tend to move in groups where they feel they will be safe and with people they believe have the same culture and tradition as them, there is therefore a presumption that at times of conflict, the displaced people will always tend to move with other displaced persons from their community. This theory is seconded by Sarah Kenyon Litcher who quoted that people who move often have the same ideology and always have a sense of security in numbers.[77]

An intercivilizational comparative approach to migration suggests fundamental similarities. Warrior segment of people penetrated into the territories of others, settled, killed intermingled and adjusted to the new social and natural environment. Such migration involved a search for "frontiers" of opportunities where everyone wants to feel comfortable[78]. This therefore adjusts the same school of thought on the concept of mass migration, it is in this regards that during the field visit conducted it showed that many Somalis have migrated into Kenya and in large numbers. Back to the reality on the primary data that was collected, President Uhuru indicated that Kenya has been hosting many Refugees from Somali who have become a burden to the

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[77] *Op Cit*
[78] Dirk Hoerder "Culture in Contact: World Migration in the Second Millenium" (2002) pp 15-21: 7

Kenya.[79] In the same breath, reports from UNHCR indicated that From January to August 2012, the Dadaab and Alinjugur camps registered more than 5,700 new arrivals from Somalia, bringing the total population in these camps to some 474,000. In 2011, Dadaab registered 113,500 new arrivals over the same eight month period. The large numbers were mainly due to the prevailing drought, famine and insecurity in Somalia.[80] The police interviews in Nakuru and Naivasha indicated that migrants claiming to be asylum seekers are usually arrested at border areas and most of the time they are arrested in large numbers.

This therefore goes ahead to make a finding that its normal that in times of conflict people will always migrate and in large numbers when migrating humans will always tend to migrate with those that they are comfortable with two and when the situation is bad there will always be mass movement of the weaker link to the conflict. To further emphasize on the effect of the human movement, one of the Somali leaders who was interviewed indicated that Somali regions are not being ruled by the indigenous people, most of the indigenous people fled during the conflict and outsiders came to take control of the regions[81], clearly indicating that mass movement of human population had taken place. Of the 15 Community leaders during the forum, 8 of them which accounts to me than 50 % of those interviewed indicated that majority of the indigenous civilians had fled to neighboring countries owing to effects of the war. It is therefore a proven hypothesis that when there are severe effects of conflict there will be mass movement of human population and this human population will always tend to move to places where they feel comfortable with each other.

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[79] The Star Newspaper *"Kenya backs return of Somali Refugees"* Published on May 08, 2013
[80] 2013 UNHCR country operation profile (available at http://www.unhcr.org/pages/49e483a16.html)
[81] Interview with Somali Refugee leader Mr. Ismail Najib Abukar on 14th June 2013 at Eastleigh Nairobi

4.5 Analysis of the effects of the Mass Movement of Human population across international borders.

Earlier on in the research, there were attempts to look at the effects of mass movement of human population across international borders to both the migrating population and to the host country.[82] This theory can only be qualified through what scholars pointed out in the literature review and what was established from the field visits and interviews with the different stake holders.

Situations of mass refugee influx represent by their very size and urgency daunting evidence of human suffering and cruelty. Consequently, the level and quality of refugee protection in times of crisis is tested. The choices to be made have to take into due consideration the prevalent conditions and restraints. They will probably always result in compromises. The question is whom or what the compromises are about? In 1981 when dealing with Refugees under the United Nations, the EXCOM conclusion 22 (XXXII), the protection of asylum seekers in situations of large scale Influx, it is understood that the states should always admit these asylum seekers, at least on a temporary basis.[83] Year later EXCOM adopted its conclusion 85 (XLIX) from 1998 on the protection situation, recognizing in even more explicit and unequivocal terms[84]

> *'that international solidarity and burden sharing are of direct importance to the satisfactory implementation of refugee protection principals; stresses, however in this regard. That access to asylum and the meeting by the state of their protection obligations should not be dependent on burden sharing arrangements first in place'*

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[82] See chapter 2 sub title 2.2
[83] EXCOM, Conclusion no 22, section II, A, Paragraph 1 and 2
[84] EXCOM, Conclusion No 85

Based on the above mentioned it is clear that countries share the burden of protecting foreign nationals that have been displaced by conflict. However there was no indication to the effective management of this especially where the foreigners displaced by conflict come into the country with adverse effects, the analysis will look at some of the adverse effects of mass movement of human population vis a vie the field work conducted and literature reviewed:-

4.5.1 The Problem of Mixed Migration

When asylum seekers leave their country they do so because of well-founded fear of persecution on account of their race religion, nationality or political opinion or membership to a social group or when they are fleeing events that seriously disturb public order[85]. These are who we refer to as asylum seekers who are seeking to be recognized as a Refugee. However in the same scope of movement at the time of conflict, there are those that migrate to seek better lives and don't meet the criteria of Refugee. In an IRIN report,[86] it highlighted the problem of mixed migration being where people forcefully displaced by conflict or other compelling reasons and seek protection under international Refugee law are moving together with people dislodged by a real and/or perceived inability to thrive (economic migrants) or motivated by aspirations.

During the field visit, it was established that mixed migration is a complex problem to the Refugee situation in Kenya, this however does not mean that asylum seekers and Refugees are not allowed to engage in economic activities, it becomes an economic migrant if the reason that made you leave your country of origin has nothing to do with persecution rather because you are

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[85] See Refugee Definition in Chapter one, chapter 1 sub title 1.2.4

[86] IRIN report "mixed response to mixed migration in Africa (available at http://www.irinnews.org/report/93844/

looking for a better life. In reality Kenya has become a flight corridor for smugglers, the Standard Newspaper on 27th April 2013 stated as follows:[87]-

'Ethiopian official who declined to give his name said authorities had moved to arrest members of cartels handling the travelers' finances. ''We have to work with all the countries between here (Ethiopia) and South Africa. If we target those transporting them, this thing will go down,'' he said. Immediate former Isiolo OCPD Augustine Thumbi said investigations they carried out between 2010 and 2011 showed the Ethiopians were being smuggled out of their motherland by compatriots who had prospered economically.

Those interviewed said they were joining their well-off relatives and friends in South Africa. Despite the arrests and hardship on the way, they keep on coming,'' said Mr. Thumbi in a past interview. Brokers involved in the trade and some Immigration officials in Moyale, Isiolo, Nairobi and Namanga gave the same angle. The 'successful' group made money from manual work, hawking and small businesses.'

In the field visit in Mwingi and Kitui both police indicated that they usually meet arrest Ethiopians that are claiming that they are going to South Africa they are smuggled in and they don't use the regular high way rather they used unoffical paths with the aid of motor cycles. To analyze this therefore will suppose that indeed it is fact that when we have a porous international border which Refugees use the same is likely to be misused by economic migrants who want to travel into the country without proper documentation.

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[87] The Standard Newspaper "The Allure Ethiopians can't Resist Down in South Africa" dated 27th April 2013

4.5.2 Threat to National Security

Earlier during this research, the reasoning was that during mass movement of human population. It would not be possible to screen all the individuals that come into the country and therefore it would be impossible to weed out those who are a threat to national security, national security is very important to a country and should not be compromised under any condition whatsoever,[88] it is for this reason that the 1951 Refugee Convention which is the international instrument that looks into matters that affect Refugees and domestically the Refugee Act have exclusion clauses for those that are deemed to be a threat to National security, the 1951 convention under Article 32 (2) states as follows[89]:-

> *'The expulsion of such a refugee shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the component authority;*

This has been domesticated under national legislation which is the Refugee Act 2006 under Section 21 (1) which states as follow:-

> [90]*'Subject to section 18(1) and subsection on (2) of this section, the Minister may, after consultation with the Minister responsible for matters relating to immigration and internal security, order the expulsion from Kenya of any refugee or member of his family*

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[88] See chapter 2 Sub title 2.2.2
[89] 1951 Refugee Convention Article 32 (2)
[90] Refugee Act 2006 section 21 (1)

> *if the Minister considers the expulsion to be necessary on the grounds of national security*
>
> *or public order'*

The drafters therefore had a valid reason as to why they deemed it fit to have this provision, because they knew that at times the migrating population may carry with them ideological values that may pose a threat to the national security of a country, this was also echoed by Edward Mogire in his book "*Victims as Security threat: Refugee impact on host state security in Africa*"[91]

In relation to the Kenya situation, threat to National security has been a nightmare to the Kenyan Government with threats of Grenade attacks in Nairobi Garrisa and Dadaab parts of Kenya. During the Lancaster house conference on the Somali situation that was held on 07th May 2013, Kenya's President Uhuru Kenyatta purported that the increase in the number of Somali Refugees in Kenya pose a threat to the National security in the country and he reiterated the same during the IGAD meeting that there needs to be timelines set by the international community to have clear timelines for the return of Somalis[92]

During the interview done with the police at Mwingi, Kitui, Nakuru and Naivasha, they were all of the opinion that Refugees should be compelled to reside in the camp area there was a 100% approval of the directive that was issued by the Government towards the end of 2012 directing that all Refugees and asylum seekers should stay in the camp in Dadaab and they all cited one

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[91]Edward Mogire "Victims as Security threat "Refugee Impact on Host state security in Africa" pp 17-12:20. The writer indicates that the securitization or the characterization and acceptance of the refugees as a security fits well with the parameters of the security framework that denominates the individual, society   and the state as the referent object of security.

[92] [92]The Star Newspaper *"Kenya backs return of Somali Refugees"* Published on May 08, 2013

reason ''That the Refugees have become a threat to National security'' they all link the grenade attacks to be by the Al Shabab this whom they believe have elements in the Refugee population in Kenya,[93] it is therefore clear from the above mentioned that the Refugee population may be perceived to be a threat to National security.

4.5.3 Xenophobia by host community

Xenophobia is generally known to be the fear of foreigners, this is most often when the foreigners tend to bring some form of socio- economic competition to the host community or if they make the host community face some threat to their life and safety. Jamie Bordeaux in his book claims that apart from the Socio economic strife that may lead to Xenophobia at times there is the issue of Nationalism and Nativism. Nationalists are people who feel a strong loyalty to their country and its traditions, in fact, nationalists may pledge loyalty to the country above all else and they view their country and its traditions as more important than other, this may be referred as negative nationalism. Nationalist may feel that the immigrants are a threat to their countries cultural identities. Nativists believe that the native born citizens should be afforded more rights and protection than the foreign born citizens. Nationalists and Nativists often contribute to a culture of xenophobia.[94]

In instances where there is a max influx of foreigners, there is potential to have negative attitude by the host population, during the field research, it was clear that all the police suspect the Somalis of being a threat to National security and supported there stay in designated camp areas. To further express this xenophobic attitude, the Refugee in Nakuru indicated that they are

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[93] Meeting with Deputy OCPD Mwingi , Mr Leonard Baini on 29th April 2013 at their duty station

[94] Jamie Bordeu "Xenophobia; The violence of Fear and Hate" PP 6- 8:6

not targeted as much because majority of the Refugees are from the south Sudanese community, they further indicated that the police further view them as friendlier than their Somali counterparts who are believed to be a threat to National security.[95] Further interview with five Kenyans from the Somali population in Eastleigh indicated that they don't like the presence of Somali Refugees because they also subject them to police harassment because they are also perceived to be foreigners they. Further interview with five other non-Somali Kenyans indicated that they feel threatened by the presence of the Somalis in business activities, all the respondents assert that legislation should be put in place to control how foreigners engage in business, there is a clear element if the perceived economic superiority of the Somali population that makes Kenyans shun them, this coincides with the theoretical concept of xenophobia by the host community. In Kenya, an opinion poll on 6[th]January 2007 indicated that over 94% of Kenyans who responded were in favor of the government sending back the Somali refugees to Somalia, and that Kenya had hosted Somali refugees for too long. It is unlikely that the immigration law and border controls will be relaxed; rather, they will get stricter and more stringent.[96]

During the meeting with the Somali Community leaders one of them by the name Abdurazak Afata Mohamed raised concern over the media's negative role in the intended repatriation, this he indicates created the perception that Kenya does not want to host Somalia nationals, therefore being a recipe for increased xenophobic incidents as the Government seems to be keen to remove Somalis out of Kenya. This is clear that the Refugee population is feeling the pressure of xenophobia

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[95] Interview with Refugees community lfrom Sudanese Community (through an open forum discussion) on 27th March 2013 at Nakuru

[96] Judy Wakahiu (Executive director, Refugee consortium of Kenya) Presentation on Refugee Protection: The challenges from Interventionist and Terrorism concerns, Panafric Hotel 26th February 2007

4.5.4 Relaxed border control measures

Every country has national laws that govern the entry and exit into the country, however when there is mass entry of people fleeing violence, the duty of states to protect life always over shadows the migration laws, the entry of mass population always undermines border control and it's with this that other negative effects come into play e.g threat to national security, economic crimes etc

In Kenya, it is quite evident that there is a relaxed border control; this is quite evident by the high number of asylum seekers and other migrants that are arrested en route to Nairobi all the police and members of the local administration indicated that many they do arrests Refugees and asylum seekers who are travelling without valid documentation.[97] The police in Mwingi and Kitui further alluded that they are facing another challenge where many of the migrants used alternative routes from the main high way to travel and also by the aid of motor cycles, this therefore negates the innocent nature of seeking asylum because my travelling through hiding there is a presumption of guilt

4.5.5 Rise in economic crimes

At the time of conflict there is a potential that the weaker parties to the conflict will lose their livelihood because of the negative effects of the conflict, when they cross international borders they are usually in different countries and don't have the proper documentation that will allow them to engage in business. There is usually a desperate attempt to survive especially amongst those that have dependents. Basically economic crimes are where one derives some monetary incentives.

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[97] See Interviews with Police and Provincial administration Chapter 3 sub title 3.3

The economic approach to criminal behavior can be summarized in the following syllogism; people respond to incentives and offenders are people to and they are likely to respond to incentives. Crime in turn inflicts material and emotional harm on both individual victims and the society as a whole and disrupts the foundation of the society and efficient resource allocation. This is true even in the case of petty theft, which entails a small redistribution of wealth from the victim to the offender.[98]

It is for this reason that people often tend to engage in economic crimes, worse still when one is an asylum seeker or a Refugee the desperate nature of the situation they find themselves in may make them engage in economic crime so as to earn a livelihood. In Kenya for example there is a lot crime that has happened that has been perceived to be linked to the Refugee population. Al Jazera new reports as follows in January:[99]-

Two youths were killed and seven people injured in a grenade attack at a refugee camp in northeastern Kenya, the country's Red Cross has reported. The explosion at the Dagahaley refugee camp in Dadaab occurred on Friday evening at a popular restaurant, normally frequented by locals.

"*The seven victims sustained multiple shrapnel wounds from the grenade blast in different parts of their bodies and were rushed to hospital, where they are still admitted and receiving treatment," the Red Cross said in a statement. We lost two people and others have been injured*." Philip Tuimur, the regional police chief, said. Another police source said the grenade was thrown from a moving vehicle.

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[98] Bruce L. Benson and Paul Zimmerman 'Handbook on the economics of crime' (ISBN 978 1 84720 954 2) pp 1-5: 4
[99] Al Jazeera News , 05th January 2013 (available at http://www.aljazeera.com/news/africa/2013/01/20131571854963314.html)

Dadaab has sheltered Somalis fleeing violence and drought for more than 20 years, and their numbers currently stand at nearly half a million. Attacks have increased within Kenya since Nairobi sent army soldiers into southern Somalia to fight Somalia's al-Qaeda-linked Shabab fighters in late 2011. It is believed that young men in Kenya are lured using money to join in the Al Shabab activities to continue with their terrorism activities in Kenya

Another rampant economic crime is smuggling of economic migrant's en- route to South Africa, The police of Mwingi and Kitui indicated that they usually arrest migrants who assert that they are on the way to South Africa, their travel is usually aided by brokers who use alternative routes to avoid police road blocks, smuggling itself is an economic crime. This is further recorded by the standard newspaper which indicates that when referring to an interview with one of the a Refugee by the name Nuri who was attempting to go to South Africa[100];-

Nuri and his friends however thank God that they are alive after learning that some of their compatriots had died en route to South Africa. ''I was running away from poverty because I believed in the tale that life is better in South Africa,'' he added. ''There are many Ethiopians who have prospered in South Africa. Sometimes this group even contributed money to encourage their relatives to join them,'' said the source who sought anonymity due to the sensitivity of the matter. Many Ethiopians have permanent homes, established businesses and have bought farms and livestock from remittances send back home by those who ventured into South Africa and other destinations abroad. Marsabit County Commissioner Isaiah Nakoru says the biggest problem is that the Ethiopians who use the porous border to enter Kenya keep coming despite

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[100]The Star Newspaper *"Kenya backs return of Somali Refugees"* Published on May 08, 2013

arrests. Last month alone, adds Nakoru, more than 100 Ethiopians were arrested in the county while being smuggled to South Africa.

The arrests include 42 Ethiopians nabbed in a GK truck at Laisamis and a further 58 in a private commercial truck along the same route. Nakoru says investigations by detectives have shown that the aliens were en route to South Africa to seek greener pastures. ''They are not refugees running away from either war or political persecutions by young men out to be smuggled to distant foreign lands to seek better standards of living," said the official. While saying Kenya was doing all within its capacity to stop the human trade, the administrator said things would be better if Ethiopia put measures in place to block the practice at home. Economic crimes are therefore very prevalent in the Refugee community[101]

4.5.6 Lack of Humanitarian Aid

Humanitarian aid is the kind of assistance given during humanitarian crisis to alleviate suffering of the people affected by the crisis, when there is a humanitarian crisis through influx entry of the Refugee population. In Kenya, Dadaab Refugee camp which was designed to accommodate 90 000 Refugees has a number which is almost 6 times more. Kenya in itself is home to around 600 000 Refugees.[102] This has made Humanitarian assistance limited owing to lack of funding. In the recent past, the security situation in the Dadaab area has become high-risk and dangerous, following a series of incidents, including the abduction of aid workers and fatal attacks on refugee leaders and Kenyan security forces. This led to more restrictive security measures that

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[101] *Ibid*

[102] Relief web kenya; UNHCR welcomes Kenya High court decision on urban Refugees, 30 Jul 2012 (available at: http://reliefweb.int/report/kenya/unhcr-welcomes-kenya-high-court-decision-urban-refugee-rights)

curtailed humanitarian access to the camps and obliged the Government of Kenya, UNHCR, partners and the refugee leadership to explore new ways to continue the delivery of assistance and protection.[103]

The pressure at Dadaab started way back and has been getting worse as the years go by. As far as 2008 the Dadaab Refugee camp was already feeling the pressure, an influx of asylum-seekers fleeing violence in Somalia to the refugee camps in Dadaab in north-eastern Kenya was causing overcrowding that could lead to a humanitarian crisis, UN officials have warned.[104] The refugee population in Dadaab has risen to 224,000 from 171,000 in January. "Poor shelter, sanitation and a shortage of non-food items are posing a great challenge to the new refugees, especially now that the rainy season is here," said Liz Ahua, the UN Refugee Agency (UNHCR) representative.

"We may soon face a humanitarian crisis if we continue depending on the three existing camps to accommodate the new arrivals," Ahua said in a joint communiqué issued by UNHCR, the UN World Food Programme (WFP) and the UN Children's Fund (UNICEF). Dadaab's Dagahaley, Ifo, and Hagadera refugee camps are now holding almost three times their capacity, according to UNHCR, which is calling for a new camp to be established.[105] It cannot therefore be in doubt that the higher the number of persons displaced, the more severe it will be in terms of access to humanitarian aid

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[103] 2013 UNHCR Country Operation profile – Kenya. June 2013(available at http://www.unhcr.org/pages/49e483a16.html)

[104] UN spokesman Emmanuel Nyabera during an Interview on National Televison News (Kenya) 7th January 2012

[105] Humanitarian News and Analysis "KENYA: UN warns of humanitarian crisis in Dadaab camps" 4th March 2013 (available at http://www.irinnews.org/report/81504/kenya-un-warns-of-humanitarian-crisis-in-dadaab-camps)

4.5.6 Natural Resource Conflict

When people cross international borders, they usually go and settle in a given area in the hot country, more often than not, they usually find a host community who are already settled in the area. Human beings depend on Natural resources and are adopted to thrive where there is adequate exploitation of the natural resources. Whenever a human population is settled they would feel threatened by entry of another group more so if the natural resource is scarce.

Ian Bannon and Paul Collier stated are of the view that violent secessionist movements are statistically much more likely if the country has valuable natural resources, with oil being especially dangerous examples being Biafra (Nigeria), Cabinda (Angola) , Katanga (DRCongo). This exaggeration is in part strategic as, as secessionist leaders seize on the resource issue to build up support. The discovery of new natural resource or a higher endowment of a known resource greatly increases the risk of conflict in low income countries.[106]

This as seen in Kenya during the field research visits is the course of the xenophobic attitude towards the Somalis who are believed to have more money. In Dadaab, the host population within a 50km radius of the refugee complex has been growing at a rate of 11.7 percent per year since the refugees moved into Dadaab, according to a study commissioned by the Kenyan government with Denmark and Norway in 2010, which looked at the impact of the refugee complex on the people of Dadaab.

The host population in 1989 was only 15,000 Recurrent droughts have had profound effects on the population and the increase in settlement in the Dadaab host community," it stated.   In September 2011 J. Ndamburi (District commissioner) and officials of the Dadaab District Peace

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[106] Ian Bannon and Paul Collier "Natural Resource and violent conflict; Options and Actions" (2003) pp4-8:4

Committee estimated the current local population to be at least 250,000, noting that residents of the drought-affected neighboring regions of Mandera and Wajir continued to arrive.

"We all (new arrivals from Somalia and neighboring regions in Mandera and Wajir) belong to the same (Somali) ethnic clan, Ogaden. It is easier for us to get along, but there is a lot of strain, pressure on the resources like water and wood. There is potential for conflict," explained Omar Garane, vice-chairman of the committee. Three Ogaden sub-clans, the Aulihan, Abdwak and the Magarbul, account for the majority of the host population in Dadaab.[107] With the abovementioned put into consideration, we cannot turn a blind eye to the fact that when there is an influx in human movement there will always tend to be a disintegrated Natural resource conflict.

4. 6 Conclusion

This chapter was meant to create the link between the theoretical aspect of the problem, the literature by scholars and the reality through the field visits. I have no doubt in my mind that the three have a clear linkage. Mass movement of human population is a concept that has been with the work from time immemorial, it is not something that will stop soon, and it has been qualitatively proven that mass movement of human population brings about an issue that leads to a problem more so if the mass movement has been cause by conflict

There is need for authoritative work to offer a global perspective on the nature of migration flows, why they take place, and their consequences for states and societies around the world, the consequences of mass human migration will get worse unless there is institutional change,

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[107] Interview conducted by the Humanitarian News analysis with District Commiosner J Ndamburi and leaders of the Daadab District Peace Committee on 2 Sept 2011

legislative change and change in custom and practice, currently (July 2013) Syria is a political limbo with more than 3000 civilians crossing to neighboring countries every day , with the increasing worldwide problems of migration, research into its causes and effects become ever more urgent.   When we proceed to the last chapter, I will attempt to look at some recommendations to this problem that looks never ending.

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

All through the research, we have looked at the consequences of mass migration of human population across international borders; we have looked at the scholarly views of the same with respect to the same which has been coupled with field research to create the linkage, it has been established that indeed management of human movement across international borders as a result of conflict is essential as the same has adverse effects as has been explained earlier. This chapter is the concluding chapters, it will attempt to summarize the findings and then derive the conclusion it will also attempt to look at recommendations on how to deal with the research problem, and it will further attempt to look at good practices globally and try and incorporate them to a comprehensive solution to the research problem.

5.2 Findings related to the Human Movement as a Result of conflict

5.2.1 Dynamics of Human Movement

After going through the research it is proper to conclude that human movement is Dynamic in that it is marked by intensity vigor and force. Since optimum psychological health is inextricably interwoven with other aspects of well-being, from a transpersonal perspective wholeness depends on a balanced integration of physical emotional, mental existential and spiritual levels of consciousness.[108] This brings about the element that human beings will always look for ways of surviving so that they can stay in a place where their emotional and physical well-being is

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[108] Stanislav Grof, Marjorie Iivingston "Human Survival and Consiousness evolution" 1998. Pp 8- 12: 10

guaranteed; it is therefore the finding of this research that movement to safer havens is a common reaction of human movement as suggested in the hypothesis. Further still, that people feel attached to those that look like them, behave like them and have the same culture as them. This form of attachment will always make people move in groups. Inseparable connections therefore exist amongst our attachments experiences, the resources of our communities, and the kind of people that we become; this determines the attachments' that we are capable of giving our children[109]. This therefore concludes that during conflict, the weaker party to the conflict is migrating to safer haven, it is often that people with the same ethnicity background, kinship will migrate to one place and when this trend persists it would lead to an influx movement and they will always migrate to the same place to get some sense of security in numbers.

5.2.2 Balance between Host community needs and Immigrants

When there is migration of a foreign population, the research has revealed that this will always have an impact to the host community; the host community will always feel that the influx population has increased competition for the natural resources, natural resources are a source of livelihood to human beings. A Good example is Tanzania, the sudden presence of refugees and relief resources in western Tanzania significantly altered the lives of people who lived there.[110] The opportunities available to host communities changed in both positive and negative ways. Although hosts experienced the changes differently, those variations are discussed in subsequent sections of the paper. This section focuses on the broad patterns which emerged during the course of the research. Changing opportunities were experienced in five areas in the local

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[109] Marci Green, Marc Scholes "Attachment and Human Survival" 2003 pp 1-5:2
[110] Beth Elise Whitaker 'New Issue in Refugee Research' *Changing opportunities refugees and host community in western Tanzania* Working paper No 11, June 199 pp 1-6:4

context: agriculture, environment, market economy, infrastructure and development resources, and way of life. It is therefore important to note that when dealing with influx human movement there needs to be a balance between meeting the needs of the host community at to mitigate any xenophobic attitudes and the important requirement of upholding the right to seek asylum which is a right of all individuals as it is closely linked to the right to life.

5.2.3 Need to effectively manage Human Movement

The finding of the research revealed that human movement become inevitable at times of conflict and as stated earlier, people tend to migrate together is a group[111]. When they migrate and cross international borders, the host country i.e the country of asylum needs to monitor and manage the movement to ensure effective control and to avoid conflict between asylum seekers and host community. The balance between National Security and the right to seek asylum needs to be meted out clearly and also policies to ensure that the environment is not strained by an influx of Refugees which may cause environmental conflict. An example is in the former Sudan,[112] Lack of food and water is another major cause of death, and a source of conflict. Humanitarian workers point out that at the end of the rainy season, the grass should be tall. Instead, it is short, making it difficult for refugees and the local community to maintain their livestock herds. Additionally, the influx of refugees to the region has increased demand for, and decrease supply of grazing land.

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[111] See Chapter 5 subtitle 5.2.1

[112] Humanitarian News analysis "South Sudan: *Tension Grows between Refugees and Host Community"* (available at http://www.irinnews.org/report/9715)

"This is likely to cause tensions between the host community and the refugees over water for the cattle… and over agricultural land, because that's the last land that could provide food for the cattle," explained one humanitarian worker in the area who preferred to remain anonymous.

Therefore it is the finding of this research that there needs to be ways in which there is effective management of human population across international boarder and with that comes some recommendations:

5.3 Recommendations

I have therefore divided the recommendation into five broad major components, this are as follows:-

  a. Institutional reforms to cater for Influx entry

  b. Burden sharing (Responsibility of the International community)

  c. Legal framework to address mass movement

  d. Environmental consideration during mass movement

5.2 Recommendations

5.3.1 Institutional reforms to cater for influx entry

An institution is any structure or mechanism of social order and cooperation governing the behavior of a set of individuals within a given community. When there is mass migratio3 of human population into a country, it is common that the host country is court in a state of unpreparedness. When we talk of disaster preparedness, we must first of all agree on what

constitutes disaster. The most widely cited definition of the term in social sciences is the one that was developed by Fritz, who defined disaster as (1961a:655)[113]

An event concentrated in time and space, in which a society, or a relatively self-sufficient sub division of the society, undergoes severe danger and incurs such losses so it members and physical appurtenances that the social structure is disrupted and the fulfillment of all or some of the essential functions of the society is prevented

To understand how to deal with the disaster we must put in place measures to curb the negative effect of the disaster. In this regard, we should have what are referred to as reception centers, this reception centers should not be used as a detention facility, and rather they should be large open areas where forced migrants can assess basic facilities. The reception centers should be confused for Refugee camps; rather they should be locations where one stays temporarily as pending relocation to the refugee camp or other urban areas as s/he may wish. The reception centers should have the following minimum requirements: - Access to health care, access to water and sanitation, access to temporary shelter which is gender sensitive and access to food.

The above mentioned are what are referred to as basic lifesaving needs. This is where the element if humanitarian aid comes. Host Government should have in their national kitty some budget set aside for emergency response where all this needs are meet. Emergency response staff and personnel should also be stream lined in the Government where they are available on call in cases of mass human entry into the country. With this in place, this will have sorted out the issue of lack of humanitarian aid, the issue of missed migration because the screening will be done at the reception center. The best practice in regards to a reception center is Mangere Refugee center

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[113] Kathleen J Tierney , Michael K Indell, Ronald W Perry "Facing the Unexpected: Disaster Preparedness and Response in the United States" (2001) pp 5- 11:8

Aukland, New Zealand overseen by the Aukland council which has demonstrated its commitment to supporting newcomers. From strategy and policy to community development and funding, teams have signaled their recognition of and dedication to the value of diversity. This dedication is demonstrated in the Draft Auckland Plan and through the establishment of the Ethnic and Pacific Peoples Advisory Panels, the cross cutting theme of supporting diverse economies in the Auckland Regional Settlement Strategy. It is also evident in Council's funding of a number of settlement support projects, cultural activities, and Auckland Libraries diversity initiatives.[114]

Given its demonstrated commitment to diversity, Auckland Council is well-placed to play a leading role in supporting migrants and refugees by welcoming them upon arrival, participating in the co-ordination of services, providing leadership and acting as an advocate when necessary.

5.3.2 Burden sharing (Responsibility of the International community)

The notion of "burden-sharing" in relation to refugees has a checkered history. The concept started life in the 1950s as a principle for promoting international solidarity among states receiving refugees. But over the past decade it has been used or abused by different protagonists to justify quite divergent policies: from the dispersal of asylum seekers or refugees among countries, to the evacuation of Kosovar refugees from Macedonia, to more recent proposals for reinforcing protection of refugees in their region of origin. Indeed, the concept has been so widely applied as to almost lose coherence. That said, it has proved remarkably resilient, surviving attempts to replace it with more euphemistic notions of "solidarity" or "balance of efforts

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[114] Aukland Council report , March 2012

"Burden-sharing" was first used to refer to the need for sharing responsibility for protection of refugees in situations of mass influx. The preamble to the United Nation's 1951 Convention relating to the Status of Refugees states that granting asylum "may place unduly heavy burdens on certain countries," implying the need for "international cooperation." Since then, this has been interpreted as requiring two main sorts of action. The first has been providing financial assistance for countries of asylum usually less-developed states, to help them with the care and maintenance of refugees, mainly through funding the activities of the United Nations High Commissioner for Refugees (UNHCR) in countries of asylum.[115] The second type of action has involved what might be termed "physical" as opposed to financial burden-sharing: i.e., the dispersal of refugees among states. This type of "resettlement" approach was adopted to deal with the refugee crisis triggered by the Hungarian uprising in 1956, those fleeing Chile after the Pinochet coup in 1973, or schemes for resettlement of Vietnamese refugees from 1979 onwards. In principal Burden sharing is where the international community as signatories of the 1951 Refugee Convention shares the burden when there is a particular country that is overwhelmed by people that are fleeing conflict. This can be in two ways through offering if aid to the country that is facing the influx and secondly by other countries accepting people that are fleeing conflict in because they are not able to go back where they will face persecution. It can be a tangible expression of international solidarity and a responsibility sharing mechanism, allowing States to help share responsibility for refugee protection, and reduce problems impacting the country of asylum.[116]

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[115] Christian Boswell, Feature story "Burden sharing in the new age of Migration" November 2003
[116] UHNCR Resettlement Handbook pg 3

Over the past sixty years resettlement has provided millions of people with protection and the opportunity to build new lives for themselves and their families. The refugees have made important contributions to the countries that received them.[117] The only issue herein is that at the moment there are less than 15 Resettlement countries which have accepted to take Refugees as a Durable solution, if the international community can be persuaded to open up this opportunity then that would be an effective way to deal with the negative effects of mass human movement across international borders

5.3.3 Legal framework to address Mass Movement

We have establish that mass movement has a lot of implication that have a legal connotation, there are serious effects that are as a result of mass movement of human population that bring about legal implication, the movement across international borders has in itself legal implications, there are more other issues that come up that may have legal bearing, this are but not limited to Natural resource conflict, when migrants engage in economic crimes, Refugee adjudication process etc. This is worsened when there is mass movement of the human population. Many of the countries that receive forced migrants have basic immigration laws that deal with border management and documentation issues. However, many countries have not looked at the broader picture of the emergency of new arrivals, and how to balance the same with the needs of the host community.

As a recommendation, legislations need to be put in place that will address the following: - Incidents of Xenophobia, Migrants reception centers, the adjudication process of those seeking

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[117] For personal stories, see the News and Media section of the UNHCR website at http://www.unhcr.org

asylum, emergency response and migrants in conflict with the law. This needs to be a comprehensive peace of legislation that will look at all the aspect of the influx movement and how it can be managed from a legal point of view, giving rights and duties to all stake holders affected by the influx movement (i.e Host Government, Host community and the Migrating population)

There should be clear laws and legislation that prohibit xenophobic incidents and those that grants migrating population rights and obligations, there should also be clear laws that express how crisis should be dealt with. Increasing ethnic and racial diversity of societies is the inevitable consequence of migration. Increasing ethnic and racial diversity of the society is the inevitable consequence of the migration. Increasing migration means that a growing number of states have become or are becoming more multi- ethnic, and are confronted with challenges of accommodating people of different cultures, races, religions and languages. Addressing the reality if increased diversity means finding political, legal, social and economic mechanisms to ensure mutual respect and to mediate relations across differences. [118]These legal provisions should also clearly address the expected conduct of migrants so that they are deterred from engaging in illegal activities.

5.3.4 Environmental consideration during displacement

As it has been established that issued of the environment are interlinked to issues of livelihood, as a matter of fact the environment is life, when the host community is threatened by a large number of migrants coming to settle where they reside their environment and in turn their livelihood will be threatened and above mention when referring to legal policies, the legal

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[118] ILO, IOM and OHCHR, world conference against Racism, Racial discrimination, Xenophobia and related intolerance (WCAR) August 2001

framework should cover the environmental aspect of the source of conflict. However herein when taking of the environment, we are referring to measures to be put in place to balance the need for environmental conservation with the need for livelihood of the population.

Government policy is often key to the success of Refugee participation in natural resource management, while the goal of local and refugee participation in environmental management strategies is a sound principle; its viability rests on the host government's willingness to allow refugees to have access to local natural resources. Such policies must be clarified from the earliest opportunity. This may imply approval of access for wood products, rights to cultivate, or permission to engage in economic activities. Where the environmental policy is well-defined, opportunities for refugee participation, decision-making and access to (with assumed control over) natural resources becomes clear, even if they turn out to be limited. If the policy is vague, however, or local policy contradicts national policy, the likelihood of achieving effective refugee participation is greatly diminished.[119]

Most countries have National Environmental Action Plans or similar strategies for environmental management. As few refer specifically to resource use planning in refugee-affected areas, efforts should be made to influence their content with reference to refugee influxes, drawing particular attention to the issue of site selection. This can be done through the relevant ministries or agencies responsible for the formulation of sectoral plans. In this regards where there is influx population, the host Government should attempt and distribute refugees evenly across the country. This is in turn to say that not only one part of the country should feel the burden of the mass movement. Refugee Reception areas should be placed spread throughout the country with

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[119] UNHCR Handbook on Refugee operations and Environmental Management (2001) pp

regular environmental impact assessments carried out to ensure effective planning and monitoring to cushion the host community from feeling the stretch on the natural resources over the environment.

An example of a good practice was during an influx of human movement in Sudan Kassala state in Eastern Sudan has hosted refugees from Eritrea and Ethiopia in particular for over 30 years. Further conflict in May 2000 saw an additional influx of 30,000 refugees to the established camps of Laffa,Gulsa and Shagarab. Foraging for firewood to meet daily cooking needs and seeking shelter materials further denuded the sparse woodland surrounding the camps. To minimize the environmental impact of these newly arrived people an emergency environmental program focusing on women to women transfer of energy efficient stove technology, cooking techniques, environmental awareness and use of a renewable source of firewood was implemented by GOAL, as UNHCR's implementing partner. The program targeted 1,200 households over 8,000 people[120].

In the same country, Women who had received training from their group leaders built approximately 1,200 improved mud stoves, incorporating a pottery cylinder with the traditional mixture of mud and animal manure. An additional 1,200 *Azza* stoves made by a national stove builder were distributed to the women on completion of their household mud stove and on planting three trees in the woodlot. Furthermore, the charcoal produced as an end product from the communal and mud stoves was in turn used in the *Azza* stove, in preparation of tea/coffee or for irons. These are some of the good practices which can be adopted by countries with a mass influx of migrants fleeing conflict.

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[120] UNHCR, Sudan, Country Operation Report , 2000

5.4. Conclusion

Human movement is as old as mankind, having looked at this research work, it is clear to understand that migration has adverse effects which need to be adequately addressed, currently (August 2013) there are more than 3 000 people fleeing civil strife. This number would be a burden to any country. The plasticity of human is endlessly tremendous as a mystery. General speaking that human beings are filled with compassion but sometimes regard things with hatred; some people fire to each other whereas they declare that they are loyal believers for peace; and possibly humans are more capable for conflict than harmony. Man from the earliest times has always lived in societies each with its peculiarities. But a common variable had been the scarce economic resources he has to contend with and which often times threaten his survival. As man continued to interact with one another a gradual tussle evolved amidst these limited resources that further threatened human existence. With this man always attempts to survive and hence the notion survival for the fittest, when there is increased competition , conflict always erupts and when the same persists the weaker party will always move away so that they can save their life and they will move away from the conflict. Moving away may force them to cross international borders and they may exert unnecessary socio- economic pressure to the host country. I therefore hope that upon these recommendations, the host country will be able to balance the humanitarian aspect of asylum and the pressure felt by the host Government and this will make life better for both migrants and the host community in the world.

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