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THE IMPACT OF REFUGEE REPATRIATION ON NATIONAL SECURITY: A CASE STUDY OF DADDAD REFUGEE CAMP (2005-2016)

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REGNO: R47/8911/2017

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A PROJECT SUBMITTED FOR THE FULFILMENT OF THE REQUIREMENT FOR THE AWARD OF POST GRADUATE DIPLOMA IN STRATEGIC STUDIES

2018

DECLARATION

I Abdirizak Shide Dagane hereby declare that this research is my own original work and has never been presented for any degree award in any other university.

Signature:……………………… Date:…………………..

Abdirizak Shide Dagane -R47/8911/2017

This project has been submitted for examination with my approval as the university supervisor.

Signature:……………………… Date:…………………..

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DEDICATION

I dedicate this research project to my family for their endless love, support and encouragement to soldier on and complete my studies despite the demands and the nature of my work. It is specifically dedicated to my dear wife Shamsa, who always encouraged and I was able to learn how to execute task one after another with commitment and zeal, those words of encouragement and push for tenacity have always been a driving force for me. To my lovely kids Sadhra, Mohaamin and Bushra you are very special to me not forgetting your inquisitive ways, asking why daddy is going to school at such age.

ACKNOWLEDGEMENT

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ABSTRACT

This study explored the impact of refugee on national security with a special focus to the refugees in Dadaab camp. The study focuses on establishing the link between the repatriation of refugees and the general impact on national security. The main objective of the research study was to establish the nexus between repatriation refugees in Dadaab Camp and national security; to evaluate the threat posed by Dadaab Camp refugees to national security and also to identify the role of repatriating Somalia refugees in the peace building process. In the effort to examine the link between refugee repatriation and the national security situation, a comparative case-study approach was used. The study employed a qualitative descriptive research method. The method adopted was deemed suitable because it allows for utilisation of both primary and secondary data so as to get reliable sources and to address the objective of the study. To get a refugee context, Dadaab refugee camp was used as a case study with the main focus being between the years 2005-2016. The first part of the study gives a background of repatriation effort as a peace seeking strategy. The second part of the study highlights a review of previous studies relating to the nexus between repatriation refugees and national as well as the regional security impact, the threat posed by refugees to national security, the threat posed by refugees to regional and the role of repatriating refugees in the peace building process. The third part covers the national security impact of refugees' repatriation in which the general state of insecurity in country, regional impact within the East African region and the role played by the refugee phenomenon in the prevailing insecurity conditions in the country together with the insecurity within the refugees' camps and the host community area are addressed. The chapter also covers refugee generated insecurity and the drivers of both national and regional insecurity. The fourth chapter is a presentation of a critical analysis of the nexus between refugee repatriation and the impact on national security with a special attention to the proposed repatriation of Somali refugees. Chapter five highlights findings of the study.

The findings show that repatriation of refugees has an insignificant impact on national security. It shows that when refugees are repatriated, they reintegrate with the communities and engage in civic education that promote peace. It further revealed that returnees engage in economic activities that promote the involvement of conflicting communities and thereby reduce incidences of continued conflict. The study concludes that national security may be negatively affected by presence of Refugees especially where the migrants have not been able to harmoniously relate with their hosts or where conditions are too deplorable to push them into criminal tendencies. The study also concludes that the likelihood of radicalization or even recruitment into terror groups depends so much on the measures put in place to manage and monitor refugees' activities. The Refugee problem is not a national one but is global in nature as witnessed by the current crisis actually taking place in Europe. It has emerged that security is a multi-faceted concept that has many factors other than the state that get actively involved in refugee generated insecurity management within the refugee regime. The study recommends that future studies should focus on deepening the analysis of restoration and national security. Thus, it should achieve this by creating a theoretical thesis about the connection between repatriation and reconciliation. The study also recommends that there should be a reasonable opening position for developing the logical thought of grassroots peace building and conciliation.

INTRODUCTION TO THE STUDY

1.1 Background of the Study

The refugees' influx tend to have negative and positive impact on the recipient countries. In this regard, Jacobsen describes benefits that refugees provide as 'refugee resources' or otherwise provision of manpower resources, increased labor and entrepreneurship, which are beneficial to the host country.[1] Jacobsen notes that the resources provided by the refugees are of importance to the host country thereby increasing foreign aid as well as improving facilities provided to refugees by relief agencies; too often however, the attention focuses on widespread crime and law breakers in campsites, raiders and recruitment of militia groups that is targeted at youths and other vulnerable groups. Besides the challenge of handling the refugees, it is so demanding to police and often permeable border, not forgetting government is the main actor in coming up with policies for these situations.

Kenya has been accepting refugees since the 1970s, with mass migration witnessed since the 1990s. And given the prolonged nature of the refugee predicament, it has become more and more difficult to keep in place a stringent encampment policy. This instead calls for a strategy of integration designed to benefit the locals and refugees as well. The government of Kenya however did close its borders in 2007 which has over the years only led to asylum seekers seek

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[1] Ayoob, M.,(1995)."Third World countries Security Predicaments: State-Making, Regional Conflict and the International System."LR, London.

entry through smugglers, thereby increasing their susceptibility to police harassment, detention and deportation.[2]

Recently, a displacement of persons has attracted scholarly discourse. Whether the displacements are internal or across border, the phenomenon is above the level of humanitarian domain and is today a security and political concern that affects the stability of regions.[3] By the year 2011 over 40 million people had been displaced and lived as refugees, majority fleeing from violence from their home countries.[4] The displacement phenomenon results in persons settling in refugee camps and eventually repatriation of the refugees.

Even though repatriation is significant in the cycle, it is often ignored as significant aspect of regional security. In conflict and security studies, considerations have been made to the effects of refugee presence in other states, factors pushing refugees to move and refugee repatriation and peace building.[5] Only less attention has been paid to repatriation and its impact on regional security. As a result the potential impact of the influx of large groups of persons to the stability of fragile states is ignored.[6] At the same time there is no cognizance of the innate ability of repatriation have certain factors that can reignite conflict.[7]Tension between host and home countries is influenced by repatriation through its ability to remove insurgent groups and refugee warriors who interact with most of the refugees depending on the host nation and practicing unfair campaign against the mother nation.[8] Stein opines that repatriation contributes

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[2]Deegan, H.(2009).Africa Today: Culture, Religion, Economics, and Security.
[3] UNHCR 1951 Convention – Article 1A(2)
[4] UNHCR 2011
[5]Bohra, P. & Massey, D.(2011)."Individual decisions to migrate during civil wars."Demography, 48,(2):401-424.
[6]Milner, J.(2009)."Refugees and the Regional Dynamics of peacebuilding." *Refugee Survey Quarterly,*28,(1):13-30.
[7] Idean, S. and Gleditsch, K.(2006)."Refugees and Spread of Civil conflicts."*International Organization,*60(2):335-66.
[8]Ibid.

to the creation of a stable environment for the peace building process through removal of aspects that affect the relationship between host and home countries. Also, the alleviating causes of tension between states.[9] Repatriation also has positive social and economic gains for the home country; funding is normally provided for rebuilding and restorations efforts. As a matter of fact, the linked funds during repatriation will considerably reduce if there was no repatriation. The economy of the home countries will equally benefit from the return of educated skilled population. Patriotism is further enhanced in the repatriation process, the returning individuals for the love of their countries will work to ensure stability of their home countries and as such will help in the peace building process.[10]

The intensification of the Somalia conflict has led to massive movements of refugees towards neighboring countries over the past decades. A high number of refugees run in Kenya especially Nairobi and other refugee camps which include Hagadera, Dagahaley and Ifo, located in the North-Eastern of Kenya. These camps were initiated for 90,000 persons in the early 1990s, although at this time they were occupied by more than 270.000 refugees. Further, they were occupied by former rebels and active rebels against Al Shabaab terrorist group from Somali. The government of Kenya was not able to handle refugees in large groups, and the impact on the situation and security status of the country started to worsen, and it was planning to return the Somali refugees coercively. After UNHCR intervention, there was a safety zone especially in Somali border which slowed down the influx refugees from Somalia, and it promoted

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[9] Cuny, F. and Stein, B.(1994)."Refugee repatriation in conflict: protection and post-return assistance." *Development in Practice*,.4(1).
[10]Milner, J.(2009).Regional Dynamics of Peace building. *Refugee Survey Quarterly,* 28(1): 13-30.

voluntary restoration. Around the year 1993, estimates of 30,000 Somali refugees already returned to their country.[11]

It was after the Fund for Peace in November 2000 publication report that the insecurity cases came into light in the Dadaab refugee camp. According to the report, the camps were used were used by illegal groups such as arms-trafficking networks, ethnic militia, and bandits.[12]The investigation was conducted within three months by the arms trafficking expert Kathi Austin, who researched the arms prevalence in the Dadaab refugee camps in 2000. The researcher concluded that the Camps had been transformed into a nerve centre for the arms transfer in and other illegal activities.[13]

This comes exceptionally with the increase of Al-Shabaab insurgence in the Horn of Africa, which has put the country to safety threats from the militia group. As such, with the contemporary security threats, Kenya ought to shift its policy with regards to right of refugees to engage in individual practices and freedom of movement. The impact on refugees can be cited as challenging the policy framework which means that Kenya has to promptly state its intention to review the current regulation on international refugee system. This would enable protection of refugees in 'safe zones' in their countries of origin.

Linking refugees to terror related activities are widespread in various parts around the globe. In November, 2010, a news reporter pointed out decisions to be undertaken by the Yemeni government on refugees seeking asylum from Somalia. Officials from Yemeni claimed that Al-

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[11] Findlay, A and Gould, W.(1994)."Population, Migration and transition World Order."(eds). John Wiley & Sons, NY.
[12] Davenport, C. and Moore, W.(2003)."Sometimes You Just Have to go: Domestic Threats and Forced displacement,1964 to1989."International Interactions,27-55.
[13] Ibid, 48

shabaab militias arrested in the camps have made their way into the country through the refugee routes.[14] Regardless of mounting fears of refugees and displaced persons ought to be the cause of increase in terror activities with little options refugees and their potential connection to international terrorism acts have barely been studied empirically. In its place number of studies contemplates the relationship between refugee influx of violent acts that include civil and interstate wars.

Latest researches show that that refugee influx to a great extent increases the probability and sums of international terrorism acts occurring in the host nation, when other variables are put under control. And given the eminence of refugee movements and populations as well all over the world, the studies suggests that states with a huge number of refugees and the international community at in general need to take initiatives necessary to feature the status of refugees in the camp and also their life in the host nations in a bid to deter terror activities.

1.2 Refugees in the Horn of Africa

The Horn of Africa region constitutes the region containing the following countries, Djibouti, Ethiopia, Somalia and Eritrea Kenya, being the host of the biggest refugee camp around the globe, the Dadaab refugee camp, has had to deal with various issues including security concerns. The Dadaab refugee camp, which was founded in 1991 with the aim of hosting Somali refugees who had fled the clashes and subsequent civil wars in their country have posed an increasing security threat to Kenya. The Horn of Africa is an important departure point for refugees. Each year tens of thousands of people leave or pass through Somalia and its neighboring countries, including Yemen, in the hope of finding a safer or brighter future

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[14]Simpson, G and Human Rights Watch(2009).From horror to hopelessness: Kenya's forgotten Somalia refugee crisis. NY.

elsewhere as a result of conflict. A number of organizations have established centers and camps to ensure that the migrants have food, shelter and amenities necessary for their survival but little is done to ensure security of the migrants the migrants from terrorism attacks, armed conflict and protection of women and children who are abused and their rights violated as they search for safe havens.

Countries in Africa have witnessed post-independence violence including genocide and civil wars. This has been as a result of the disagreement in the process of demarcating boundary, intimidation that comes along with colonial rule and coercion of independence process. Postcolonial states usually demonstrate similar feature as their colonial antecedents due to their creation in haste. Other contributors have been lack of public participation in political settlements, poor governance and natural catastrophes. The civilian population taking no part in the hostilities must be spared and protected. This fundamental principle underlies the whole concept of war, and is the basis of The Hague and the Geneva conventions. It has taken centuries for this principle to be accepted. In all civilizations there has been a chivalrous feeling that man should fight man and that to attack women, children and the elderly is an act of subject cowardice but this feeling no longer applied once the fighting was over. Defeat placed the civilian population at the victor`s mercy. He could enslave them, deport them or put them to death.

Many people have left their homes and sought refuge in other countries in fear of destruction and persecution due to political instability, natural calamities and human rights abuses. Most of the IDPs and refugees reside in developing nations, meaning that they seek refuge in people

and countries that are less developed and struggle to fight poverty.[15]Their survival is dependent on the level of support given by host countries and international organizations. As a result of forced displacement, about 59.5 million displaced persons including IDPs, refugees and asylum-seekers are in dire need of protection and aid.

1.3 Somali Refugees in Kenya

Anab's comment highlights the complexity of decision making by refugees in the repatriation process. The Somali refugees' existence in Kenya can be traced back to 1991following the collapse of Siad Barre regime.[16]The collapse of Somalia was as a result of both external and internal factors.[17]These saw the seceding of Somaliland (May 1991) from the rest of Somalia and the formation of Puntland Federal State of Somalia (August 1998). Sofia and others, claim that the causes of civil war in Africa can be linked to various issues: greed, grievances, financial and military feasibility of rebellion, lack of trust among citizens, a strong ethnic identity and existence of weak democratic institutions.[18]The growing prevalence of refugees in Africa arises out of the many violent ethnic and civil conflicts occurring in the continent.[19] For example, between 1960 and 2000, approximately twenty nations from Africa witnessed civil wars at one point in time.[20]Many other conflicts in Africa are an outcome of political marginalization of the minority group by the majority.[21]

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[15] Jongman, A.(1988)."*Politics and terrorism: new guide to authors, concepts, actors, theories and literature.*"Transaction Publishers.
[16] Ioan L.(2008)."*Understanding Somali and Somaliland*: *Culture, Society, History.*" Hurst Publishers Ltd.
[17]Accord 21. Endless War (2010).Brief background of the Somali Conflict: In: Mark Bradbury and Sally Healy (eds).Whose peace is it? *Linking Somali and international peacemaking process,* Conciliation Resources,10-14.
[18]Sofia du Plessis and others (2015)."Democratization: Role of self-enforcing constitutional rules."*Journal on Conflict Resolution*,15(1);10.
[19] Ibid
[20] Ibid
[21] Ibid

The Dadaab camp was founded by the government of Kenya in the year 1991 in response to high entrance of refugees from Somali into the country.[22]Most of the refugees have lived in Kenya for more than twenty years. In 2012, Somalia held an elaborate electoral process. This saw the election of President Hassan Mohamud and the creation of the Federal Government of Somalia (FGS).It also contributed to Somalia witnessing relative stability and security. Not surprising perhaps, Somalis from Diaspora were confirmed to have returned to Somalia to develop their own country.[23]

As of April 2016, Kenya hosted 597, 683 refugees and asylum seekers. Of these, an estimated 70% are registered Somali refugees.[24] A large portion of refugees reside in Dadaab camp which is the largest refugee camp situated at North Eastern part of Kenya near Kenya-Somali border. Several others are found at Kakuma refugee camp on the Kenya-South Sudan border. Although refugees in Kenya are required to reside in camps[25], approximately 10% of the refugees live in urban areas within Nairobi.[26] Of these, 50%[27] are registered Somali refugees. This challenges

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[22]UNHCR, (21st February, 2012)."Dadaab: World's biggest refugee camp twenty years." accessed on:03/03/2016.

[23] Alfsen, M. (2012)."Rebuilding Somalia, A window of Opportunity', Perspective:A humanitarian and international affairs magazine."

[24] Available at the region mixed migration secretariat website (RMMS) http.://.www.regional.org/fileadmin/.content/monthly%.20summaries/.RMMSMonthlySummaryMarch%202016. .p df (15 March 2016), accessed:16/04/2016.

[25]Abuya, E..(2010). Here going where?Refugees living in prolonged hardship in Africa: in Alice Edwards and Carla Ferstman (eds), *Human Security and Non-Citizens*.Cambridge University Press. 134. Article 25 of the Refugee Act of Kenya (2006).

[26] Available at the Regional mixed migration secretariat website (RMMS) at http.://www.regionalmms.org/fileadmin/.content/monthly%20summaries/RMMSMonthlySummary.March%202 016/..pdf. (15 March 2016) accessed on:16/04/2016

[27]UNHCR, at http.://data.unhcr.org./horn.-of.-africa./country.php?.id.=110 (29 Feb 2016) accessed 16/04/2016.

UNHCR's assumption that only a third of refugees are still living in camps and about half of them have resort to live in towns and cities.[28]

1.4 Statement of the Research Problem

Repatriation of refugees as the appropriate measure to curb the increase of refugees worldwide in addition to the incidences of protracted situations poses a significant challenge to the operations of international refugee regime.

Somalia has been experiencing civil war since early 1990 are forcing many individuals to seek refuge in the neighboring countries. However, Somali refugees had been in Kenya long before the political unrest of 1990s as they sought livelihood due to famine at home. The Kenyan refugee management underwent dynamic adjustments that signaled commencement of more restraining methodologies towards exiles. Specifically, the Dadaab camp is located in Garissa County, about 100km from Kenya-Somali border and it became home for refugees from Somali in the year 1991. Further, in 2011 Somalia faced famine, drought, and civil strife forcing a large number of people to hunt for sanctuary in Kenya. Thus, 339, 606 Somali refugees were registered in Dadaab by August 31, 2014, whereas 32,401 Somali emigrants had been recorded in Nairobi and53,816 in Kakuma camp by December 2013.[29]

Unfortunately, influx of refugees from Somali refugees led to identification of three concrete solutions to the challenge of refugees were deemed impossible to implement. The Kenyan government resolved to the policy of confinement since early in 1991 shifting from the

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[28] UNHCR, available at http.://www.unhcr.org./pages./4b0e4cba6.html. accessed on 16/04/2016.The UNHCR Policy on Refugee safety in Urban Areas recognizes that there is a increasing number and proportion of refugees found in urban areas.

[29] UNHCR (2015)."Briefing *on the future of Kenya's Dadaab Camps."* notes.

reintegration process it had previously embraced.[30] On the other hand, due to the political instability and insecurity in Somalia, repatriation was not considered as an option for the refugees. The government of Kenya in conjunction with Somalia and UNHCR signed a tripartite agreement [31] aimed at overseeing voluntary repatriation of exiled individuals. Nonetheless, while the process of returning was to take place voluntarily, the terrorist attacks of Garissa University on April 16, 2015, where 147 students were massacred by Al-Shabaab terror organization, based in Somalia that prompted the Kenyan government to announce its intention to close refugee camps. With immediate effect, the Kenyan government ordered UNHCR to close Dadaab and Kakuma camps and commence repatriation of Somali refugees in the camp and urban centers.[32]

The decision by the Kenyan governed based on investigative allegations that terrorist attacks are planned in the refugee camps. The response by UNHCR indicated that the intention of Kenya abruptly closing the camp would lead to practical and humanitarian crisis. The Kenyan government claimed that Al-Shabaab terror group uses the refugee camps hosting Somalis to pose a national safety threat to the country since the complexes are the recruitment and planning grounds for the attacks. Additionally, the state contends that the cost of maintaining the refugees has been enormous for the government with little help from the international stakeholders. Nonetheless, the human rights watch activist contends that the allegations by the government cannot be substantiated with empirical evidence of the same. Furthermore, the political and

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[30] Bradley,M.(2004)."Re-evaluating Refugee hood: Refugee Agency, Statelessness and Repatriation." *Review of International Studies*,40(1):101-123.
[31]Ibid.
[32]The Daily Nation Kenya, (April 14,2015).In the wake of Garissa attack, *Kenya frustrated by the Dadaab issue*. Nation Media\ group Nairobi.

social situations in Somalia are not yet favorable to receive the returnees.[33]On the contrary, the international community understood existence of Somalia refugees posing security threat and therefore, United State of America offered to assist in repatriation.[34]

1.5 Objectives of the study

1.5.1 General Objective

In general, the research study sought to assess the impact of refugee repatriation on the national security of Kenya.

1.5.2 Specific Objectives

The research study sought to undertake the specific objectives outlined below:

a) To demonstrate the security gaps in protection of refugees in Kenya vis-a-vis the international obligation to protect.

b) To illustrate the legislative and policy gaps and interrogate the role of international law in ensuring protection of refugees.

c) To explore the link between Kenya's national security and the socioeconomic differences between refugees and host communities.

d) To examine the association of refugees with terror activities.

e) To investigate the underlying factors promoting the Kenyan government to return the Somali refugees in Kenya.

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[33]UNHCR(2014d)."*UNHCR projected global* resettlement need."Geneva, Switzerland.
[34]Ibid.

1.6 Research Questions

Research pursued the questions below:-

a) Do refugees portend any security threat to Kenya and if so to what extent?

b) Have there been any incidents of refugees granted asylum and later involved in any activity that threatens national security?

c) Have any government regulations used to deter hosting of criminal components in refugee camps had any negative impact on genuine refugees?

1.7 Reviewed Literature

Experiences by urban refugees are varied and complex. Scholars have realized the particular challenges facing them prompting expanded research in the recent past. Specifically, the challenges presented by the environment in the host nation, the international bodies therefore, should act upon while providing services to the subjects have been of primary concern for many scholars. Additionally, non-governmental organizations and international agencies have as well paid attention to the plight of urban refugees. Accordingly, this literature review aims at examining available literature on urban refugees while seeking enhancement of related policy and extensive studies on the issue. Therefore, the focus will be on academic literature, which concentrates on the examination of refugees living in global cities such as Nairobi. To achieve the set objective, the review will be subdivided into four major groupings of literature for precise examination of themes, which are prevalent in the examined works. These categories include inspiration for urban settlement, the trepidation of the host nations, resilient solutions, and the conflicts with the host country.

1.7.1 Host Nation Concerns

Countries, which experience massive influxes of refugees often, devise precise measurements to curtail the free movement of the immigrants. Commonly, refugee camps are set apart to accommodate the subjects. Additionally, nations, which permit refugees, abstain from giving material support while regarding them less positively. Accordingly, literature on refugees in urban centers addresses concerns of host country with justification of encampment. Specifically, the main concerns can be divided into, security, institutional and financial, economical, responsibility sharing, and public opinion.

1.7.2 Security Concerns

According to Bailey encampment policies and strategic measures wield control over refugees as perceived and real security concerns. More importantly, the security threats presented by refugees are multifaceted: Sommers holds that the exiles are firstly a threat to their countries of origin. Secondly, Crisp argues that the refugees are considered as security threats to the host nation, for instance, the Somali refugees in Kenya. Meanwhile, Hovil claims that the exiles are always under peril themselves.[35] As a result, the containment of the refugees in the camps is essential for the safety of themselves and the host nation.

For instance, before 1995 in Egypt, Sudanese refugees in urban centers enjoyed substantial access to education, livelihood opportunities and medical care. Nonetheless, attempts to assassinate the resident of Egypt was blamed on the Sudanese extremist, leading to curtailing of urban refugee's freedom.[36] Likewise, before the continuous terrorist attacks on the Kenyan soil by Al-Shabaab militia who has their origin in Somalia, the Somali refugees in Kenya

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[35]Macchiavello, M.(2004). Life Strategy for Urban Refugees in Kampala. *Forced Migration Review,*20.
[36], Grabska, K. (2006)."Marginalization in Urban Spaces of the Global South." *Journal of Refugee Studies* 19,No.3.

enjoyed all the necessary privileges, which are supposed to be accorded to the immigrants. Nonetheless, while investigations purported that the terror attacks were organized with the help of the refugees in Kenya, the government deemed it necessary to repatriate all the Somali refugees as a security measure.[37]

A large number of Somalia refugees in Kenya reside at Dadaab refugee camp mainly due to its proximity to the Somalia border. Abuya notes that, host nations confine refugees in camps 'in order to protect the security of their own state.'[38] Accordingly, host states regularly denounce refugee camps for being a source of insecurity and terrorism.[39] In Kenya, authorities have repeatedly expressed concerns to UNHCR and the international community over the Dadaab refugee camp. For example, during the London Conference on Somalia in 2012, the then Kenyan President, Mwai Kibaki, said that the congested Dadaab refugee camp posed 'growing and serious security threats to Kenya.[40] Critics however argue that there is 'comparatively little evidence of the extent and pervasiveness of refugee militarization in Africa or elsewhere.'[41]

Generally, Kenyan authorities have on several occasions accused Somali refugees of abusing their hospitality and good will.[42] For instance, in April 2014, following a spate of grenade attacks in the country; President Uhuru Kenyatta announced that Kenya would not extend its hospitality to refugees at the expense of insecurity in the country.[43] He said this was because

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[37]The Daily Nation Kenya(April 14, 2015).In the wake of Garissa attack, *Kenya frustrated by the Dadaab issue*. Nation Media group Nairobi, Print.
[38]Supra note 11 at 133.
[39]Mugahe, R.(2010).Once we were warriors: reflection on refugee and IDPs militarization. In: Alice Edwards and Carla Ferstman(eds),"*Human Security and Non-Citizens*: *Law, Policy and International Affairs.*"Cambridge University Press,173.
[40]3rd London Conference on Somali: Communique,(23 February 2012).
[41]Supra note 52 at 173
[42]Supra note 52 at 177.
[43]Supra note 45

Kenyans had suffered deaths and injuries as a result of terrorist attacks.[44] Furthermore, the Government of Kenya has been at the fore front urging the international community to return Somalis to their country.[45]

1.8 Justification of the Study

The process of repatriation is a controversial theory, which frequently failed to aid its purpose forcing the victims to return to less than ideal situations. Bradley, notes that it is vital for additional research on repatriation has the field has been neglected by academicians despite its preference in solving the global crisis.[46]However, the urgency of repatriating Somali refugees from Kenya is justifiable due to the security threat their presence poses to the host nation. Despite availability of literature on refugees and specifically refugees from Somalia in Kenya, the impact of their presence, urgency of repatriation, and methodology employed attracted attention to the study. More so, studies on refugee issues have been in development, emphases on their welfare in host nations with less interest in its social consequences. Moreover, the phenomenon of the Somali refugees presents a unique case of study as the subjects have been deemed to be threat to security in the country. Therefore, objective of the current research project is to evaluate the situation critically by use of the existing repatriation literature. Notably, the study will aim at inquiring the intentions of the main protagonist who are pursuing the return process as well as the implications of the repatriation.

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[44]Ibid
[45]Supra note 53.
[46]Bradley, M.(2004)"Refugee livelihood: Refugee Agency, Statelessness, Repatriation."*International Studies*. 40 (1):101-123. Print.

1.8.1 Academic Justification

While concentrating on the existing literature, the current research project aims at demonstrating that while the return of refugees is sought, intentions are grounded on solid grounds of social wellbeing of the host nation. Despite the enormous scholarly contributions on refugee crisis globally, a lot of emphasis has been laid on wellbeing of subjects neglecting adverse effects host nations incur. For example, the transfer of social instability from Somalia to Kenya by members of Al-Shabaab terror group who have had easy access to the country through the refugee camps. Besides, as noted above, the Tripartite Agreement signed by the UNHCR, Somali and Kenya government had created the background for returning refugees back home. Despite outcry by international bodies about the decision by Kenyan government to return the refugees, little is done by the same institutions in sharing the economic burden of hosting the refugees, thus the need for further investigation.

1.8.2 Policy justification

The research proposal is an analysis document, which will rely on secondary sources such as reports from external actors and government statistics from the national database, scholarly works, gray material, and Non-Governmental-Organizations reports. However, due to the limited literature about the repatriation of refugees immediately after signing the tripartite agreement, and the current terror attacks, which prompted Kenya to opt for immediate return, the work will rely on historical trends of urban repatriation to position the case within the broader scenario of involuntary repatriation. Accordingly, the project will seek to exemplify the repercussions of untimely return on both the subjects and the host nation concerning the existing situation under investigation.

1.9 Theoretical Framework

1.9.1 Theory of Third World Insecurity

Conventional theories assume the state is the main unit of study and the defining concept of security in both external and outwardly directed terms. This involves a focus on the threats to security that originate from external rather than those generated within a country.[47]Ayoob has developed a wider definition of security that goes on to encompass both internal and external dimensions. Ayoob begins with ordinary definition of national security that is derived from Lipmann and other authors, which according to them a nation is secure if it's in a position to protect its core national interest and vital national values.[48]A country needs to have diverse national values and not to be restricted to the historical security concerns like maintaining territories and safeguarding borders but can extend to cover issues related to safety and wellbeing of citizens as well as observing cultural values like tolerance and democracy.

Ayoob highlights two overarching factors that to a great extent are drivers of his theory. He notes that third world countries are taking initial step to nation development. It is to be noted that this is a long and ferocious process requiring countries to do away with all internal plaintiffs to authority and to build and developed national identity and dependability to its citizens. This is a process that has taken decades to accomplish in the West and third world nations face immense pressure to accomplish this course in a few centuries. Furthermore, developing countries have only in the recent past been acknowledged as full members of the international system of judicially autonomous nations with many of them having acquired governance

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[47]Ayoob, M.(2002)."Inequality and Theorizing in International Relations: Case for Subaltern Realism."Review, *International Studies,*4(3): 27-48.
[48]Ibid.

structure by the mere fact of achieving independence in the period of post second world war .
The two factors as such define the central driving forces of the security quandary they face.
Therefore, as the last ones in nation building process third world countries are ineffective, feeble
and vulnerable.

Ayoob further highlights the norms and principles that emanate from the established order. Yet,
since these principles have been defined by the developed countries, when applied to third
world countries can be destabilizing and aggravate the security predicaments already
prevalent.[49] In modern-day terms both democracy and the human rights agenda and can be
principally destructive and obscures their efforts at state building. They also contribute to
internal dissatisfaction by augmenting internal groups' dissatisfaction by among other and
modern-day terms both democracy and the human rights agenda and can be principally
destructive and obscures their efforts at state building. They also contribute to internal
dissatisfaction by augmenting internal groups' dissatisfaction by among others fashioning
demands that these vulnerable and weak states cannot fulfill. Western concepts of a civilized
state behavior, including those concerning human rights, often contradict Third world countries
efforts when it comes to state making. This is because they are forced to sanction and frequently
use violence against rowdy domestic groups and individual citizens. Because of these in-house
weaknesses third world countries are highly vulnerable to external pressures, military, political,
technological or economic and from transnational actors, including irredentist groups,
multinational corporations, , and supranational movements.[50]

[49]Ayoob, M.(2002)."Inequality and Theorizing in International Relations: Case for Subaltern Realism." Review,
*International Studies,*4(3): 27-48.
[50]Ibid.

From the theory of third world insecurity, it is clear that third world countries such as Kenya are faced with a huge predicament when it comes to securing its national interest and peace from both outside and inside forces. From the theory Kenya, a third world nation is a latecomer to the process of state building hence its security systems are weak, ineffective to some extent, and vulnerable considering how easy it has been for militants to smuggle in small arms and weapons. As Kenya slowly integrates in the international community, it has found itself between a challenging state in maintaining its global obligations to provide a habitant for refugees and concurrently dealing with the security threats posed by the same. This theory will therefore among others also guide the study in highlighting why Kenya's National security may be vulnerable to external pressures and more from transnational actors such as refugees.

1.10 Hypotheses

When Dadaab Somali refugees are involved in the repatriation process, they will make an informed decision. They will have access to information on repatriation, participate in the go and see visits to their COO and contribute their views on the repatriation process. The current decision making process is limited to UNHCR, GOK and FGS.[51] The process sidelines refugees who are the principal actors in the repatriation exercise.

1.11 Scope of the Study

This research was restricted to analyzing the impact of impact of refugee repatriation to Kenya's national security from 2005 till 2016.

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[51]Article 4 of the tripartite agreement

1.12 Limitations of the study

The main methodological constraint was that sample size selected in the fieldwork was small. It does not capture views from all Somali refugees in Kenya. Second, the field work focused on urban Somali refugees living in Dadaab. Third, the project was self-funded. Hence, the sample size determination was influenced largely by limited availability of funds. Fourth, the field work with urban Somali refugees used an interpreter to translate the questions from English to Somali or Swahili and vice versa. Thus, the interviews took longer than planned. Also, some of the original words used by the interviewees may have been lost in the translation. Lastly, it was difficult to schedule my institutional interviews as the time and date of the interviews was dependent on the availability of my interviewees. This was the case for two of my institutional interviews. After several calls and emails, I was able to secure the interviews.

1.13 Chapter Outline

Chapter one: Will demonstrate the security gaps in protection of refugees in Kenya vis-a-vis the international obligation to protect.

Chapter two: Will illustrate the legislative and policy gaps and interrogate the role played by international law in ensuring refugee protection.

Chapter three: Will explore the relationship that exist between Kenya's national security and the socio-economic differences between host communities and the refugees.

Chapter four: Will examine the association of refugees with terror activities

Chapter five: Will investigate the underlying factors promoting the Kenyan government to return the Somali refugees in Kenya

CHAPTER TWO

RELATIONSHIP BETWEEN REFUGEES AND NATIONAL SECURITY

2.1 Introduction and Background

In this chapter, the study will look into details the evolution of refugees from humanitarian to security concern. It focuses on life of refugees and the possible security threats posed by them including societal, human and nation's security in general. There have been incidents of armed refugees within the camp which greatly affects country's security. It will deeply examine how the emerging security concerns related to refugees have been handled by the government of Kenya. The chapter will also give the overview of refugee impact on nation's security and outline the overall refugee protection and law governing refugees as well.

2.2 The dynamism of the refugee concept

Many efforts have previously been made to come up with a legal definition of refugee. The word "refugee" had a generalized definition in international instrument during the Second World War. The main criteria was that refugees implicitly originated from a certain country or state. Political events have been said to contribute to individuals moving from their country of origin. The provisional treaty on rights of refugees from Germany was adopted in 1936 whereby the same direction was followed.[52]

Although there's almost few scholarly works especially on expatriates and the extent of the conflicts, there has been an increasing basis of work about the globalization of friction more broadly. Investigation in this area has centered on distinguishing factors that provide to the

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[52]Marrus, M. and Bramwell, C..(1988)."Refugee Age of Total Wars." Unwin Hyman Ltd, London.

cross-border scope of instability, and refugees' migrations oftenly incorporated in the list. However, most studies fall short of sufficiently connecting the elements within which each supporting determinant points to the spread of vulnerability, depicting the process alternately of as a "disordered, unexpected and highly critical sensation.[53] Literature proposes that expatriates movements can give to the spread of insecurity in two intermediate forms. Firstly, during a refugee entrance changes the stability of power in the host country and by developing the country's ethnic structure. For instance, issues concerning access to available resources. This method of spread, as described by Rothchild and Lake, may create disorder in the host nation. If the procedure is neglected and remain unchecked, a number of the analysts argue that the dispute can ultimately immerse an entire country."[54]

The uncertainty of the political activity in Somalia and also the probable mega civil wars resulted to increase in flow of refugees into Northeastern part of the country. Fighting between and among communities and impact of drought and poverty were factors contributing to refugees' migration. The government of Kenya designated Dadaab and Kakuma where refugees settled after the wars. The increasing flow of refugees has both economic and political impact to Kenya. Security has conjointly been affected therein, there are claims of Al-Shabaab militia and also the Federal transformation Government conducting recruits in the camps. The claims were created by the Human Rights Watch, whereby the government of Kenya is believed to back the militant recruitment process of refugees to fight on behalf of the Somali army against Islamist insurgents. The recruiters targeted mainly youths giving them promises of huge amount of payments and requesting them to fake their age and be part of them without

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[53] Silva, K. and May, R. eds(1991).Internationalization of Ethnic Conflict. NY, St. Martins Press..
[54] Sarah Kenyon, L., (2002)."Catalysts of Conflicts: How Refugee Crises may stimulate Civil War."Ph.D. Dissertation, M.I.T. Cambridge, MA.

their parents' knowledge. They were rest assured of the support from the UN to boost their morale. This had an impact on refugees in the sense that their young members of the family participated in the militant trainings.[55]

Fearon fantasizes a feasible "connection of reaction in which racial conflict makes expatriates, which unstabilize a new area, creating more conflict, hence increase in refugees, and so on." Even further excitingly, Premdas holds that movement increases of ethnic conflict crossed boundaries creates "an ungovernable link of ever-widening reflection of host societies" and "disordering and expanding oppositions and uncommon bedfellows, through developing extensive and more unreasonably out of restraint."[56]

Secondly, the literature recommends that fugitive issues can present to the scope of a disorder via a method of intensification that delivers new belligerents toward the dispute or conflict. "This refugee conflict can start to recriminations among the two concerned countries and, in instances of 'hot pursuance,' direct boundary conflicts that may run out of host government control Fearon."[57]The appearance of "refugee soldiers" is not different; for cycles, expatriates have conveyed military practice and launched invasions beyond the boundary from support in host nations.[58] This could involve mediation by the host authority in friction or control of its region by soldiers for aggression and mobilizing them back into their country of origin. Lake and Rothchild explain[59]at the edge of Cold War and deterioration of outside backing, however,

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[55]Mogire, E.(2011). "Victims as Security Threats: Impact on Home State Security in Africa." England, Ashgate Publishing Company.39.

[56]Rothchild, D. and Lake, D. (1998)."International Spread of Ethnic Conflicts: Diffusion, Escalation and Fear." Princeton, Princeton University Press.

[57]Fearon, J. D. (1998). "Commitment Problems and Spread of Ethnic Conflicts."International Spread of Ethnic Conflicts: Fear, Diffusion, and Escalation, edited by David. Lake and Rothchild. Princeton, Princeton University Press.

[58] Ibid

[59]Ibid

certain associations have frequently combined with non-military refugees and utilized philanthropic support to facilitate their military purposes.[60]This position spoils relationships with the host state, as well as global support bureaus, and intensifies security anxieties along the boundary.[61]

2.3 Causes of Refugee Influx

Various East African countries have continued to witness displacement of varied nature and magnitude both internal and external. Kenya had slightly low displacement of people by the year1989.[62]In the year 1990, Kenya was leading among African countries in the hostage of refugees and displaced persons.[63]It recorded about 15,000 external refugees with no major internally displaced persons. However, between1991-1993, Kenya recorded about 300,000 internally displaced persons.[64]In the meantime, the UNHCR was in the process of registering and recognizing functions on behalf of Kenyan government whereby they recorded an increase from 14,400 refugees in 1991 to 500,000 in the year 2012.

Refugee matters are no longer left to department of labour and immigration, but are current key to global politics, attracting heads of states attention, ministers and key executives related to defence, public relations.[65] Undoubtedly the mass migration of East Germans to Austria and it

[60] Ibid
[61]Zolberg, Aristide R., Astri Suhrke, and Aguayo, S. (1989)."Escape from Violence: Conflict and the Refugee Crises in the Developing World."NY, Oxford University Press.
[62]Zeleza, T. and Paul et al(ed)(2004)."Human Rights, Rule of Law and Development in Africa."USA, University of Pennsylvania Press, 238.
[63] Burrie, J. and Randin, M. V.(eds)(2006)."Disarmament as Humanitarian Action, From Perspective to Practice." *UNIDIR*33.
[64]Simon, K. and Eva, A., (2008)."An overview of the Refugees Act in Refugee Protection in the context of National security."Nairobi,7.
[65] Dominik, Z. (2011)"Post Conflict nationbuilding and Forced Migration." In: Refugees International Conflict,(eds). Betts Alexander and Loescher Gil. Oxford University Press, pp.285-304.

was via Hungary and Czechoslovakia in July and August in 1989 was the most vivid politically-intensive event concerning international migration in the contemporary time, led to the Democratic Republic of German which opened the Western borders resulting in a great movement west side trailed by the downfall of the Eastern regime of German and its collapse into the Federal Republican of Germany. It was migration of people from the East German nation that led to it collapse and not an invasion.[66]

As a result of continued conflict emerging from civil war in Somali land between 1991 to 1992, many Somalis fled out of their home country to Kenya. The persistent political instability in Somalia caused them to seek refuge and have since then feared to go back to Somalia. Civil war that led to the displacement of people in Somali is patent in spite of the efforts by Kenyan government and the AU peacekeeping missions in helping combat the Alshabaab Militant in Somalia from the year 2011 to 2012. Currently, Kenya has continued to receive more numbers of refugees despite the international community process of restoring peace. Situation has been worsened by the persistent drought and calamities in Somalia which forces more Somalis to flock to Kenya in search of water and food.

2.4 Refugee Movement as a Threat to Security

Refugee flow may be regarded as intimidating by authorities both people-sending and population- supporting neighborhoods. The intimidation can be an assault by well-armed fugitives; migrants may be a fulmination to either state's political establishment, or emigrants can be regarded as a warning to the important societal preferences of the accepting country.[67]

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[66] Garton, T. A.(1989). "The German Revolution." The New York Review of Books, pp.14-1
[67] David Lake and Rothchild,.(1998)."International Spread of Ethnic Conflict: Diffusion, Fear, and Escalation." (eds). Princeton, Princeton University Press.

"Security" is a common structure with diverse interests in diverse communities. A partly uniform society, for instance, may arrange a greater emphasis on conserving its ethnic sense than does a complex society and may, accordingly, notice a community influx as an intimidation to its safety. Giving a shelter for those you experience one's purposes (political independence, for instance) is necessary for some nations. Therefore, influx of "freedom fighters" cannot be said to be threat to security.[68]Also, in some other countries, what is extremely considered can be accorded by bests and stands-elites. The entrance of migrants viewed as extremists may be started by a sovereign, but embraced by the antagonist. One ethnic unit may embrace expatriates, while different is fervently denied. The trading centre added the feeling that the common residents to introduce immigrant employees. Furthermore, nations contrast on how they view the violation of their nationals outside as a peril that invites for country intervention. Some nations are served to practice armed conflict in support of their away residents; others fancy not to offend a state that has approved its residents to obtain vocation and a nation that is an origin of much-required transmittals.[69]

The effort to distinguish sorts of security threats from expatriate movement instantly runs into differences within "original" and "perceived" perils, or toward absurdly neurotic awareness of threat or expanse tensions that can properly be characterized as xenophobic and racialist. However, these radical notions are components in the response of authorities to refugees.[70]It is

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[68] Silva, M. and May, J.(eds).(1991)."Internationalization of Ethnic Conflict." The N.Y, St. Martin's Press. In Midlarsky, M.,ed.(1992). Internationalization of Communal Strife. Routledge. NY.
[69] Ibid
[70]Kenyon. L., S.(2002)."Catalyst of Conflicts: How Refugee Crises may lead to the Spread of Civil War." Ph.D. Dissertation. MIT, Cambridge: MA.

important to obtain a precise position that, in another case, does not release anxieties, and or value all tensions over settlement and expatriates as grounds for their exclusion.[71]

Secondly, a plausible but inadequate description is the extent of expatriate flow. A nation experienced including a large-scale refugees' entrance should feel more threatened than a country experiencing a small influx of refugees. In the mid-1980s this prospect one strength has demanded the Germany Federal Republican attend a trickle of Sri Lankan Tamils with serenity. However, to move speedily to terminate the 1989 influx of about 2,000 East Germans every day, or Africa countries to respond further endangered by the attack of refugees and therefore less sensitive than the nations of Western Europe faced by Third World trickle. Repeatedly, though, the opposition has been the predicament.[72]

Necessarily, Economics, of course, plays an important role and it matters. Also, a nation prepared to receive refugees when its prosperity is growing is more reasonable to terminate its entrances in a collapse. Though Economics appears not to solve several of the diversity between nations, nor makes it define the measures countries apply to determine whether a distinct organization of migrants is admissible or is perceived as threatening. Furthermore, mass can mean, but repeatedly it depends on the current policies.[73]

Thirdly, it is a most probable reason for the readiness of nations to acquire or discard refugees is group connection. A state and its residents are expected to be sensitive to those who encounter

[71]Patrik, J. and Orleans, N.(2010)."Repatriation and Peace building: Comparative Analysis of Handling of forced Displaced in Bosnia and Nagorno."In: Patrik Johansso (ed). Peace by Repatriation: Cases, Concepts, and Conditions. Umea, Sweden,1-22.

[72] Barry, S.(1994)."Repatriation during Conflicts: Security and Post Return Assistance."Development in Practice,4(3):173-187. 10/6/2017

[73] Ibid

the identical language, belief, or culture, which might be as threatening those of no particular identity. Simply what establish "ethnic connection" is, repeatedly, social structures that can develop within a period. Americans and Australians, for instance, reconsider like Asians who are no long-drawn ejected as not identical peoples. The larger parts of Western Europeans promptly regard to East Europeans as their fellow-Europeans and are more satisfactory as wayfarers than other community from North Africa. Historically variable lies on the value who is or part of us.

In nineteenth-century too many Protestants from America including Jews, and Catholics were regarded as not one of us, and now, for several Europeans, the Muslims are called not "one of us." Furthermore, what establishes an educational association of one society in a multi-ethnic community may steward a social, as well as be a threat to the economy of a state. For instance, the antagonistic acknowledgment of some Cuban migrants by African-Americans in Florida. Cultural relationship -or its existence- apparently strikes a significant performance in how several societies within nations answer to a refugees' population entrance.

2.5 Repatriation as a Peace Building Process

Refugee movement literature emphasizes on different issues and the same is true with repatriation literature. Of the many areas, one deals with when and how refugees are repatriated.[74] The repatriation literature focuses on both voluntary and forced repatriation. Different authors have varied opinions on the way repatriation should be executed. According to Stein[75] repatriation should happen rapidly and fairly and prior to resolving conflicts since returnees could be a force that could stabilize their own state, as such repatriation will decrease

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[74]Milner, (2009); Chimni,(2002); Stein (1994) and Loescher, et al.(2007).
[75]Ibid

the destabilizing effects of refuges in the host countries. The destabilising effects of refugees movement is further considered by Loescher[76] and colleagues and Milner[77] who believe that repatriation should only be done once solution to conflict is arrived or else it will enhance conflict in the conflicting states. Other scholars are however of a different opinion, they opine that repatriation is a peace process and is a major step in the process of peace creation.[78] Repatriation literature also involves comparative case studies, while considering the successful repatriation of refugees returning to Cambodia, Eastmond and Ojendal[79] in so doing, considerations of forced and voluntary repatriation are made while looking at individual cases and the different methods employed. In their findings, the difficulty and complexity in the implementation of repatriation are enforced. They suggests that future repatriation efforts should take into consideration the desires and needs of home populations.

Focusing on Haiti and Bosnia-Herzegovina, Fagen[80] analyzed the challenges of repatriation for the individuals involved. He highlights that while these are two different cases, they have a lot of similarities, for instance both countries struggle with insecurity and in both still, international communities has hindered the process of reconstruction. He concludes that while in the process of rebuilding, international assistance is important, it should not be an open-ended offer, and that there it should provide exit strategies in advance.

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[76]Ibid

[77]Weiner, M.(1996)."Bad Neighborhoods and Bad Neighbors: An Inquiry into the Causes of Refugee Flows." International Security,21(1):5-42. 10/6/2017.

[78] Chimni,B.(2002)."Refugees and Post Conflicts Reconstruction: A Critical Perspective." International Peacekeeping,9(2):163-180; David, M. T., Brandt, P. and Quinn, J.(2011)."When the Civil Wars Recur: Conditions for Durable Peace after Civil Wars." International Studies Perspectives,12:171-189.

[79]Marita, E. and Ojendal, J. (1999)."Revisiting Repatriation Success: Case of Cambodia." In: The End of the Refugee Cycle? Richard and Koser.(eds). NY, Berghahn,pp.38-55.

[80] Ibid.

Using Kosovo and Bosnia case study, Zaum[81] analyses the role of repatriation and refugees in conflict resolution and state building, his analysis shows that repatriated refugees play a significant and significant role in bring into line the political scene in post-conflict societies. He is also cognizant of the strain adduced to fragile states by large scale repatriation. Focusing on Bosnia-Herzegovina and also Nagorno-Karabakh, Johansson[82] studied peace building and repatriation, he suggests that repatriation is one of the main steps in peace building, and it should the primary method of settling conflict and creating peace.

Some scholars that have contributed to the repatriation and peace building discourse have focused on persons or groups that have attempted to disrupt efforts of reconciling conflicting parties through violent strategies, these scholars have described such groups as spoilers. They contend that spoilers repeatedly try to stop the peace and reconciliation processes. [83] Repatriation scholars are particularly concerned with spoilers since they work against the overall objective of sustainable peace. The impact of spoilers in the quest for peace is well documented.[84]

Newman and Richmond[85] further looks at these groups not so much as spoilers but as individuals left out in the peace process. In so doing, they opine that the approach given to the 'spoilers' should be different, and that the conflict settlement process should be all inclusive as

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[81]Zaum, D.(2011)."Post Conflict nationbuilding and Forced Migration." In Refugees in International Conflict, eds. Alexander Betts and Loescher. Oxford: Oxford University Press,pp.285-304.

[82]Patrik, J. and Orleans, N.(2010)."Repatriation and Peace building: Comparative Analysis of the Handling of forced Displacement in Bosnia and Nagorno."In: Peace by Repatriation: Concepts, Cases, and Conditions, Patrik Johansson ed.. Umea, Sweden.1-22.

[83]Edward, Newman, and Richmond ,O.(2006)."Impact of Spoilers on Peace Processes and Peace building."Policy Brief, 22(2):1-8; Zahar, M.(2010).SRSG Mediation in Civil Wars: Revisiting Spoiler' Debate. Governance,16: 265-280.

[84]Ibid.

[85] Ibid

that is the only way of attaining a sustainable peace. While contributing to the spoiler's literature, Zahar[86] focuses on the mediation process and notes their impact in the peace building process. She suggests that mediators should not wish-off the spoilers but to critically analyze the factors that made it possible for the spoilers to exist in the first place and attempt to deal with those factors.[87] Consideration of spoilers in the repatriation and peace building scholarship is essential as it bridges the gap by considering the dilemma in the peace process.

Literature suggests that a number of issues have been studied with the aim of sustainable peace in the migration-repatriation discourse. Considerations of power sharing and its implications in the peace process have been made.[88] Hartzell and Hoddie factor variables such as the third-party enforcer, past knowledge in democracy and duration of war in their analysis. Their findings reveal that an inclusive approach to in addressing security concerns is very effective as it allows every player to make their contribution by affording a chance to play by means of power sharing.[89] A closer look at the effectiveness of the stages proposed by the peace commission in 2005 reveal that to establish a sustainable peace, political solutions needs to be augmented by military and economic support.[90]Gurses, Rost, and McLeod[91] examined the effect of mediation on attained peace considering the duration of conflict and the involvement of super powers. They found that involvement of third parties enhances attainment of longer peace, but if the mediating agreement left out key issues they only worsen the already bad

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[86]Marie, Zahar, (2010)."SRSG Mediations in Civil Wars: Revisiting Spoiler'Debate."GlobalGovernance,16:265-280.

[87] Ibid

[88] Hartzell, C. and Hoddie, M.(2003)."Institutionalising Peace: Power Sharing and Post Civil War:Conflict Management."*American Journal of Political Science,*47(2):318-332.

[89] Ibid

[90] Collier, Paul, AnkeHoeffler, and Soderbom, M. (2008)."Post-Conflicts Risks."Journal of Peace Research,45(4): pp.461-478.

[91] Myron, W.(1996)."Bad Neighborhoods, Bad Neighbors,:An Inquiry into the Causes of Refugee Flows."International Security,21(1):5-42. 15/6/2017.

situation.[92] An examination of the type of victory achieved and the duration of peace reveal that the varied types of victories have no effect on duration taken for peace building. Rather, it revealed negotiated settlements have lasting peace as opposed government imposed victory.[93] In the refugees' movement cycle repatriation is often the final step. Literature suggests that multiple reasons push individuals to flee from their home countries, but the key contributor to forced migration is violent conflict. Reviewed studies indicate that focus has been laid upon reasons for fleeing, the spreading conflict to the host countries.[94] Literature has also suggested that the process of repatriation should happen in small batches arguing that large scale repatriation has a potential for destabilizing the home country.[95] The submission of most of the reviewed studies is that repatriation is an element of attainment of peace in the home country, and by extension I wish to argue that it is a significant contributor to regional peace because once peace has been attained in the home countries, there will be no conflict to spread to the region.

Repatriation should therefore be considered as a factor in achievement of sustainable peace. The aspect of regional peace is apparent in the process as repatriation would lessen the inter-state tensions associated with refugee movements. Stein[96] echoes these assertions by suggesting that camps are usually habitat for warriors and a place where insurgents seek shelter, strategize and recruit fresh sympathizers. Repatriating the refugees thus enhances regional peace as a

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[92] Ibid

[93]Mason, D., Brandt, P., and Quinn, J.(2011). "When Civil Wars Recurs: Conditions for Durable Peace after Civil Wars."International Studies Perspectives,12:171-189.

[94]Bohra and Chimni(2002); Salehyan and Gleditsch (2006); Davenport and Moore (2000); Salehyan (2007); Massey(2011); Weiner,(1996); Fagen(2003); Johansson (2010); Milner (2009); Moore (2004, 2006, 2007); Stein (1994).

[95]Op Cit

[96] Barry, S.(1994)."Repatriation during Conflicts:Protection and Post Return Assistance."Development in Practice,4(3):173-187.10/6/2017.

secure environment will be created once tension between home and host countries is reduced. The use of refugee camp as a safe haven for refugee warriors like the Al-Shabaab will be eliminated by repatriation; instead they will be more inclined to carryon conflict settlement negotiations.

A more stable region for peace building efforts will be achieved by repatriation as the movement of refugees has the conflict potential in the region. Repatriation will also eliminate the bad neighborhood effect[97] since the spread of conflict in the region will have been dealt with by repatriation efforts.[98] Attainment of a sustained regional peace demands that the refugees are not ignored and that efforts are made to repatriate and include them in the peace process within their home countries. It will equally break the structures that make conflict possible even during the times when they are in camps.

The reviewed literature has also indicated that repatriation does provide social and economic benefits to the home country. The involvement of global and national nongovernmental organization in repatriation process by means of support to the refugees and home countries plays a significant role in the financial affairs of such nations. In a refugee situation, UNHCR recommends 4Rs to address the situation with repatriation being the first. The other steps include restoration of refugee inhabitants, recuperation of economic and social set-up, and re-establishment of political command, organizations, and productive capacity in that order.[99] Repatriation determines the levels of support for the other steps, the beginning of repatriation marks the beginning of the involvement of other international organizations in the execution of

[97] Op Cit
[98] Idean S. and Gleditsch, K.(2006)."Refugees and the Spread of Civil War."International Organization,60,(2): 335–66.
[99] UNHCR Handbook 2004

the other steps in the 4Rs program. For example in the 2012 Liberian case, UNHCR needed approximately USD 69 million to assist with the situation. The funds went a long way in assisting not only the returning refugees but also refugees from other countries notably from Cote d'Ivoire.[100] Kosovo alone saw the UNHCR spend over USD 12 million in 2012.[101]

The 4Rs programs are essential in attainment of sustainable peace as it permits the refugee inhabitants to be productive in the society. The 4R steps are key in this respect because the refugees were not economic migrants in the first place, but rather a people that fled violence and as such would need means of reestablishment upon return to their home countries. The brain drain effect occasioned by the civil conflict will be reversed by repatriation as the skilled workers and educated individuals return. The 4Rs program also aids the restoration of economic and political institutions in the host countries and lays group for peace to thrive. Unless all the steps are diligently followed, the risk of back flow is alive in which refugees would once more depart from their countries to seek asylum in neighbouring and other states.[102]

Furthermore, among the refugee populations, repatriation can have beneficial impacts to reviving nations. According to Milner[103] and Stein[104] almost all refugees coming back into their country of origin do not have a desire to engage in violence and that all they want is for their lives to go back to the way it used to be.

Many refugees hold a great desire in their hearts to one day they hope to return to their mother land, and those who achieve this desire return with a rejuvenated and new feel of loyalty. The

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[100] UNHCR Country Operation Profile – Liberia 2012
[101] Ibid
[102] Op Cit
[103] James. M,(2009)."The Regional Dynamic of Peacebuilding." Refugee Survey Quarterly,28(1):13-30.
[104] Barry, S..(1994)."Repatriation during Conflicts: Protection and Post Return Assistance."Development in Practice,4(3):173-187.10/6/2017.

new feel of loyalty is a boost to the efforts of restoration peace building activities by presenting people who are inspired to form a working society and make it possible to have a nation that is stable for future generations. In this study repatriation is viewed as deliberate and voluntary and hence the returning refugees do so freely. Voluntary repatriation is a topic that calls for deeper research. Johansson is of the view that these returning refugees elect good leaders and show confidence in their home country, something which they did not have in the past. No one wants to run from their country for a second time and so refugees who return home work hard to protect and not to disrupt the peace of a delicate, post-conflict nation.

Repatriation in large numbers doesn't in certainty result in conflict or act as a threat to a delicate nation. Present-day scholars on repatriation study distinct cases and puts emphasis on the outcome of repatriation on persons, and not the nation, and every so often appeals for restricted commotion of refugees to be taken after peace is restored.[105] Repatriation should be in small numbers so as to not disrupt the fragile peace in the nation. They contend that repatriation is a weak solution in a case where refugees return before peace is fully attained.[106] On the other hand, this study contends that repatriation should be in large numbers. If reconciliation talks are occurring, it is for the benefit of the nation for refugees to return in large numbers prior to reaching the peace treaties.

Repatriation of a huge number of persons in a short period of time is too large: conversely there are a few cases that proven that large number of people returning to their home country can support long-lasting peace.[107] In Liberia in the period between 2005 and 2007 more than

[105] Chimni,B.(2002)."Refugees and Post-Conflict Reconstruction: Critical Perspective." International Peacekeeping,9(2):163-180.
[106] James. M.(2009)."The Regional Dynamics of Peacebuilding." Refugee Survey,28(1):13-30.
[107] Ibid

200,000 refugees returned home. Large numbers of people returning to the country did not threaten the weak nation. Data by UNHCR shows that Liberia repatriation has been continuous reducing the number of refugees from353,300 people in 2003 to 66,780 people in 2012. Peace in a nation will always be unattainable as long as a large number of its population lives outside the country.[108]

There are a number of aspects that determine whether peace will last or not, ranging from the time and gauge of violent conflict, to the economic level of the nation. This study argues that repatriation has to be deliberated on these aspects as a key element in creating and supporting peace in societies after conflict. According to Stein[109], it is challenging to establish what is supposed to come first, return course of refugees or restoring peace, hence, it is possible that repatriation work together with peacebuilding for the achievement of peace. Scholars such as Salehyan[110], Salehyan and Gleditsch[111] and Weiner[112] who have written on the topic indicate the challenges brought about by refugee populations, these people every so often lead to creation of an area where violent conflict has a high possibility of enduring and even blowout to other areas. Reduction of the number of refugees will lead to stabilization of the area resulting in long-lasting peace.

Additionally, in nations that peace treaties are attained but do not plan to repatriate, available refugees have a high possibility of breaking into violence. This is partly as a result of huge

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[108]Newman, E., Milner, L., and Troeller, G.(2007)."Prolonged refugees situations and regional dynamics of peacebuilding." Conflicts, Security and Development,7(3):491-501.

[109] Barry, S.(1994)."Repatriation during Conflicts: Protection and Post-Return Assistance." Development in Practice,4(3):173-187. 10/6/2017.

[110] Ibid

[111]Idean S., and Gleditsch, K..(2006)."Refugees and Spread of Civil Wars."International Organization, 60,(2):335–66.

[112] Myron. W.(1996)."Bad Neighborhoods: Bad Neighbors:An Inquiry into the Causes of Refugee Flows."International Security,21(1):5-42.10/6/2017.

numbers of refugees. This study contends that repatriation is a key element in instituting concrete peace and therefore, it should not be trivialized as just an outcome of a peace treaty. The change from the bad neighbourhood effect, relief which repatriated refugees get and professionals are all components occurring alongside repatriation is crucial in the forming of a concrete peace for communities which have undergone conflict.[113]

2.6 Repatriation and Reconstruction

Repatriation is a fundamentally complicated matter, according to global models and in patients, the opening point requires a significant reform in the basic circumstances of displacement. When circumstances authorize, the repatriation of foreigners can bring assurance in agreement and peace making at home country, hence, it's regularly the approved resolution from the viewpoint of most host management with investment in defeating their commitments to those seeking asylum.

As a security concern, the global goal for repatriation is a 'spontaneous repatriation in protection and presence' to an atmosphere in which 'the movements of ascent have definitely been enduringly liquidated.' Repatriation, concerning mysteries of change, individual rights and freedom, and suspension of status, is described as strength training. In normalizing policy of universal law, repatriation is favored as a material of concern because it indicates the right of a resident to retort to his/her nation. [114] Repatriation can terminate the 'summary' or 'palliative' function of global security, in which stability is explicitly contingent on the risk for

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[113] Op Cit

[114] Guy, S. G., (1999)."Refugee Identity and the Fading Prospect of Protection."in: Frances Nicholson and Patrick Twomey(eds),Refugee Rights: Evolving International Concepts and Regimes. Cambridge: Cambridge University Press, p.243. 9

expatriates in their motherland. Intentional repatriation to a competent and protected atmosphere is the only hope of the fugitives: Refugees are normally restored to their countries to serve and patch in their prosperity and resolve conflict.[115]

2.7 Kenyan Refugee Regime

Current status of refugees in Kenya has undergone though significant reforms for the past two decades. Confronted with refugee predicament of 1990s there exist a tragic swing away from a beforehand Government-led, laissez faire and open style on refugees. Government budding policy framework was brief to the point including offering short-term security, hand over refugees to UNHCR, and restrain them in far-off parts of the country.

Kenya being a signatory to 1951 United Nations Convention relates to the life of Refugees, its 1967 Protocol[116]also1969 OAU Convention that governs definite facets of Refugee Problems in Africa.[117] Until 2006, the country did not have a national regulation for refugees, though Kenya has over decades been recipient to hundreds of Somali refugees as prima facie refugees, giving short-term security in the camps and on a group basis.

Since appeal by government in the early 1990s, UNHCR swiftly went from supporting a comparatively fewer refugees residing in urban areas to taking care of camp operations. Originally large sums of donors and sponsors flocked in to handle the high-profile humanitarian and relief emergency. As such, by the year 1993, it had resulted to steady death rates to the

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[115] Hathaway, J. C., (1995)."New Directions to Avoid Hard Problems: The Distortion of the Palliative Role of Refugee Protection."*Journal of Refugee Studies*, 8,3, pp.288-294.
[116] 189UNTS150,28, July,1951, (entry into force.22,April1,954).
[117] 1001UNTS 45,10, September,1969, (entry into force,20 Jun.1974).

refugees a remarkable displacement, hence, UNHCR confirmed that emergency was successful contained.[118]

The condition changed into a chapter of "maintenance and care" whereby with progression of time obtained the state of a prolonged refugee position: huge volumes of refugees in longstanding exile with limited access to long-lasting explanations to their deprivation of nationality. As donor assistance commenced in late 1990s there were spectacular and persistent shortfalls in refugee aid with UNHCR still having to cope with maintaining relief call ten years after it affirmed the end of the emergency.[119]

Government's then had to try maintaining the refugees living in the Dadaab camps in the North Eastern Province adjacent to Somaliland to a lesser extent in Kakuma camp located in the North West. In 1990s a huge number of refugees were resettled to the two camps coming from other localities where they were originally settled. The plan to position the main camps in Dadaab is momentous: the North eastern region has a considerable native Somali-Kenyan populace and a troubled background of segregation, repression and aggression under both independent and colonial rule. North eastern hardy gained growth intercession and therefore, there is substantial economic gap between it and Kenya.

Many refugees in this context, voted to remain in urban areas, with the belief that this would help escape the punitive camp conditions, among them scarce rations, insecurity, heat, and persistent illness in children; to gain access to better prospects in education as well as health amenities; to find employment and build a better prospect for themselves; to keep touch with those relatives living abroad with an eye towards arranging migration to those countries.

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[118] Milner, J.(2009)."Refugees, the State and the Politics of Asylum in Africa." Palgrave Macmillan.
[119] Ibid

There have been some significant modifications in the institutional structure set up over the last five years. Increased government participation in regards to refugee matters commenced with the designing of the Refugees Act. The Act was finally passed into law in the year 2006, after passing the earlier bill, it was hindered by the initial Somali refugee catastrophe in the period 1990s. The Refugee legal framework was in operation since the year2009 and the Department of Refugee Affairs having been incorporated and put in the Ministry of Immigration and Registration of Persons. The DRA was tasked with process of receiving and registering refugees in March 2011as part of a three year plan to take officially the role of chief sections in refugee policy implementation from the UNHCR.[120]

The Department of Refugee Affairs up to date also is the chair of an active cross-governmental Refugee Affairs Committee.[121] The DRA in this context engages executives from the ministries of Local Government, Foreign Affairs, Public Health, Internal Security, and the National Registration bureau who are in constant discussions with regards to refugee issues. Major policy and frameworks are at the moment in re-development process which possesses both opportunities and risks for refugees.

 In 2010, two new bills; the Citizenship and Immigration Bill and the Refugees Bill were drafted. The passing of a new Constitution in 2010 had prompted a review of all refugee legislation.[122] Proposals from the refugee bill were on reforms to current law appear to lay emphasis on handling security issues among others requiring immediate registration of all asylum seekers, establishment of legal framework to govern the refugee population, and

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[120]Caroline H. and Hoddie, M.(2003)."Institutionalizing Peacebuiling:Power Sharing and Post-Civil Wars,conflict Management."American Journal of Political Science,47(2):318-332.
[121] Ibid
[122]Ibid

escalating penalties for the non-compliance. This was in addition to expounding offences and penalties that related to documentation fraud.[123]

Latest policy talks between UNHCR, the Kenyan Government and also civil society has seemingly laid emphasis on coming up with the various methods to enhance protection of urban refugees as well as easing the acquisition of work permits. Twenty two several lines of tension however is prevalent among policy actors. This is also in the framework of this important institutional reforms as well as in the long run. Clearly, DRA is not happy with the kind of support it receives from both the donor aid and UNHCR who are unwilling "to be partake in the establishment of an externally backed public refugee institution," due to corruption and unsustainability fears.[124]

There has been a rise in tension between both the DRA and the UNHCR with regards to the handing over of responsibilities. On one hand, the UNHCR is fretful about protection as well as the setting up of dependable systems. Often by government officials, this caution can also be interpreted, as an unwillingness to surrender control which is deep rooted in the self-interests of the organization. The UNHCR has over the years been critiqued by various civil society actors, refugees and also NGOs for stressing "a soft diplomacy" in the wake of concerns with regards to "hard" human rights which border on closure, refoulement, as well as the substantial congestion of the Dadaab camp. This is all in fear of endangering its relationship with the Government. With UNCHCR taking the main operational accountabilities of keeping major

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[123]Chimni, B.(2002)."Refugees and Post Conflict Reconstruction: A Critical Perspective." International Peace keeping 9(2):163-180.Draft Refugee Bill 2011; KBC (15,Jul.2011)."Kajwang' Receives Immigration Bills."KBC News.
[124] Lindley, A.(2011).Between Protracted and a Crisis Situation:Policy Responses to Somali Refugees in Kenya. Refugee Survey Quarterly,pp.1–36.

refugee camps running, its ability to hold into account both the government of Kenya and donor Governments on protection concerns has been generally perceived as having diminished. This is because the UNHCR has overtime depended on those same Governments when it comes to access and funding the camps' operations.[125]

2.8 Repatriation of Somali Refugees

In the 1990s the Civil War in Somali led to millions of people escaping to seek shelter in adjacent nations. Even though Kenya had been collecting to expatriates for a long period, the Somali refugees who attempted to seek refuge in Kenya caused to increase meaningfully at that moment. This directed to some differences in the Kenyan outlaw administration and indicated the commencement of a more conditional entrance towards expatriates. Somali outlaws were essentially received in Dadaab Refugee Camp, which commenced development in 1991 and 1992. In the year 2011, different large migration of expatriates from Somalia transpired because of on-going destruction, aridity, and starvation. By 31st August, 2014, only 339,606 refugees were recorded in Dadaab Camp and further in December 31st, 2013, were almost 32,401 recorded refugees in Nairobi camps with about 53,816 refugees in Kakuma Refugee Camp.[126]Nevertheless, informal assessments for municipal refugees have been estimated to be about 100,000, of which Somali refugees approximated to 58% of the total.[127]

Somalia refugees in Kenya had been regarded as not viable alternatives for most expatriates. The local alliance was largely restricted when Kenya adopted a system of detention after the

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[125] Ibid
[126]UNHCR(2014).Kenya:Somali refugees. 18/5/2017.
[127]Refugee Consortium of Kenya(2012).Asylum under threat: Assessing the protection of Somali refugees in Dadaab refugee camps and along the migration corridor. Nairobi, Kenya.

large penetrations at the beginning of the 1990s and resettlement today is a "rare suspension to refugee emergencies,"[128]s it considers for a diminutive division of some refugee's population. UNHCR's Global Report 2013, about 1,356 refugees were said to be resettled from Dadaab Camp in that year. [129]However, recently, repatriation is not considered as an option for many refugees as a result of continued insecurity in Somalia. Therefore, most refugees in Somali remained in a protracted condition, and some living in the camps for over two decades the situation changed when UNHCR, Somalia and Kenyan signed a Tripartite Agreement on November 10th 2013, [130] even before approval of UNHCR's 'vital prerequisites' for repatriation.

The binding agreement between UNHCR, Somalia and Kenyan set out the rules and regulations to provide ways for refugees' repatriation. The state of affairs in Somali is not yet welcoming for refugee return.[131]As such, the UNHCR has severally continued to emphasize returns by refugees be voluntarily, it is still not easy to ensure the returns. Mixed reactions have been witnessed from donors, international community and asylum seekers as the certainty of emphasizing this as long standing solution since some regions in Somali is still insecure due to Al-Shabaab. Furthermore, the Federal Government in Somalia has not been in operation for a long time since its establishment in 2012. Consequently, there is uncertainty on political stability in Somalia and specifically the strategies to combat Al-shabaab remain uncertain. Heritage Institute for Policy Studies in Mogadishu, analyst Anab Nur contends that government

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[128]Bradley, M.(2013)."Refugee repatriation:Justice, responsibility and redress."UK:Cambridge University Press.
[129]UNHCR(2014c).Global report 2013 Kenya.Geneva, Switzerland:Division of ProgrammeSupport Management.
[130]UNHCR(2013d).Tripartite agreement between the Government of the Republic of Kenya,the Government of the Federal Republic of Somalia and the UN.
[131]Heritage Institute for Policy Studies(2013).Hasty repatriation:Kenya's attempt to send Somali refugees home. Mogadishu,Somalia.

of Somalia lacks the capacity to resettle huge number of people since it has not been in position to successful resettle the IDPs in Somali.[132]

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[132]IRIN. (2013, November 13). Briefing: Repatriating Somali refugees from Kenya. IRIN. 11/4/2017

CHAPTER THREE

KENYA'S NATIONAL SECURITY AND THE SOCIOECONOMIC DIFFERENCES

BETWEEN REFUGEES AND HOST COMMUNITIES

3.1 Introduction

This Chapter examines causes of clashes between refugees and host community. There were

multiple causes of the socio-economic differences between these communities, among them;

competition for pasture land, water, mistrust between the communities and cultural differences.

The displaced people in refugee camps were viewed by the host communities as the privileged,

yet they were not the indigenous people.

3.2The Concept of Security

The word security can be traced to ancient Rome and is a fusion of *se* (without) and cura

(concern), so its basic meaning is "without concern". The term has later, during the medieval

age, been used in economics and not until the 18th century in the ideas of the liberal

philosophers it is used as we nowadays understand it.[133] Security today has a wide spectrum

and in Security Studies: An Introduction we find what Buzan has defined as the five major

sectors in which security can affect the human population, the sectors are military, economic,

political, societal and environmental.[134]

Today when we speak about security it is common to see security in a realistic perspective,

which is that security, *"is a condition without any threat"*. The feeling of security can be

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[133] Christiansson, M.(2004).Säkerhetspolitisk teori, 1.ed., Stockholm: Militärhögskolan Karlberg,pp.41-42.
[134] Williams, P.,(2008). *Security studies: an introduction*, (PDF)(eds). London: Routledge,pp. 3-4.

achieved by eliminating the threats or having enough own resources to feel safe from the threats.[135]

For a long time in human history security has revolved around the security of humans. Security studies combined with the studies of international relations have today fused the security and the state.[136] Nowadays it is more common that when speaking of security it is the state security or national security.

3.3 National Security

The traditional view of security put a strong emphasis on state military security as the key survival tool for states. Buzan however, states how a state is continuously faced with threats and vulnerabilities in ensuring its national security. As such, the concept of security evolves and develops. Post-World War II viewpoints, offer a broader security perspective, incorporating non-military dimensions (non-traditional security), i.e. economic, social, and environmental dimensions. Also, the end of the Cold War prompted the further broadening and deepening of the concept of security, to include new security challenges.[137] This broader definition of security and threats to security now includes internal security. 'Intra-national' security threats are increasingly becoming more significant challenges to national security than international security threats.

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[135] Christiansson, Säkerhetspolitisk teori, 1.ed., 2004, p.42.
[136] Williams, (ed.)(2008).*Security studies: an introduction*, p. 7
[137] Buzan, B. (1991).*People, States and Fear*. 2 nd Ed. Hertfordshire: Harvester Wheatsheaf.

According to Nuechterlein, domestic security threats are not a considered to be a significant element of national security.[138]

3.4 Kenya's National Security

The Constitution of Kenya, 2010 stipulates the principles of national security in section 238 (1) mainly as protection against internal and external threats to Kenya's boarders integrity and sovereignty, its people, their rights, freedoms, property, stability, peace, prosperity and other national interests. Although this text presents the provisions of the current constitution, the content outlines the principles that have guided the country's security framework since independence. This section of the study traces the major threats to Kenya's national security from independence during the various regimes to the present day. It will focus on issues and events which impacted Kenya's security and how they have been carried along to the present day. It will examine security events that occurred and how they were dealt with and with what results.

When Kenya gained independence, the celebrations did not last long and the experience of the new African state was a face to face reality of the challenges of nation-building. Katete Orwa states that until then, Britain had assumed responsibility for the security of the colony. However, when the Union Jack was lowered at midnight of 12 December 1963, the new leaders under Jomo Kenyatta had to identify national interests, formulate an appropriate foreign policy and establish machinery for managing its relations with other states.[139] Several challenges faced the

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[138] Nuechterlein, D. (1976).*National Interests and Foreign Policy*:*A Conceptual Framework for Analysis and Decision-Making*, 2(3).
[139] Orwa, K.(1990)."Diplomacy and International Relations."in *Themes in Kenyan History*,William R.Ochieng ed., Nairobi:East African Educational Publishers,p.222.

young nation of Kenya. This part of the study focuses on the ethnic rivalries that characterized the immediate post-independence period and its security implications.

Initially, the main issues that confronted the government were issues that revolved around building national cohesion between the forty two or so tribes of Kenya, calming political rivalry, dealing with poverty, disease, labor unrest, disquiet that cropped up in the military, while focusing on economic development. Externally, the potential threats were diverse. First, Kenya had to identify its national interests and develop mechanisms of protecting these interests from external threats. It was known to the leaders then that national security was essential in participation in international relations and that without security there would be no independence or sovereignty. Therefore, the protection of the sovereignty of the state, that is, achieving security of the state became the foremost priority.

The policies that were to be formulated were to be guided by (according to Katete Orwa), the basic principles of good neighborliness, pan-Africanism and non-alignment. [140] Good neighborliness policies were to focus on attaining and maintaining regional peace and stability. Pan-Africanism policies were to focus on supporting decolonization and attaining continental unity while non-alignment policy was to oppose the polarization of the world between the two superpowers. These policies were underpinned in the words of President Kenyatta shortly after independence when he said that: "We will covet no inch of our neighbor's territory. We will yield no inch of ours. We stand loyal to OAU and its solemn decision that all African states shall adhere to the boundaries inherited at independence."[141]

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[140] Ibid, p. 224
[141] Ibid, p. 225.

Therefore, it can be argued that as early as right after independence, Kenya shunned territorial expansionist's ambitions and sought peace and harmony with its neighbors. Kenya's policy favored respect for territorial integrity of other states, peaceful resolution of disputes and non-interference in the internal affairs of other states.

3.5 Causes of Social- Economic Problems between Refugees and Local communities

There were multiple causes of the socio-economic differences between these communities, among them; competition for pasture land, water, mistrust between the communities and cultural differences. The people living in the refugee camp were viewed by the host communities as the privileged, yet they were not the indigenous people.

3.5.1The Land Problem

The relationship between refugees and host community were marred with mistrust and suspicion when the Kenya government and UNHCR resettled the first group of refugees in hosts grazing and ancestral land in Kakuma without prior notice and permission from local elders. The Kenya government did not only seek permission from the land owners the Turkana community, it forcefully evicted them to settle refugees without any form of compensation.

During a focused group discussion with the elders of Nayene-emejan village in Kakuma, Palal, a village elder stated that the Kenya government officials believed that the unoccupied tracks of lands found in their area were waste lands without owners and hence were suitable for settling refugees which in his view was absolutely incorrect. He asserted that all their land has owners some of the land is owned by family generations which they termed as "ngireria" (ancestral dwellings) while there is the communal land used by the community to graze their livestock without restrictions. Such land is reserved and protected by elders who may give out a portion

to an individual or a group of people based on whether such a group is peace abiding and seeking to access land for livestock grazing purposes or otherwise. Ekal Meresia a local Turkana elder of Natukobenyo village in Kakuma observed that,

> *There is no such thing as Freeland here; the government has no right to settle people in our land without talking to us. The entire riverine areas of Tarach River are family ngireria.*[142]

The land problem has become a political issue as politicians coming in defense of the Turkana community. Assistant chief Ekomwa of Lopuski village alluded that the land issue has been politicized because before the establishment of the camp, land was not an issue but it is now. The government rejection of hosts" demands for compensation further reinforced the anger and frustrations of the hosts. Eyenae, a Turkana elder from Lopusiki village who resides next to the camp observed that,"Emam ekisil kane" (there is little peace around here) the arrival of refugees and the gradual annexation of their land by authorities has pushed hosts farther away from their ancestral dwellings.

The majority of refugees living in Kakuma have in one way or another encountered some form of violence from either within the camp or its surrounding areas and with the land issue unresolved conflicts between the Turkana and refugees among other issues would continue for some time. Disturbingly, the level of violence in Kakuma appears to be on the rise with incidents involving death and serious injuries taking place day in day out.[143] The security situation in Kakuma continue to deteriorate and could be traced back to the inception of the camp in early 1990s when refugees were settled in Kakuma in hurry by the Kenya government

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[142] Oral interview, Ekal Meresia, Natukobenyo village, Kakuma 14 th. April 2014
[143] UNHCR, Document, 25 May 1999

in collaboration with the UNHCR without adequate preparation and consultation with the Turkana elders. Agnes Asekon, of Nakikriko Dapal Village in Kakuma noted;

> *Most of us thought that refugees were temporarily resettled in Kakuma but look now; they have been here for a very long time. We fear they might settle here for good. The camp keeps on enlarging and soon they might declare themselves owners of our land.[144]*

When refugees are caught doing illegal practices, there might be too much hatred towards them beyond their ethnic and religious belief.[145] In Pakistan for instance, the host community held the Afghan refugees responsible for the increased availability of arms and for the burgeoning trade. That understanding led to the tensions and fear between refugees and local community despite religious and ethnic compatibility.[146] Host communities firmly believe that refugees are responsible for the disappearance of their livestock leading to armed robberies against refugee.[147]

3.5.2 Refugees and The Environment

The host communities argue that UNHCR, Partner agencies and the Kenya Government have lost the war on environmental protection in Kakuma. Neither the forestry department nor the provincial administration is active in preventing wanton cutting down of trees in Kakuma. The Turkana argue that refugees demand for shelter twigs is overwhelming. The extent at which Kakuma environment is being destroyed is clearly marked with huge treeless patches covering an area of 20 square kilometers easily visible as one approaches Kakuma town from Lokore.[148] The Turkana being pastoralists preserve forests because their livestock largely depend on them.

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[144] Oral Interview, Agnes Asekon, Narikriko Dapal Village, Kakuma 14th. April, 2014.
[145] Jacobsen, K.(1992).The response of third world to mass influence of refugees:A comparative policy analysis of Thailand and Zimbabwe. PhD Dissertation. Massachusetts Institute.MA
[146] Ibid.
[147] UNHCR, Kakuma Sub Office Operations, 30 September 2013.
[148] Ibid.

Destruction of indigenous trees not only puts their animals at risk but also exposes them to dust storm, soil erosion and diminished shades. Hence there have been frequent clashes between refugees and hosts community on this issue.[149]

All five of the Turkana pastoralists interviewed at Lokangae village for this study pointed out that Kakuma refugee camp has had a negative environmental impact to their lives and livelihoods as refugees continue to cut down indigenous trees normally used by their camels and other species of livestock. According to Mariangela, destruction of forests and environment as a whole exposes the land to sand storms.[150] The continuous growth of the camp has restricted pastoralists access to their wet season grazing areas. Refugees access to land and common resources has aggravated security problems in Kakuma with pastoralists extremely unhappy with the manner in which their environment is being decimated.

3.5.3 Water resources and health care

Water has remained a source of clashes between refugees and hosts due to its scarcity and quality. The hosts argue that the influx of refugees has created high demand for water to the extent that traditional water sources have either dried up or depleted remarkably. There are constant feuds and clashes between host communities and refugees at water points around the camp and at hand dug wells in Tarash River. Kakuma town shopkeepers and water kiosks sellers interviewed complained that they have been adversely affected by water rationing occasioned by overload exerted on the available water aquifers by refugees. Host communities further posit that they have to trek long distances to fetch water for household use as well as for their

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[149] Ibid.
[150] Mariangela Bizzari, Safe Access to Firewood and alternative Energy in Kenya: An Appraisal Report, 17-31 July 2010

livestock. Despite the presence of ten operational boreholes scattered around the camp, refugees still cross over to use the river bed in search of water and in the process clash with the hosts. The Turkana argue that their women are forced to travel long distances from their villages to the refugee camp to look for water where they are prevented from accessing water by refugees who would sometimes attack them sparking serious clashes among the two groups.

UNHCR and partner agency provide free health services to refugees as well as poor and deserving locals. The refugees feel Turkana were intruding to their health services, occasionally pushing and chopping them at waiting bays. An official of International Rescue committee (IRC) submitted that the poor sanitation in Kakuma refugee camp was as a result of limited number of toilets that cannot support sanitation needs of the huge numbers of refugees. Some refugees are forced to use nearby bushes around the banks of Tarash River as toilets as well as take bath from hand dug shallow wells that are also used by members of host communities as their water sources. UNHCR and the County Government, for instance do not have readily available exhauster services in Kakuma, most of the toilets are pit latrines that get filled up quickly owing to huge number of refugees. It takes about three months to find an exhausted and is usually hired from as far as Kitale about 450 Kilometers" away.[151] In the meantime refugees have to resort to using nearby bushes as toilets thereby polluting the water sources and exposing themselves as well as hosts to water borne diseases often sparking clashes between the two groups.

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[151] UNHCR, Kakuma, Sub Office Operations, 30 September 2013

3.5.4 Education

The neighboring local communities argue that while UNHCR and partners agencies are focused on providing free education to refugee children including provision of better facilities and materials, they were doing too little to support their dilapidated schools infrastructure. On one hand LWF is accused of poaching Kenyan teachers to teach in refugee schools in the camp with a view to improving the quality of education for refugees children while on the other hand refugees are flooding Turkana schools with their children creating overcrowding in classes a situation which the head teacher of Kakuma Arid Zone Primary school John Nabuin observed

> *Whichever way you want to look at it, the presence of the refugee camp is impacting negatively on the education performance of the Kenyan children leading to poor quality of education in the long run.[152]*

The Kakuma mixed primary school for instance had the highest number of refugee children and could be mistaken for a refugee school because half of the children enrolled there are refugees mainly from the Sudanese and Somali refugees. The situation continues to create friction between Turkana parents and refugees with hosts demanding for total withdrawal of refugees children from their school.

3.5.5 Sexual abuse and Violence

Sexual abuse and violence against women has been dominant for refugees in Kakuma Refugee Camp.[153] The Kakuma police admit that there have been cases of rape of Turkana women and girls by refugees in the camp and a number of refugees have been arrested and convicted. The Kakuma police are aware of the Turkana culture on rape and admit that they normally move in quickly and arrest an individual refugee responsible from rape to avoid serious clashes between

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[152] Oral Interview, John Nabuin, Kakuma Arid Zone Primary School, 14 th April 2014
[153] Crisp, J.A state of Insecurity:The Political Economy of Violence in Kenya's Camps".African Affairs 99(397) :601-632.

the Turkana and refugees. Incidents of attempted rape have also been reported by refugee women whenever they go to the bush to collect fire wood. Most reported cases of rape are rampant among the Somali refugees who have the highest number of sexual abuse, assault.[154]

Sexual abuses are a daily nightmare for refugee women and girls in Kakuma refugee camp. Although UNHCR has elaborated standardized guideline on sexual and gender based violence (SGBV), the guide lines are not fully integrated into their core programmes that underscore sexual violence as an emergency undertaking. UNHCR and partner agencies failure to set aside provisions such as firewood, solar stoves and building materials for vulnerable women and girls as an affirmative measure to reduce their exposure to rape when collecting firewood is an issue to consider in their programme

Despite the existence of Kenyan laws that protects and guards women and girls against rape in Kakuma refugee camp, such laws are undermined by weak enforcement efforts as well as flawed UNHCR protection measures that are retrogressive in their applications. Kakuma means to refugees women, intimidation, sexual harassment, sexual abuse and violence. The camp provides weak security to women and girls in that they feel insecure and their freedom to live as free as other people is not guaranteed. The camp itself sometimes serves to aggravate feelings of uncertainty and insecurity, torture and rape frequently occurring in Kakuma.[155]

3.6 Effects of the Social-Economic Conflict

The establishment of Kakuma refugee camp and the continuous influx of refugees have in many ways affected the lives of ordinary people of Kakuma and its surrounding areas. The unending

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[154] Mwangi C. W.(2012)."Women Refugees and Sexual violence in Kakuma Camp. Invisible Rights, Justice, Protracted protection and Human insecurity." MA Dissertation. IISS. The Hague, Netherlands.
[155] Horst C.(2002).Refugee Life in the Camps. Providing Security or Sustaining Dependency".

expansion of the camp has forced hosts to adapt to the changes, challenges and opportunities brought about by the camp. The attention of the international community, UNHCR, and the Kenya government is directed specifically towards assisting refugees owing to their plight of being a people running away from persecution and in dire need of protection. On the other hand, the hosts are overlooked despite having similar or even more difficult living conditions than the refugees. Hence, the presence of refugees in their midst while assisted by the UNHCR and partner agencies make them look privileged, a situation that has created animosity between the two group.

The impact of the camp to hosts may not be necessarily negative; indeed there are aspects of the camp that have impacted positively to the lives of hosts depending on various areas of interactions. What is experienced are the impacts of new realities of hosting refugees, that are creating conflicts, pressures, and tension between the refugees and hosts. Such conflicts have taken place for a number of reasons including struggle over natural resources, refugees biased services provision by humanitarian agencies, corrupt employment practices, contracts all of which have a bearing on refugees-hosts negative relationships. This chapter examines the impact of clashes between refugees and hosts in Kakuma Camp. It discusses the manner in which the hosts, refugees as well as stakeholders have been impacted upon by the conflicts. In addition, it examines how conflicts have affected the Socio-economic activities of the people of Kakuma.

3.6.1 Social Impacts

Before the establishment of the Camp, locals were living and managing their lives without negative influences but this had to change following the arrival of refugees to Kakuma.

Negative Social behavior such prostitution and drug abuse that were alien to locals became a reality to host communities. The arrival of the refugee camp changed all that when for the first time host communities realized that there were certain minimum standards required of human being in terms of humanitarian assistance. They were able to compare their „low-life‟ situation with that of the refugees in terms of humanitarian assistance provided by International Organizations. The realization did not only create jealousy and despondency but disgruntlement that eventually led to clashes between them and refugees leading to reprisals.

The host communities would restrict refugees from accessing the forest to harvest firewood as well as cut trees for construction of their houses. Further, the host communities would bar refugees from loitering in their villages effectively confining them in the camp. The refugees on their part restricted hosts from drawing water from the boreholes in the camp. The situation indeed "educated" the Turkana to explore a paradigm shift from the traditional ways of doing things for instances diversifying their sources of livelihoods by engaging in trade and businesses that are not affected by weather conditions.

The tension and sometimes clashes between hosts and refugees were either directly or indirectly instigated by UNHCR and partner agencies officials whom hosts accuse of being responsible for driving a wedge between them and refugees by employing refugees and leaving them out. Hosts argue that there exists an inherent negative attitude towards them by officials of humanitarian organizations particularly limited their interaction with refugees. The hosts argue that UNHCR and partner agencies "own refugees" and are involved in isolating them instead of encouraging natural social interaction between refugees and host communities.

The seemingly endless infrastructural development of the camp has had some negative impacts on the hosts, for instance the camp continues to expand in size due to influx of refugees.[156] As a result, it has blocked pastoralists" access routes to watering points at River Tarash and forced them to take longer routes to access the river downstream. The expanding nature of the camp continues to encroach on their villages as well forcing their manyattas to move farther away.

The annexation of hosts" ancestral land confirmed host communities worst fears regarding refugee's resettlement in Kakuma. Maraka Kebo asserted that:

> *The government continues to remove us from our ancestral land; all my relatives are buried in this land. I cannot understand why these people are more special than us, now we have to relocate to a place we are not familiar with far away from our water sources.[157]*

Allowing and settling large numbers of refugees into the hosts traditional social structures would lead to social instability and barriers between hosts and refugees.[158] The hosts allude that none of the refugee's nationalities resident in Kakuma can speak in Ng'aturkana (Turkana language). Indeed there is limited common ethnic and cultural affiliation between refugees and Turkana community and hence there are huge barriers in terms of language, culture and generally whole way of life between the two groups. Attempts by UNHCR, partner agencies together with the Kenya government to initiate social programmes aimed at strengthening cooperation among refugees and host communities were discontinued as a result of clashes between refugees and host communities. Hosts argue that social programmes that had enhanced

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[156] UNHCR(30 September 2013). Kakuma Sub Office Operations.
[157] Oral interview, Maraka Kebo, Nayenae Emejan Village, Kakuma 22nd. April,2014.
[158] Alix-Garcia, J. and Saah, D.(2010).The Effect of Refugee inflows on Host Communities: Evidence from Tanzania."*The world Bank Economic Review*,24(1):148-170

cohesion and interaction between refugees and hosts i.e. games of football and volleyball were either suspended or cancelled all together as a result of clashes.

3.6.2 Economic Effects

Clashes between the host communities and refugees sometimes provided fertile ground for economic reprisals where refugees would refuse to buy hosts livestock and goods to punish hosts for carrying clashes against them. The hosts on their part would not allow refugees access the river and the neighboring forests to harvest firewood. Economic sabotage by either group is a common strategy used by either group to punish the other for initiating clashes.

Most of the Kenyan traders around Kakuma are entrepreneurs with established networks in the area providing all sorts of goods and services to refugees as well as local support staff. They migrated to Kakuma to take advantage of the commercial opportunities offered by the camp. 181 The Somali and Ethiopian refugees have enhanced business skills to handle goods and services on multiple scales within the camp and own a range of businesses from wholesale to retail. The Ethiopians are quite enterprising of all the refugees providing high quality commodities in their shops competing to Kenyan traders in terms of provision of diverse business. They have forced the Somali refugees traders and Kenyan traders to sell goods at competitive rates.[159]

Following the creation of Kakuma refugee Camp, half of the Kakuma Sub District population and its surrounding areas moved and settled around Kakuma town to eke a living. Kakuma refugee Camp was seen by some locals as an opportunity where they would secure employment

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[159] Montclos, De Perouse, M. and Kagwanja, P.(2000).Refugee Camps or Cities?The Socio-economic Dynamics of the Dadaab and Kakuma Camps in Northern Kenya. Journal of Refugee Studies.

or become part of the recipients of humanitarian assistance given to refugees. Kakuma was viewed as an economic magnet that pulled together jobseekers, idlers, teachers and civil servants, destitutes, orphans, widows and pastoralists who had fallen out of pastoralist system due to drought.

Because of the huge influx of locals and proliferation of villages in and around Kakuma town, the entire area was regarded as a refugee affected area by UNHCR and partner agencies extended some of their services to Turkana villages with a view to ensuring that they derived some benefits from the presence of refugees.[160] The hosts saw the camp as sort of an „industry" that created jobs for their people as well as extended it's cooperate social responsibility (CSR) to the refugees affected areas. UNHCR and partner agencies put up water catchment for Turkana livestock herders, classrooms for primary schools, a friendship hall, pump water to Kakuma town and further subsidized the medical fee which is paid on behalf of refugees patients.[161]

The hosts communities being mainly pastoralists depend on sale of their livestock whereas those settled in Kakuma town are engaged in other informal businesses such as mechanics, carpentry, butchery, bar, beauty salons, barber shops and telephone sales. 183 The Turkana are among the 43% of Kenya's who have been faced by hunger and poverty hence being unable to meet their basic needs for many decades.[162] Turkana County has been said to havehostile

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[160] Crisp, J. (2003).No Solutions in Sight: The Problem of Protracted Refugee Situations in Africa.Evaluation and Policy Analysis Unit, UNHCR. Working Papers,Centre for Comparative immigration Studies, UC San Diego.
[161] Ibid p.16
[162] Aukot, E.(2012). "It is better a Refugee than a Turkana in Kakuma:Revisiting the relationship between hosts and Refugees in Kenya."Refugees: Canada's Journal on Refugees,21(3).

environment where severe droughts and food shortage recur frequently and food insecurity is a

persistent problem.[163]

The camp's influence in terms indirect support to the local economy could be felt as far as

Turkana North where for instance a group of drought internally displaced people known as

Ngikwakais had to trek from Lokitang to Kakuma to eke a living through selling of charcoal,

firewood, hardcore, tree twigs to refugees for their domestic use. Atiir Lemuya a member of

Ngikwakais noted;

> *"Some of us could not be alive today had it not been for the refugees who bought our charcoal and twigs. Drought killed all our animals and we heard of Kakuma refugee camp, we trekked to this place, we began collecting hardcore and gravel for companies building the camp. Some of us sold firewood and tree twigs to refugees as well. When we get money we will restock ourselves, but so long as the camp is here we shall be here as well."[164]*

The host communities however continue to struggle to sustain a living in Kakuma as they have

limited access to basic needs such as water, food and shelter which the refugees are provided

for by UNHCR and partner agencies. According to Atiir, she might not have survived the

drought thanks to Kakuma refugee Camp but, she has nothing to compare her demeaning

lifestyle with. For all said and done, the Kakuma refugee camp granted her a lease of life

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[163] McCabe, J.T. and Ellis, J.E.(1987).Beating the Odds in Arid Africa.Nat. hist. 96:p.32-41
[164] Oral Interview, Atiir Lemuya, Ngikwakais Village, Kakuma, 15th April 2015.

CHAPTER FOUR

LINK BETWEEN REFUGEES WITH TERROR ACTIVITIES

4.1 Introduction and Background

The study focuses on examining the Link between Refugees with Terror Activities. The study begins with a brief review of the objectives before the complete analysis. Also, it embarks its investigation the effects of refugee in regard to terrorism. It's based on the assumption that refugee presence, crime rates and insecurity have increased in the country. It is clear that an increase in terrorism activities in the country, what is not clear is the contribution of refugees' presence to terrorism in the country. The study collected in the study will help in drawing the fact on the perception of refugee's link with terrorism.

4.2 The concept of Refugee

A refugee is an individual who has been displaced. Refugee can either be displaced from home country or within the home country due to various factors such as civil wars, clashes and calamities. According to Article AI, the 1951 UN convention relating to status of Refugees, defines refugee as an individual who has fear of persecution as a result of his/her race, nationality, membership, political affiliation or religion is different from the country of nationality, he/she fears and is unwilling to seek protection from that country.[165] A refugee may be a person who can be categorized outside the legal definition in the Convention because they may have sought refuge to other countries due to external aggression, search for employment, calamities or domination by foreign powers and not really migrating for fear of

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[165] UN Convention Relating to the Status of Refugees of 1951,Article 1A

persecution.[166]The African Unity adopted the legal framework outlining the specific aspect of refugee problem.

4.2.1 Refugees in Kenya

The Refugees background dates back in 1963 when Kenya gained its independence. Since then the country has continued to host refugees from various war ton countries facing political unrest and civil war. Some of the refugees come from Somalia, Rwanda, Burundi, Sudan, DRC, Ethiopia and Uganda.

More than 630,000 refugees and asylum seekers had entered Kenya by August, 2012, with about 55,000 of them settling in Nairobi.[167]Kenya being a signatory to 1951 United Nations refugee Convection and its 1967 Protocol, as well as the 1969 OAU Refugee convention. Kenya is also a signatory to other global and regional human rights framework which can be applicable to refugee safety. Though, it has been operating without the framework on refugees protection regulation until 2007 when the Refugee Act came into force.[168]

However, the recent advent of national refugee legislation, Kenya in fashionable and Nairobi specifically have a protracted records of hosting refugees from neighbouring and close by nations. In the year, 1970s, for instance, huge numbers of Ugandans fled from the violence in their own country and took refuge took shelter in Kenya, many of them instructors and different

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[166] Hyndman J. and Nylund, V. B.(1998).UNHCR and the Status of Prima Facie Refugees in Kenya, *International Journal of Refugee Law*, Vol.10, No.1/2, 23.
[167] (6th February, 2013)http:.//www.unhcr.org/.pages/49e483a16.html.#.
[168] Kagwanja, N., and Odiyo(2002).*Refugees in Law and Fact A Review of the Literature and Research Agenda in Kenya,*Occasional Paper Series,Vol.1No.1

knowledgeable those who, due to their abilities and cultural affinities, settled fully inside the country.

Kenya became a main host of refugees from different East African countries in the late 1980s. In addition, it was estimated that about 12,000 refugees in Kenya during that time enjoyed the legal right to live anywhere within the country and even acquire a permit to enroll into schools. However, in 1990s nearly all neghbouring countries to Kenya were struggling with political crises. Notably, the excessive warfare in Somalia pressured a significant influx of refugees into Kenya. By the year 1992, Kenya hosted about 400,000 refugees from Somalia. Thereafter, Kenyan government could not further contain the refugees and finally decided to withdraw completely from any refugee humanitarian call. A mid-1990s, the government of Kenya faced a sudden exodus of refugees seeking refuge from the neighboring countries of Sudan, Ethiopia and Somalia. The Kenya Government through the Ministry of Immigration and Registration of Persons (Department of Refugee Affairs) in collaboration with the UNHCR has been carrying out registration of refugees at Kakuma and Dadaab refugee camps.[169]

Following this mass repatriation, the variety of Somali refugees dwelling in Kenya became almost halved, despite the fact that the variety of Internally Displaced men and women (IDPs) in Somalia multiplied substantially to put it inside the words of a Somali refugee interviewed for a studies examine:

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[169] Verdirame, G.(1999)."Human Rights and Refugees: the Case of Kenya,"*Journal of Refugee Studies*, Vol.12, No.14:56-57

Since the commencement of civil wars in Somalia, huge number of refugees traveled with the aid of boat down the coast of Kenya and arrived in Mombasa, wherein many were forced into camps. Due to the metropolitan nature of Mombasa city, a number of refugees settled within the city. .[170]Some of Somali refugees who settled outside the camp set up small enterprises in Mombasa, ranging from electronics shops to black-market trade. The Somali refugees became so successful since were tax exempted and thus they managed businesses within confines of official camp called Hatimy (Barawa) camp. However, the local businesses were not happy and held significant bitterness towards the Somalis. A policy change was enacted in 1997 which saw many camps being closed officially and this made refugees to move to Dadaab and Kakuma camps. Some of the refugees could not survived the situation and therefore opted for repatriation to Somalia.[171]As a result of mass repatriation, the number of refugees living in Kenya drastically decreased and the Somali on other hand hosted a large number of Internally Displaced Persons (IDPs).A Somali refugee interviewed had this to say:

> *"It is somewhat better to be here in Somalia because we can manage our lives, although it's not that easy due to continued unrest due to wars. But I better live in Somali than stay idle in the refugee camp since there is nothing to do. I feel so free with no fears since am in my home country and therefore, if am to choose where to die then I'd rather die in Somali than starve to death in a refugee camp."[172]*

4.3 The concept of Terrorism

Terrorism draws its meaning from a Latin word "terrere" which means "*to frighten*" [173]

Terrorism has become the preferred weapon by well-organized terror groups who seem to be

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[170] Verdirame, G.(1998). "Human Rights and Refugees: The Case of Kenya."*Journal of Refugee Studies,* 12:54-77.

[171] Campbell, E. H. (2006). "Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival, and Possibilities for Integration." *Journal of Refugee Studies* 19:396-413.

[172] Ibid.

[173] Record, J. (2003). Bounding the Global war on Terrorism. Carlisle Barracks. *Staretgic studies Institute, US Army War College* , p 6.

well informed against states they perceive to have a problem with. Terrorism as a word is politically encumbered and emotionally charged, and this significantly compounds the difficulty in arriving at a specific definition. Various research findings show about 100 definitions of the word terrorism." de ne hundred definitions of "terrorism."[174] for example a study by Hared H. Adan, Maj, Kenya Army (2005) on Combating Transnational Terrorism in Kenya defines terrorism as an act of planned violence or threatening to cause violence on innocent citizens so as to achieve political, religious or ideological goals in nature. The acts of terror are accomplished through coercing, instilling fear and intimidation.[175]Most of the time the individuals who support the perpetrators identify them as "freedom fighters" whereas the opponents refer to them as terrorists. Generally, terrorism concept has been said to be controversial because the powerful individuals and government authorities delegitimize political as well as opponents and allegedly legitimize the country's military to perform terror acts against opponents. Likewise, the state can be accused of executing terrorism acts. Terrorism as a word has historical controversy where by individuals like Nelson Mandela and Jomo Kenyatta being labeled terrorists at one point in time.

The attempts to define terrorism by the international community has rarely succeeded. Between the period 1970s and 1980s, the UN tried to define the term but it was difficult due to divergent perspectives among the members about the use of violence in perspective of conflicts over self-determination and National liberation.[176]

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[174] Hoffman, B. (1998). *Inside Terrorism.* Columbia University Press. p. 32.
[175] Reich, W.(1990).*Origins of Terrorism: Psychologies, Ideologies, Theologies, States of Mind*. Cambridge. Cambridge University Press.
[176] Martyn, A. (2002).*The Right of Self Defence under International Law-Response to the Terrorist Attacks of 11 September*. Australian Law and Bills Digest Group, Parliament of Australia Web Site.

In the process of distinguishing terrorists from other forms of criminals and terrorism from other kinds of crime, we come to comprehend that terrorism is ineluctably political in purpose and aims, violent is apparently significant, threatens violence; intended to have far-achieving emotional consequences beyond the immediate target or victim; its run by a legal entity or operational branch, whose affiliates put on no symbol of identity and executed by means of a sub-national institution or non-state entity.[177]

The tactical and psychological aspects of terrorism defined it as political-driven violence in an asymmetrical fight that is intended to induce terror and instill fear (sometimes indiscriminate) over the violent victimization and devastation of noncombatant targets (sometimes iconic symbols). Such acts are destined to propel a message from an illicit clandestine organization. The main aim of terrorism is to manipulate the mass media so as to gain publicity as an amplifying force multiplier in order to influence the targeted audience in attempts to achieve both short, mid and long-term political goals.[178]

Terrorist acts are mainly executive in the sense that it maximizes the severity and lengthen the psychological impact. When a terrorist undertakes terrorism is said to be a "performer" bound to have effect on a multitude of audiences. Terrorists also attempts to attack national symbol and shake the foundation of the nation or community they oppose. By doing so, the terrorist group or organization tend to be prestigious while negatively impacting the government.[179]Most terror attacks have political background and is used by activists in the process of trying to bring change. The desired change is more important in that failure to acquire change seem to be worse

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[177] Bruce H., (2006)..*Inside terrorism, 2ed*ition.Columbia University Press, p.41.
[178] Carsten, B.(2008).Jihadist Terrorist Use of Strategic Communication Management Techniques (PDF).*George C. Marshall Center Occasional Paper Series,(20)*
[179] Juergensmeyer, M.(2000).*Terror in the Mind of God*. University of California Press.pp.125–135.

than the deaths of civilians. This is usually where there is inter-relationship between terrorism and religion. The political struggle inclined in religions framework, failure to achieve political objective is equated to spiritual failure, whereby for those who are highly committed is seem to be worse than death of civilians or their own deaths.[180]

Terrorism or terrorist are words with a negative connotation. The words are mainly used in political context, and they may be used in condemning violent acts or threats, it's also rebuked by actors as immoral or unjust. The individuals or groups labeled as terrorist hardly call accept the name "terrorist" instead they may identify themselves with other names or words from other cultures and languages. Most of the time they prefer to be identified as freedom fighters, vigilante, guerilla, militant, rebel or patriot.[181]

Terrorism is being regarded as one of the worst form of violence with far reaching social, economic and political impact on states.[182] Terrorists are using political objectives which have a religious connotation and a surprise element which draws resemblance to unorthodox guerilla tactics. Terrorism is evolving very fast with many terror groups springing up while at the same time using new and crude methods to drive their point home. In essence, terrorism has been said to be the main challenge faced by various countries such as Kenya since it threatens economy and country's security.

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[180] Alexander, S., (2003). Historians Trace an Unholy Alliance; Religion as the Root of Nationalist Feeling. *The New York Times.*
[181] Ibid.
[182] Chaliand, G. (2007).*The History of Terrorism: From Antiquity to AlQaeda*. Los Angeles:University of California Press.

4.3.1 Motivation of Terrorists

Terrorist perpetrators become motivated by intimidating victims, mounting pressure on the government and confuse the security system to undermine state control. The strategy has been used by terrorists to accomplish their terror activities in different countries such as Kenya, United States in its war of independence, Algeria, Ireland and Cyprus while struggling for independence. Al Qaeda attacks on high profile symbolic targets in the United States dates back in 2001. The attacks draws attention of other states around the globe to struggles that are otherwise go unreported. The state makes use of counter terrorism to polarize population in case of attacks on high profile symbolic targets.[183]

4.3.2 Religious terrorism

Terror activities performed by individuals or groups based on their faith is said to be religious terrorism. Most of the terror attacks from the time immemorial has been typically performed under religious background with the intention of enforcing or spreading the religion, opinion or views. A religious terrorism in itself cannot define a religious view point but rather it defines an individual or group way of thinking or the interpretation of the teachings in the system.[184]

The criminals who undertake terrorism acts are composed of groups, individuals or state. Some clandestine and semi clandestine state actors are also involved in terrorism activity which is above the framework of a state of war. Although, the obvious terrorist acts have performed by small and secretive organs, they are motivated to serve a specific cause. According to a study by undertaken by Alan Krueger in the year 2007 showed that most terrorists come from well off background and are well educated to at least o-level. Some claim that it is not easy to

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[183] Humphreys, A.(2006).'One official's refugee' is another's terrorist', *National Post*.
[184] Ibid.

categorize terrorists basing on their sociological traits, behavior or personality.[185]Terrorists tend to hide their identity and behave normally until they accomplish their mission. Conversely, most of terror attacks are performed by men between 16years and 40 years. Some of the terrorist activities and organizations are funded by the state. Views on acts of violence which are state sponsored differ from one country to another. The government hardly acknowledge terrorist as such if they are state sponsored.

As with terrorism acts the notion of state terrorism is believed to be contentious. The word 'state terrorism' refers to terrorist activities committed by government officials or agents. This mainly involve the misuse of government resources by country's foreign policy, that is, deployment of military to directly perpetrate terrorism acts for example the bombing of Pan Am Flight 103. Terrorism in this context can be described as genocide or democide and consists acts such as extrajudicial killings and executing civilian hostages.[186]

Most of terror attacks have been associated with stimulation of fear and panic and publicity among victims by use of explosives or poison. Terrorist have severally carried out attacks by use of weapons of mass destruction. Organizations sponsoring terrorist methodologically strategize in advance before carrying out the attacks and they also offer training to the members, raise money through organized crime and plant undercover agents.

Mass Media generally covers and exposes the aims and reasons behind terrorism act which are somewhat ignored by the media. Various individuals have considered mass media exposure as

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[185] Sean, C. (21 August 2006).Fear of the unknown. *BBC News*.1530 hrs.
[186] Kisangani, E and Nafziger, E.W.(2007)."The Political Economy of State Terror (PDF),"*Defence and Peace Economics,*18(5):405–414.

an exploitation of the media.[187]Internet is the main platform for sharing and spreading of messages among groups and cross the globe. This has brought about cycle of measures within groups in attempt to support or oppose the terrorist movements. For instance, the UN came up with its virtual counter terrorism resource. The mass media will, on occasion, censor organ staking part in terrorism acts to depress further terrorism. However, this may encourage organizations to vigilant in making sure that extreme acts of terrorism are shown in the mass media.

4.3.3The Threat of Terrorism around the world

The international terrorism is known to be a big threat to domestic security and the U.S. foreign policy. Terrorist targets and timing strategy can greatly affect U.S interest such as nuclear non-proliferation in the Middle East Peace process.[188]An increasing number of analysts warned that radical Islamist group with an intention to exploit political pressures in Russia, Pakistan, Indonesia, Saudi Arabia, Jordan, Egypt and many other nations. Due to their affirmed intention of overthrowing secular or Western-allied regimes in various nations with huge Muslim populations, such group of people are viewed as a threat to the objectives of U.S. foreign policy.

Terrorists are capable of developing their very own source of finance ranging from NGOs and charitable institutions to illegal dealings such as kidnapping, narcotics and extortion. Colombia's militant, FARC is believed to generate millions of dollars every year from the criminal acts, mainly from illegal taxation of and engaging in narcotics trade. Al Qaeda relies

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[187] Ibid.
[188] Elizabeth C.H. (2006)."Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival and Possibilities for Integration."*Journal of Refugee Studies*,vol19:pg.396-413.

upon on a powerful array of fundraising operations such as Moslem charities and donations from wealthy well-wishers, banking connections within Persian Gulf and legitimate-seeming corporations and also engaging in smuggling and fraudulent acts. Terrorists have managed to acquire high end weapons of mass destruction (WMD) technology from their own finances. In this case, in early 1990s, the Aum Shinrikyo cult of Japan made a connection to Russia and they were able to acquire technology and instructions used for producing Sarin which is a deadly nerve gas. In March, 1995, the said gas was used to accomplish attack in Tokyo subway which left 12 people dead and about 1000 injured.[189]

In November 12, 2001, Times newspaper reported that Osama bin laden representative tried to purchase radioactive waste from atomic power plant in Bulgaria, cited the September 1998 arrest in Germany of an suspected Osama bin laden emissary on charges of attempts to purchase reactor fuel. According to BBC news report, intelligent officers' record confirmed that the Al Qaeda had built a radiological explosives in Western Afghanistan close to Herat. The British government allegedly distorted a plan to use the poison ricin against citizens in England.

Some of the weapons are sneaked into the country which are later used to commit crimes.[190]The weapons have severally been used in transitional crimes as well as crimes witnessed in the streets of Nairobi and other major cities. It is so shocking and precarious to global security being the fact that guns are not made in Kenya but no one knows how they enter into the country. Small Arms survey conducted in the year 2001 showed that about 90% to 95% of people living in Northern part of Kenya are armed. This poses a threat to security and clearly

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[189] Ibid.
[190] RSO (2010). Interview with Regional Security Office at U.S. Embassy. Nairobi, Kenya

indicates that a lot of trafficking of legal firearms takes place in the boarders hence Kenya's border system is not effective.

Crime has ceased to be traced with ease as it was in the past. This is as a result of technological advancement over years, a number of developing countries such as Kenya has witnessed technological crimes. Currently, crimes are committed by use of technology such as cybercrimes which has put Kenya to security threat. The scarcity of Kenyan police officers in possession of computer skills had lack of rules governing cybercrimes has posed a threat to citizens in general. Some of the crimes committed using computers is money laundering and fraudulent acts.[191]This has been stimulated by the vast establishment of cyber cafés and constant use acquisition of smart phones which increases the number of crimes committed almost everywhere around the country. The installation of fiber optic network in the Indian Ocean saw Kenya making use of fast internet connectivity in the year 2009 and around the globe. According to security experts from US embassy in Nairobi, the installation has both negative and positive impact at the same time.[192]

4.3.4 The Alshabaab Problem

The Al-Shabaab terror group was established in 2006 as a militant Islamic cluster with the sole aim of fighting against the Somali transitional government. While the exact number of the members is not clear, it is estimated to be around 7,000 fighters.[193] By 2009, the group had successfully ousted other small terror groups in Somalia using guerilla tactics such as assassinations and bombings therefore controlling the southern part of the country.

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[191] Elizabeth C.H. (2006)."Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival, and Possibilities for Integration."*Journal of Refugee Studies* vol 19:pp.396-413.
[192] Ibid.
[193] Gartenstein-Ross, D.(2009).The Strategic Challenge ofSomalia's AlShabaab. *Middle East Quarterly*,16, no.4.

Nevertheless, even though the primary objective of the group was internal politics, its goal have gradually changed with time and Kenya seems to be the main victim of the guerilla attacks.

However, the shift by Al-Shabaab is attributed to the involvement of the Kenyan military in supporting the transitional government to ouster the Union of Islamic Courts (UIC) since 2006.[194] Additionally, in 2009 the militia group threatened Kenya government after it tried to fight piracy, a demonstration of the states zeal in combating external threats. Meanwhile, as the threats were taken as mere bravados, the reality of the threats has hit Kenya in the recent past. 158 Notably, the Kenyan nationals who live in the northeastern part of Kenya, which borders the country with Somalia, and the availability of Dadaab camp hosting Somali refugees had been the primary targets. While economically and politically marginalized, the citizens have been a soft target for Al-Shabaab recruitment. On the other hand, with the Kenyan history of being targets by other terror groups such as Al-Qaeda, which are actively linked with Al-Shabaab, the government has taken the threats more seriously. Besides, the availability of a huge population for recruitment by the militia provides another dilemma for the host nation.

Despite the efforts by the Kenyan government since 2006, the Al-Shabaab terror group has not relented in its threats. For instance in 2010, the group released a song which enumerated their intentions for their entry into Kenya:

> *"As we have touched base at the outskirt, we might enter Kenya and Inshallah we will get to Nairobi. Subsequent to landing there, we will might battle, murder, all things considered, we have enough weapons, enough weapons."*[195]

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[194] Al-Shabaab Terrorist Groups,National Counterterrorism Center (NCTC) website.
[195] Kenya: AlShabaab Threaten to Attack Kenya Capital,Garowe.21,Jan.2010.

Accordingly, NGO's and Somali refugees in Dadaab confirm that the militants have infiltrated in the camp and the entire nation mainly in Nairobi and Mombasa.[196] While interviewing a Somali refugee in Eastleigh, Nairobi ―Mohammed‖ an alias name since he declined to give his real name for safety reasons, he confirmed to me that the Al-Shabaab militia does not only cross the borders to Kenya for recruiting new members and planning attacks. They also to seek medical attention in Kenyan hospitals with help from the integrated Somali nationals in Nairobi.[197]

4.3.5 Chronology of Terrorist Attacks in Kenya

The proximity of Kenya to the war-torn Somalia and the Middle East has created a safe refuge for transnational terrorist groups to infiltrate the country. However, the first transnational terrorist attack happened on 28th January 1976, plotted by the Front for the Liberation of the Palestine (PFLP) and the Baader-Meihof Group. In this attack, an El Al passenger plane was to be shot at during a scheduled stop-over in Nairobi.[198] However, this conspiracy was frustrated when Kenya and Israel successful shared intelligence. The most talked of terror attacks today are the one the ones that have borne casualties. Despite all the measures put up by the government of Kenya to combat terrorism, the country remains a potentially prime target for terrorists. The country has experienced terrorist attacks owing to its alliance with the western powers who are prime enemies of the perceived Islamic dominated countries. In relation to this, Kenya is located at a strategic place which is partially an operational base for Al-Qaeda and the Somali based Al-Shabaab. Another reason as to why Kenya is viewed as a soft target environment is due to the fact that soft targets lack proper defined access denial or protection

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[196] Lindijer, K.,(2010).In Kenya, Fear of AlQaeda Ally StokesHatred of Somalis,‖NRC Handelsblad.
[197] Mohammed Mohammed, Interviewed by Catherine Mukira on 14, July 2016
[198] Robert J.Bunker; Suicide Bombers, Soft Targets and Appropriate Countermeasures pp98-108

unlike hard targets. Soft targets may include small businesses, random groupings of individuals, schools, office buildings, hospitals, passenger ships and aircraft, and local and state government buildings. Hard targets have a greater value placed on them because they are special for some reason and hold a high symbolic value to society therefore being properly secured and protected. Soft target therefore is everything a potential suicide bomber can target at any time or place.

4.3.5.1 The 1980 Norfolk Hotel Bombing

Prior to the 1998 US embassy bombing in Nairobi, terrorism in Kenya was a little known phenomenon. Little was talked about the terrorist attack of Norfolk Hotel in 1980. The attack happened on New Year's Eve in December 1980 at the Jewish family owned hotel which was then a popular tourist destination.[199]

In the blast, twenty people died while over eighty people were injured with the building getting partially damaged. The masterminds behind this attack on Norfolk were the Popular Front for the Liberation of Palestine(PFLP) which aimed at avenging Kenya's authorization to Israeli soldiers who re-fueled their war planes in Nairobi during the famous Entebbe hostage predicament where an Air France Flight 139 en route to Paris was taken hostage by terrorists affiliated to (PFLP) and forced it to land at Entebbe International Airport in Uganda under the controversial president Idi Amin permission.[200] The Norfolk attack was widely viewed as just an unfortunate occurrence but in 1998 Kenya saw the seriousness in the need for policies to counter terrorism.

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[199] Muiruri, S.(2004, January 29th).Counter terrorism Centre Established in Kenya
[200] Davis, J.(2007).*Africa and the war on Terrorism*.Aldershot, Burlington:Ashgate.

4.3.5.2 The 1998 United States Embassy Bombing in Nairobi

Kenyan history will reserve a foot note on its history books marking 7th August 1998 as a black day that the little known Al-Qaeda masterminded the largest attack on Kenyan soil. It was the first time Kenyans experienced devastation of this magnitude. This attack was a simultaneous form of aggression on the US embassies in Kenya and Dar el Salaam, Tanzania. The assault in Kenya, was orchestrated with a truck fully loaded with high volatile bomb. Bin Laden and his faction had spent five years preparing and scheming the 1998 suicide bombings of the US embassies in Nairobi and Tanzania.[201] Consequently, approximately two hundred and twenty people died and with five thousand people injured. The dead and injured comprised of the embassy staff, pedestrians and other people in the neighboring buildings especially Ufundi house which and was fully destroyed and Co-operative house which housed the Teachers' Service Commission. The blast in Tanzania killed eleven persons and injured over seventy others

4.3.5.3 The 2002 Terrorist Attacks in Kikambala

This was the third major terrorist attack in Kenya which took place on 28th November 2002.[202] Two Strela 2 (SA-7) surface-to-air missiles were fired at an Israeli charter plane which was taking off from Moi International airport in Mombasa en route to Tel Aviv with two hundred and sixty one passengers on board. However, the missiles narrowly missed the plane.[203] The twin attacks at Kikambala led to a shift in attention from US to Israel implying the vulnerability of both states sharing the same enemy. The Kikambala attack came at a duration of two and

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[201] Bergen, P.(2001).Holy War, Inc; Inside the Secret world of Osama bin Laden .New York: Free Press.pp86,132.
[202] Hass, D.(2002).Chronicle Foreign Service,Terror in Kenya/Stunned Isralies are left feeling nowhere is safe‖ SFGate.com, Jerusalem.
[203] Eichstaedt, P.(2010).Pirate State:Inside Somalia's Terrorism at Sea. Chicago:Chicago Review Press.

half months after the first anniversary of the September 11th 2011 attack in the cities of New York and Washington DC. These attacks came in the wake of travel advisories that had been issued by the governments of United Kingdom and Australia against travelling to Kenya. This attack confirmed to the government of Kenya that the terrorist group of Al-Qaeda was not yet done with Kenya after the 7th August 1998 attack and that more attacks were in the offing. In March 2003, the Ministry of Foreign Affairs in Kenya acknowledged the presence of accomplices as being Kenyan nationals within the country.[204] colluding with the Yemen, Pakistan and Somali nationals who were believed to be behind the planning of the 1998 and 2002 attacks.

The Dadaab refugee camp which is located on the border of Somali and Kenya was identified as a training ground for Islamic training ground for Islamic extremists.[205] A charity group Al-Haramain, was actively involved in establishing religious schools and social programs was suspected of providing the avenue through which funds meant for the terrorist groups were wired. This resulted in the revocation of registration of Muslim Non-Governmental Organizations (NGOs) including Al-Haramain by the Kenyan government because of their perceived links with Al-Qaeda terrorist group.[206]

4.3.5.4 The 2013 Westgate Shopping Mall Attack

The 2013 Westgate Shopping Mall attack was one of the significant and turning point of Kenyan foreign policy. On 21st September 2013 a number of gunmen entered the Westgate Shopping Mall armed with guns and grenades. These men drove through the entrance to the

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[204] Mogire,E., & Agade, K.M. (2011).Counter-terrorism in Kenya. *A journal of contemporary African Studies* 29(4) , 473-491.
[205] Ibid
[206] Ibid

mall and down the ramp to a basement area.[207] The building complex which was a six storey building comprised of shopping centers, eating and leisure centers, offices and a parking at the basement. The Shopping Mall at the time of attack was crowded with shoppers while others were taking their lunch. The gunmen moved from one store to another shooting and killing people. By the end of the attack, the Al-Shabaab terror group owned up responsibility for the assault, citing their displeasure in Kenya's involvement in the African Union military effort against the group.98 Some of the rescued people stated that the terrorists had targeted non-Muslims by asking the victims to answer a question related to the teachings of Islam to confirm indeed that they were Muslims. The gunmen allowed the Muslim customers to escape from the mall before executing the non-Muslims shoppers. The terrorist wanted to create a wedge between the Muslims and Christians.

4.3.5.5 Mpeketoni and Mandera attacks in 2014

On 16th June 2014, an emotional attack occurred whereby forty eight non local people were killed when AlShabab militants from Somalia drove to Mpeketoni killing them. Again sixty-four people were killed in Mandera county on 22nd November 2014, twenty eight of whom were teachers and government workers who were hounded out from a bust that was travelling to Nairobi and shot at close range as they lay on the ground. These victims were singled out on the basis of being non Muslims. December 2nd 2014, Al-Shabab attacked and killed thirty-six quarry workers who were caught sleeping. The quarry workers were non locals having moved to Mandera County in search for jobs.

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[207] Onuha, F.C.(2013).Westgate Attack: Al-shabab's Renewed Transnational Jihadism. Al-Jazeera Center for studies. Aljazeera website.

4.3.5.6 The 2015 Garissa University College Attack

The Garrisa University attack was deplorable due to its length and viciousness. It lasted almost fifteen hours, with five terrorists, leaving one hundred and forty eight students dead. This attack was noteworthy because of the dull response of Kenyan security forces which took seven hours to take full control of the University. By the time they arrived, a huge number of students had been killed.[208] It happened after heavily armed attackers stormed Garissa University early in the morning after killing the two security guards then firing indiscriminately at the student. In this attack, students who could not prove they were Muslims were singled out by being asked to answer questions relating to the Islam faith or to recite verses from the Koran.[209] More than five hundred students managed to escape although seventy nine of them were seriously injured. Four of the terrorist were killed by Kenya security forces with a fifth terrorist, killing himself by detonating his explosive belt.[210]

4.3.6 The Link between Refugees and Terrorism

The flow of Somali refugees in Kenyan urban center had a negative impact on Kenya's security.[211] From an empirical point of view, there is proportionality between the substantial sum of Somali immigrants in Kenya and the security threat they pose. Whereas the immigrants are perceived as not safety and political problems but a matter of international charity, there is

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[208] Ryan, C. (2015).Garrisa attacks puts spotlight on Kenya's response to growing terror threat. The global observatory. Retrieved from http:.//theglobalobservatory.org./2015/04./garrisa-kenya-al-shabab-westgate..

[209] Daily Nation, 3rdApril 2015, 147. students killed in cold-blooded raid on campus, Fred Mukinda,pp4-5

[210] Odula,Tom, Muhumuza, Rodney & Senosi, Khalil. (2015,April 3rd) Al Shabab militants kill 147 at university in Kenya.Associated Press. Retrieved from http:.//bigstory.ap.org/article/police-gunmen-attack-univeristy-easternkenya

[211] Irin News.http:.//www.irinnews/.org./.

a correlation between the two.[212] For instance, the author notes that domestic balances in Jordan and Lebanon were highly upset by the Palestinian refugees.

From the onset of their arrival in the Northeastern province of Kenya, the Garissa District recorded increase of crime. For example, the confidential report by the District Committee of Garrisa in 1992 showed that there were at least 32 crime incidences reported between January and June. Respectively, the rate increased to 114 in 1993 as the refugee numbers increased.[213]

According to UNHCR report, security incidents amounting to injury and death has been the order of the day. People living in refugee camps have resorted to trade bullets which is now termed as 'gun economy.' The refugees have involved in customary beliefs and traditional conflicts arising over grazing rights, water and inter-communal relations. In addition, the clan elders have been over years replaced by clan militants.

However, other armed individuals living in camps have surrendered their weapons in order for them to be recognized as refugees, some seeking to return to fight and therefore use the camps to strategize themselves for the war.[214] The militants have been said to cause huge amount of problems to people seeking refuge as well as the host nation itself. First and foremost, the militant groups participate in cross border fights between refugee warrior and neighbouring countries, they threaten citizens and sovereignty of host country thereby affecting the relationship among neighbouring countries.

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[212] Loescher, G. and Milner J., (2005). Protracted Refugee situations, domestic and International security implications, London: IISS.
[213] Adera E. A.(1997).*The Impact of Refugee Settlements on the Environment: A Survey of Ifo and Utange Refugee Camps in Kenya.master* Thesis, Moi University.
[214] Kagwanja, N. and Odiyo (2002).*Refugees in Law and Fact: A Review of the Literature and Research Agenda in Kenya*, Occasional Paper Series Vol. 1 No.

Secondly, armed people living in refugee camps have been said to destabilize the host nation. Individuals who work and live in camps will not be surprised to know that militant groups have been the cause of terror attack in some parts in Kenya since the Kenyan troops invaded Somali to fight Alshabaab insurgents. A refugee camp in DRC known as Goma camp hosted Interahamwe fleeing from Rwanda Patriotic Front in the year 1994.[215]

Arrangement for armed incursions which involves "search and destroy" missions by the government to combat the armed individuals in camps can really devastate refugees and the local citizens. This practice can further strengthen the armed group and attacks can be accompanied by loss of lives, rape cases, cattle rustling, looting and abduction. The increase in arms may support domestic opposition in the host nation that had intention to destabilize the state. Lastly, the impossibility of separating the armed group with the genuine refugees in the camp may being tension and cause the host county perceive all refugees as a threat.[216]

One needs to undertake security analysis on refugee movement in order to understand security operations. Detailed security information helps to provide link between the levels on argument that a government can threaten equality from within and from without.[217]Here, emphasis is shifted to the non-military aspects of security. From the literature, the increasing number of refugees tend to pose a threat on both internal and external security of the host country.

In Goma, the armed people used the camp to reorganize and strategize on the next attack. The camp helped them acquire free medical care, food and shelter from the UN. With the fighting

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[215] Buzan (1999). People, States and Fear, chapter 2 as quoted in Yannis A. Stivachtis, Kosovar Refugees and National Security, *Refuge*, VoL 18, No.3.
[216] Ibid.
[217] Choucri, N., Brown J. W., and Haas, P. M(1990).Dimensions of National Security, in In the U.S. Interest: Resources, *Growth and Security in the Developing World*, Boulder, CO:Westview Press.

in Somalia and the influx of refugees in Kenyan camps tend to be a threat to security in Kenya. In comparison, to Goma, the refugee camp has been transformed to be habitat for militia groups.

A report released in 2008 by UN monitoring group on Somalia affirmed that Alshabaab and Hizbul Islam have gained confidence to travel to and from the capital city, Nairobi where they organize for fundraising, recruit new members and get medication for wounded fighters. This has been facilitated by the open door policy that Kenya has adopted in its quest to perform its international obligations under the international humanitarian law.

The first measures to fight terrorism in the International arena were made in the 1970, the measures addressed co-operation between counties in handling air craft hijackers, interference of aircraft, taking hostage, violent acts onboard aircraft and crimes committed against certain protected persons. It's argued that forms of terrorist activities have changed. Terrorism nowadays is international and has created new forums of increased vulnerability. International terrorism is tantamount to activities that extend beyond the borders to other nations. The person engaged in such activities are recruited from many countries and do not have necessarily a connection to the country destined for attack.

Terrorism has changed forms and is specified by new actors, means and ideology. Religious motives have always been part of terrorist activities and religiously motivated terrorist are perceived as dangerous. International terrorism is organized in small and strongcells interconnected to networks that make it so difficult to fight the organization as a whole. International terrorism inspired by Islamist ideology has been the dominant kind of terror in the 21st century. They have a global theatre and one such organization is Al Qaeda that has terrorism infrastructure in all regions. The infrastructure is further reinforced by a network of

terror organization such as Boko Haram and Alshabaab, and they are brought together by a shared Islamist ideology.[218]

Such terrorist infrastructure is present in Kenya and has been responsible for attack which has led to loss of lives and properties. The attacks have had far reaching negative economic consequences, especially on the tourism sectors, which is central to Kenya's economy. From a terrorism point of view, destabilization of economy gives terror groups chance to blackmail the government or important individual in the country. Terrorist have a potential to cause economic disability and devastate the government causing pressure due to lack of revenue, fiscal cost of repair and temper with security of the country.[219]

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[218] Ibid.
[219] Elizabeth,C. H.(2006)."Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival, and Possibilities for Integration."*Journal of Refugee Studies,* vol19:pg.396-413.

CHAPTER FIVE

FACTORS PROMOTING THE KENYAN GOVERNMENT TO RETURN THE SOMALI REFUGEES IN KENYA

5.1 Introduction and Background

As presented in chapter four the arrival of Somali refugees in Kenya created a dilemma for the country. Being a signatory of the international conventions, the Kenyan government was obligated to accommodate the exiles; on the other hand, the government has a duty to protect its people from external forces which aim at destabilizing the state. In these regards, it has been established that the occurrence of Somali immigrants in Kenya has been actively involved with the Al-Shabaab terror group and entry of small arms. Therefore, the call to repatriate the Somali immigrants as the long lasting solution. However, while the security of citizens is paramount to any given state, respect for international conventions about refugees is equally significant. Chapter 5 will critically evaluate security impact due to the influx of Somali refugees. Furthermore, other issues concerning the process of repatriation will be analyzed concerning the current situation of Somalia and the readiness of the country to accommodate its citizens. Furthermore, the study will investigate the factors resulting to the repatriation of Refugees.

5.2 Issues Raised

The security impact of Somali refugees influx in Kenya has been established as the study's objective. Additionally, the study investigates how the flow of refugees from Somali to Kenya from 1991 to 2016 has been associated with the Al-Shabaab terror group leading to the call by the Kenyan government for repatriation.

Accordingly, a brief preview of the objectives has been established for the analysis of the study. The project will determine willingness of refugees in Kenya repatriated back to Somali bearing in mind the economic ventures they have established in Kenya. Besides, influx of refugees in Kenya, especially in urban centers, has contributed to national security threats has cases of crime and terror attacks have been on the rise.

There is a generalized feeling by many Kenyan businesspeople who claim that the tripling of prices for land in areas where Somalis dominate especially in Eastleigh must have an external force.[220] There is a conception that the many business dealings in Eastleigh are financially supported by illegal activities such as piracy at Kenyan cost. For instance, in 2009, law enforcement officers had to confront and forcefully evict some Kenyan traders who had categorically refused to vacate a market area which had been purchased by some Somali people. Allegedly, the operators claimed that foreigners who had been enriched by piracy proceedings were keen on taking over their livelihood.[221] Moreover, there is a strong feeling among many Kenyan citizens and the government, Somali warlords, the pirates, and the Somali investors in Eastleigh have a strong relation. In 2010, there were substantial allegations that Somali warlords who are associated with Al-Shabaab owned numerous houses both in Nairobi and Mombasa. 214 Additionally, Caroline Wahome a Kenyan citizen in Eastleigh argues that:-

> *Most of these properties worth millions of Kenyan shillings and which are owned by Somali individuals were constructed when piracy was at its pick in 2009. Besides, there are reports that these people have also invested heavily in Dubai and Mombasa in the same period. I strongly think that these huge sums of money came from the piracy business and are now being used to fund the Al-Shabaab.[222]*

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[220] Property Wire(2010).”Real Estate Rent Bubble in Nairobi Threatens US Style Property Crash, It Is Claimed.”
[221] Wadhams,N.(2010).'Somali pirates take the money and run to Kenya',NPR.
[222] Mukira, C.interview Caroline Wahome

5.2.1 Refugees Financing Alshabaab

The Al-Shabaab terror group, proclaimed itself, a significant instigator in the continuous struggle for control of Somalia.[223] Founded in 2006, its primary objective was to wage war on the transitional government of Somalia, however from 2008 its scope changed from national involvement to international terrorism with attacks in Uganda on 2010. Additionally, before the Uganda bombings, it was alleged that it was responsible for piracy in the Kenyan coastal region with several cases of tourist abductions. As a result, in 2011 the Kenyan defense forces with other troops from other members of the African union have waged war against the group hoping to win back its strongholds, unfortunately, up to date, a decisive victory has not been achieved. However, Kenya which hosts several thousands of Somali refugees and which made the first step in invading the Al-Shabaab has been the main subject of attack for the militia. Notably, many citizens and law enforcement officers in Kenya have been targeted by the terrorist group from 2011 to the present.

The international community focuses on unearthing the operational component of the group little or no attention has been paid on the financiers of its activities. In 2009, the spree of piracy activities and abductions in the Kenyan coast is alleged to have raised approximately $100 million. However, as established previously, the budget of the militia group is estimated to be much higher than the ransoms. Initially the international bodies held that the Kisimayo port was a strategic city where illegal businesses raised huge amounts of money for the terrorist nonetheless after its fall under the Kenyan defense forces in the AMISOM the terror group is seen to grow strong.

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[223] Shinn D.,(2012)."AlShabaab Tries to Take Control of Somalia," Foreign Policy Research Institute.

Intelligence reports in Kenya have adversely linked the refugees in the country with the terror group. Specifically, the multi-million business enterprises in Eastleigh have been associated with not only funding the militia but also helping in planning its attacks in the country. More so, the ineffectiveness exhibited by the international conventions and the management of refugees in Kenya has allowed the terrorist a leeway to penetrate the country causing menace to its citizens. While several culprits have been arrested in Kenya, many of them have pleaded to be members of the Al-Shabaab. Besides, due to the protracted situations in the refugee camps, the group has actively been on a spree of recruiting new members who have been long enough in Kenya.

While Kenya, Somali governments, and the UNHCR signed a tripartite agreement for voluntary repatriation of Somali refugees in different phases, radical changes by the Kenyan government have happened. After the continuous attacks by the terror group and particularly the Garrisa University attack which claimed 147 lives, the Kenyan government decided that the Somali refugees who had been accused of harboring the terrorist according to intelligence reports had overstayed their welcome and had to repatriate back to Somalia. While opposed by the international conventions, many stakeholders in the fight against terrorism seem to have agreed with Kenya that a radical measure need to be taken to curb the vice.

5.2.2 Repatriation helps in Peace Building

Repatriation would be helpful in peace building process. It was established that the return of refugees would create a reassurance of peace as it would give hope to communities in Somali that peace is achievable.

"Repatriation would carry with it a peace initiative element as those repatriated will educate their communities the essence of peace. They will also take back skills gained in different fields that will play a significant role in economic empowerment ofindividuals; this in turn would encourage the communities to engage in constructive activities. In essence, less time will be spent in activities that fuel conflict.[224]

Return of refugees means return to normalcy from living in camps, the refugees would not long to go back to the camp experience and it would be an opportunity for a partial return to normal everyday life. Adelman[225] opines that the conventional wisdom has it that agreement depends on fugitive repatriation, and each peace treaty must present for it. So far several efforts have continued made to guess the counterfeit contact between repatriation and reconciliation. Ordinarily, it is solely one of some exercises reported variously as primary duties of peace structure or as circumstances for peace erection expert, outwardly additional designation either how it promotes unity building or whether it prepares so only under certain situations. As a command, the concrete consequences of restoration for peace building are practiced for the award, and, at least completely, expected to continue beyond all instances of peace restoration. To investigate the application that repatriation is essential for order the connection needs to be added explicitly designated.

The philosophical underpinnings of the peace-by-repatriation dissertation can be discovered in numerous fields of inquiry, through exposition and presence do not accurately touch any additional in any of them. The plan is to retain a distinct locus on the peace-by-repatriation argument, and that not pretend to furnish a general representation of any of certain departments of study.[226]

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[224]UNHCR officer views
[225]Howard (2002).
[226] Ibid.

According to Adelman "the hard aspect persists the powerful confidence and pre-opinion of those who combine refugee repatriation and the practice of peace arrangements." More particularly, he claims that "the common understanding of most refugee specialists" is that "unity depends on fugitive repatriation." This condition, insisting unidirectional position that repatriation is a fundamental stipulation for peace.

5.2.3 Refugees as a Threat to Security

Refugee flow can be regarded as intimidating by authorities of either people-sending or population- supporting neighborhoods. The intimidation can be an assault by well-armed fugitives; migrants can be a fulmination to either state's political establishment, or emigrants can be regarded as a warning to the important societal preferences of the accepting country.[227]

"Security" is a common structure with diverse interests in diverse communities. A partly uniform society, for instance, may arrange a greater emphasis on conserving its ethnic sense than does a complex society and may accordingly, notice a community influx as an intimidation to its safety. Giving a shelter for those you experience one's purposes (political independence, for instance) is necessary for some nations, in some countries. Therefore, an influx of "freedom fighters" may not be regarded as a threat to security. [228]Also, in some given country, what is extremely considered may not be accorded by bests and stands-elites. The entrance of migrants viewed as extremists may be started by a sovereign, but embraced by the antagonist. One ethnic unit may embrace expatriates, while different is vehemently denied. The trading centre may be added the feeling that the common residents to introduce immigrant employees.

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[227] David, L., A. and Rothchild, D.(1998).The International Spread of Ethnic Conflict: Fear,Diffusion, and Escalation.Princeton,Princeton University Press.
[228] De Silva, M. K.. and R.J.(1991).Internationalization of Ethnic Conflict. New York: St.Martin's Press.

The effort to distinguish sorts of security threats from expatriate movement instantly runs into differences within "original" and "perceived" perils, or toward absurdly neurotic awareness of threat or expanse tensions that can properly be characterized as xenophobic and racialist. However, these radical notions are components in the response of authorities to refugees.[229]It is important to obtain a precise position that, in another case, does not release anxieties, and or value all tensions over settlement and expatriates as grounds for their exclusion.[230]

Secondly, a plausible but inadequate description is the extent of expatriate flow. A nation experienced including a large-scale refugees' entrance should feel more threatened than a country experiencing a small influx of refugees. In the mid-1980s this prospect one strength has demanded the Germany Federal Republican attend a trickle of Sri Lankan Tamils with serenity. However, to move speedily to terminate the 1989 influx of 2,000 East Germans every day, or Africa countries to respond further endangered by the attack of refugees and therefore less sensitive than the nations of Western Europe faced by Third World trickle. Repeatedly, though, the opposition has been the predicament.[231]

Necessarily, Economics, of course, plays an important role and it matters. Also, a nation prepared to receive refugees when its prosperity is growing is more reasonable to terminate its entrances in a collapse. Though Economics appears not to solve several of the diversity between nations, nor makes it define the measures countries apply to determine whether a distinct

[229]Lischer, S. K..(2002)."Catalysts of Conflict:How Refugee Crises Lead to the Spread of Civil War."Ph.D. Dissertation.Massachusetts Institute of Technology,Cambridge, MA.

[230]Patrik, J., and Orleans. N.(2010)."Repatriation and Peacebuilding: A Comparative Analysis of the Handling of Displacement in Bosnia-Herzegovina and Nagorno-Karabakh."In Patrik, J ed.Peace by Repatriation: Concepts, Cases, and Conditions.Umea, Sweden: Umea University,1-22.

[231] Barry, S.(1994)."Refugee Repatriation during Conflict:Protection and Post-Return Assistance." Development in Practice,4(3):173-187.10/6/2017.

organization of migrants is admissible or is perceived as threatening. Furthermore, mass can mean, but repeatedly it depends on the current authority policies.[232]

Thirdly, it is a most probable reason for the readiness of nations to acquire or discard refugees is group connection. A state and its residents are expected to be sensitive to those who encounter the identical language, belief, or culture, which might be as threatening those of no particular identity. Simply what establish "ethnic connection" is, repeatedly, social structures that can develop within a period. Americans and Australians, for instance, reconsider like Asians who are no long-drawn ejected as not identical peoples. The larger parts of Western Europeans promptly regard to East Europeans as their fellow-Europeans and are more satisfactory as wayfarers than other community from North Africa. Historically variable lies on the value who is or part of us.

In nineteenth-century too many American Protestants including Jews, and Catholics were regarded as not one of us, and now, for several Europeans, Muslims are called not "one of us." Furthermore, what establishes an educational association for one society in a multi-ethnic community may steward a social, social, as well as economic threat to another state.

5.3 Repatriation of Refugees from Kenya

In 2007, the UNHCR decided that the majority of 11.4 million refugees in the globe at the time would be repatriated to their home countries.[233] Moreover, the process has been used as a tool of stabilizing communities after conflicts such as the Somalia. Anthropologist Feld Basso contends that the sense of belonging to a particular place regardless of the situation plays a vital

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[232] Ibid
[233] UN:Iraq conflict exacerbates unprecedented refugee flows»June,18,2008.Starck,Liam. The Christian Science Monitor.

role in creating the driving force for refugees to return home.[234] By definition, refugees are individuals who live in depleted situations where they cannot establish their existence with the environment.[235] The interweaving of practices, identity, and place which create a suitable place for habitation in a given landscape are necessary ingredients of creating survival tactics in the foreign land while the land of origin remains the inextricably linked.

Globally, the international human rights promote repatriation of refugees as the most appropriate long lasting solution. Specifically, it states that all persons have rights of returning home[236] nonetheless, even though defined as voluntary, repatriation is not portrayed as so in the annals of the United Nations. But rather as vague provisions which try to prevent refoulment of the immigrant[237] as found in the 1951 Convention Article 33, which states that refugees should not in any way be exposed to persecution of any kind.[238]

5.3.1 The willingness of the Somali refugees in Kenya to be repatriated

The voluntary nature of repatriation makes it an option. On the contrary, compulsory return of refugees is similar to forced migration which created the refugees at the first place. According to international customs and Refugee Conventions, expulsion of refugee is a breach of the international laws.

> *No refugees or dislodged people who have at long last and certainly, in total flexibility,*
> *and in the wake of getting full learning of the actualities, including satisfactory data*

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[234] Basso, F.(1996).Senses of Place.School of American Research Advanced Seminar Series. Seattle:University.Washington Press.

[235] Laura.H.This Place Will Become Home : Refugee Repatriation to Ethiopia. Ithaca, NY,Cornell University Press.83

[236] UDHR, Article 13, Paragraph 2

[237] Article 33. "Prohibition of expulsion or return ("refoulement") "No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

[238] Marjoleine,Z.UNHCR and Voluntary Repatriation of Refugees..The Hague.Martinus Nijhoff Publishers,6.

from the administrations of their nations of birth, should be constrained to come back to their nation of birth.[239]

However, the convention fails to enumerate conditions, which should be met when the refugees become untenable to their host nations necessitating return home. Moreover, willing repatriation is a desirable solution, UNHCR, and the individual countries have minimum control over it. Apparently, there is no clear demarcation when the promotion of repatriation encouraged by UNHCR should stop.

All decisions to close down a refugee camp walks on a thin line between refoulment and repatriation; this is because the failure of gentle inducement of refugees to return home creates a dilemma for the host nation. Unfortunately, Kenya government finds itself in this situation as many Somali refugees in Eastleigh are not willing to go back home. Most of the refugees in Eastleigh argue that even though they would be happy to return home, the timing is wrong for the situation in Somalia is not yet conducive and that they have already established themselves economically. For instance, Hamida Khatra, a business lady in Eastleigh, contends that;

> *Despite the decision by the Kenyan government to force us to leave, I am not ready to go back to Somalia. While a lot has been done by the AU forces and other international bodies to liberate my country from the threats posed by warlords and Al-Shabaab, I strongly feel a lot needs to be done.*[240]

More importantly, the aim of the Kenyan government was to curb the menace of Al-Shabaab in the country while seeking for a durable solution. Besides it was established that the primary objective was to plan for a safe return for the Somali refugees back home. Moreover, during the world refugee day on June 20 in Dadaab, it was noted that the process of repatriation would

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[239] Mukira, C. interview Habib Hassan
[240] Mukira, C. interview Habib Hassan

be voluntary as many Somali exiles in the camp had expressed their need to return home with 18,000 refugees willingly repatriating in 2013.[241]

The Somali government argues that the home country is ready to receive its citizens, claims that are highly refuted by the subjects and international bodies such as the UNHCR. For instance, UNHCR regards the decision by the Kenyan government as untimely and insensitive paying no attention to the plight of the exiles.[242] Despite the relations between refugees and the Al-Shabaab terrorist, the Kenyan government continuously claims that the international bodies have neglected its duties in aiding the state financially to support the refugees. As a result, Kenya which is a third world country continues to struggle to sustain the refugees despite its struggling economy. Consequently, the decision to repatriate the refugees is the final determination by the host nation which has refused to relent on its mission

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[241] UNHCR,return of SomaliRefugees in 2013
[242] UNHCR, Kenya's decision to repatriate Somali refugees is untimely.

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