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FACULTY OF ARTS

DEPARTMENT OF HISTORY AND ARCHAEOLOGY

**URBAN REFUGEES REINTEGRATION: A
CASE STUDY OF NAIROBI'S EASTLEIGH
SOMALI REFUGEES.**

BY

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THE REQUIREMENT FOR THE AWARD OF MASTER DEGREE IN ARMED
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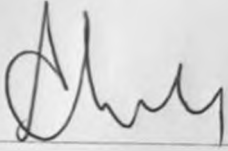


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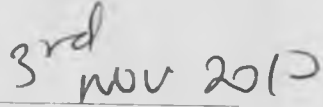
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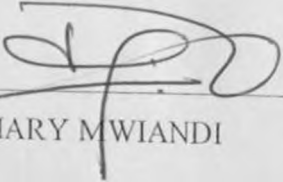


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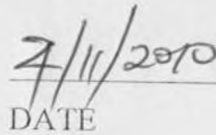


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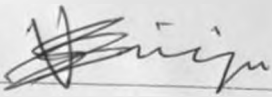
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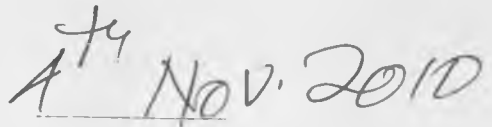
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PROF. VINCENT SIMIYU



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DEDICATION

I dedicate this research project to my daughters Fiaza, Hafsa, Nawaal and Umu-khayr also I am very grateful to my wife Halima Mohamed who expressed patience and stood by me during my conducting this research.

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ABSTRACT

As early as the late 1980's, the rapidly deteriorating political situation in Somalia spelled trouble for the Horn of Africa country. By 1991, the government had collapsed and hundreds of thousands of Somalis sought refuge from the conflict in neighboring countries, among them - Kenya. The scale of migration from Somalia was so large that the government of Kenya sought new policies to manage the refugees. Closing down most of the refugee camps along the Somali border, the government moved most of the Somali refugees to Dadaab refugee camp. In this way, Kenya established its unofficial encampment policy that required all refugees to reside in the designated refugee camps. Nonetheless, Somali refugees moved to urban areas either through special UNHCR exceptions or by self-settling. In Nairobi, a majority of Somali refugees found residence in Eastleigh. Many of these urban refugees are often self-supporting and make significant contributions to the Kenyan society. Their existence in Kenya within the transitional status of refugee for almost two decades warranted further examination.

This study offers a scholarly approach to the question of Somali refugee integration in Kenya. Through an examination of the history of Somalis in Kenya as well as the experiences of Somali refugees in Eastleigh, this study sought to answer the following question - what has contributed or hindered the integration of Somali refugees into Kenya. The study aimed to investigate the underlying factors affecting the integration of urban Somali refugees into Kenyan society and to analyze the impact of urban Somali refugees on Kenyan society. The study utilized secondary data from books, articles and reports, while primary data from in-depth interviews with Somalis in Eastleigh and other expert informants filled any gaps. The informants were randomly selected from the field site in Eastleigh.

The study sought to test the hypotheses that security and economic concerns were the main factors preventing Somali refugee integration, and that the impact of urban Somali refugees on Kenyan society has been more positive than perceived. The Constructivist theory of identity allowed for the examination of what it means to be a refugee, a Somali and a Kenyan in a dynamic situation in which socio-politico-economic forces can alter the reality. This study argues that after almost two decades, despite their understated contributions, Somali refugees have become a part of the social fabric of Nairobi. While security and economic concerns prevent their legal integrations, this study makes the claim that Somali refugees are de-facto integrated into Kenya. For the past 19 years, Kenya has been the only home that many Somalis know. As it is not clear that stability will return to Somalia in the coming future, many have effectively settled in Kenya.

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LIST OF ABBREVIATIONS

DRA	- Department for Refugee Affairs
ICRC	- International Committee of the Red Cross
KADU	- Kenya African Democratic Union
KANU	- Kenya African National Union
KHRC	- Kenya Human Rights Commission
KNA	- Kenya National Archives
KNHRC	- Kenya National Human Rights Commission
MIRP	- Ministry of State for Immigration and Registration of Person
NFD	- Northern Frontier District
NGO	- Non-governmental Organization
RSD	- Refugee Status Determination
SNM	- Somali National Movement
SPM	- Somali Patriotic Movement
TFG	- Transitional Federal Government [of Somalia]
UNHCR	- United Nations High Commission for Refugees
USC	- United Somali Congress

WORKING DEFINITIONS

Somali: It is a term referring to the Somali ethnic group that can be found in Somalia, Djibouti, Eastern Ethiopia (Ogaden and Haud regions), and the Northeastern Province of Kenya.¹

Somalia: This refers to the Republic of Somalia following the unification of the Italian Somaliland and British Somaliland.²

¹ Mohamed-Abdi Mohamed, "Somalia: Kinship and Relationships Derived from it," Hussein M. Adam and Richard Ford (Eds) in *Mending Rips in the Sky*, Lawrenceville, New Jersey: Red Sea Press, 1997 p 146.

² Ibid.

CHAPTER ONE

INTRODUCTION

1.0 INTRODUCTION

In the late 1980's, the political situation in Somalia was deteriorating rapidly as the Somali Patriotic Movement (SPM) and its militia groups waged war against General Siyad's regime. This conflict caused the displacement of hundreds of civilians who fled into Kenya and other neighboring countries. Initially, the Kenyan government was wary of militant elements that had infiltrated the refugee population and so there was an effort to encourage the Somali refugees to return to their country. In addition, the Kenyan government set up checkpoints along the Somali border in 1989 to present to those ethnic Somalis who could prove their citizenship as Kenyan an additional identification card to distinguish the Kenyan-Somalis from the Somali-Somalis. In this year, the numbers of Somalis coming into Kenya was relatively low. However, as the conflict escalated that led to the fall of the Somali government in 1991, the numbers of Somalis fleeing into Kenya was so large that there was little the Kenyan government could do especially considering the limited capability to administer the border.³

Initially, there were a large number of camps set up all along the border of the Kenyan government to facilitate the approximately 300,000 Somalis that had entered Kenya. However, in part as a security precaution and also to diminish the costs of operations for the humanitarian organizations, most of the camps were closed in place of one large camp about 60 kilometers from the Somali border. From then on, all Somali refugees were expected to go to Dadaab camp. This encampment policy is followed in

³Nuruddin Farah, *Yesterday, Tomorrow: Voices from the Somali Diaspora*, New York: Cassel, 2000, pp 34-5.

Kenya without objection from the government. According to the policy, registered refugees reside in the camp except for the exceptions that are made for various reasons. There are also refugees who leave the camps without documentation as they prefer or are capable of living an urban life. Once in an urban area such as Nairobi, it is difficult to distinguish a Kenyan-Somali from a Somali-Somali irrespective of their status.⁴

Today, Somalia is still embroiled in conflict. There has not been a fully functional government since 1991. For the past 19 years, Kenya has been the only home that many Somalis know. As it is not clear that stability will return to Somalia in the coming future, many have effectively settled in Kenya. In Nairobi, there is large concentration of Somalis in Eastleigh. It is estimated that about 80% of the Somali refugee community in Nairobi resides in Eastleigh.⁵ Many of these urban refugees are often self-supporting and make significant contributions to the Kenyan society. However, despite being in the country for about two decades, they remain in the transitional status of refugee. This project seeks to explore the obstacles that urban Somali refugees face in their integration into Kenyan society.

1.1 HISTORICAL BACKGROUND

As this project seeks to examine the state of urban Somali refugees in Kenya. It is important to establish the circumstances that led to their status as refugees. This section will provide the historical background of Somalia until the recent past. This historical background will in addition to explaining the cause of displacement for many Somalis,

⁴Paul Goldsmith, "The Somali Impact of Kenya, 1990-1993: The view from outside the camps," *Mending Rips in the Sky: Options for Somali Communities in the 21st Century*, Lawrence, New Jersey: The Red Sea Press, 2005.

⁵Miriamawit Chikumba, "Profile: The Somali Community in Nairobi," Nairobi, Kenya: Community Services Unit UNHCR Branch Office, July 2006, p 12.

will also provide an explanation as to why their repatriation into Somali in the recent future is unlikely. The following section will cover the history of Somalia from pre-colonial time to current-day Somalia.

Pre-Colonial Somalia

The original settlers of the Somali region were ethnic Cushitic peoples from the fertile lakes of southern Ethiopia. This group is sub-divided into a number of other ethnicities, which are still readily recognized (and fought over) today. Archaeological evidence supports the idea that most of the coastline of present-day Somalia had been settled by 100 AD. These early villages put the Somalis in contact with Arab traders travelling along the Red Sea and Indian Ocean. In the ensuing centuries, the Somalis were one of the first people to convert to Islam. The Arabs established the ancient city of Saylac on the Horn of Africa, which would remain a central trading hub until the 17th century, when Christian Ethiopians ransacked it.⁶

In the middle ages the formation of the clan-family political structure began to take shape, when extended families of persecuted Muslims elsewhere in Arabia fled en masse to the frontier in Somalia. Their relative affluence made them powerful and inter-marriage with local produced economically beneficial relationships. During the 1300s, the future capital city of Mogadishu came to prominence as a favorites "party town" for Arab sailors. Muslim Somalia employed friendly relations with its neighbor, Christian Ethiopia, for centuries. In 1414 an usually aggressive Ethiopian King, Negus Yeshaq, took power and launched a religious war for conquest against Somali. His campaign was

⁶I.M Lewis, *People of the Horn of Africa: Somali, Afar and Soho*, London: International African Institute, 1955.

successful and the Somali king was executed. The Somalis lived under Ethiopian domination for a century. However, starting around 1530 under the charismatic leadership of Imam Ahmed Guray, they got their revenge. Regrouped Somali armies marched into Ethiopia employing scorched earth tactics and killing every Ethiopian. The Portuguese expedition led by the son of the famous navigator Vasco da Gama, joined the Ethiopian forces and used cannons to rout the Somali army and Ahmed Guray was killed.⁷

Colonial Somalia

Starting in 1875 the age of imperialism in Europe transformed Somalia. Britain, France and Italy all made territorial claims on the Somali peninsula. The British already controlled the port city of Aden in Yemen, just across the Red Sea and wanted to control its counterpart, Berbera on the Somali side. The Red Sea was seen as a crucial shipping lane to the British Colonies in India, and they wanted to secure these “gate keeper” ports at all costs. The French were interested in coal deposits further inland and wanted to disrupt British ambitions to construct a north-south transcontinental railroad along Africa’s east coast by blocking an important faction. Italy had just recently been reunited and was an experienced colonist. They were happy to grab up any African land they did not have to fight other Europeans for. They took control of the Southern part of Somalia, which would become the largest European claim in the country⁸. These three European countries maintained control over the territory that is present-day Somalia until Somalia gained its independence.

⁷ Ibid.

⁸ Abdi Ismail and Ahmed Samatar, “Somalis as Africa's First Democrats,” *New York Times*, 2002.

The Modern History of Somalia

On June 26th 1960, the former British Somaliland protectorate gained independence. On July 1st 1960, almost four days later, the former Italian colony became independent. The former British (north-west) and Italian (south) colonies united and formed the Republic of Somalia. Aden Abdullah Osman was elected as the first president. The north and south spoke different languages (English and Italian respectively), had different currencies and different cultural priorities. Starting in early 1961 troubling trends began to emerge when the north started to reject referendums that had won the majority of votes, based on an overwhelming southern favoritism.⁹ This came to a head in 1961 when northern paramilitary organizations revolted when placed under southerner's command. The north, being the second largest political party, began openly advocating succession. Attempts to mend these divides with the formation of a pan-Somalian party were ineffectual. One opportunistic party attempted to unite the bickering regions by rallying them against their common enemy, Ethiopia, and the cause of re-conquering Ogaden in Ethiopia.¹⁰

Somali's internal dispute was manifested outwards in hostility to Ethiopia and Kenya, which they felt were standing in the way of Greater Somalia. This led to a series of individual Somali militiamen conducting hit and run raids across the borders from 1960 to 1964, when open conflict erupted between Ethiopia and Somalia. This lasted a few months until a ceasefire was signed in the same year. In the aftermath, Ethiopia and Kenya signed a mutual defense pact to contain Somali aggression.¹¹

⁹ I.M. Lewis, *Pastoral Democracy*, London: International African Institute, 1961 pp. 44.

¹⁰ Ibid.

¹¹ Abdi Ismail Samatar, *Ethnicity and Leadership in the Making of African State Models: Botswana versus Somalia*, *The Star*, March 24, 1997.

In 1967 Abdirashid Ali Sharmarke beat Aden Abdullah Osman in elections for president, leading to the first peaceful transfer of power in Africa and Mohammed Haji Ibrahim Egal became the new prime minister. Two years later on 15 October 1969 democratically elected president Abdirashid Ali Sharmarke was assassinated by one of his bodyguards. On 21 October 1969 the army, under Major General Mohammed Siyad Barre overthrew the civilian government. Parliament often became deadlocked in trying to select a new president. The army suspended the constitution, banned all 86 political parties and promised to end corruption. Siyad Barre headed the 25 member Supreme Revolutionary Council consisting of army and police officers, only two of whom were northerners. On 21 October 1970 the army Junta declared Somalia a socialist country and adopted scientific socialism. Security organs and intelligence networks were given greater power. During this time there was suppression of civil society; peaceful demonstration and strikes were viewed by the state as a form of economic sabotage. The media was state-run and the judiciary was totally under the control of the regime. Siyad Barre openly began a process of putting power into the hands of his relatives and sub-clan, the Darod Marehan, and also empowered the related Dulbahaute and Ogaden sub-clans. In July 1977 Siyad Barre declared war on Ethiopia in order to direct the attention of the people from his brutal rule to the war. Barre's ideological affiliation that Somali deserved to be united was not a genuine belief but to divert public attention from this vulnerable regime.¹²

A low-level war of attrition between Somali-backed insurgents and the Ethiopian army became an all-out battle between Ethiopia and Somalia. The war has gone down in

¹² Abdi Sheikh Abdiwahab, "Economic Stagnation in Africa Mainly Manifestation of Crisis in the State: Somali as a case study" Dissertation letter for Nelson Mandela Metropolitan University, South Africa, 2004.

history as the fiercest Cold War battle of the Continent played out in the Ethiopian Ogaden region. On 13 November 1977 Somalia expelled about 6 000 Russian, Cuban and other Soviet allies, after the Soviet Union switched sides and allied itself with Ethiopia. In March 1978 the Somali government announced the withdrawal of its forces from Ogaden. On 8 April 1978, after the defeat of the Somali army, a group of disgruntled army officers tried to topple the Siyad Barre regime. The attempted coup was crushed and aborted and the leader of the attempted coup, Col. Mohammed Sheikh Osman, a member of the Majeerten clan was killed along with seventeen others.¹³

Domestically, the lost war produced of national mood of depression and the idea of pan-Somalism was dead. Organised opposition groups began to emerge, especially northern and central Somali sub-clans. The north had been marginalised to an even greater extent than other parts of Somalia. One of the coup plotters Lieutenant Colonel Abdillah Yussuf escaped to Ethiopia and founded an organisation called the Somali Salvation Front. Three years later, on 6 April 1981, the Somali National Movement (SNM) emerged; it was predominantly of the Isaaq sub-clan of northern Somalia. The military regime conducted savage reprisals again both Isaaq and Majeertem, who were from north and central Somalia respectively, destroying water wells, desecrating burial grounds and raping innocent women of both the sub-clans.¹⁴

In May 1988 the SNM mounted an offensive in the north of the country. As a result of the regime's brutal post-Ethiopian war policies, Siyad Barre responded by bombing the area. Hundreds of thousands of civilians were displaced and many were killed. It was a very real challenge to Siyad Barre's rule and the beginning of the

¹³ Smith Malan, Somalia: facing uncertain future *African Security Review*, Vol. 11, Issue. 1, 2000, pp 55-59.

¹⁴ Ibid.

proliferation of armed opposition to the regime. In December 1990 a popular armed uprising erupted in Mogadishu and full-scale fighting began between the Hawiye clan based United Somali Congress (USC) and remaining government forces. On 27 January 1991, Siyad Barre fled Mogadishu and forces loyal to USC captured the city. On 28 January, the manifesto group of the USC appointed a hotelier, Ali Mahdi Muhamad, as president. The military wing of the USC, led by General Mohamed Farah Aideed rejected the appointment. Full-scale fighting started between the two factions of the United Somali Congress (USC). In July 1991, a conference was held in Djibouti in which Ali Mahdi again was chosen as interim president. In 1991, the northern portion of the country declared its independence as "Somaliland". Although de facto independent and relatively stable compared to the tumultuous south, no foreign government has yet recognized it.¹⁵

United Nations Security Council Resolution 794 was unanimously passed on 3 December 1992, which approved a coalition of United Nations peacekeepers led by the United States of America. The humanitarian troops landed in April 1993 and started a two-year effort (primarily in the south) to alleviate famine conditions. Some Somalis opposed the presence of the foreigners.

In October several gun battles in Mogadishu between local gunmen and peacekeepers resulted in 24 Pakistani's and 18 United States marines being killed. The incident became the basis for the movie "Black Hawk Down" having suffered more significant casualties. Since then, order has still not been restored. Nevertheless, the United Nations sponsored an informal preparatory meeting in Addis Ababa, chaired by the United Nations Secretary General, Boutros Boutros-Ghali. The informal meeting culminated in the Addis Ababa National Reconciliation Conference, which lasted from 15 March to 27 March

¹⁵ Ibid.

1993. The conference issued the Adis Ababa agreement signed by fifteen Somali faction leaders. In 1996 General Aideed died of gunshot wounds sustained in operations against his former Lieutenant Osman Ali Atto. His son, a former American marine Hussein Mohamed Aideed, was chosen by the clan to replace his father.¹⁶

In 1996 the Ethiopian government again organised a reconciliation conference in the town of Sodare, bringing a sizable number of warring factions together, but Junior Aideed boycotted it. In November 1997 almost all faction leaders meet in Cairo but talks collapsed when faction leaders failed to come up with an acceptable power-sharing agreement, leaving Somalia without a national leader and Mogadishu still divided and insecure. In May 2000 on the initiative of the Djibouti government, the Somali National Peace Conference brought together more than 2 000 civil society participants in a town called Arte Djibouti. On 26 August 2000, a 245 strong Transitional National Assembly based on clan representation, elected Abdigasim Salat Hassan as the new president of Somalia.¹⁷ The most prevalent and contributing factor to the failure of regional efforts to settle the Somali conflict was lack of coordination and resulting contradiction among the simultaneous regional initiatives. Whenever one regional faction took the initiative, another initiative followed, often with differing results.

In October 2002 another reconciliation conference was sponsored by the Inter-Governmental Authority on Development (IGAD) in Nairobi, and in 2004 former warlord Abdulahi Yusuf Ahmed was elected a new head of state of Somalia and resigned in 2008. In March 2009 another reconciliation conference was sponsored by United Nations, and African Union in Djibouti and former Islamic Courts Union Chairman

¹⁶ Michael van Notten, "Civil War Broke Out in Somalia," *Reuter Information Service*, September 27, 1993.

¹⁷ *Ibid.*

Sheikh Sharif Sheikh Ahmed was elected as a new president of Somalia.¹⁸ Despite these developments, the Transitional Government of Somalia has been unable to establish control over much of Somalia in which warlords continue to contest for authority.

1.2 STATEMENT OF THE PROBLEM

Siyad Barre's regime in Somalia was one of the oppressive regimes in Africa. It fell during the eruption of internal conflicts in 1991, after years of political upheavals. Mohamed Siyad Barre was overthrown by a coalition of armed factions.¹⁹ The fall of Siyad Barre's regime left a power vacuum in Somalia that rival clan militias fought savagely to fill.²⁰ None of the warring factions could successfully win the war, but the same time, they could not come to a consensus on who would govern the country. As a result, Somalia has been at the mercy of armed factions organized along clan lines since early 1991.²¹ The civil war among clan and sub-clan factions was destructive in terms of its material cost and the loss of life. The result was a famine that put 4.5 million people at risk, including half a million dead, two million displaced, and one million made refugees.²² This chaos and loss of life received regional and international attention. Several peace and reconciliation efforts held by IGAD (Intergovernmental Authority on Development), the United Nations, and regional governments such as Ethiopia and

¹⁸ Ibid.

¹⁹ Mary-Jane Fox, *Political Culture in Somalia: Tracing Paths to Peace and Conflict*, Report No. 56, Uppsala: Uppsala University, Department of Peace and Conflict Research, 2000, p 146.

²⁰ I. William Zartman, *Cowardly Lions: Missed Opportunities to Prevent Deadly Conflict and State Collapse*, London: Lynne Rienner Publishers, 2005, p 79.

²¹ Roel Van Der Veen, *What Went Wrong with Africa? A Contemporary History* (Amsterdam: KIT Publishers, 2004), p 148.

²² I. William Zartman, *Cowardly Lions: Missed Opportunities to Prevent Deadly Conflict and State Collapse*, London: Lynne Rienner Publishers, 2005, p. 88.

Djibouti, sought to reconstruct and reunite the Somali state.²³ While there have been some positive outcomes as a result of these efforts, they have failed to restore peace and stability in Somali.²⁴ So far, none of the efforts have reconciled the warring factions and end the anarchy in the country. This has left the approximately million Somali refugees existing in the legal limbo status of refugee in neighboring countries such as Kenya. While they are still unable to return to Somalia, they are also not integrated into the societies in which they have inhabited for the past two decades.

The Geneva Convention of 1951 on refugees defines who a refugee is and spells out their protection regime. A wide matrix of their rights and obligations is set out, giving host nations a checklist of what to do for the refugee and alternately drawing the line for the refugee (on what is permissible and what is not). The 1967 Protocol expands the bracket of this matrix, both in terms of carrying the notion of refugeehood beyond the immediate post World War II European displacement. The convention defines a refugee to be a person who is outside his or her country of nationality or habitual residence and has well founded fear of persecution because of his or her race, religion, nationality, membership in a particular social group or political opinion and is unable or unwilling to avail himself or herself of the protection of that country or to return there, for fear of persecution.²⁵

Refugeehood is understood as a transitory stage in the life of the refugee. It is no more than a passing disruption of the life of the people involved and who are therefore

²³ Ibrahim Farah, Abdirashid Hussein and Jeremy Lind, "Deegaan, Politics and War in Somalia", in Jeremy Lind and Kathryn Sturman (eds) *Scarcity and Surfeit: The Ecology of Africa's Conflict*, Pretoria: Institute for Security, 2002.

²⁴ Ibid.

²⁵ Adrienne Millbank, "The Problem with the 1951 Refugee Convention," *Social Policy Group* 5 September 2000 <http://www.apf.gov.au/library/Pubs/rp/2000-01/01rp05.htm>

expected to return to their countries of nationality or habitual residence, once the disruptive factors that generated their displacement come to pass. However, civil strife in Africa has shown in recent times that conflict can go on for inordinate periods. The Somali Conflict dates back to 1991 when Mohamed Siad Barre's regime collapsed. There followed a mass exodus of Somali citizens, due to the instability that has now rendered the country a vortex of anarchy in what is for all practical purposes a collapsed state. For how long should Somali exiles in diverse places in the world wait for normalcy and stability to return to their country so that they can go back and end their refugeehood? None of the existing international instruments offering protection and comfort to refugees takes cognizance of the fact that waiting for normalcy could take a whole generation or more, as conflict in the Middle East, Pakistan and now Somalia has proved. Even as experts debate the question as to whether it is possible to provide the choice of permanent settlement in a host country after a refugee has stayed in the country for a certain period of time, Somali refugees in Nairobi's Eastleigh have struggled to create a semblance of normalcy in their lives. This study seeks to examine the material condition, their concept of home and attitude towards return, their engagement with the socio-economic environment around them and the question of their identity as refugees. This study is important because no study has been done about Somali who find their way into the urban areas, especially in Nairobi. This has left big gap in our knowledge, particularly about their efforts to integrate themselves into the Kenyan society.

1.3 OBJECTIVES

The broad objective of the study is to investigate the experience of urban Somali refugees in Nairobi with particular emphasis on the historical processes contributing and/or hindering the process of integration.

The study aims to:

- 1) Investigate the underlying factors affecting the integration of urban Somali refugees into Kenya society.
- 2) Analyze the impact of urban Somali refugees on Kenyan society.

1.4 SCOPE AND LIMITATION

The study is limited to examining the experience of Somali urban refugees in Nairobi, Kenya. The area under study is limited to Nairobi's Eastleigh area in Kenya where by a significant number of Somali Urban refugees reside. The study covers the years 1991 to 2010. 1991 is chosen as the date from which to begin examination, as it is the year in which the Siyad Barre government in Somalia collapsed spurring the displacement. The scope of the study extends until 2010 as the urban Somalis still exist under the legal status of refugee.

During the field research, the informants that the researcher could access, due to gender, was limited. Due to cultural aspects among the Somali community in which the genders are segregated from each other, the researcher, a male, was unable to speak to many female informants. The researcher tried to mitigate this issue but cultural sensitivity limited access to female informants.

The study sought to understand the experience of Somali refugees in Kenya in general and Eastleigh's Somali urban refugees in particular looking at their intergration into Kenyan society. As people of Somali ethnicity can also be Kenyan nationals, the informants randomly selected were at times members of the so-called host community. The inability to determine one's legal status by appearance was at times a challenge as well as a sensitive question due to the legal implications. The researcher had to reassure informants that they were not representatives of the government as police or immigration officers. Despite the assurance, many informants preferred to speak in general terms rather than elaborate on their personal experience indicating continued suspicion.

Due to limitations in time and resources, the researcher was only able to carry out thirty five (35) in-depth interviews. While the study is limited in the number of informants, the richness of the information by those interviewed, particularly from older informants, provided sufficient information to fill the gaps from the secondary data.

1.5 JUSTIFICATION

There has been an increasing interest in the study of durable solution to urban refugees, especially in Africa, with the acknowledgment of the realities of protracted conflict. However, this interest has largely been focused on the recent integration of Burundian refugees into Tanzanian society.²⁶ In other parts of the world, this question has also come to the fore. Several decades ago Jordan sought to legitimize its claim to be only viable country for Palestinians, naturally preferring a situation where the most refugees were granted citizenship as a precondition for possible precondition for possible

²⁶ Fred Oluoch, "Integrate Refugees Into the Host State", *AllAfrica.com* posted on 26 October 2009.

future integration and today almost 60% of total population of Jordanians are Palestinians origin. The increasing number of precedents in which host countries are taking steps to integrate refugees and other immigrants is cause to consider what progress as well as what limitations have existed in the integration of refugees in Kenya.

The reality in Kenya is that there are a significant number of Somali refugees that reside in the urban areas. These refugees are less reliant on state or humanitarian assistance for their survival. In fact, many of these urban refugees are able to support themselves and even make contributions to the economic development of the country. Perhaps even more salient is that their presence in the country has been almost 20 years with some of the population having spent the majority of their lives in Kenya. While the majority of studies have focused on the Somali refugee population on the fringes of the country, this study will be unique in that it seeks to examine the Somali refugee population that is many ways already woven into the fabric of Kenya society through its existence in the urban center of Nairobi.

While some studies have looked into Somali refugees in Kenya, there is a gap in knowledge over those that exist in urban areas. There is a need for scholarly research with a historical perspective to examine the underlying factors influencing the integration of this unique sub-sect of the refugee population in Kenya. This study hopes to make a contribution to the growing body of work examining urban refugees and opportunities for integration

1.6 LITERATURE REVIEW

According to an article by Fred Olouch on allafrica.com posted on 26 October 2009 titled “Integrate Refugees Into the Host State”, he states that recently ‘Tanzania gave citizenship to 3,568 of 160,000 Burundi refugees who have lived in the country for over three decades. Other EAC member states are being asked to emulate this example and absorb refugees who are not willing to return to their countries of origin, but who have useful skills. Kenya’s hands could be tied by its immigration laws, even though top government officials say they are considering granting citizenship to refugees born in the country and those who have lived there for more than 20 years. Immigration Minister, Otieno Kajwang’ recently told *The EastAfrican* on 20 August 2009 that it is up to parliament to change the laws governing refugees. He said the main problem is that some of the countries the refugees fled are still in active combat.

In book by Avi Plascow, *The palestinian refugees in Jordan 1948-1957*, he says that by granting citizenship to the refugees Jordan has sought to legitimize its claim to be only viable country for Palestinians. This is a situation that is preferred as a precondition for integration. Already almost 60% of total Jordanian population identifies as being of Palestinians origin.

According to Ana Low in her article, *Local Integration: A durable solution for refugees?*, she argues that economically integrated refugees contribute to development of the host country rather than constituting a ‘burden’. They become progressively less reliant on state aid or humanitarian assistance and better able to support themselves. Social and cultural interactions between refugees and local communities enable refugees to live amongst or alongside the host population, without discrimination or exploitation

and as contributors to local development. Local integration policies can grant refugees a progressively wider range of rights and entitlements generally commensurate with those enjoyed by local citizens. These include freedom of movement, access to education and the labor market, access to public services and assistance, including health facilities, the possibility of acquiring and disposing of property and the capacity to travel with valid documentation. Over time the process should lead to permanent residence rights and perhaps ultimately the acquisition of citizenship in the country of asylum

She also says that, The Mexican government did not sign the 1951 Refugee Convention until 2000 and had no strategies for integrating refugees locally into the population. However, the government did grant nationality to a large number of Guatemalan refugees and refugee children born in Mexico. In contrast, both Uganda and Zambia designed strategies – with UNHCR, implementing partners and donor countries – to foster the development of both refugee and host communities, allowing a certain amount of local integration for refugees through contact with the host community. Neither country, however, has a legal framework for integration or allows refugees to gain citizenship. Nevertheless, both Uganda and Zambia have prepared draft legislation that offers the possibility of naturalization for refugees who cannot return home.

According to Good Will in his book, *Refugee or Asylum: International Law and the search for solutions to the Refugee problem*, he states that international law will be successful and lasting only if it allows the refugee to attain a degree of self sufficiency, to participate in the social and economic life of the community and to retain what might be described, too summarily, as a degree of personal identity and integrity.

According to Robert Colville, 'resettlement is geared to the special needs of an individual whose life, liberty, health or fundamental human rights are in jeopardy in the country where he or she first sought asylum. It is a highly complex, organised process that involves identifying those in urgent need and finding a suitable country for them'

J.H. Carens explains, Most affluent countries are unwilling to accept and resettle more refugees. They advance such reasons as security considerations, growing unemployment, preservation of culture etc as rationale for their stand.

According to Wilson, K.B. A sudden influx of refugees can disrupt the economy exacerbate unemployment, and heighten ethnic tensions. Most countries of first asylum are unwilling to settle refugees close to border areas if their presence is likely to raise diplomatic or security problems or provoke popular resentment and domestic conflict. Few countries are willing to offer citizenship to refugees, although this would facilitate their long-term integration into the host society.

The United Nation High Commission for Refugees (UNHCR) defines integration as the process by which the refugees are assimilated into the social and economic life of the community. One can safely suggest that integration could be viewed as the goal of the settlement process both in the countries of asylum and third countries.

Harrell-Bond defines integration as, 'a situation in which host and refugee communities are able to co-exist, sharing the same resources – both economic and social – with no greater mutual conflict than which exist within the host community' (Barbara Harrell- Bond 1986: 7). The foregoing is equally true in the case of reintegration with the exception that the returnees in the latter case are being reintegrated in their former communities or for that matter, any area within their country of origin. Perhaps one

would like to note that both the 1951 Convention and the UNHCR Statute do not clearly define integration.

According to Chimni (2000), the idea of integration has remained ill defined at the best and vague at the worst, both operationally and conceptually. This is one problem that is associated with integration.

1.7 THEORETICAL FRAMEWORK

This study is particularly interested in questions around integration, belonging, nationhood, citizenship, and refugeehood. These topics speak to the identity of a group of people with reference to both their ethnicity and their relation to a state. There are several theories that speak to the nature of ethnicity with particular concern to their emergence and sustenance. These theories are often used not only in their understanding of ethnic identity but also in a people's identification to the state. The theories tend to fall within three main schools of thought: Assimilationist, Multiculturalism, and Constructivism²⁷. The three adopt different emphasis on the question of the nature of identity: identification, solidarity and mobilization respectively. When examining the question of integration, the most relevant avenue of study as it relates to identity is the question of multicultural tolerance. Thus Multiculturalism theory is used in this study to best understand identity and integration of Somalis in Eastleigh

Other theories of integration include assimilation. In practice, the French integration model is portrayed highly as assimilationist-while the British German and America models, which are urged to embrace the theory of multiculturalism and the

²⁷ Bleich, Erik 2003 *Race politics in Britain and France: ideas and policy making since 1960*, New York, Cambridge University Press.

ethnic diversity that integration should be defined not as a flattering process of assimilation but equal opportunities accompanied by cultural diversity, in an atmosphere of mutual tolerance is often used as evidence of Britain's reference for multiculturalism.

In researcher's opinion integration policies have taken a variety of forms and contain elements of activists, central government initiative, and more laissez faire local policies. In practice, the French policy of assimilation signified by the granting of French citizenship to urban refugees in France. Fuelled by the recent waves of Islamic terrorism which in Europe in general and the Kenya in particular has alarmingly domestic roots, there is acute sense of that Kenya authority have failed to integrate their immigrants and urban refugee's population. Immigrants are no longer to be integrated into a self-contained nation-state but are to be placed into a state engaged in global competition. Integration into the latter is neither a story of cultural assimilation nor one of multicultural recognition, both of which are premised on the classic nation-state. Rather, integration now takes on a new meaning of "social inclusion," which is economically instrumentalist and subordinate to the exigencies of globalization²⁸.

Yet another theory that explains identity is construction theory. The construction theory avers that group identity is socially created - its boundaries are changeable or flexible and it is dynamic. This creation is determined or constructed by the society as a reaction to changing social environment. This theory downplays the effect of cultural heritage and views group identity as an emergent phenomenon made necessary by structural conditions within a society. The structural conditions could be either internal or external and it forces an ethnic group or nation to constantly change hence making it

²⁸ Ibid.

dynamic. Therefore, history and structural forces create and sustain ethnicity or nationality.²⁹

This study employs Multiculturalism theory as it will provides a framework to explore what it means to be a refugee, a Somali, and a Kenyan; and how historical socio-politico-economic forces have played into the formation of these identities and the dynamic nature of multicultural diversity concept.

1.8 HYPOTHESES

- 1) The main factors that have prevented the integration of urban Somali refugees in Kenya are economic and security concerns.
- 2) The impact of urban Somali refugees on Kenyan society has been more positive than as perceived.

1.9 METHODOLOGY

The researcher utilized secondary data such as books, articles, and reports. The researcher also utilized primary data. The secondary sources came from various libraries and databases. Among them are; Jomo Kenyatta Memorial Library of University of Nairobi, United Nations High Commission for Refugees (UNHCR) library in Westlands, Nation Media Library, UNDP Somalia offices, and UNICEF peace life library at Westland's among others. The study also made use of online journal databases such as JSTOR, Google Scholar, and AllAcademic to find articles. The study also made use of the reports posted on the websites of agencies and organizations such as the United States

²⁹ I b P. Yang, *Ethnic Studies: Issues and Approaches*, New York: State University of New York Press, 2000, pp 40-50.

Agency for International Development (USAID), UNHCR and other organizations. This data covers the historical perspective of Somali refugeehood in Kenya and the changes that have taken place since 1991. The information from secondary data provides the foundation of the study. Gaps in the data from secondary sources are filled by the primary sources.

Primary data is composed mainly of informant interviews. The researcher conducted these oral interviews with thirty five people. The oral interviews were with informants that could speak to the question of integration of urban Somali refugees in Nairobi. This comprised of urban Somali refugees, other urban refugees, Kenyan-Somalis, experts from UNHCR and other sources. The researcher attempted to capture the age, gender, and class diversity of the community. This study limited the age of its informants to those above the age of eighteen to assure that all those involved could give their consent. To get the informants, purposive snow-ball method was used. In this method, initial subjects with the desired characteristics were identified using purposive sampling technique. The few identified subjects named others whom they knew had the required characteristics whom the researcher could interview.³⁰ To avoid selection bias, the researcher selected some informants randomly such as the impromptu request of an employee in Eastleigh to answer a few questions. The informants were informed that participation in the interview was voluntary and that could be terminated at any point. They were also be alerted of their choice to maintain anonymity. During the interview, the researcher was guided by unstructured questionnaires and the use of open-ended questions. This choice allowed the interviewee to give more information and the

³⁰ Olive Mugenda and Abel Mugenda, *Research Methods* Nairobi: Acts Press, 1999, p. 73.

researcher to ask pertinent questions. A research assistant also assisted the researcher in the field. The location of the field was mostly Eastleigh or other sites within Nairobi.

This study uses the qualitative method for data analysis. This allows the researcher to place the information obtained through secondary and primary sources within historical context. Qualitative methods also allow for the researcher to examine a variety of explanations offered in the data to illuminate the question of urban Somali refugee integration in Kenya.

CHAPTER TWO

SOMALIS AND KENYA

2.0 INTRODUCTION

In more recent years, Somalis in Kenya have become synonymous with refugees. However, this has not always been the case. Somalis have had extensive interactions with Kenya throughout history-- both as neighbors to Kenya and nationals of Kenya. This chapter examines this relationship during the colonial era, moving into the Shifta war, in the years following the Shifta war, and finally leading up to the collapse of the Somali government that created hundreds of thousands of Somali refugees. Only by examining the complex history of the Somalis and Kenya can one grasp the nuanced experiences of being a Somali refugee within the country for almost two decades.

2.1 SOMALIA, SOMALIS AND KENYA: COLONIAL ERA

The Somali people live in the Horn of Africa region. During the colonial era, Somalis were spread throughout Italian Somaliland (now Eritrea and Southern Somaliland), British Somaliland (now Northeastern Province of Kenya), French Somaliland (now Republic of Djibouti), and Region Five (now the Ogaden Region) of Ethiopia.³¹ Within Kenya, a substantial indigenous Somali Kenyan population resided in what was known as the Northern Frontier District (NFD) during the colonial era.³²

The Northern Frontier District is by its very name is indicative of a boundary situation. A frontier, according to geographical terms, refers to a boundary that is not

³¹ Godwin Rapando Murunga, "Conflict in Somalia and Crime in Kenya: Understanding the Trans-Territoriality of Crime," *African and Asian Studies* Vol 4 Issues 1-2, 2005, p 146.

³² Anna Lindley, "Protracted Displacement and Remittances: the View from Eastleigh, Nairobi," *The UNHCR Policy Development and Evaluation Service*, Research Paper No. 143, August 2007, p 2.

distinctly marked and vaguely separates two distinct territories. These two distinct territories during colonial times were what would become Somalia and Kenya. However, as both territories were both administered by Britain, movement between the two territories was not only possible and also quite frequent. People within these two territories were all considered British subjects. This ease and frequency of movement is captured in a report written on May 21, 1938 by the Isiolo administrator following a visit by M H. Mattan and a number of Isaaks from Nairobi. He notes, "The more we do for these people [reference to 'Alien Somalis' from British Somaliland] in Kenya, the more of them will come in from the Somalilands. We cannot at present keep out a British Protected person if he has a passport, and a little money, and I am not sure we can keep out even Italian Somal[i]s in similar circumstances without some good reason".³⁵ As a result, people who identified themselves as Somali resided on both sides of the Kenyan border and frequently moved between the two territories for purposes of searching for pasture, trade and even visiting family.

On the Kenyan side of the border, the Somalis were initially deemed by the colonialists to be of a higher intelligence and caste than the other Kenyan Africans and were much sought after for employment. Some Somalis viewed themselves as separate from what the colony described as 'Natives' and even sought to be treated differently. In pursuit of this, Kenyan Somalis made their first bid to attain a status above the 'Natives' in 1919. The repeal of the Somali Ordinance No. 17 denied them an elevated status. Nonetheless, Somalis - particularly those in Nairobi - continued to agitate for special status. The Isaak community in Nairobi for instance, sought to distinguish itself as

³⁵ "The Origins of Somalis with Special Relation to their Political Development in Kenya," *Alien Somalis*, file 15/14/4, Kenya National Archives, Nairobi.

“certain Somali” - separate from other Somalis. In a letter written on May 15, 1940 to the District Commissioner of Isiolo by the Daly and Figgs Advocates representing the Isaak Community in Nairobi, the Isaak claimed that they were strictly a different race from the Somalis having descended from Aden; they claimed they were much closer to Asians. The colonial administration denied their claims for Asiatic status, although they were given the opportunity to change their passbooks to read Isaaks rather than Somalis. More decisively, the colonial administration categorically determined that Somalis were “natives”.³⁴ In the end, the colonial government treated Somalis in Kenya much like they treated other Kenyan communities.

Soon, all this agitation changed the colonial administrator’s opinion of Somalis from being of a superior race from the rest of the Kenyan Africans with whom they worked closely, to a people who constantly challenged the order and rule that the British sought to maintain. In a confidential letter by A.F. Rikks, Director of Intelligence and Security, Nairobi written on March 26, 1942, he talks of the way in which ‘problematic’ Somalis were handled noting:

At the present time there seems to be a tendency to consider that the panacea for dealing with any troublesome or unwanted Somali in Kenya is to send him to the N.F.D. As you are aware, all Herti and Isaak Somalis come from British and Italian Somaliland. They are almost invariably politically minded, volatile and unstable and are usually unwilling (as civilians) to do any manual or exacting work.³⁵

In addition to the changed opinions regarding Somalis, the letter also reveals the status held by the Northern Frontier District (NFD) within Kenya; a place so far removed that undesirable elements would be unable to cause disruptions to the existing order. The

³⁴ Letter to the District Commissioner of Isiolo from the Daly and Figgs Advocates, May 15, 1940, File 15/14/4, Kenya National Archives, Nairobi.

³⁵ Letter from A. F. Rikks, Director of Intelligence and Security, Nairobi, May 26, 1942, File 15/14/4, Kenya National Archives, Nairobi.

NFD, or the Northeastern Province as it is known now, was already home to a number of ethnic Somalis who were nomadic pastoralists. The NFD was not effectively penetrated by colonial state structures due to the long distance from the center of administration in Nairobi, the difficulty in governing a people with traditional pastoral mobility, and the need to promote and protect the economic interests of European livestock owners. The NFD for the most part remained within the margins of what was becoming Kenyan society.³⁶

Nairobi, the city, was originally a stop along the Kenya-Uganda railway line that slowly grew into a settlement. It was referred to as a 'tin town' in its earlier days due to its shanties built of corrugated iron. This settlement drew other people who saw an opportunity to trade and perhaps settle in with the hopes of finding a place within the ranks; among them were Indians, Swahilis, Arabs and Somalis.³⁷ Somalis probably accompanied expeditions, worked as *askaris* (guards), gun-bearers or traders. Somalis have been in Nairobi from as early as 1900. This is supported by a diary entry by Colonel John Ainsworth C.M.G. on April 25th 1901; he wrote, "A lot of Somalis have arrived here from time to time; there are now over a hundred men here".³⁸ The Somalis and other Africans moving into Nairobi lived on the outskirts of this growing settlement.³⁹ As Nairobi grew, the settlers followed the same segregationist policies as South Africa and demarcated certain areas of the city to be occupied by different "races". Eastleigh was the area reserved for the Asians who had become the merchant class. While there were some

³⁶ Mohammed I. Farah, *From Ethnic Response to Clan Identity: A Study of State Penetration Among the Somali Nomadic Pastoral Society of Northeastern Kenya*, Stockholm, Sweden: UPPSALA, 1993, p 18.

³⁷ Andrew Hake, *African Metropolis: Nairobi's Self-Help City*, New York: St. Martin's Press, 1977, p 24.

³⁸ "The Origins of Somalis with Special Relation to their Political Development in Kenya," *Alien Somalis*, file 15/14/4, Kenya National Archives, Nairobi.

³⁹ Andrew Hake, *African Metropolis: Nairobi's Self-Help City*, New York: St. Martin's Press, 1977, p 24.

Somalis in Nairobi from the very conception of the town, most Somalis in Kenya at the time lived in what was then the Northern Frontier District.

2.2 THE SHIFTA WAR

Failure by British colonialists to effectively administer the NFD allowed pastoral nomads to disregard central government legislation on arms-bearing and other restrictions. This led to a deeply entrenched administrative problem that overstretched the initiative, the political will, and the military and economic might of Great Britain. By 1926, the NFD was declared a closed district; this meant that special passes were necessary to enter or leave. This enhanced NFD's insulation from external cultural influences from what was considered "down country". This move also promoted ethnic solidarity among Somalis of the NFD and of Somalia. Economic deprivation and sociopolitical isolation became a bond that threaded together not only Somali clans but the Boran and other nomadic populations of the Frontier as well. Even with the understanding among Kenyan authorities that NFD inhabitants were fragments of larger ethnic communities of Ethiopia and Somalia, no attempt was made to encourage cross-cultural mingling with 'down-country' people to build the concept of being Kenyan. Since they were for the most part autonomous and had the military capabilities, they only needed coherent leadership and the opportunity to rise up against the state.⁴⁰ Even with the presence of other cultural groups such as the Rendille and the Gabbra, the dominance

⁴⁰ Nene Mburu, *Bandits on the Border: The Last Frontier in the Search for Somali Unity*, Lawrence, NJ: The Red Sea Press, 2005, pp 66-7.

of Somalis makes the history of the NFD indistinguishable from the history of the Somali of Kenya.⁴¹

In 1960, just three years before Kenya got its independence, there were already moves towards political autonomy in the NFD. Various political parties were established within the region. Among them was the Northern People's Progressive Party (NPPP) that gave voice to the desire of Somalis living in the area to secede from Kenya and join the Somali Republic.⁴² Mohamed Farah describes the process of secession as following four pillars. The first pillar was at the Lancaster Conference in 1962 held in London to discuss the future constitution of Kenya. A pro-secession delegation from NFD was invited amidst the protests of more nationalistic parties, such as the Kenya Africa Democratic Union (KADU) and Kenya African National Union (KANU), who were afraid that talks of secession would open a Pandora's box. The delegation were able to present their claims formally saying that as a district they had been administered separately from the rest of the country and also in terms of culture were different from 'down-country' since they shared more with the members of the Somali Republic in terms of language and religion. Furthermore, they had continuous contact with each other due to the form of pastoralism practiced. Since no agreement could be reached, the Northern Frontier District Commission was set up to find out what the public opinion of the six districts of the NFD; this constituted the second pillar. The commission held *barazas* (public gatherings) in Isiolo, Marsabit, Moyale, Wajir, Mandera and Garissa. These *barazas* revealed that all Somali-speaking groups including the Rendille and Muslim Boran were in favor of joining the Somali republic; the non-Somali and non-Muslim, who were a

⁴¹ Ibid. p 7.

⁴² Mohammed I. Farah, *From Ethnic Response to Clan Identity: A Study of State Penetration Among the Somali Nomadic Pastoral Society of Northeastern Kenya*, Stockholm, Sweden: UPPSALA, 1993 p 77.

minority in the NFD, wanted to remain part of Kenya.⁴³ In the referendum, about ninety percent of NFD inhabitants voted for unification with Somalia.⁴⁴ London ignored the results of the referendum and decided to keep the NFD within Kenya.⁴⁵

The establishment of the Regional Boundaries Commission in 1962 constituted the third pillar in the process of NFD secession. The Commission was to determine not only the boundaries of Kenya but also to divide the country into six administrative blocks called provinces and the Nairobi area. The commission was to consider the existing boundaries in place and the desire of the people to be included in any one region. It found, unsurprisingly, that the Somali delegation clearly did not want to be part of the Kenyan territory. They found that solidarity with the Somali opinion indicated an allegiance based on ethnic affiliation, religion and settlement shared between groups. In 1963 at the inaugural Organization of the African Unity in Addis Ababa, the president of Somalia spoke about the desires of the pastoralists in Kenya who wanted to unite with Somalia and the verdict of the two Commissions. However, he was clear to note:

The Somali government has no ambitions or claims for territorial aggrandizement. At the same time, the people of the Republic cannot be expected to remain indifferent to the appeal of its brethren. The Somali Government, therefore, must press for self-determination for the inhabitants of the areas adjacent to the Somali Republic. Self-determination is a cornerstone of the United Nations Charter, to which we all subscribe. If the Somalis in those areas are given the opportunity to express their will freely, the Government of the Republic pledges itself to accept the verdict.⁴⁶

⁴³ Ibid, pp 77-83.

⁴⁴ Paul Goldsmith, "The Somali Impact on Kenya, 1990-1993: The View from Outside the Camps," *Mending Rips in the Sky: Options for Somali Communities in the 21st Century*, Lawrence, NJ: The Red Sea Press, 2005 p 463.

⁴⁵ Ahmed I. Samatar (Ed), *The Somali Challenge: From Catastrophe to Renewal?* Boulder, Colorado: Reinner Publishers, 1994 p 193.

⁴⁶ Mohammed I. Farah, *From Ethnic Response to Clan Identity: A Study of State Penetration Among the Somali Nomadic Pastoral Society of Northeastern Kenya*, Stockholm, Sweden: UPPSALA, 1993, p 84.

At that time, Kenya was not yet independent so as to have the president represent their interests, so the delegation put forward a memorandum to the effect that self-determination only applied to foreign domination and Somalis actively seeking to secede would be viewed as dissident citizens.⁴⁷ At the height of Somali nationalism in the NFD and several months before the outbreak of what became known as the Shifta conflict, Kenya's then Prime Minister Jomo Kenyatta stated that pro-secession Kenyan Somalis "were free to pack their camels and join Somalia". The prime minister appeared to recognize that people had a right to live in the country of their choice but was not willing to see a territory of Kenya become Somalia.⁴⁸

There was no packing of camels and the Shifta conflict began with NFD fighters allegedly supported by Somalia. This Shifta conflict is the fourth pillar of the NFD's secession process. Mohammed Farah characterizes the period between 1962 and 1967 as characterized by non-routine political activities - activities implying that the existing structure of power and authority were considered illegitimate. Somalis in the NFD had tried to achieve self-determination through available legal means but had failed. By the mid 60's the conflict in the area had escalated to what might be termed 'internal war' in which 400 'rebels' were killed in the span of two years.⁴⁹ It became clear that the Kenyan government would have to foster diplomatic ties with the Somali Republic if there were to be any hopes of peace. In the next conference in 1964, the Kenyan president was able to speak and called for OAU to help bring the Somali-Kenya dispute to an end. In that same year, at a Conference of the Heads of African States, a resolution was reached that

⁴⁷ Ibid.

⁴⁸ Nene Mburu, *Bandits on the Border: The Last Frontier in the Search for Somali Unity*, Lawrence, NJ: The Red Sea Press, 2005, p 13.

⁴⁹ Mohammed I. Farah, *From Ethnic Response to Clan Identity: A Study of State Penetration Among the Somali Nomadic Pastoral Society of Northeastern Kenya*, Stockholm, Sweden: UPPSALA, 1993 p 77-83.

thwarted the chance for the NFD's claims to be seen as legitimate. It was determined that all African borders were to be considered sacrosanct.⁵⁰

The end of the Shifita War in 1967 came about when a new government took over in Somalia. The new government ended support for the NFD secession bid and sought to bolster relations with its neighbor, Kenya.⁵¹ Kenya and Somalia negotiated a *détente* during Mohammed Ibrahim Egal's regime (1967-1969). The process began with meetings chaired by Zambian President Kenneth Kaunda at the Organization of African Unity (OAU) summit in Kinshasa in September 1967. Through a series of mediations and bilateral meetings, a normalization of relations and a lifting of the state of emergency in the Northeastern Province of Kenya was achieved.⁵² While the Somali's government was able to reign in the leaders of the succession movement, there is also evidence that the Somali leaders that were more connected to the 'center' of Kenya rose in power and were supported by the people who had suffered many losses both in life and material as a result of the war. After this, there is also an effort by the 'center' to improve situations in that region.⁵³ After the annexation of the Northeastern Province into Kenyan territory, the irredentist movement waned and no longer presented a threat to the internal sovereignty of Kenya. As such, the Somalis living in that area ceased to be a political community seeking autonomy but rather became absorbed into the greater political community of Kenya. Still, *shifita* banditry in Kenya continued as phenomena that rose and fell with the

⁵⁰ Nene Mburu, *Bandits on the Border: The Last Frontier in the Search for Somali Unity*, Lawrence, NJ: The Red Sea Press, 2005, p 13.

⁵¹ Mohammed I. Farah, *From Ethnic Response to Clan Identity: A Study of State Penetration Among the Somali Nomadic Pastoral Society of Northeastern Kenya*, Stockholm, Sweden: UPPSALA, 1993, p 85.

⁵² Ahmed I. Samatar (Ed), *The Somali Challenge: From Catastrophe to Renewal?* Boulder, Colorado: Reinner Publishers, 1994, p 194.

⁵³ *Ibid.* p 92.

cycles of drought and political instability within the region; however, shifta were no longer associated with self-determination.³⁴

Ethnic Somalis entered and participated in Kenya's political system, which further removed the impetus for self-determination. An important test of Somalia's intentions toward the Somalis in Kenya occurred in February 1984 when Kenyan soldiers killed several hundred Somalis in the Northeastern Province of Kenya. Mogadishu allowed the matter to pass as an internal Kenyan problem without making any efforts to assert its role as guardian of the greater Somali nation.³⁵ Effectively, the Northeastern Province and its people ceased from being part of a larger 'Somali nation' with irredentist aspirations to being an ethnic group within the Kenyan territory.

2.3 SOMALIS IN KENYA: POST-SHIFTA WAR

In the 1970s, Somalia established strong links with the Eastern block. Ideological differences, due to Somalia's links with the Soviet Union, created strains in the Kenya-Somalia relations. However, Somalia maintained its commitment to cease support to irredentist groups within Kenya. Nevertheless, the legacy of the Shifta war and the distant Frontier District was evident in the treatment of ethnic Somalis in Kenya. Periodic episodes like the revenge killings of several Kenyan civil servants by a notorious individual associated with shifta in 1978 brought about waves of retaliation by the state

³⁴ Paul Goldsmith, "The Somali Impact on Kenya, 1990-1993: The View from Outside the Camps," *Mending Rips in the Sky: Options for Somali Communities in the 21st Century*, Lawrence, NJ: The Red Sea Press, 2005, p 463.

³⁵ Ahmed I. Samatar (Ed), *The Somali Challenge: From Catastrophe to Renewal?* Boulder, Colorado: Reinner Publishers, 1994, p 194.

apparatus against Kenyan Somalis. Overall, it can be said that Kenyan Somalis have been subject to state policies not extended to the general population.⁵⁶

The attempted air force coup of 1982 provided the turning point in the Somali community's relationship to the Kenyan government. Major-General Mahmoud Mohamed, a veteran of the Kenya Army's anti-shifita campaigns, led the counterattack that ended the senior private-led cabal's short-lived reign of confusion in Nairobi. Given credit for saving Moi's government, he was placed in charge of the new 1982 Air Force while his brother, Maalim Mohamed, was made a Minister of State. The Ogaden clan, in which Maalim Mohamed belonged, became the major beneficiary of government favors both in Kenya and Somalia. The preferred status of members of the Ogaden clan in Kenya by Moi's government brought about aspects of clan dynamics similar to those in Somalia.⁵⁷ In general, the actions of Major-General Mahmoud Mohamed were seen as a display of national loyalty that dissipated some of the mistrust of Somalis as shifita. This improved relationship as well as the solidarity with the Ogaden clan of Somalis that had benefitted under the Siyad Barre government, prepared the way for the reception of the large influx of Somali refugees entering Kenya following the fall of the Siyad government.

From the late 1980s, the political and security situation in Somalia was clearly deteriorating. The Somali Patriotic Movement (SPM) and its militia movements were at war with General Siyad's regime. Following an attack by the army on its bases, a confrontation ensued that caused hundreds of civilian non-combatants to flee into Kenya.

⁵⁶ Paul Goldsmith, "The Somali Impact on Kenya, 1990-1993: The View from Outside the Camps," *Mending Rips in the Sky: Options for Somali Communities in the 21st Century*, Lawrence, NJ: The Red Sea Press, 2005, p 463.

⁵⁷ *Ibid*, p 464.

It is suspected that pro-Siyad elements infiltrated the population of refugees and engaged in banditry causing the Kenyan government to deport the refugees in an effort to maintain security in the area. Siyad's armed forces again attacked SPM bases and caused people to flee once more to Kenya.⁵⁸ The Kenyan security forces faced a difficult challenge patrolling a long and remote border. Their efforts were aimed at protecting the northern transportation route to Ethiopia that passed through Marsabit and Moyale, as well as the agricultural settlements stretching from the Ukambani region to the Coast.⁵⁹ Banditry continued and to combat this, the Kenyan government set up a screening policy to identify the origin of all Somalis in the Kenyan territory.

Facing increasing difficulty distinguishing Kenyan Somalis from the Somalis coming across the border that posed a security threat to Kenya, the government set up a screening policy to identify the origin of all Somalis within Kenyan territory. In November and December of 1989, fifty-odd checkpoints were set up across Kenya, though focusing on the Northeastern Province. All ethnic Somalis over the age of eighteen were required to present themselves with their national identification cards, passport, and their birth certificate within a period of three weeks. A red card was then issued to all those determined to be Kenyan-Somalis.⁶⁰ According to the official notice: "The government advises that it will be an offence under the Registration of Persons Act, Cap 107, for any member of the Somali community to fail to appear before a legally established team within 3 weeks." The Kenyan government said that the screening

⁵⁸ Nuruddin Farah, *Yesterday, Tomorrow: Voices from the Somali Diaspora*, New York: Cassell, 2000, p 34.

⁵⁹ Paul Goldsmith, "The Somali Impact on Kenya, 1990-1993: The View from Outside the Camps," *Mending Rips in the Sky Options for Somali Communities in the 21st Century*, Lawrence, NJ: The Red Sea Press, 2005, p 468.

⁶⁰ Nuruddin Farah, *Yesterday, Tomorrow: Voices from the Somali Diaspora*, New York: Cassell, 2000, p 35.

process was intended to facilitate the identification of illegal aliens following an influx of refugees escaping the civil war in Somalia that had been absorbed into the Kenyan-Somali population after obtaining falsified documents. According to the government, the action was requested by leaders from the Kenyan-Somali population who were tired of being blamed for the criminal actions of Somali nationals who had entered the country illegally.⁶¹ Beyond the documentation, the ability to speak Kiswahili was an important factor in the screening process. However, for Kenyans, regardless of ethnicity, who may not have had a formal education or extensive contact with people outside of their ethnic community, Kiswahili is a language that they may not speak or speak brokenly. It is often even worse for Somali women who are culturally isolated from external factors and viewed as the carriers of the Somali language and culture to future generations. Nevertheless, it is factors such as these that were considered in the decision.⁶² During this exercise, the law enforcement officers' use of the word 'shifla' in reference to all Somalis, illegal or otherwise, indicated a collective memory among Kenyans of the Somalis effort to separate themselves from Kenya.⁶³

Following a loud outcry that this process was discriminatory and treated Somalis as second-rate citizens, the government stopped the practice. The screening card was also not as successful in assisting the government to distinguish between Kenyan Somalis and Somali Somalis as it was not counterchecked against the refugee database. While it intended to distinguish between the Kenyan Somalis and Somali Somali, the exercise demonstrated that there was a greater affinity to the ethnic group than to the nation. As such, Kenyan Somalis took this opportunity and conspired to illegally register their

⁶¹ "Kenya: Taking Liberties," *African Watch Report*, New York: Human Rights Watch, 1991, pp 298-9.

⁶² *Ibid*, pp 302-6.

⁶³ *Ibid*, pp 298-322.

counterparts from across the border as Kenyans.⁶⁴ One of the informants of this study, Mohammed Haji, in recalling what it was like as a young Kenyan Somali growing up in Mandera, he remembers how easily they would cross the border to attend events such as concerts. While in Somalia, people there had no problem with him; after all, he was a Somali, like them. This memory shows a solidarity based more so along ethnic lines than nationality. For Mohammed Haji, he had to move to Wajir when it came time to go to school for it was the only viable school in the Northeastern Province.⁶⁵ A comparison of Northeastern Province with all other Provinces within Kenya shows an uneven investment in schools, roads, and other common goods and services offered by the government. The neglect of this region, that is home to Kenyan Somalis, is proof for many Somalis that they are a marginalized group within Kenya, even as citizens.⁶⁶ For non-citizen Somalis in Kenya, the challenges are on both amplified and distinct.

2.4 SOMALI REFUGEES IN KENYA

Somali refugees began flowing into Kenya as early as the late 1980s from the growing conflict in Somali in relatively low numbers. They mostly consisted of minority groups in Somalia. At the time, Kenya was experiencing its own problems. The Rift Valley ethnic cleansing campaigns suggested parallels with the more advanced state of ethnic conflict within the Somali region. The economy was sinking, and by 1992 it had reached its lowest point since the country gained independence in 1963. The government, reluctant to address both internal and external criticism, had seen its international aid cut significantly. Internally, there was a push to move towards a multi-party political

⁶⁴ Oral Interview, James Karanja, Westlands, Nairobi, 12th March, 2010.

⁶⁵ Oral Interview, Mohammed Haji, Eastleigh, Nairobi, 10th March, 2010.

⁶⁶ Oral Interview, Mohammed Siad, Eastleigh, Nairobi, 8th March, 2010.

system.⁶⁷ When the Somali state collapsed in 1991, hundreds of thousands of Somali sought refuge in Kenya. While the initial flow of refugees following the collapse were mainly of the clan of the former Somali president, the Marehan, and other Darod clans, eventually other clans sought refuge due to the escalation of conflict. The Somalis came into Kenya on foot crossing the expansive border; they came packed tightly in vehicles; they docked on Kenya's coastal towns having taken *dhow*s from Somalia; and those who could afford it landed into Nairobi on direct flights from Mogadishu. UNHCR registered some of the Somali refugees and took them to camps set up in Mombasa, Thika, Liboi, Dadaab and Kakuma.⁶⁸

As Kenya received a significant portion of Somali refugees, it faced the challenges that came with being a host country. It could justify its acceptance of these large numbers on humanitarian or moral grounds on the obligation to assist those in need of protection from repressive governments or violent places. Among the Kenyan people, there was the sense that being a host nation is what it meant to be a good neighbor and that it would be remembered should they face a similar calamity. These benevolent intentions were tempered by the concern that these refugees may put strains on limited economic and natural resources; that their presence might ignite tensions within the host country; that these 'refugees' may use the country as a base camp from which to fight their war; and that these refugees may strain the resources of that country's government from which its citizens should benefit.⁶⁹ While Kenya faced all those challenges, the

⁶⁷ Paul Goldsmith, "The Somali Impact on Kenya, 1990-1993: The View from Outside the Camps." *Mending Rips in the Sky: Options for Somali Communities in the 21st Century*, Lawrence, NJ: The Red Sea Press, 2005, p 462.

⁶⁸ Anna Lindley, "Protracted Displacement and Remittances: the View from Eastleigh, Nairobi," *The UNHCR Policy Development and Evaluation Service*, Research Paper No. 143, August 2007, p 2.

⁶⁹ Laura Neack, *Elusive Security: States First, People Last*, Lanham, Maryland: Rowman & Littlefield Publishers, 2007, p 10.

strain was alleviated by international agencies and other organizations that stepped in to cater to the needs of the refugees. The humanitarian refugee operation helped to boost the economy of Kenya. It generated various opportunities within the local transport, communications, and service sectors. Nairobi served as the base for a spectrum of relief organizations serving Kenya and most of Somalia itself. At its height the Somali crisis commanded one quarter of the International Committee of the Red Cross (ICRC) total budget with a good portion spent in Kenya. A significant portion of Somalia's foreign exchange also made it into the Kenyan economy benefiting the country. The financial benefit did not eliminate the government's negative attitude towards refugees in general. The Moi government found ways to politically benefit from the situation by registering some Somalis as Kenyan citizens during the post political pluralism campaign in exchange for their vote for Kenya Africa National Union (KANU), the ruling party at the time. On the negative side, the influx of refugees with their dollars meant that there was additional competition for housing and other commodities causing prices to rise significantly. The state faced additional strain to its security forces with increased reports of banditry.⁷⁰ Irrespective of the perceived benefits and drawbacks of admitting refugees into Kenya, the inability for the state to administer the border meant that little could be done to stop the numbers coming in.

Recognizing its obligation to provide protection, the government of Kenya granted Somalis *prima facie* status; effectively recognizing every Somali as a refugee. To provide assistance to the estimated 300,000 Somalis coming into Kenya many refugee camps were established, these were: Liboi, Ifo, Dagahaley, Hagadera, Kakuma, Ruiru,

⁷⁰ Paul Goldsmith, "The Somali Impact on Kenya, 1990-1993: The View from Outside the Camps," *Mending Rips in the Sky: Options for Somali Communities in the 21st Century*, Lawrence, NJ: The Red Sea Press, 2005, pp 468- 470.

Utange, Marafa, Mombasa, Hatimy, Jomvu, and Swaleh Nguru.⁷¹ However, by the early 1990s, the camps were determined to have an increasingly negative impact on the environment, the tourism industry, and that tensions with the host communities had high security costs.⁷² In June 1994, the Kenyan government asked UNHCR to close down all the camps in Coast Province. Between 1995 and 1997, the Utange, Marafa, Swaleh Nguru, Hatimy and Jomvu camps were closed. With the closing of these camps, UNHCR had to relocate almost 28,000 refugees; from these, 7,394 went to Kakuma camp and 1,483 went to Dadaab camp.⁷³ As not all refugees from these camps moved to Kakuma or Dadaab, about 20,000 Somalis made their way to urban and sub-urban areas in Kenya. The Bajuni clan from Jomvu camp, for instance, selected to relocate to Mombasa where they could continue their fishing livelihoods.⁷⁴ The Benadir, hosted at the Swaleh Nguru camp named after a Kenyan philanthropist, had been merchants and artisans in urban environments in Somalia.⁷⁵ Without the opportunity to return to Somalia when the Swaleh Nguru camp closed, many opted for resettlement abroad, or self-settled in Nairobi or Mombasa where they could continue their professions.⁷⁶ Camps like Hamity had been set up as an emergency measure to host Barawan Somalis that had been temporarily housed at St. Ann's School in Mombasa for several months. After five years of operation, refugees from Hamity camp that had not been resettled abroad moved to Kakuma camp

⁷¹ Oral Interview, James Karanja, Westlands, Nairobi, 12th March, 2010.

⁷² Agence France Presse (AFP), *UNHCR Relocates Somali Refugees in Kenya*, 8 March 1997.

⁷³ Rapuro Ochieng, *Africa-Refugee: Kenya Faces New Crisis*, in Inter Press Service (IPS), 22 September 1997.

⁷⁴ UNCU/UN-OCHA Somalia, *A study on minority groups in Somalia*, 2001, p 7.

⁷⁵ Immigration and Refugee Board of Canada, *Somalia: The "Benadir" Refugee Camp Including Location and Ethnic Backgrounds of Camp Dwellers*, SOM33457.E, December 1999.

⁷⁶ UNCU/UN-OCHA Somalia, *A Study on Minority Groups in Somalia*, 2001, p 7.

in 1997.⁷⁷ With no end in sight for the conflict in Somalia, the refugees from these closed camps were given three options: they could repatriate, resettle in a third country, or relocate to Kakuma or Dadaab - the two refugee camps officially designated by the government.

Kakuma Refugee Camp is located in Turkana District of North Western Kenya, about 95km south of the Kenya/Sudan border and approximately 1000km from Nairobi. It hosts refugees and asylum seekers from Sudan, Ethiopia, the Democratic Republic of Congo (DRC), Rwanda, Burundi, and Uganda. In the camp, refugees and asylum seekers live in designated groups and zones depending on their country of origin. This function to both ease administration of the camp as well as leverage existing social networks within communities. Dadaab is located in Garissa District in the Northeastern Province, some 500km from Nairobi and 60-80km from the Kenyan/Somali border. There are three refugee camps in Dadaab namely: Ifo, Dagahaley and Hagadera. All three camps cover a total area of 50km² and are within an 18km radius of Dadaab town.⁷⁸ Most of the Somali refugees were moved to Dadaab camp for its proximity to the Somali border. This was intended to make the camp, rather than the city of Nairobi, Mombasa or other town, the first point of contact between the refugees and UNHCR. Dadaab does not actually house refugees but rather is the core where the Non-governmental Organizations (NGOs) and United Nations (UN) offices are located. Forming a triangle around Dadaab are the Ifo (7km from Dadaab), Dagahaley (17km from Dadaab) and Hagadera (11km from Dadaab) camps where the refugees reside.⁷⁹ With the recognition of Somalis as

⁷⁷ Immigration and Refugee Board of Canada, *Kenya: The Bravan or Barawan Refugee Camp in Mombasa*, KEN29996.E, September 1998.

⁷⁸ UNHCR, *Information for Refugees and Asylum-Seekers in Nairobi*, October 2009, pp 11-12

⁷⁹ Oral Interview, James Karanja, Westlands, Nairobi, 12th March, 2010.

prima facie status refugees. they were expected to reside within the officially designated camps.⁸⁰ Continued instability in Somalia has limited the option of repatriation and created new refugees that have sought protection in Kenya. As a result, Kenya is one of the key host nations for Somali refugees.

Conclusion:

Continued conflict in Somalia has led to increased number of Somali refugees in Nairobi's Eastleigh area. This influx of Somali refugees has posed unprecedented challenges to the Kenya government in matters of security and seemingly uncontrolled economic engagements by the 'foreigners'. The Somali refugees have employed both legal and illegal means in acquiring relevant documents to support their stay in the country. Others have blended with the Kenyan Somali which makes it difficult to deal with them. Thus, the Somali refugees have in many ways integrated and re-integrated in the Kenyan society as they undertake their daily endeavors. With no stability in Somali in sight, the Somali refugee question is going to remain a major factor in Kenya. Kenya has therefore become a 'home' for many Somalis, rich and poor alike.

⁸⁰ Karen Jacobson, "Refugees and Asylum Seekers in Urban Areas: A Livelihoods Perspective," *Journal of Refugee Studies* Vol. 9(3), June 2006, p 275.

CHAPTER THREE

SOMALI REFUGEES IN NAIROBI

3.0 INTRODUCTION

Nairobi, as the capital city of Kenya, has always had a pull to those seeking the opportunities associated with urban centers; refugees are not an exception. Many Somali refugees have made their home in the Eastleigh area of Nairobi; so much so that it is sometimes referred to as *Little Mogadishu*. Through an examination of Nairobi's history, this chapter examines the transformation of Eastleigh and its inhabitants. Having established Kenya's policy on encampment, it examines the various factors that bring refugees, particularly of Somali origin, to Nairobi. Finally, it provides a glimpse into the experiences of Somali refugees living in Eastleigh, highlighting the challenges they face in this urban environment.

3.1 BRIEF HISTORY OF NAIROBI

Geographically, Nairobi is 1.19 degrees south of the Equator and 36.59 degrees east of meridian 70. Its altitude is between 1,600 and 1,850 meters above sea level. Due to its altitude and location, it has a temperate tropical climate with cool mornings and evenings.⁸¹ These qualities and location offered many potential benefits for the Kenyan Uganda Railway (KUR) authorities, among them: a stopping place between Mombasa and Kisumu; adequate water supplies due to the proximity of the Nairobi and Mbagathi Rivers; sufficient land for railway tracks and sidings; and high altitudes suitable for residential areas that would be free of topical diseases, particularly malaria. Furthermore,

⁸¹ Winnie Mitulla, "Urban Slums: The Case of Nairobi, Kenya," *Case Studies for the Global Report on Human Settlement*, 2003, p 2.

according to KUR, since they was no permanent African settlements, as the land was used for grazing and as a livestock watering point, the land was determined to be deserted and thus available for appropriation. This new settlement was named Nairobi from the Maasai term meaning 'a place of cool waters' – *Enkare Nairobi*.⁸²

In 1896, KUR established a small transportation depot to store provisions in what would become Nairobi. When the railway got to Nairobi in 1899, KUR established its headquarters there. In the same year, the colonial Government of Kenya selected a piece of land in Nairobi as its administrative headquarters. By 1900, the established Nairobi Municipal Community (NMC) had defined the urban center as the land within a mile and a half from the offices of the sub-commissioner of the Ukambani Province. By then, settlement of Nairobi had begun. Nairobi had grown into an urban center by 1906. In fact, by 1909, much of the internal infrastructure of the city was established. In 1919, the Nairobi City Council (NCC) replaced the NMC and extended the boundary of Nairobi. In 1927, the boundary of Nairobi was again extended to about 30 square miles. This boundary held until 1963 when it was increased to its current size.⁸³ This new boundary covers an area of approximately 266 miles² or 686 km².⁸⁴

With the establishment of the colonial administrative headquarters and the railway headquarters, human settlement increased. The city's administrative boundaries were extended to cater for the growing urban population. It is estimated that in 1901, there were only 8,000 people living in Nairobi and by 1948 the numbers had grown to

⁸² R. A. Obudho, "Nairobi: National Capital and Regional Hub," Carole Rakodi (Ed) *The Urban Challenge in Africa. Growth and Management of its Large Cities*, New York: United Nations University Press, 1997.

⁸³ Ibid.

⁸⁴ Winnie Mitulla, "Urban Slums: The Case of Nairobi, Kenya," *Case Studies for the Global Report on Human Settlement*, 2003 p 2.

118,579.⁸⁵ Europeans established their homes on the Western end of Nairobi-- separate from the Asian and African residential areas. Discharged Asians railway workers set up shops near the railway station that became known as the Indian Bazaar. This area was not only a business center but housed some of the Africans that worked for KUR. Most of the Africans in these early years lived on the “periphery” of Nairobi. Between 1911 and 1914, Asians could acquire land to the northeast of the Central Busine

ss District, including Eastleigh, as it lay on the periphery of the urban boundary.

By the time the Nairobi boundary was extended in 1920 to incorporate land that had been alienated by the colonial government for residential purposes, one could see the racial segregation of residential areas in Nairobi – areas designated for Europeans, Asians and Africans.⁸⁶ Asians generally resided in the North and East of the city that included Parklands, Pangani and Eastleigh.⁸⁷ As no estates were set up for African residents of Nairobi until 1950, they tended to live in unofficial ‘squatter’ slums with no tenure.⁸⁸ The first African neighborhood, once home to Jomo Kenyatta, was Pumwani.⁸⁹ Africans generally resided in the East and Southeast of Nairobi in the Pumwani, Kariokor and Donholm areas.⁹⁰ At independence, Nairobi was still spatially segregated in terms of residential areas. This segregation, on one level was racial; on another, it spoke to the socio-economic status of the residents. As time went by, the western suburbs became

⁸⁵ R. A. Obudho, “Nairobi: National Capital and Regional Hub,” Carole Rakodi (Ed) *The Urban Challenge in Africa: Growth and Management of its Large Cities*, New York: United Nations University Press, 1997
⁸⁶ Ibid.

⁸⁷ K’Akumu O.A. and Olima W.H.A, *The Dynamics and Implications of Residential Segregation in Nairobi*, Nairobi: Habitat International, 2007, p 92.

⁸⁸ Musambayi Katumanga and Lionel Cliffe, “Nairobi – A City Besieged: The Impact of Armed Violence on Poverty and Development,” *Center for International Cooperation and Security*, University of Bradford, March 2005, p 4.

⁸⁹ Paul Goldsmith, “Eastleigh Goes Global,” *East Africa Standard*, August 19, 2008.

⁹⁰ K’Akumu O.A. and Olima W.H.A, *The Dynamics and Implications of Residential Segregation in Nairobi*, Nairobi: Habitat International, 2007, p 92.

associated with the affluent members of society while the eastern parts of the city were associated with the middle and low-strata of the society.⁹¹

To discuss Somalis in Nairobi, one necessarily examines Eastleigh-- an area in the Eastern part of Nairobi. It is divided into seven sections. Eastleigh's Section I and Section II are on First and Second Avenues. Between these two Sections and Section III are the Biafra and California estates, as well as the large tract of aerodrome land. Section Seven of Eastleigh is next to the Pumwani Road.⁹² Eastleigh was originally an Asian and Afro-Arab neighborhood. It was established as a residential area. Sikhs and Goans, who were viewed as less socially reclusive in comparison to other Asian communities, first occupied it. This characteristic, in the face of Africanization following independence, may have contributed to the shift into a more multi-racial Eastleigh. Swahili and other urbanized Africans began to buy property in Eastleigh from Asians after independence. The Asians that had lived and done business in the Eastlands areas moved to residential areas in South C and Nairobi West neighborhoods. While some Asians continued to operate some of their businesses, growing Gikuyu affluence during the Kenyatta era expanded their holdings in Eastleigh. A number of Somali women also bought property in Eastleigh, which at the time was a low profile but profitable investment. Their ownership of buildings in Eastleigh provided an additional pull for Somalis into Nairobi.

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While Somalis are now the largest group in Eastleigh, they are among a mix of many other communities – some foreign, others local, but all connected through

⁹¹ Winnie Mitulla, "Urban Slums: The Case of Nairobi, Kenya," *Case Studies for the Global Report on Human Settlement*, 2003, p 2.

⁹² Paul Goldsmith, "Eastleigh Goes Global," *East Africa Standard*, August 19, 2008.

⁹³ Ibid.

commercial activity. Within Eastleigh, there are Somali cargo transporters, Swahili-ran lodges, Meru miraa traders, Gikuyu vegetable sellers, Kamba vehicle parts salesmen, and Ethiopian cafes just to name a few. Even as those who first lived in Eastleigh move on to more upscale Nairobi neighborhoods, they often return to socialize or conduct business.⁹⁴

3.2 REFUGEES OUTSIDE THE CAMPS

In circumstances in which large numbers of refugees enter a host nation, particularly when these numbers arrive within a short period of time, it is likely that a host nation will feel it cannot absorb the refugees. In response, the government is likely to change its policy from being a state that was open to integration to one insisting on camps or settlements. In some cases, the government may even take measures to control the refugee population by restricting entry into the country.⁹⁵ In Kenya, the government recognizes Somali nationals as refugees required to live in camps. For most other nationalities, refugee status is individually determined.⁹⁶ While there is no official legal obligation for a refugee to stay confined in a camp, Kenya follows an unofficial encampment policy. Local authorities use a series of disincentives to discourage emigration from refugee camps. For instance, UNHCR, the organization mandated to handle refugee affairs in Kenya, refers the majority of asylum seekers and refugees directly to the refugee camps to be registered in order to gain eligibility for support.⁹⁷

⁹⁴ Ibid.

⁹⁵ Susan Banki, "Refugee Integration in the Intermediate Term: A Study of Nepal, Pakistan, and Kenya," *UNHCR Evaluation and Policy Analysis Unit*, Working Paper No. 108, October 2004 pp 15-6.

⁹⁶ Karen Jacobson, "Refugees and Asylum Seekers in Urban Areas: A Livelihoods Perspective," *Journal of Refugee Studies* Vol. 9(3), June 2006, p 275.

⁹⁷ UNHCR, *Information for Refugees and Asylum-Seekers in Nairobi*, October 2009, p.11. See also Human Rights Watch, *From Horror to Hopelessness. Kenya's forgotten Somali Refugee Crisis*, March 2009, pp 43-46.

Refugees are allowed to leave the camp for various reasons including: medical referrals for complex or terminal diseases beyond the capacity of UNHCR, tertiary education since the majority of universities are in Nairobi, or security concerns for persecuted minorities or a high-profile individual. A letter granting residence in urban areas is given following investigation of the claims. There are those who leave the camp without documentation prefer an urban life and/or are unable to survive in the harsh environment of the camps. These refugees often receive a temporary pass based on a valid reason according to UNHCR requirements but end up staying in Nairobi for good. These undocumented refugees are often the ones who have trouble with the police.⁹⁸ Refugees seek to leave the refugee camps for a myriad of reasons that include: leaving difficult situations in the camps in which there may be limited rations, threats of abuse and substandard living standards; accessing better educational opportunities; seeking employment; getting specialized healthcare; reconnecting with family; and preparing for resettlement in another country. These pull factors are not without risk or costs as refugees become vulnerable to criminals, extortion, refoulement, return to camps, or even detention.⁹⁹

Despite the government of Kenya's preference to contain the refugees in certain regions of the country, those refugees with sufficient financial means set up homes in Nairobi or Mombasa. Those fortunate enough to have relatives in Nairobi seek their assistance. When the camps in Mombasa, Thika and Liboi closed down in the mid-1990s, many of the Somali refugees moved to Nairobi, many ending up in Eastleigh.¹⁰⁰

⁹⁸ Oral Interview, James Karanja, Westlands, Nairobi, 12th March, 2010.

⁹⁹ Anna Lindley, "Protracted Displacement and Remittances: the View from Eastleigh, Nairobi," *The UNHCR Policy Development and Evaluation Service*, Research Paper No. 143, August 2007 p 10.

¹⁰⁰ *Ibid*, p 3.

Generally, refugees that self-settle in Nairobi are from an urban rather than a rural background. These urban refugees are also likely to have transnational families in the West that are able to provide material support for their survival.¹⁰¹ The movement to urban areas can also be understood in light of a larger urbanization trend in Kenya. It is estimated that by independence in 1963, urban dwellers constituted only 8% of the population. By 1995, 20% of Kenyans lived in urban areas.¹⁰² This urbanization trend is not only increasing, but also a feature within the immigrant community in Kenya.

While it is unclear how able or willing the GoK is in the true enforcement of the encampment policy, it would appear that the ambiguous legal status has little impact on the decision of a refugee to return to the camps. Rather, refugees indicate that it was the difficulty of economic survival in Nairobi, without any assistance, that has compelled them to return to the camps.¹⁰³ With this in consideration, the refugees with the financial means are able to take the options of self-settling in urban areas even with the challenges that may bring. These challenges are largely viewed by urban refugees as preferable to the standard of life possible in the refugee camps.

3.3 SNAPSHOT OF SOMALI REFUGES IN NAIROBI

Eastleigh was formerly a predominantly Asian residential estate in Nairobi. Within it were some shops and businesses owned and operated by Asians. However, over

¹⁰¹ Ibid, p 13.

¹⁰² R. A. Obudho, "Nairobi: National Capital and Regional Hub," Carole Rakodi (Ed) *The Urban Challenge in Africa: Growth and Management of its Large Cities*, New York: United Nations University Press, 1997.

¹⁰³ Elizabeth H. Campbell, "Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival, and Possibilities for Integration," *Journal of Refugee Studies*, 19 (3), p 408.

time. Kenyans bought up the properties in Eastleigh from the Asians.¹⁰⁴ Somalis fleeing from the civil war in Somalia were drawn into Eastleigh, a part of Nairobi that already hosted some ethnic Somalis. In time, Eastleigh gained notoriety as *Little Mogadishu*. As Marc Lacey describes, it has “the cultural eccentricities and grittiness of the real Somali capital. It [Eastleigh] is part of Kenya but also very much separate. One knows instantly when one arrives in Eastleigh. Muslim dress is the norm. Signs in Somali predominate.”¹⁰⁵

While there are other urban refugees, the majority of urban refugees in Nairobi are Somalis. According to UNHCR accounts, there were about 42,261 refugees living in Nairobi as of January 2010. Of these, 20,172 were of Somali origin. The second largest refugee community in Nairobi was Ethiopians who stood at 12,430.¹⁰⁶ The third largest group of urban refugees in Kenya is from the Great Lakes region - Congo, Rwanda and Burundi.¹⁰⁷ In Kenya, the de facto encampment policy leaves refugees outside the camps to exist in a quasi-illegal mixed dimension. This forces them to maintain a low profile by hiding themselves among other immigrants. When registered as a refugee in the camps, the ration card indicates that the refugee has no right to humanitarian assistance outside the camps. Thus, by self-settling in urban areas, refugees forgo the targeted systems of

¹⁰⁴ Anna Lindley, “Protracted Displacement and Remittances: the View from Eastleigh, Nairobi,” *The UNHCR Policy Development and Evaluation Service*, Research Paper No. 143, August 2007, p 4.

¹⁰⁵ Marc Lacey, “Where Refugees Cover at the Latest London Bulletin,” *The New York Times*, August 1, 2005.

¹⁰⁶ UNHCR, “Refugees and Asylum Seekers in Kenya by Country of Origin and Location,” January 2010.

¹⁰⁷ Elizabeth H. Campbell, “Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival, and Possibilities for Integration,” *Journal of Refugee Studies*, Vol 19, No 3 p 388.

assistance¹⁰⁸ Considering the need to live outside the grid for many urban refugees, existing estimations on their numbers are likely lower than the actual numbers.¹⁰⁹

Legally, the Refugees Act that came into effect in November 2007 governs matters related to refugees. The Act presents guidelines for conducting Refugee Status Determination (RSD).¹¹⁰ However, it is UNHCR that conducts RSD currently on behalf of the government.¹¹¹ The Department for Refugee Affairs (DRA), within the Ministry of State for Immigration and Registration of Person (MIRP), is the government office mandated by the Refugees Act to handle the administration, coordination and management of refugee matters in Kenya.¹¹² DRA is mandated to provide a variety of services such as: the maintenance of an appropriate registration and documentation system for refugees in Kenya, the issuance of identification cards and movement passes for refugees, the recommendation of refugees for resettlement, the coordination of humanitarian assistance to refugees, addressing the complaints of refugees, and promoting durable solutions for the refugees in Kenya.¹¹³ The issuance of identification documents and the registration of refugees are particularly critical for refugees in both accessing protection and aid.

If the Refugee Act was properly implemented, Somali refugees ought to have a Refugee Identification Pass and those with permission to leave the camps ought to have a

¹⁰⁸ Human Rights Watch, *From Horror to Hopelessness. Kenya's forgotten Somali Refugee Crisis*, March 2009, p. 44.

¹⁰⁹ *Ibid*, p 176.

¹¹⁰ The Refugee Consortium of Kenya and The Refugees Affairs Department of the Ministry of State for Immigration and Registration of Persons, "The Refugee Act 2006 - Information Booklet," Nairobi, Kenya: Refugee Consortium of Kenya, 2007, pp 7-8.

¹¹¹ Sara Pavenello, Samir Elhawary, and Sara Pantuliano, "Hidden and Exposed: Urban Refugees in Nairobi, Kenya," *HPG Working Paper*, March 2010, p 13.

¹¹² The Refugee Consortium of Kenya and The Refugees Affairs Department of the Ministry of State for Immigration and Registration of Persons, "The Refugee Act 2006 - Information Booklet," Nairobi, Kenya: Refugee Consortium of Kenya, 2007.

¹¹³ "Information for Refugees and Asylum-Seekers in Nairobi," UNHCR, Nairobi, Kenya, October 2009.

Movement Pass. However, the reality is refugees in Kenya have various other documents. UNHCR issues Appointment Letters to those about to begin the RSD process that in theory offers temporary legal status by indicating that the refugee is within the process. UNHCR also issues Mandate Refugee Certificates to those who have been granted asylum, which in theory recognizes the holder as a refugee with all associated rights and duties. There are also refugees holding Alien Cards issued by MIRP; they resemble a National ID card except for the absence of the coat of arms and an indication of a country of origin other than Kenya. These documents may often times be the only official documentation that refugees possess. Despite the importance of these documents, a large number of refugees do not have these documents citing reasons such as a lack of information on the process, the cost and length of the process, and the fear of being denied asylum. Some refugees, particularly those outside the camps, rather than exist without official documentation have resorted to illegally acquiring Kenyan official documentation.¹¹⁴ Those unable to access UNHCR documents, or buy Kenyan documentation, often are vulnerable to abuse and are largely unable to access many services. Additionally, as these documents are meant for adults, unaccompanied minors are left particularly vulnerable. A UNHCR official explained that these documents are intended as identification documents only but do not confer rights reserved for citizens to their holders. UNHCR having recognized that refugees are vulnerable to detentions provides identification documents to refugees over the age of 15. These documents may also identify the holders' dependants. The utility of these documentations, particularly in

¹¹⁴ Sara Pavenello, Samir Elhawary, and Sara Pantuliano, "Hidden and Exposed: Urban Refugees in Nairobi, Kenya," *HIPG Working Paper*, March 2010, p 17.

facilitating movement, is limited by security concerns particularly around the refugee camps.¹¹⁵

As elaborated, the identification documentation carried by Somalis in Kenya determines the rights accorded to the holder. In addition to documentation provided by UNHCR or the Kenyan government, there are Somalis who have documents issued by the Transitional Federal Government (TFG) of Somalia. One of the informants, Mr. Hussein Abdi, a 25-year-old Somali male in Kenya, has a visiting visa on a Somali Passport. He has been living in Eastleigh, Nairobi with Somali relatives since September 2009. Prior to moving to Kenya, he was in Mbale, Uganda pursuing his Bachelors degree at the Islamic University in Uganda (IUIU). He got his current passport in 2009 from an office in Nairobi although the TFG had begun issuing them as early as 2003. With a valid visa, he had no trouble moving between Kenya and Uganda as Kenya recognizes the Somali passport. While his stay in Nairobi is for him a transitional period, he would be happy to stay if an opportunity presented itself.¹¹⁶ While no informant had identification documents from a western country, there are Somalis in Nairobi who may have been nationalized by other countries in which they were resettled following their displacement.

In line with the pull factors previously identified in which refugees seek better opportunities than those available in camps, many informants noted the favorable economic opportunities available in Nairobi. Hussein, a young Somali in Nairobi, expresses his opportunities for livelihood noting, "Nairobi is a city where there are many different groups of people. There are many businesses and UN offices are located here. I came hoping to get a job with the UN or with any of the Somali community's businesses

¹¹⁵ Oral Interview, James Karanja, Westlands, Nairobi, 12th March, 2010.

¹¹⁶ Oral Interview, Hussein Abdi, Central Business District, Nairobi, 7th March, 2010.

or any other organization in Kenya. The economy in Kenya is better than that in Uganda where I was.”¹¹⁷ Even for those unable to find employment in the formal sector, Kenya is seen as a country in which one can establish a successful business. These Somali business often get their capital from their fellow countrymen.¹¹⁸

In some cases, some Somali refugees came directly into Nairobi with sufficient resources to restart their lives. Fatuma Ahmed, one of the informants, is one such urban refugee. She was a successful businesswoman in Mogadishu but had to flee the civil war with her five children in 1993. In Nairobi, as long as she could pay bills, she got a home and reestablished her business.¹¹⁹ Her experience of living in Eastleigh may be different from other Somali refugees living in Nairobi due to her socioeconomic status thus it is important to be mindful of class differences. Aw-Ali, a Somali refugee living in Eastleigh’s Section II, moved to Nairobi directly from Mogadishu in 1993 on his own as his children were living abroad and his wife had passed away. In Eastleigh, he continues his calling as an Islamic preacher at a mosque in Eastleigh. To support himself and to serve his community, his children send him about 1,500 dollars every month.¹²⁰ Aw-Ali and many other Somali refugees in Eastleigh rely on remittances from family and friends who are part of the Somali diaspora. Through remittances, Somali refugees around the world share both economic resources and burdens. In many ways, remitting is seen as a source of familial and cultural reaffirmation. Many Somalis express great pride in the culture of Somalia supporting families throughout the world.¹²¹ This support not only

¹¹⁷ Oral Interview, Hussein Abdi, Central Business District, Nairobi, 7th March, 2010.

¹¹⁸ Ibid.

¹¹⁹ Oral Interview, Fatuma Ahmed, Eastleigh, Nairobi, 8th March, 2010.

¹²⁰ Oral Interview, Aw-Ali, Eastleigh, Nairobi, 11th March, 2010.

¹²¹ Anna Lindley, *The Early Morning Phone call: Remittances from a Refugee Diaspora Perspective*, Center on Migration, Policy and Society, Working Paper No. 47, University of Oxford, 2007, p 21.

sustains some Somali refugees in Eastleigh in terms of their basic needs, but also provides capital for businesses.

As Somali refugees have lived in Eastleigh for almost two decades, they have established relationships within the area that extend beyond commercial interactions. Ahmed Abdi, a Somali refugee, notes that within his neighborhood, relations between Somali refugees and the Kenyan citizens is very good. They often visit with each other during holidays and festivals. Beyond that, they often meet to discuss events of common interest. These include but are not limited to: Kenyan politics, economic difficulties, security concerns, potential economic partnerships and even employment opportunities that could exist for Kenyans if peace resumes in Somalia. For Ahmed, these conversations with his Kenyan neighbors also serve to remind Kenyans on the dangers of descending into war.¹²² For Fatuma Ahmed, the interaction between Somali refugees and the Kenyan people, who are not in the security forces or from immigration, is typically positive. In her experience, many Kenyans even prefer to work and live with Somalis compared to Indians.¹²³ In general, other Kenyan communities in Eastleigh have grown to see the Somali refugees as neighbors. They trade together, take their children to the same schools, visit the same hospitals, walk the same muddy streets, and generally share the same experiences.¹²⁴

The shared experiences of living in Eastleigh do not mean that there are no differences between Somali refugees and the Kenyan communities. The first and most salient difference in many cases is religion. While the majority of the other Kenyan

¹²² Oral Interview, Ahmed Abdi, Eastleigh, Nairobi, 10th March, 2010.

¹²³ Oral Interview, Fatuma Ahmed, Eastleigh, Nairobi, 8th March, 2010.

¹²⁴ Anna Lindley, "Protracted Displacement and Remittances: the View from Eastleigh, Nairobi," *The UNHCR Policy Development and Evaluation Service*, Research Paper No. 143, August 2007 pp 5.

communities are Christian, Somalis are Muslims. Another difference is culture; this can be easily seen in the way of dressing for instance. Somali women are typically required to cover their hair and bodies. Culturally, it is also common for Somalis to segregate on the basis on gender; so men and women rarely mix outside of the home. These practices are not common, or even seen as acceptable, to Kenyan women from other communities. A third major difference is in the language spoken. While Ahmed noted that Somali refugees have tried to learn the Swahili language, they often speak a broken version of the language.¹²⁵ Aw-Ali, a 72 year-old urban Somali refugee, has been in Nairobi since 1993 but having stayed in Eastleigh, he can conduct his affairs in Somali and so speaks very little Swahili and no English.¹²⁶ These differences at times limit the level of interaction that the Somali refugees have with their Kenyan neighbors. For instance, marriage is highly influenced by religion and culture. Mohammed Siad admitted that it is encouraged that Somalis marry other Somalis. Above all, a Somali ought to marry a Muslim. A Somali man is permitted to marry a Christian or a Jew according to the Koran as they are people of the book. However, a Somali woman cannot marry a non-Muslim as the non-believer can influence the woman to change her religion.¹²⁷ Yet, this situation is not insurmountable especially when the person converts to the Muslim religion. Ahmed Abdi told of a Somali cousin who had moved to Kenya at the tender age of 2. While growing up in Kenya, he met a Kikuyu woman that he wanted to marry. While his parents first expressed objection, they conceded when she accepted the Muslim faith.

¹²⁵ Oral Interview, Ahmed Abdi, Eastleigh, Nairobi, 10th March, 2010

¹²⁶ Oral Interview, Aw-Ali, Eastleigh, Nairobi, 11th March, 2010.

¹²⁷ Oral Interview, Mohammed Siad, Eastleigh, Nairobi, 8th March, 2010.

They are still happily married with two children. As he eloquently put it, “Love has no borders... but sometimes it has to cross the border!”¹²⁸

Even though the question of marriage between Somali refugees and the Kenyan communities does have some hurdles, some has overcome them and formed new families. Somali refugees in Eastleigh live, work, and interact in various ways with the Kenyan community. For some, Eastleigh has been the only home they can recall. As Fatuma Ahmed notes “The reality is that the Somali refugee children who have grown up in Nairobi are often times more Kenyan than Somali. If you tell them that they are going to Somalia, they ask, ‘where is Somalia?’ They only know Kenya.”¹²⁹

3.4 CHALLENGES OF SOMALI REFUGEES IN NAIROBI

As noted earlier, the issue of documentation for Somali refugees in Nairobi has very real implications on their protection and access to assistance. Due to the encampment policy, urban refugees exist within a legal limbo. As far as government authorities are concerned, refugees ought to be in refugee camps.¹³⁰ For refugees caught in Nairobi without an Alien Card, they are likely to be arrested for up to 6 months under the charge of unlawful presence in the country. Generally, people understand that a Somali without a national ID card is an illegal immigrant.¹³¹ An arrest could lead to the refugee being deported to their country of origin - a violation of the obligation of non-refoulement. Ahmed notes that in cases where police stop Somali refugees, the provision of UNHCR papers is many times not a protection. In some cases, UNHCR

¹²⁸ Oral Interview, Ahmed Abdi, Eastleigh, Nairobi, 10th March, 2010.

¹²⁹ Oral Interview, Fatuma Ahmed, Eastleigh, Nairobi, 8th March, 2010.

¹³⁰ Elizabeth H. Campbell, “Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival, and Possibilities for Integration,” *Journal of Refugee Studies*, Vol 19, No 3 pp 388.

¹³¹ Oral Interview, Hussein Tufa, Eastleigh, Nairobi, 9th March, 2010.

documentation guarantees arrest because it proves that the Somali is a refugee and is illegally residing outside the refugee camps. It can be a sure way to get sent back to Dadaab.¹³² This unofficial encampment policy has made urban Somali refugees vulnerable to unlawful detention, deportation or forced return to the refugee camps.

While it is the mandate of the Kenyan government to provide physical protection to the refugees, it is often government forces that perpetuate abuses against refugees. The extent of the abuse by government forces is so bad that it is common to hear people say, “If you are a policeman and you are hungry at lunch, all you do is go to lunch in Eastleigh and you stop Somalis until you get one that is a refugee!”¹³³ When speaking on the matter of police harassment, Mohammed Siad explains:

The police will harass Somalis whether or not they are Kenyan. You are asked to show your ID (National Identification Card), if you don't have it, they will ask you to show your refugee card, and even if you have it that, it doesn't mean that you are out of trouble. If you have a refugee card, they will arrest you but they will ask for money. They may even take you to the cell and demand money from there. Because refugees are not confident about their rights, they are scared by the police, so when they are asked for money, they give it. People [refugees] are usually released from the cell for about 10,000 shillings or something like that. There are other Somalis who have their IDs but the problem is that they are not comfortable with Swahili so they didn't understand the police and then they are arrested. That is the common problem of the Somalis from Northeastern [Province]. When the police arrest Somalis, they ask for money. If the person does not have money, the police officer will offer their phone for the Somali to call their friends and relatives to bring money.¹³⁴

The fact that Somalis as an ethnic groups live in both Somalia and Kenya, the challenges faced by Somali refugees are at times shared by Kenyan Somalis. Mohammed Haji has experienced Kenyan police officers stopping him to determine if he was an illegal immigrant and he has to prove to them that he was a citizen. Somali Kenyans are

¹³² Oral Interview, Ahmed Abdi, Eastleigh, Nairobi, 10th March, 2010.

¹³³ Oral Interview, James Karanja, Westlands, Nairobi, 12th March, 2010.

¹³⁴ Oral Interview, Mohammed Siad, Eastleigh, Nairobi, 8th March, 2010.

victimized because they are generally seen as being the same people as the refugees.¹³⁵

Ahmed Abdi, a Somali refugee who lives in Section II of Eastleigh, came into Nairobi in 1994 after spending a year in the Utange refugee camp in Mombasa. He got married to a Kenyan Somali in 2007. Ahmed explains that the issue of official documentation affects the experience of being a Kenyan Somali versus being a Somali refugee saying:

Although Somali Kenyans feel the problems that we feel-- fortunately, they have papers. Whenever my wife forgets to take her national ID card and she goes to the market, she is the same as the other urban Somali refugees. When she has papers, she is confident and is able to talk to the police bravely; but when she doesn't have papers, she can't talk bravely. Sometimes Somalis have language barriers. And when you feel fear, you can't communicate as clearly anyway. The only communication Kenyan police understand is money. If you can't communicate you have to pay.¹³⁶

As such, although Somali Kenyans may suffer the similar type of victimization, they are unlikely to suffer the implications of detention, deportation or forced return to camps as a result of their arrest.

Urban refugees, particularly those of Somali origins, periodically experience police sweeps in which large numbers of refugees are arrested. These police sweeps often follow security incidents such as the US Embassy bombing in 1998 or terrorist threats in the region. In such a police sweep in 2002, over 1,000 'illegal immigrants' were arrested as part of a government crackdown on crime.¹³⁷ Somalis in Eastleigh unable to provide valid Kenyan identification are rounded up as illegal foreigners. This has brought about a practice of using manipulation or corrupted officials to issue Kenyan Identification Cards and passports. There is also an incentive for the Kenyan police to conduct these raids

¹³⁵ Oral Interview, Mohammed Haji, Eastleigh, Nairobi, 10th March, 2010.

¹³⁶ Oral Interview, Ahmed Abdi, Eastleigh, Nairobi, 10th March, 2010.

¹³⁷ Elizabeth H. Campbell, "Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival, and Possibilities for Integration," *Journal of Refugee Studies*, Vol 19, No 3 pp 389.

since the ethnicity of the residents is likely to result in a financial gain in the form of bribes.¹³⁸

The lack of documentation is in some cases inherited by the children of urban refugees. Fatuma Ahmed, a Somali refugee, has eight children. Of those eight, three of them were born in Kenya. In her experience, Somali refugee women do not seek to give birth in public hospitals for fear of being turned away or receiving poor care. Somali refugee women are also aware that they are more likely to get birth certificates at private or mission hospitals than in public hospitals. As such, Somali refugee women give birth in those hospitals seeking to expand the opportunities for their children in Kenya by assuring they have proper documentation. Without birth certificates for her children, Fatuma Ahmed was unable to enroll them in Kenyan public schools. So, she enrolled them into private schools where the entry requirements are more lax following a bribe.¹³⁹ Aw-Ali explains that most of the urban Somali refugee children go to private schools due to lack of documentation. Even those who may get the opportunity to go to public schools have to bribe the headmaster. Children born to Somali refugees in Kenya often times do not receive citizenship as authorities ask for the identification documents of both parents.¹⁴⁰ The lack of identification documentation not only limits the opportunity for the Somali urban refugee, but also that of their children in accessing education and other services in the Kenya.

Karanja, a UNHCR official, emphasized that the refugees who come into Nairobi not only arrive with baggage, but also with many valuable skills. Those that were doctors,

¹³⁸ Godwin Rapando Murunga, "Conflict in Somalia and Crime in Kenya: Understanding the Trans-Territoriality of Crime," *African and Asian Studies* Vol 4 Issues 1-2, 2005, p 159.

¹³⁹ Oral Interview, Fatuma Ahmed, Eastleigh, Nairobi, 8th March, 2010

¹⁴⁰ Oral Interview, Aw-Ali, Eastleigh, Nairobi, 11th March, 2010.

professors, teachers, nurses, businessmen and other professions in their previous homes could make contributions to the development of Kenya. However, it is almost impossible for a refugee to get a work permit in Kenya. While there was a Class N work permit intended for immigrants which refugees were eligible to get, it was withdrawn by the government in 2003. Efforts by UNHCR to have the government to reinstate the work permit have not yielded fruit.¹⁴¹ Refugees also often have difficulty opening a bank account and cannot own property.¹⁴² The lack of proper documentation for Somali refugees in Eastleigh not only limits their ability to engage in formal employment, but also limits their ability to establish their own livelihoods.

Mohammed Haji pointed out that the magnificence of the buildings in Eastleigh stand in sharp contrast to the muddy and potholed roads leading to the buildings. In Eastleigh, it would appear that the growth in population has heavily burdened the existing infrastructure. Roads that were built by the Chinese that ought to have lasted 50 years are already in a deplorable state. The people in Eastleigh understand that it is the role of the government of Kenya to fix the roads. However, the leadership to push the matter is lagging. He recalls that the Somali Business Community, with a prominent government official from Northeastern Province at the helm, was a powerful lobby group that could have brought some changes. The current Somali Business Community is largely inactive and it seen as racked by the same issues that broke apart Somalia – clanism. To compensate for these failures, the Somali businesses in Eastleigh have taken matters into their own hands but building small pass ways out of bricks to facilitate access into the lavish buildings. While this helps, it is not enough. Mohammed Haji could not envision

¹⁴¹ Oral Interview, James Karanja, Westlands, Nairobi, 12th March, 2010.

¹⁴² Oral Interview, Fatuma Ahmed, Eastleigh, Nairobi, 8th March, 2010

how people flying in from abroad would manage to make their way from the airport with the current roads to stay in these beautiful hotels.¹⁴³

Kenyans have also publicly expressed xenophobic attitudes toward refugees who are often accused of taking over jobs and opportunities that belong to the citizens. This attitude in some instances makes references to the troubled past between Kenya and the country of origin. For instance, a written deposition by Meru community elders made the claim that since Somalis had failed to take the Northern Frontier District, they had shifted their ambitions to the economic take-over of Kenya. In particular, they expressed distress at the engagement of Somalis in the *miraa* trade who they felt had an undue advantage in its export.¹⁴⁴ Somalis feel aware that Kenyan security officers have a bias against people who wear hijab. This is a cultural difference that is very noticeable.¹⁴⁵ There are also perceptions amongst the Kenyan people that all Somalis are wealthy and so they ought to pay a higher price than others. When Aw-Ali, a Somali refugee, first arrived in Nairobi, he sought a place to live. When his landlords realized that he was refugee, they increased the rent from 10,000 to 25,000 shillings. He had to pay the rent at the inflated rate.¹⁴⁶ These increased prices have not only affected Somali refugees also the Kenyan communities in Eastleigh.

In 2007, the post-election violence in Kenya brought to the Somali refugees another challenge - the fear of becoming a refugee again. Aw-Ali recalls the anxiety felt by the Somali community in Eastleigh over the stability and security of Kenya. As a man of religion, he went to the Mosque and prayed for the peace of Kenya. Many Somalis

¹⁴³ Oral Interview, Mohammed Haji, Eastleigh, Nairobi, 10th March, 2010.

¹⁴⁴ Elizabeth H. Campbell, "Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival, and Possibilities for Integration," *Journal of Refugee Studies*, Vol 19, No 3 pp 401-2.

¹⁴⁵ Oral Interview, Fatuma Ahmed, Eastleigh, Nairobi, 8th March, 2010.

¹⁴⁶ Oral Interview, Aw-Ali, Eastleigh, Nairobi, 11th March, 2010.

dreaded the thought of being a refugee in a third country. In anticipation of worsening conditions, some Somalis moved back to the camps or to various towns in the Northeastern Province. Others stayed in Nairobi, a place they have taken as their second home, and prayed for peace.¹⁴⁷

3.5 CONCLUSION

While a number of Somali refugees have selected to live in Eastleigh rather than the refugee camps as per the Kenya government's preference, it has not been without its challenges. While the opportunities for a better education, more fulfilling livelihoods, and self-reliance are prevalent in Nairobi, so are the threats to a refugee's freedom and security. One thing that becomes increasingly clear is the importance of identification documentations in assuring protection and access to rights and resources. While the absence of identification is a challenge, the type of identification documentation may also determine what a refugee is entitled if anything. Despite these challenges, Somali refugees in Eastleigh attempt to create a home in which future generations can benefit from their sacrifices.

¹⁴⁷ Ibid.

CHAPTER FOUR

SOMALI REFUGEE INTEGRATION

4.0 INTRODUCTION

In discussing the integration of refugees, it is important to revisit the question of refugee identity. Al-Sharmani Mulki presents the useful concept of refugeeness that he defines as, "rooted not only in the flight and displacement of particular individuals and groups but also in the complex daily practices of living, networking, forming relationships and constructing identities that such individuals and groups experience and take part in as they live in one or several host-societies."¹⁴⁸ Moving beyond the strict legal status of individuals and collective members of refugee communities, it become apparent that refugee identity is more of a process, a gradual transformation, rather than an implication of crossing a national border.¹⁴⁹ Thus, the refugee identity is more of a dynamic and determined than more than an international border. This conception of refugee fits within the Constructivist theory of identity in which socio-political-economic factors are able to influence one's sense of being. In this case, what does it mean to a refugee having lived in one community for almost two decades? What strategies have refugees employed within their new environment in order to continue their lives? What has been the impact of their engagement with the Kenyan society? What is under consideration in regard to their integration?

¹⁴⁸ Al-Sharmani Mulki, *Refugee Livelihoods: Livelihood and Diasporic Identity Constructions of Somali Refugees in Cairo*, Working Paper No. 104, FMRS, The American University in Cairo, Egypt June 2004, p 1

¹⁴⁹ Malkki Liisa, *Purity and Exile: Violence, Memory, and National Cosmology Among Hutu Refugees in Tanzania*, Chicago: University of Chicago Press, 1995, p 114

4.1 COPING MECHANISMS OF SOMALI REFUGEES IN NAIROBI

Having a very limited capacity to manage refugee affairs, the GoK is unable to prevent refugees from leaving the camps. If the refugees have the financial means, they are able to pay the costs of transportation as well as the expected bribes to police along the way. If they bypass all the potential obstacles and make it into Nairobi, they are able to blend seamlessly into the areas in which refugee communities are prevalent.¹⁵⁰ Due to the difficulty being able to distinguish amongst the Somali community who is a Kenyan citizen and who is not, Somali refugees are able to attain invisibility by residing in Eastleigh where there is a mixture of Kenyan and non-Kenyan Somali.¹⁵¹ While there is some level of safety in the numbers of Somalis and other refugees in Eastleigh, their concentration also marks them for abuse. Still, the invisibility strategy is able to serve a large number of Somali refugees.

For Somali refugees in Eastleigh, the option of being able to return to refugee camps is retained because there is no assurance of assistance in Nairobi. As registration of refugees typically occurs in refugee camps, there are periods of the year in which refugees from Nairobi make their way to Dadaab or Kakuma camp to be counted and thus receive a ration card from UNHCR. Once the registration process is over, many make their way back to Nairobi – the place they call home.¹⁵² This timed travel assures that the refugee not only is able to receive some updated documentation proving refugee status, but it also provides the safety net that should things become exceedingly difficult

¹⁵⁰ Elizabeth H. Campbell, "Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival, and Possibilities for Integration," *Journal of Refugee Studies*, Vol 19, No 3 pp 389.

¹⁵¹ Godwin Rapando Murunga, "Conflict in Somalia and Crime in Kenya: Understanding the Trans-Territoriality of Crime," *African and Asian Studies* Vol 4 Issues 1-2, 2005, p 154.

¹⁵² Elizabeth H. Campbell, "Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival, and Possibilities for Integration," *Journal of Refugee Studies*, Vol 19, No 3 pp 388.

in the urban areas, they are still eligible to receive assistance in the camps. In the meanwhile, urban refugees, not entitled to assistance from UNHCR rely on a number of livelihood strategies to survive in Nairobi; they run businesses, engage in small trade, take up casual labor, or rely on remittances.¹⁵³

Through the Diaspora, Somalis are able to seek protection, security, opportunities to ameliorate their lives as well as different forms of social capital for themselves and their relatives spread throughout the world. While there are certainly many benefits to this arrangement, it is important to note that it is not necessarily evenly distributed or without tension.¹⁵⁴ Diasporic Somalis remit money through a complex transnational network of relatives in different countries. There are a number of reasons explaining why money is remitted within the Somali Diaspora including: in response to need of recipients, in line with the concept of generalized reciprocity, social pressure in which one's standing within the Somali community diminishes if one does not remit, and to account for the economic disparities associated with the country of residence just to name a few.¹⁵⁵ Remittances to Somali refugees in Eastleigh provide support to families who would otherwise be competing for low-wage employment in the informal sector. These remittances, beyond supporting the immediate recipients, also flow into the social networks of the community. This money is often spent within the Eastleigh economy providing a niche market for those seeking to provide goods and services for the Somali

¹⁵³ Elizabeth H. Campbell, "Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival, and Possibilities for Integration," *Journal of Refugee Studies*, Vol 19, No 3 pp 387.

¹⁵⁴ Mulki Al-Sharmani, "Contemporary Migration and Transnational Families: The Case of Somali Diaspora(s)", paper prepared for the Migration and Refugee Movements in the Middle East and North Africa Conference, The Forced Migration and Refugee Studies Program at the American University, Cairo, Egypt, October 23-25 2007 pp 1.

¹⁵⁵ Anna Lindley, "The Early Morning Phone call: Remittances from a Refugee Diaspora Perspective," *Center on Migration, Policy and Society*, Working Paper No. 47, University of Oxford, 2007 pp 15-7.

community.¹⁵⁶ Remittances play a significant role in facilitating mobility to and from Nairobi. While the separation of families for security and welfare is common in Somali culture, this practice is even more necessary for survival when displacement is driven by violence. Money received from relatives living abroad assists refugees in their movements between Somalia, refugee camps and urban areas.¹⁵⁷ These are but a few ways in which the Somali Diaspora assists their family and friends who have sought refuge in Eastleigh.

The extensive Somali Diaspora as well as the lack of a government regulatory body in Somalia has given Somalis an advantage in trade. Under these conditions, Somalis are able to import a wide range of goods from places like Dubai into Somali without any duty. Once in Somalia, they are easily brought into Kenya due to an expansive border that is difficult to monitor. In some instances, goods from places like Dubai can be ordered and shipped directly to Kenya through shipping companies based in Eastleigh. Due to the high level of trust, as business may be founded on family or clan networks, entire transactions are processed by a simple call. Further facilitating the trade is the informal banking system known as *hawala* or *hawilaad*, which allows the transfer of cash in any currency throughout the world almost instantly.¹⁵⁸ These advantages have not only allowed the Somali refugees in Nairobi to set up businesses to sustain themselves but they have also worked to establish Eastleigh as a major economic center competing with traditional retailers.

¹⁵⁶ Anna Lindley, "Protracted Displacement and Remittances: the View from Eastleigh, Nairobi," *The UNHCR Policy Development and Evaluation Service*, Research Paper No. 143, August 2007 p 13.

¹⁵⁷ *Ibid*, p 10.

¹⁵⁸ Elizabeth H. Campbell, "Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival, and Possibilities for Integration," *Journal of Refugee Studies*, Vol 19, No 3 pp 406-7.

Mohammed Siad notes that for a refugee, economic opportunities are somewhat limited because they are unable to own property and it is difficult to open an account. However, there are ways and means by which Somali refugees in Nairobi have managed to conduct their business. These Somali refugees will approach a Kenyan friend, most likely a Somali, who will buy the desired property on behalf of the Somali refugee. The trust is based on the fact that this Kenyan Somali is Muslim. The Kenyan Somali will buy the property, perhaps undertake in the activities necessary to erect a building on the property as well, and for his trouble, he will likely get between one and two million shillings. In the instance where they may be a legal problem or a need to appear before government authorities, it is the Kenyan citizen who will be the face of the venture. Such ventures require a high level of trust. This does not appear to be a great hurdle because the common sentiment is that it is difficult for a liar or a thief to survive in Somali society because everyone will be made aware of the person and they cannot conduct business or access support. Having a Kenyan Somali who can advocate on behalf of a Somali refugee is a major asset. In many ways, Kenyan Somalis play the role of intermediary between the Kenyan government position and the position of Somali refugees hoping to integrate.¹⁵⁹ Mohammed Haji, as a Kenyan Somali, recognizes that there are many partnerships between them and Somali refugees in Kenya. This partnership is based on the reality as that as foreigner, Somali refugees cannot own land or properties. With this in mind, their Kenyan counterparts facilitate their business investments through such partnerships.¹⁶⁰ Aw-Ali, a Somali refugee, recognizes and expresses gratitude to the Somali Kenyans who played such an important role in the settlement of Somali refugees.

¹⁵⁹ Oral Interview, Mohammed Siad, Eastleigh, Nairobi, 8th March, 2010.

¹⁶⁰ Oral Interview, Mohammed Haji, Eastleigh, Nairobi, 10th March, 2010.

He remembers that Kenyan Somalis welcomed them as brothers and sisters and provided guidance, help and partnership to Somali refugees.¹⁶¹ The existence of Somalis of Kenyan nationality has assisted Somali refugees greatly in being able to navigate the Kenyan landscape in general. Kenyan Somalis have availed the rights they can access due to their citizenship to their fellow Somalis who fled into Kenya. This has facilitated the prosperity of a number of Somali refugees.

For healthcare, a number of Somali refugees go to private hospitals that are Somali owned and operated. Some of those who ended up as refugees in Nairobi were health care professionals in Somalia and so they just opened up their own practices in Kenya. Due to this, Somali refugees do not always interact with Kenyan hospitals.¹⁶² With the absence of a dedicated security apparatus seeing to the security of the Somalis' property and lives, the Somali community in Eastleigh has established an internal security system that provides protection. This system is so efficient that Somali merchants are rarely the victims of robbery.¹⁶³ The establishment of parallel institutions that provide essential services to refugees, often times by refugees, has been another way in which refugees have coped with the deplorable public services offered in Eastleigh.

The use of private facilities and service providers is not a preserve for all Somali refugees in Eastleigh. Quite a number of urban refugees rely on the assistance of NGOs and Community Based Organizations in meeting their basic needs. There are a wide range of NGOs and civil society organizations that provide protection and assistance to refugees in the sectors of education, social and psychological assistance, livelihoods, community development, health, and legal assistance. These organizations include but

¹⁶¹ Oral Interview, Aw-Ali, Eastleigh, Nairobi, 11th March, 2010.

¹⁶² Oral Interview, Fatuma Ahmed, Eastleigh, Nairobi, 8th March, 2010

¹⁶³ Paul Goldsmith, "Eastleigh Goes Global," *East Africa Standard*, August 19, 2008.

are not limited to: UNHCR, CARE International, International Rescue Committee (IRC), Danish Refugee Council, Film Aid International, Jesuit Refugee Services (JRS), Kenya Community Paralegal Association, Kenya Magistrates and Judges Association, Kenyan Red Cross Society (KRCS), National Council of Churches of Kenya, Norwegian Refugee Council, International Committee of the Red Cross (ICRC), Faraja Society, Nairobi Archdiocese Refugee Assistance Programme (NARAP), Windle Trust Kenya (WTK), Gemeinschaft für Technologische Zusammenarbeit (GTZ), Kituo Cha Sheria, the Refugee Consortium of Kenya (RCK), the Federation of Women Lawyers of Kenya, and the CRADLE to name a few.¹⁶⁴ In the effort to prevent human rights violations against urban refugees, UNCHR renewed its guidelines and updated its priorities in 2009 to include urban refugees. Prior to this, the refugees of interest to UNHCR were those that abided by the encampment policy or where outside of the camp within the guided perimeters. Efforts by UNHCR and its partners recognize that urban refugees ought to receive better protection and assistance.¹⁶⁵ This new orientation on refugee matters is inspired by the principle that urban areas, like any other part of the country in which a refugee is seeking protection, are indeed a legitimate place in which refugees can enjoy their rights.¹⁶⁶ UNHCR has undertaken various efforts to expand the opportunities for urban refugees in Kenya. Amongst the many efforts is an initiative started about four years ago to negotiate with banks on the acceptance of UNHCR documents as sufficient for a refugee to open a bank account. For those with a legal presence in Nairobi, they are now able to open bank accounts. UNHCR has also started microfinance opportunities in

¹⁶⁴ Cindy Horst, *Transnational Nomads. How Somalis Cope with Refugee Life in the Dadaab Camps of Kenya*, New York: Berghahn Books, 2006, p 80.

¹⁶⁵ UNCHR, *Policy and Refugee Protection and Solutions in Urban Areas*, September 2009, p 2.

¹⁶⁶ *Ibid*, p 3.

which business can get an injection of up to 3000 dollars to expand businesses that demonstrate sustainability through significant Kenyan engagement. Generally, UNHCR also facilitates the issuance of licenses from City Council Municipalities for refugees to be able to sell good at markets.¹⁶⁷ While these activities have improved the lives of some Somali refugees, the requirement that a Somali refugee be legally in Nairobi leaves out many who may need the assistance provided.

The question of legal presence in Nairobi for a Somali may be on one hand proven by UNHCR issued documentation. On the other hand, Somali refugees have used irregular means to obtain Kenyan identification documents. These bought Kenyan documents have bought their legal status. There are three ways in which a Somali refugee can get Kenyan documentation as proof of citizenship. One option, particularly for those who are less than 24 years of age, is to go to Garissa, Wajir or Mandera and bribe the local chief there who will provide support to your claims of being a Kenya. A second option is to approach a Kenyan Somali who will provide his ID to a Somali refugee and support the claim that the Kenyan Somali is the father of the refugee. Having proven that the refugee's father is Kenya, they can get their own Kenyan ID card. The third way, for those who are over the age of 30, is to go to the Northeastern Province and claim that they are returnees from the Shifta War. The Somali refugees can make the claim that they had crossed over into Somalia during the Shifta War and now they have returned to their country. Those who attempt to make this claim may only success if they are from the DOGMA Somali groups; that is the Guree, Ogaden, Murele, Degodia and Ajuran (DOGMA).¹⁶⁸ Aw-Ali lived in Nairobi for two years before his got his Kenyan ID card.

¹⁶⁷ Oral Interview, James Karanja, Westlands, Nairobi, 12th March, 2010.

¹⁶⁸ Oral Interview, Abdi Abdi, Eastleigh, Nairobi, 8th March, 2010.

He reveals that even with the illegally acquired Kenyan ID cards, there are two types. The first type of Kenyan ID that Somali refugees can get is one that is given without going into the registry record; that kind of ID costs about 10,000 shillings. The second type is one is genuine with all the full records included in the registry that costs about 40,000 shillings. For Aw-Ali to get his Kenyan ID Card, he claimed that he was a returnee from the Shifa War and had come back to Kenya after many years in Somalia. Furthermore, with his position as an Imam, senior politicians stepped in to assist him.¹⁶⁹ To get a Kenyan birth certificate, it is an additional 20,000 shillings. It is often easier for children to get these documents than adults. In some instances, the children of Somali refugees are born here so they already have a Kenyan birth certificate. With that, they are able to access the other documents as needed. A business license usually costs 10,000 shillings, but if a Somali refugee pays about 50,000 shillings and the registrars will even prepare it with the right names on it.¹⁷⁰ Even with these IDs, Aw-Ali notes that Somalis are still vulnerable to police harassment. He eloquently states, “Even if you have an ID card, being Somali is criminal.”¹⁷¹

While Somali refugees with money are able to bribe the necessary government authorities in order to access state services, poorer refugees are left exceedingly vulnerable to abuse. Rich ‘illegal immigrants’ work the corrupt system to build their wealth; for poor ‘illegal immigrants’, the corrupt system eats away at their limited resources.¹⁷² The practice of bribery does eat away at the conscience of some Somali

¹⁶⁹ Oral Interview, Aw-Ali, Eastleigh, Nairobi, 11th March, 2010.

¹⁷⁰ Oral Interview, Fatuma Ahmed, Eastleigh, Nairobi, 8th March, 2010

¹⁷¹ Oral Interview, Aw-Ali, Eastleigh, Nairobi, 11th March, 2010.

¹⁷² Elizabeth H. Campbell, “Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival, and Possibilities for Integration,” *Journal of Refugee Studies*, Vol 19, No 3 pp 405.

refugees who feel forced to use it to survive or succeed. Fatuma Ahmed commented on the current practice of bribery saying:

We have a moral issue because now we can access everything by buying it. It would feel better do it legally. The ones who don't have money can't live the way we do. The poor ones, the ones who can't afford to buy a life in Nairobi, go back to the camps and get help from UNHCR and others there. There are others who decide to stay and they dominate the lower strata of Nairobi taking on occupations like hawking, being a house help, being waiters and jobs like those. It would be good if we just did things the right way.¹⁷³

As such, bribery and some of the other coping strategies are not only limited in their utility but also in the number of Somali refugees in Eastleigh who can access them.

4.2 IMPACT OF SOMALI REFUGEES ON NAIROBI

While the Kenyan government preferred refugees to remain within the camps, it is the refugee population that is not in the camps that has exerted the most complicated impact on the country.¹⁷⁴ The influx of Somali refugees in Eastleigh also had a significant impact on the property and housing market. Due to the increase in demand for accommodation, landlords were able to raise their rents, in some cases by 500% or more, with the assurance that the Somali refugees would pay. This had the net effect of pushing out many Kenyan tenants to other areas of Eastlands and Nairobi. The high cost of housing also left the Somali refugees in over-crowded conditions.¹⁷⁵ Mohammed Haji notes the impact of the Somali refugees on the land and housing market in Eastleigh. He notes that in the early 1990s, a plot of land in Eastleigh went for about 4 million shillings;

¹⁷³ Oral Interview, Fatuma Ahmed, Eastleigh, Nairobi, 8th March, 2010.

¹⁷⁴ Paul Goldsmith, "The Somali Impact of Kenya, 1990-1993: The view from outside the camps," *Mending Rips in the Sky: Options for Somali Communities in the 21st Century*, Lawrence, New Jersey: The Red Sea Press, 2005, p 469.

¹⁷⁵ Anna Lindley, "Protracted Displacement and Remittances: the View from Eastleigh, Nairobi." *The UNHCR Policy Development and Evaluation Service*, Research Paper No. 143, August 2007 pp 4.

however, today that same plot can cost between 30-40 million shillings. The investments brought in by Somali refugees have in part contributed to the rise in the value of property in the area. As it is Kenyans who own these properties, and typically lease them for 25-year periods, they are the ones reaping much of the benefit of this rise in value. We Kenyans are benefitting as we rent to refugees, we sell to them, and we provide them with services for which they pay.¹⁷⁶

With the influx of Somali refugees into Eastleigh, also came the influx of capital that was put into commercial development; particularly the rise and growth of shopping malls. This was more acutely felt in the Section II area of Eastleigh where the famous Garissa Lodge and the Amal Plaza are located. While these infrastructure projects certainly changed the face of Eastleigh, they quickly outpaced the supporting public infrastructure. Eventually, Eastleigh was as well known for its affordable commercial services as much as for its dilapidated roads, bursting sewers and overflowing rubbish.¹⁷⁷ Due to investments in infrastructure, Eastleigh now feels like a town onto itself. It is viewed as an attractive place for people who come from Congo, Tanzania, Uganda and other places to do business.¹⁷⁸ Within Eastleigh, consumers could find import and export businesses, rail outlets, chemists, real estate development companies, hotels, lodges, *miraa* outlets, cafés, restaurants, long-distance transport companies, taxis, public transportation companies, money exchange services, communication bureaus, international money transfer services and a wide range of other ventures. The commercial

¹⁷⁶ Oral Interview, Mohammed Haji, Eastleigh, Nairobi, 10th March, 2010.

¹⁷⁷ Anna Lindley, "Protracted Displacement and Remittances: the View from Eastleigh, Nairobi," *The UNHCR Policy Development and Evaluation Service*, Research Paper No. 143, August 2007 pp 4.

¹⁷⁸ Oral Interview, Fatuma Ahmed, Eastleigh, Nairobi, 8th March, 2010.

aspect of Eastleigh not only serves the millions of Kenyans in Nairobi, but also customers from East and Central Africa.¹⁷⁹

The influx of Somali refugees into Eastleigh brought in much needed capital and foreign investment into Kenya during a period of economic downturn. While the indigenous business class in Eastleigh was the first beneficiary, eventually all of Kenya benefitted by the commercial activity that emerged. This commercial activity played a significant role in breaking the “Asian stranglehold on retail commerce by offering a wide range of goods at lower prices.”¹⁸⁰ The emergence of Eastleigh as a commercial center pushed out many Asian retailers that had to that point controlled the market. The physical manifestation of the transformation saw guest lodges in Eastleigh become shopping malls in which one could purchase almost anything. In Kenya, trade liberalization coincided with the influx of Somali refugees. Within this period, the government of Kenya was undertaking deregulation and privatization that opened up opportunities for both big and informal businesses. With measures such as the ability to import used clothes, shopping malls such as Garissa Lodge provided livelihood opportunities to newly arrived Somali refugees.¹⁸¹ Other than individual shoppers, retailers who may have shops in the Central Business District (CBD) often purchase their merchandise in Eastleigh.¹⁸²

In estimating the impact of Somalis in Nairobi, Mohammed Siad begins by noting that Eastleigh is the leader in tax payment within Nairobi. The investments that Somalis

¹⁷⁹ Anna Lindley, “Protracted Displacement and Remittances: the View from Eastleigh, Nairobi,” *The UNHCR Policy Development and Evaluation Service*, Research Paper No. 143, August 2007 pp 4.

¹⁸⁰ Paul Goldsmith, “Eastleigh Goes Global,” *East Africa Standard*, August 19, 2008.

¹⁸¹ Elizabeth H. Campbell, “Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival, and Possibilities for Integration,” *Journal of Refugee Studies*, Vol 19, No 3 pp 402-3

¹⁸² *Ibid.*, p 404.

have made in Nairobi contribute to the national revenue. In terms of employment, he notes that in some of these businesses, those that have gained employment within them are Kenyan citizens. For Eastleigh, the investments in infrastructure by Somalis have transformed the area into a town with many modern buildings.¹⁸³ Fatuma Ahmed, an urban Somali refugee, currently owns a shop in Eastleigh where she sells food items. Her business has three employees who are all Kenyan.¹⁸⁴ Mohammed Haji notes that the business expansion in Eastleigh has not only benefited Somali Kenyans, but other Kenyan communities as well. He notes that any visit to Eastleigh, particularly at night, would show many Kenyan women and men having set up stands along the road where they sell things like roasted peanuts, milk, tea and other products. These vendors are aware that the people who eat miraa, which Somalis do, also eat roasted peanuts and the other products sold. These vendors are able to have a viable livelihood from their sales. Somali presence has also benefited other places other than Nairobi. The sale of Miraa has boosted the economy of Meru. Miraa is sold in Eastleigh and even transported to Europe to places like London and Netherlands where there are Somalis.¹⁸⁵

Hawalas, financial institutions commonly used by the Somali Diaspora to remit money in support of the Somalis in Kenya, have grown in leaps and bounds in Eastleigh.¹⁸⁶

The influx of capital in Eastleigh has attracted banks and other financial institutions from the Central Business District of Nairobi. Currently, he estimates that there are about 10

¹⁸³ Oral Interview, Mohammed Siad, Eastleigh, Nairobi, 8th March, 2010.

¹⁸⁴ Oral Interview, Fatuma Ahmed, Eastleigh, Nairobi, 8th March, 2010

¹⁸⁵ Oral Interview, Mohammed Haji, Eastleigh, Nairobi, 10th March, 2010.

¹⁸⁶ Oral Interview, Mohammed Haji, Eastleigh, Nairobi, 10th March, 2010.

banks in Eastleigh that are targeting the Somali community. The hum of economic activity in Eastleigh is so loud that it has attracted business from all over East Africa.¹⁸⁷

The arrival of hundreds of thousands of Somali refugees appears to have affected the relations between Somalis from Somalia and those from Kenya. Somali Kenyans proved to be an invaluable source of support for refugees coming to Nairobi. This experience appears to have strengthened the solidarity between the two on the basis of being Somali and being Muslim in Kenya.¹⁸⁸ The physical distinction between Somalis and most other Kenyan communities, their lighter skin and finer hair, make them easily identifiable to police seeking to receive bribes. Somalis with Kenyan citizenship, physically indistinguishable from their counterparts with Somali citizenship, are likely to receive similar treatment.¹⁸⁹ This shared experience of victimization, as well as opportunities for partnership, have increased the solidarity among the larger Somali community in Kenya

Unfortunately, Eastleigh has over time also become associated with crime, and perhaps even more so, extortion. With the ambiguity of the legal status of refugees outside of camps, exacerbated by the large numbers of unregistered refugees, police harassment in Eastleigh is rife. Threats of arrest often means bribes for police and other government authorities. These same vulnerabilities, relating to an ambiguous legal status in Nairobi, are also exploited by criminal elements in the area.¹⁹⁰ Periodic raids into Eastleigh are often based on allegations of illegal activity occurring in the area. These

¹⁸⁷ Oral Interview, Ahmed Abdi, Eastleigh, Nairobi, 10th March, 2010.

¹⁸⁸ Anna Lindley, "Protracted Displacement and Remittances: the View from Eastleigh, Nairobi," *The UNHCR Policy Development and Evaluation Service*, Research Paper No. 143, August 2007 p 5.

¹⁸⁹ "The Plight of Ethnic Somalis in Kenya," *The Globe and Mail*, August 13, 2009.

¹⁹⁰ Anna Lindley, "Protracted Displacement and Remittances: the View from Eastleigh, Nairobi," *The UNHCR Policy Development and Evaluation Service*, Research Paper No. 143, August 2007 p 4.

illegal activities include but are not limited to gun running, money laundering, and human trafficking just to name a few. Despite these negative impacts, it would appear that the Somali refugee community in Eastleigh has had more of a positive impact on the development of the area and perhaps the region especially in regard to trade liberalization.

4.3 REFUGEE INTEGRATION IN KENYA

Integration, as a durable solution for refugees, can occur on a legal, economic and social dimension. Legal integration refers to the ability of the refugee to enjoy the same rights as a citizen; generally, this requires some level of naturalization. Economic integration is the situation in which refugees having established sustainable livelihoods are no longer reliant on aid and are able to enjoy a standard of living similar to the local population. Social integration is a situation in which refugees develop such close ties within a host nation that they are increasingly viewed as an extricable part of society.¹⁹¹

The UNHCR definition of integration is, “a shift in lifestyle from the state of transitional migration to gain a sense of permanence in the state of asylum or host nation.” This definition is more in line with social integration. Social integration is a matter of choice as there are people who have resided in a country for over 30 years but still do not feel a part of, or participate, in that society. In other instances, a person can move into a new country and within a year, one can see they have joined the community fully.¹⁹²

James Karanja, a Community Services Officer at the UNHCR Nairobi office, noted that Kenya has been a host for refugees for many years. In his recollection, there

¹⁹¹ Elizabeth H. Campbell, “Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival, and Possibilities for Integration,” *Journal of Refugee Studies*, Vol 19, No 3 pp 408-9.

¹⁹² Oral Interview, James Karanja, Westlands, Nairobi, 12th March, 2010.

are Rwandese refugees who came into Kenya as early as 1959 and settled in Kisii, Dandora, Kibera and other places in the country. There are also Nubians who came into Kenya as carriers for the British Corps but were unable to return. As a result, there are refugees who have been in Kenya for as long as 60 years. He highlights the critical fact that the duration of stay in Kenya is not a way of gaining citizenship. In fact, the procession of naturalization in Kenya has long been negative toward Kenyan citizens and their children as citizenship was only derived from a Kenyan father disadvantaging Kenyan women who had children with foreigners. The difficulty in naturalization has produced "stateless Kenyans" who are born in the country but are not recognized as citizens of Kenya or any other state.¹⁹³

By 1988, there were about 12,000 refugees in Kenya; a majority of who were urban Ugandan refugees. Due to their rather small numbers, they were afforded great liberties: they could move around the country freely, get work permits, and begin the naturalization process. However, due to the political upheavals in neighboring countries such as Ethiopia, Sudan and Somalia, the number of refugee in Kenya had grown to 120,000 by 1991. By 1992, following the collapse of the Somali government, the number of refugees in Kenya went up to 400,000. The massive influx of refugees overwhelmed the capacities of the Kenyan government to the point that it withdrew from all refugee affairs. In terms of integration of refugees, Kenya was particularly hospitable in years before 1991. However, after the mass influx of refugees, there appeared to be a post-1991 stance on integration in Kenya that sought to clearly distinguish citizens from refugees and accord them differing rights. In a way, one can talk of refugees arriving before 1991 being able to access all the rights guaranteed to them in the conventions to which Kenya

¹⁹³ Oral Interview, James Karanja, Westlands, Nairobi, 12th March, 2010.

is a ratified member. Those who arrived after 1991 are referred to as UNHCR mandate refugees. These UNHCR mandate refugees were required to reside in camps; they had no work permits and could not legally integrate into Kenya.¹⁹⁴

James Karanja, a UNHCR officer, explains that there is really no legal limit on how long a person can be a refugee in Kenya. Generally, the rule in Kenya is that after being a refugee for ten years, that refugee is called a long-stayer and become eligible for seeking durable solutions such as resettlement into countries such as Norway, Canada, Australia and the USA. Generally, Somali refugees who came into Kenya before 1991 are higher on that list. While the reality is that Somalis is not getting better any time soon, Kenya is not opening up any space for them to get citizenship.¹⁹⁵

For Somali refugees, there are a number of potential benefits to attaining Kenyan citizenship. These include but are not limited to: economic opportunities, security without cultural clashes, state protection rather than harassment, political participation and access to opportunities for future generations. Hussein Abdi notes that the attainment of Kenyan citizenship would expand his economic opportunities significantly, because with a Kenyan passport, he would find it easier to travel abroad to places like India and China to find suppliers for a business. For him, the Kenyan citizenship for a Somali is the passport to becoming a millionaire once you have a business and Kenyan ID.¹⁹⁶ Many Somalis that have lived and worked in the developed world for years have chosen to return to Kenya to invest. They have brought with them the necessary capital as well as the knowledge and skills to establish profitable ventures. Most of the investors of Somali

¹⁹⁴ Elizabeth H. Campbell, "Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival, and Possibilities for Integration," *Journal of Refugee Studies*, Vol 19, No 3 p 387.

¹⁹⁵ Oral Interview, James Karanja, Westlands, Nairobi, 12th March, 2010.

¹⁹⁶ Oral Interview, Hussein Abdi, Central Business District, Nairobi, 7th March, 2010.

origin build their enterprises out of Eastleigh. Investors find Kenya's conditions favorable to business. These conditions include: the high quality of education, the large numbers of qualified employees, good living standards, and high tolerance for foreigners. These positive qualities are tempered by the decaying or non-existent public physical infrastructure that would facilitate business. Nonetheless, Somalis have made significant investments that will continue to contribute to Kenya's economy for years to come.¹⁹⁷ Somali refugees would like citizenship rights to Kenya so they can invest in the country and participate in the Kenyan economy.¹⁹⁸

Mr. Hassan Gulied, the Chairman of the Eastleigh District Business Association in 2008, illuminated the special place of Kenya for Somalis saying, "Kenya is the only place that connects Somalis. They come from all over the world to meet here. Unlike other countries, there is no cultural clash, they feel secure here. Consequently, rather than have money sitting in a savings account in their host countries, they invest here [Kenya]."¹⁹⁹ One can describe Nairobi as an important hub of the Somali diaspora - a place in which Somalis exchange information, conduct trade, and reconnect with family networks. For those with a secure status or business interests in Kenya, they have made a conscious decision to settle. For others though, it can be a transitory place where they wait for something to happen in their lives.²⁰⁰

Fatuma Ahmed hopes that the attainment of Kenyan citizenship would decrease the levels of police harassment and present the opportunity to participate politically. This would give her the opportunity to vote in a candidate who reflected her vision for her

¹⁹⁷ Jamal Osman, "Why Kenya is an Attractive Investment Spot for Somalia," *The Nation*, July 27, 2008.

¹⁹⁸ Oral Interview, Mohammed Siad, Eastleigh, Nairobi, 8th March, 2010.

¹⁹⁹ Jamal Osman, "Why Kenya is an Attractive Investment Spot for Somalia," *The Nation*, July 27, 2008.

²⁰⁰ Anna Lindley, "Protracted Displacement and Remittances: the View from Eastleigh, Nairobi," *The UNHCR Policy Development and Evaluation Service*, Research Paper No. 143, August 2007 pp 14.

area. Perhaps more than anything else, attaining Kenyan citizenship would assure that her children complete their education and find employment in the place they now consider home.²⁰¹ For Aw-Ali, a religious preacher, being able to integrate into Kenya through the legal nationalization would be good not only for his ability to own property but also for his moral standing as well for he would not have to engage in bribery to access public services.²⁰² For others, getting citizenship would take away the psychological burden of being within the tenuous status of refugee. As one refugee remarked, “Sometimes we don’t feel like human beings. We aren’t dead but we’re not living either. We’re suspended in the air.”²⁰³ For those who have been forced to flee, finding a place to call home cannot be understated.

Mohammed Siad is in support of the integration of Somali urban refugees into Kenyan society. For him, the precedent is set by European countries whose stipulation is that if an immigrant stays peacefully in the country for a specific amount of time then they are eligible for naturalization. For him, such a step would also acknowledge the existing reality in which through the bribery of Kenyan authorities, Somali urban refugees are already being provided with the appropriate documentation of a Kenyan citizen.²⁰⁴ Ahmed Abdi notes the irony experienced by urban Somali refugees on the Kenyan government’s stance on their integration saying:

We [read Somali refugees] are surprised by people who go out of the country and when they come back to Kenya after getting their western identification documents, they enjoy all the privileges of being Western in Kenya. We have been here for many years but we are still hiding. We cannot own property; we cannot open an account. To conduct business in

²⁰¹ Oral Interview, Fatuma Ahmed, Eastleigh, Nairobi, 8th March, 2010.

²⁰² Oral Interview, Aw-Ali, Eastleigh, Nairobi, 11th March, 2010.

²⁰³ Marc Lacey, “Where Refugees Cover at the Latest London Bulletin,” *The New York Times*, August 1, 2005.

²⁰⁴ Oral Interview, Mohammed Siad, Eastleigh, Nairobi, 8th March, 2010.

Nairobi, I use the name of my wife. She has an account and I use that account. We are surprised because we have been here for 15 almost 20 years and this is our second home. The Kenyan government has refused to give us papers. But others go to Western countries and after 2 years they come back to Kenya as Western nationals and become legal residents here.²⁰⁵

As Elizabeth Campbell rightly notes, while the war in Somalia was responsible for the disbursement of a million Somalis all over the world, it is not clear that a peace settlement in Somalia will compel all of them to return. For some, like the Somalis refugees in Eastleigh, their host countries have been their home for almost two decades; it has been where they have made substantial investments. Even if peace were to return to Somalia, would they abandon the lives they have established in their new homes?²⁰⁶

Susan Banki offers five factors that a state considers in its determination to integrate refugees namely: political factors whose implications are felt nationally or in inter-state relations; security factors in which the priority is to protect its citizens for potential danger; legal factors refer to situations in which legal status is accorded to refugees; economic factors related to the participation of the refugees in the market; and finally social factors related to the solidarity with the host community on matters related to ethnicity, religion, language or shared history. In addition to these five, she also notes that geographic proximity to the country of origin for the refugees; amount of time spent in the host country and the relative size of the refugee population as well as the rate of arrival, may impact the extent of integration possible.²⁰⁷ The government has at one point or another expressed these considerations as a concern in integrating Somali refugees.

²⁰⁵ Oral Interview, Ahmed Abdi, Eastleigh, Nairobi, 10th March, 2010.

²⁰⁶ Elizabeth H. Campbell, "Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival, and Possibilities for Integration," *Journal of Refugee Studies*, Vol 19, No 3 pp 407.

²⁰⁷ Susan Banki, "Refugee Integration in the Intermediate Term: A Study of Nepal, Pakistan, and Kenya," *UNHCR Evaluation and Policy Analysis Unit*, Working Paper No. 108, October 2004 pp 4-5.

Somali refugees are also aware of these concerns. Fatuma Ahmed noted that one of the reasons that the Kenyan government does not give citizenship to Somali refugees is because the Kenyan government would not want a sizeable number of Somalis to become a formidable voting bloc that would be able to have political influence. The Kenyan government also has economic concerns because Somalis appear to have some undue advantage in their competition with Kenyan businesses.²⁰⁸

Mohammed Haji notes that the Kenyan government has a number of concerns regarding Somali refugees that include but are not limited to the spread of small arms, the support of criminal activities, the environmental degradation around the refugee camps, and the presence of radical elements that may destabilize the country. He notes that these issues were not prominent when there was only a trickle of Somalis coming into Kenya in the 1980s; however, when the large influx came with the collapse of the Somali government, the security concerns became more prominent.²⁰⁹ Marc Lacey, a journalist, quoted the then Immigration Minister, Linah Chebii Kilimo saying, “There are so many illegal immigrants in this country and they are endangering the safety of our country. Some of these people are involved in illegal activities such as thuggery, prostitution, carjackings and all sorts of wrongdoing.”²¹⁰

According to Katumanga, the circulation of guns in Nairobi saw an increase since the 1980s with the war in Uganda. This increased as Somalia became increasingly militarized and broke into civil war. The entrance of guns from Somalia was facilitated by the existence of Somalis in both Kenya’s Northeastern Province that borders Somalia,

²⁰⁸ Oral Interview, Fatuma Ahmed, Eastleigh, Nairobi, 8th March, 2010.

²⁰⁹ Oral Interview, Mohammed Haji, Eastleigh, Nairobi, 10th March, 2010.

²¹⁰ Marc Lacey, “Where Refugees Cover at the Latest London Bulletin,” *The New York Times*, August 1, 2005.

as well as the Somalis who reside within Nairobi. In Nairobi, the guns made their way to the Eastleigh market area where one can purchase almost anything legal or illicit at cut-rate prices.²¹¹ The 1998 bombing of the United States of America Embassy in Nairobi stroked fears amongst Kenyans and authorities that some extremist elements coming from Somalia may be operating within the country. This led to Somalis within Kenya being viewed with suspicion.²¹²

Ahmed addresses the claim by the Ministry of Internal Security and other Kenyans that Somalis are responsible for the proliferation of small arms in Kenya. He notes that the response to this concern by closing the border between Kenya and Somalia often negatively affects refugees and others fleeing the conflict. For Ahmed, this allegation against Somalis is highly exaggerated as refugees are not likely the conduit for small arms into the country. Rather, it is arms dealers, who are not Somali, or refugees at all, who are engaged in this business that has been thriving even before the arrival of Somali refugees into Kenya. Ahmed exclaims, “The Kenyan government says that Somalis are doing money laundering; they have weapons; they have money from pirates; and they don’t pay taxes. They blame everything bad on Somalis. That is unfair and unjust.”²¹³ For Fatuma Ahmed, it is a reality that there are guns in Eastleigh; but contrary to allegations, these guns are legally obtained and sanctioned by government officials as necessary to protect the business interests of the Somalis in Eastleigh. Fatuma Ahmed reported that in the Post Election Violence (PEV) of 2007, there were some groups associated with Mungiki that came into Eastleigh with the intention of robbing the

²¹¹ Musambayi Katumanga and Lionel Cliffe, “Nairobi – A City Besieged: The Impact of Armed Violence on Poverty and Development,” *Center for International Cooperation and Security*, University of Bradford, March 2005, pp 9-10.

²¹² “The Plight of Ethnic Somalis in Kenya,” *The Globe and Mail*, August 13, 2009.

²¹³ Oral Interview, Ahmed Abdi, Eastleigh, Nairobi, 10th March, 2010.

Somali businesses. While she was in Kisumu, her neighbors told her that when these criminal elements realized that people in Eastleigh have guns to protect themselves, they ran away.²¹⁴

There are also social concerns associated with Somali refugee integration. While there are instances in which Somalis and Kenyan nationals have co-existed well, there has also been some social tension and cases of xenophobia. Mr. Fred Kapondi, speaking as Chairman of the Parliamentary Committee on National Security, said that refugees posed a security threat to Kenya and ought to be kept out. In response to this position, Kameme FM, a Kikuyu-language radio station, hosted a discussion inviting callers to weigh in on their position regarding the ability of refugees to seek asylum in Kenya. Opinions were varied. Some were of the opinion that refugees should not be permitted in Kenya stating reasons such as: the Somalis having taken over Nairobi and Eastleigh; the Kenyan economy not strong enough to absorb refugees; that they may bring in extremist or militant ideologies; that war criminals that ought to be prosecuted are escaping into Kenya; and that their presence may draw Kenya into conflict. Some stated that they not only ought to be refused from entering Kenya, but those that are in Kenya ought to be returned to Somali and the other countries from which refugees originate. Some of the callers thought that refugees should be allowed into Kenya stating the following reasons: those who face trouble should be assisted; obligations under universal human rights; obligations due to religion; and the sense of potential reciprocity should Kenya face similar challenges. Even those who were in favor of refugees entering Kenya expressed concerns over the proliferation of arms or the ownership of national assets such as land by foreigners. To meet these challenges, the callers saw it necessary to carry out

²¹⁴ Oral Interview, Fatuma Ahmed, Eastleigh, Nairobi, 8th March, 2010.

screening and to limit the refugees to refugee camps away from urban areas.²¹⁵ The Government of Kenya (GoK), as some Kenyan people, believes that refugees are a drain on urban resources and services. This has been one justification for the encampment policy.²¹⁶ As such, any consideration of integration would have to address these different positions on if and where Somalis can fit within Kenya's social fabric.

In Kenya, the extent of integration is closely related with the residence of the refugee. Those within refugee camps are largely unable to integrate. Those outside of camps, albeit illegally, have managed to achieve a certain level of integration into Kenya.²¹⁷ Amongst the Somali urban refugees, social factors have been key in their integration into Kenya. They share a common language, culture, religion and history with Kenyans who live in the Northeastern Province that borders Somalia. For Somali refugees able to tap into their social network of friends or relatives living in urban areas, they are better positioned to leave the camps and establish livelihoods in places like Nairobi.²¹⁸ Within Kenya, it is those refugees who have taken the risk of operating outside the legal status of refugee that requires encampment that have made the greatest strides in terms of integration.²¹⁹

Considering the size and contribution of the refugee economy in Nairobi, is it unlikely that any GoK action would be so self-defeating as to destroy a vital source of

²¹⁵ "Kenya Radio Callers Divided on Measures to be Taken Concerning Somali Refugees," *BBC Monitoring Africa*, June 29, 2009.

²¹⁶ Elizabeth H. Campbell, "Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival, and Possibilities for Integration," *Journal of Refugee Studies*, Vol 19, No 3 pp 386.

²¹⁷ Susan Banki, "Refugee Integration in the Intermediate Term: A Study of Nepal, Pakistan, and Kenya," *UNHCR Evaluation and Policy Analysis Unit*, Working Paper No. 108, October 2004 p 12.

²¹⁸ *Ibid*, p 13.

²¹⁹ *Ibid*, p 16.

livelihood for many Kenyans.²²⁰ Nonetheless, even advocates of local integration for refugees within a protracted exile lasting well-over a decade recognize that the human security concerns of the host population as well as the interests of the host state must be addressed.²²¹ For Aw-Ali, he understands why the Kenyan government would not give citizenship to Somali refugees and supports their decision fully. From his vantage point, the Kenyan population is already growing rapidly and such an action would put additional strain on limited land and resources. Thus, such an action by the Kenyan government would not be in the best interests for the Kenyan people. It is within the right for the Kenyan government to control strictly and to limit the people who are able to get Kenyan citizenship. In Aw-Ali's opinion, if the Kenyan government were to allow urban Somali refugees to become citizens, what would it do in regard to the refugees from Uganda, Rwanda, Burundi, Ethiopia, DRC and the other places? During the time he has been in Kenya, he has seen the strain on existing resources as Kenyan citizens are displaced from their homes in the Rift Valley Province. If evidence points to trouble over land amongst Kenyans, these issues would only worsen in Kenya took in all the Somali refugees.²²²

In some ways, the Government of Kenya benefits from the ambiguous legal status as refugees as they are able to retain a recognizable and identifiable scapegoat to sacrifice periodically in atonement for the inability to deliver fully to its people's security or

²²⁰ Elizabeth H. Campbell, "Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival, and Possibilities for Integration," *Journal of Refugee Studies*, Vol 19, No 3 pp 408.

²²¹ *Ibid*, p 409.

²²² Oral Interview, Aw-Ali, Eastleigh, Nairobi, 11th March, 2010.

economic prosperity.²²³ With this in mind, legal integration in Kenya is at best, a mirage!

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4.4 CONCLUSION

Somali refugees, particularly those in urban areas, have over the past 19 years been able to socially and economically integrate into Kenyan society. However, legal integration has been elusive. For many years, Somali refugees have been the convenient national scapegoat for a number of social ills.²²⁵ The memory of rebel activities, the current state of Somalia, and the growing threat of terrorism further exacerbate security concerns over integrating Somalis into Kenya. As Elizabeth H. Campbell clearly explains, “Despite their [urban refugees] legally ambiguous status, refugees are so well integrated into the social, political and economic fabric of Nairobi that it is not in the best interests of the Government to remove them.”²²⁶ In the end, Fatuma Ahmed eloquently describes the issues of citizenship in Kenya noting, “As long as you have money, you are an economic citizen.”²²⁷

²²³ Elizabeth H. Campbell, “Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival, and Possibilities for Integration,” *Journal of Refugee Studies*, Vol 19, No 3, p 389.

²²⁴ Oral Interview, James Karanja, Westlands, Nairobi, 12th March, 2010.

²²⁵ Anna Lindley, “Protracted Displacement and Remittances: the View from Eastleigh, Nairobi,” *The UNHCR Policy Development and Evaluation Service*, Research Paper No. 143, August 2007, p 5.

²²⁶ Elizabeth H. Campbell, “Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival, and Possibilities for Integration,” *Journal of Refugee Studies*, Vol 19, No 3, p 389.

²²⁷ Oral Interview, Fatuma Ahmed, Eastleigh, Nairobi, 8th March, 2010.

CHAPTER FIVE

CONCLUSION

People of Somali ethnicity have been in Nairobi since the early 1900s. They have lived and worked in Nairobi from the establishment of Kenya's capital city. Other than Nairobi, Somalis have long lived in what was known as the Northern Frontier District during the colonial period. This Frontier District bordered on the state of Somalia; with the Somali community divided by an imaginary border that was so expansive that neither the colonial government nor the Kenyan independent government could effectively monitor. As such, population movement across the Kenya/Somali border has long been a feature of the region. So, when the Somali state collapse and refugees flowed into Kenya, they found support among the Kenyan Somalis. At first, the majority of Somali refugees stayed at various camps along the Somali border. However, when the conflict in Somalia did not appear to abate, the Kenyan government designated Dadaab camp as the place in which all Somali refugees should go. Despite the encampment policy, many Somali refugees settled in Nairobi. Some had travelled directly to Nairobi from Somalia. They concentrated in Eastleigh for a variety of reasons chief of which is that there was an existing Somali(ethnicity) community there.

Within Eastleigh, Somali refugees, in a legal limbo regarding their status in Nairobi, could blend in easily avoiding undue attention. Their legal limbo, a consequence of both a lack of legislation as well as the lack of required documentation, made them vulnerable to detention, deportation, police harassment, and an inability to access public services. To cope in this environment that year-by-year was as much a home to them as Somalia, the refugees in Eastleigh relied on support from the Somali diaspora, from the

Kenyan Somali community, and from humanitarian organizations. Knowing the importance of documentation in both protection and accessing aid, some Somali refugees sought out refugee documents while others illegally bought Kenyan identification documents. With the support and resources available to them, Somali refugees in many ways not only transformed Eastleigh, but Nairobi and perhaps the East and Central region. Their arrival in Kenya coincided with trade liberalization that saw them break the monopoly that Asians held in trade. In Eastleigh, their investments built infrastructure, provided jobs, and added to government revenue. Yet, the perception continued to be that Somalis had brought with them from Somalia guns and various types of criminal activity that fueled their success. These perceptions, partly grounded in the long history of conflict, as well as the large number that came into Kenya within a short period, caused the government to reconsider its position regarding integration of refugees in Kenya.

Despite the government position, after the nearly two decades in which Somali refugees have lived in Nairobi, they have become part of the social fabric of the capital city. Their contributions to Kenya's economy cannot be understated. In talking about integration, one can make the claim that urban Somali refugees are already de-facto integrated into Kenya at the very least socially and economically. However, as police swoops indicate, legal integration has yet to be achieved.

Having examined the refugee identity through a Constructivist theory of identity, one can see that being a Somali refugee in Eastleigh has meant different things at different times. In the immediate collapse of the Somali government, Somali refugees were viewed as people requiring assistance for a short period of time until the situation of the country improved. As their stay became extended and they begun to sink roots into

Kenya. tensions with the host community increased as Kenya began to address the concerns of having a significant portion of Somalis within their borders for an indefinite amount of time. With the passing of time, Somali refugees in their lives have gained a sense of permanence in Kenya -- they have invested in the country, they have married Kenyan nationals, they have children who know no other home than Eastleigh, they have even built their homes in Kenya. With all the positive gains that Somali refugees have brought in the country, it is unlikely that the Kenyan government would remove the Somali refugees from Kenya or Nariobi. However, Kenyan government has the right to have reservations about providing legal citizenship to Somali refugees. With the potential implications of such a decision, it comes to no one's surprise that legal integration is unlikely despite the high level of social and economic integration.

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APPENDIX 1: Interview Guide

Urban Somali Refugee Research – Urban Refugees

Name:

Sex:

Age:

Marital Status:

Children:

Ethnicity:

Clan:

Immigration Status:

Profession:

- 1) Where do you live now? Neighborhood? City?
- 2) How did you come to live in Nairobi?
- 3) Where else have you lived? When? How long?
- 4) What is your job? Do you have a business? What kind? Do you have any employees?
Where is your place of business?
- 5) What has been your experience living in Nairobi?
- 6) What has been your experience as a refugee?
- 7) What has been your experience operating in the Kenyan economy? Jobs? Capital?
Owning property? Trading? Licenses? Taxes? Investment? Corruption?
- 8) Do you think your experience would be different if you were a Kenyan citizen? How?
- 9) What has been your experience with the Kenyan government and the politics of
Kenya? Voting? Government representation? Relationship with security forces? Justice?
Post-election violence?
- 10) Do you think your experience would be different if you were a Kenyan citizen?
How?
- 11) What has been your experience being in Kenyan society? Inter-marriage? Marriage?
Culture? Raising children? Language? Religion?
- 12) Do you think your experience would be different if you were a Kenyan citizen?
How?
- 13) Have you ever tried to get Kenyan citizenship? What was your experience?
- 14) What are the experiences of other people who have tried to get Kenyan citizenship?
- 15) What would you like to change about your experience in Nairobi, Kenya?
- 16) Is there anything else you would like to add?