UNIVERSITY OF NAIROBI
INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

INFLUX OF SOMALI REFUGEES AND STATE SECURITY: KENYA AS A CASE STUDY (2002-2012)

ABDIRAHMAN OMAR ALI
R67/38161/2010

SUPERVISOR
DR. OCHIENG’ KAMUDHAYI

A research project proposal submitted to institute of diplomacy and international studies in partial fulfillment of the requirement for the award of the degree of bachelor of art in international studies, University of Nairobi

2014
Declaration

This research project is my original work and has not been presented to any other examination body.

Signature…………………… Date………………

Abdirahman Omar Ali
R67/38161/2010

Declaration by the Supervisor

This research proposal has been submitted for my approval as University of Nairobi supervisor

Signature…………………… Date………………

Dr. Ochieng’ Kamudhayi
Institute of Diplomacy and International Studies (IDIS)
Dedication

I dedicate this research project to Almighty God for the blessings, which have made it possible for me to go through this course under challenging circumstances and to my entire family for their entire support.
Acknowledgements

I thank God for His grace and mercy that has sustained me through my entire educational process. I also wish to express my sincere gratitude to my parents for their support and encouragement. I would also like to thank my siblings for their encouragement.

Special thanks to my supervisor Dr. Ochieng’ for his advice, guidance and suggestions throughout the project.

Appreciation to my classmates for their support in one way or another toward successful completion of this project. May God bless you all.
ABSTRACT

The main aim of this research is to investigate on the influx of Somali refugees and state security: Kenya as a case study. The study sought to answer the following questions. To investigate key features of influx of Somali refugees and state security. The objects of the study were: To determine whether Kenya government policies are guided by principles of international law in its relations refugees, to investigate the security issues caused by Somali refugees in the country and to assess how and why the Somali refugee are connected to terrorism.

This study employed a descriptive survey research design. Descriptive survey research designs are used in preliminary and exploratory studies to allow researchers to gather information, summarize, present and interpret for the purpose of clarification. The targeted population consisted of refugees themselves, host communities and government officials. Data was collected primarily via interviews. Data collected was analyzed based on primary statistics of the questionnaires. The study recommends further research on governments need to develop effective regulation in curbing the influx of Somali refugees into the country, as they are proving to be a security nuisance.
# TABLE OF CONTENTS

Declaration ................................................................................................................... ii  
Dedication ................................................................................................................... iii  
Acknowledgements .................................................................................................... iv  
ABSTRACT .................................................................................................................. v  
ABBREVIATIONS AND ACRONYMS .......................................................................... ix

## CHAPTER ONE  
INTRODUCTION AND BACKGROUND OF THE STUDY

1.2 Statement of the Research Problem ...................................................................... 3  
1.3 Objectives of the Study ......................................................................................... 5  
1.4 Literature Review .................................................................................................. 5  
   1.4.1 Refugees ........................................................................................................ 5  
   1.4.2 United Nations High Commission for Refugees (UNHCR) ....................... 10  
   1.4.3 Insecurity ...................................................................................................... 12  
1.5 Theoretical Framework ......................................................................................... 15  
1.6 Justification of the Study ...................................................................................... 17  
1.7 Study Hypotheses .................................................................................................. 18  
1.8 Research Methodology ......................................................................................... 18  
1.9 Chapters Summary ............................................................................................... 19

## CHAPTER TWO  
HISTORICAL BACKGROUND OF SOMALI REFUGEE

2.1 Introduction .......................................................................................................... 20  
2.2 Empirical Literature .............................................................................................. 20  
2.3 Somali Refugees Movement from the Camp ...................................................... 22  
2.4 Motivation of terrorists ......................................................................................... 30  
2.5 Religious terrorism ............................................................................................... 30  
2.6 The Threat of Terrorism around the world ....................................................... 32  
2.7 Kenya’s Intervention in Somalia .......................................................................... 36  
2.8 Western mixed signals ......................................................................................... 37  
2.9 Conclusion ............................................................................................................ 42
CHAPTER THREE
EFFECTS OF SOMALI REFUGEES ON SECURITY IN KENYA

3.1 Introduction .................................................................................................................. 43

3.2 The History of refugees in Kenya .................................................................................. 43

3.3 Causes of Refugees Influx in Kenya .............................................................................. 45

3.3.1 Civil Wars in Somalia ............................................................................................... 45

3.3.2 Al shabaab repression .............................................................................................. 47

3.3.3 Drought and widespread famine .............................................................................. 48

3.3.4 Deteriorating Economic Conditions ....................................................................... 49

3.3.5 Improvidence and Corruption ................................................................................. 51

3.4 Kenya’s Policy on Refugees ......................................................................................... 52

3.5 Somali Refugees on Kenya Security ........................................................................... 54

3.5.1 Military Security ...................................................................................................... 55

3.5.2 Political Security ...................................................................................................... 56

3.4.3 Economic Security .................................................................................................. 56

3.4.4 Societal Security ..................................................................................................... 58

3.4.5 Environmental Security .......................................................................................... 60

3.5 The Impact of Refugees on National Security .............................................................. 60

3.6 Conclusion .................................................................................................................... 63

CHAPTER FOUR
DATA ANALYSIS, PRESENTATION AND INTERPRETATION

4.1 Introduction .................................................................................................................... 65

4.2 Methodology .................................................................................................................. 65

4.3 Data presentation .......................................................................................................... 66

4.3.1 Interview with Refugees .......................................................................................... 66

4.3.2 Interview with Host Communities ......................................................................... 72

4.3.3 Interview with Government Officials ................................................................. 76

4.4 Emerging issues on state security .............................................................................. 80

4.4.1 Constant Fear over Somali Refugees’ as Agents of Arms Proliferation ................. 82

4.4.2 The Current Refugee Crisis and Security Threat in Dadaab ................................ 85
4.4.3 Radicalization .................................................................................. 89
4.5 Conclusion ............................................................................................ 90

CHAPTER FIVE

FINDINGS, CONCLUSIONS AND RECOMMENDATION

5.1 Introduction .......................................................................................... 94
5.2 Summary ................................................................................................ 94
5.3 Key findings .......................................................................................... 95
5.4 Conclusion ............................................................................................ 97
5.5 Recommendations ................................................................................ 98

Bibliography ............................................................................................... 103

APPENDICES ............................................................................................. 110

Index I - Interview with refugees .............................................................. 110
Index II - Interview with host communities .............................................. 111
Appendix III - Interview for use with Government Officials ..................... 112
## ABBREVIATIONS AND ACRONYMS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>AMISOM</td>
<td>African Union Mission in Somalia</td>
</tr>
<tr>
<td>ATPU</td>
<td>Anti-Terrorism Police Unit</td>
</tr>
<tr>
<td>BBC</td>
<td>British Broadcasting Cooperation</td>
</tr>
<tr>
<td>CID</td>
<td>Criminal Investigation Department</td>
</tr>
<tr>
<td>DoD</td>
<td>Department of Defense</td>
</tr>
<tr>
<td>GPS</td>
<td>Global Positioning System</td>
</tr>
<tr>
<td>GOK</td>
<td>Government of Kenya</td>
</tr>
<tr>
<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
</tr>
<tr>
<td>ID</td>
<td>Identification Document</td>
</tr>
<tr>
<td>IDPs</td>
<td>Internally Displaced Persons</td>
</tr>
<tr>
<td>IEDS</td>
<td>Improvised Explosive Devices</td>
</tr>
<tr>
<td>IRO</td>
<td>International Refugee Organization</td>
</tr>
<tr>
<td>KDF</td>
<td>Kenya Defense Forces</td>
</tr>
<tr>
<td>OAU</td>
<td>Organization for African Union</td>
</tr>
<tr>
<td>PFRSD</td>
<td>Prima Facie Refugee Status Determination</td>
</tr>
<tr>
<td>PFRS</td>
<td>Prima Facie Refugee Status</td>
</tr>
<tr>
<td>POK</td>
<td>Peacekeeping Operations</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>UDHR</td>
<td>The Universal Declaration of Human Rights</td>
</tr>
<tr>
<td>UNHCR</td>
<td>United Nations High Commissioner for Refugee</td>
</tr>
<tr>
<td>TFG</td>
<td>Transitional Federal Government</td>
</tr>
<tr>
<td>WMD</td>
<td>Weapons of Mass Destruction</td>
</tr>
</tbody>
</table>
CHAPTER ONE
INTRODUCTION AND BACKGROUND OF THE STUDY

In the late 1980s, Kenya became a leading host of refugees from other East African nations. The roughly 12,000 Refugees in Kenya, at that time, enjoyed the legal right to reside anywhere in the country, obtain a work permit and attain an education.\(^1\) It was not until the early 1990s when nearly every country surrounding Kenya experienced political crises. Most notably, the severe conflict in Somalia forced a mass influx of refugees into Kenya. By 1992, Kenya held an estimated 400,000 refugees, many of whom were ethnic Somalis. The Government of Kenya (GoK) became overwhelmed with the situation and decided to, in essence, withdraw completely from any refugee humanitarian assistance.\(^2\)

In the early 1990s, Kenya experienced a sudden exodus of refugees seeking refuge from the neighbouring countries of Sudan, Ethiopia and Somalia. The Kenya Government through the Ministry of Immigration and Registration of Persons (Department of Refugee Affairs) in collaboration with the United Nations High Commission for Refugees (UNHCR) has been carrying out registration of refugees at Kakuma and Dadaab refugee camps.\(^3\)

From the beginning of the conflict in Somalia, thousands of refugees traveled by boat down the coast of Kenya and arrived in Mombasa, where many were forced into official camps. Due to the urban environment in Mombasa, some managed to settle within the city.\(^4\) A number of Somali refugees who lived outside of the camp established small businesses in Mombasa, ranging from electronics stores to black-market activities. Due to a legal policy exempting refugee camps from taxation, many Somalis conducted business

---


\(^2\) Ibid.


within the confines of the official camp, named Barawan (Hatimy) Refugee Camp, and had great financial success. This however, was to the dismay of local business owners, who held significantly resentment towards Somali refugees. In 1997, after local businesses put pressure on the GoK to enact policy changes, the camps were officially closed, requiring all refugees to relocate to either Dadaab or Kakuma. The situation was so grim at this point that some refugees opted for repatriation to Somalia. Following this mass repatriation, the number of Somali refugees living in Kenya was nearly halved, although the number of Internally Displaced Persons (IDPs) in Somalia increased drastically. To put it in the words of a Somali refugee interviewed for a research study:

“At least in Somalia we can still try to do something with our lives, although it is not easy because of the fighting. But I prefer Somalia than a refugee camp, where there is nothing one can do. If something goes wrong in Somalia, I will die in my country. If I have to choose my death, I prefer to be shot dead in Somalia than to starve to death in a camp”.

This brings to the question why the philosophy surrounding the refugees issue in Kenya: What is the purpose of allowing refugees into a country? From a legal perspective, the GoK is required to accept refugees because it is “party to the 1951 Refugee Convention” and has “ratified the (1969) OAU Convention pertaining to refugees.” The analysis will focus on the 1969 African Union Convention Governing the Specific Aspects of Refugee Problems in Africa, the pillar for refugee protection in Sub-Saharan Africa and “considered the most generous and flexible international agreement on refugee protection.” Kenyan authorities have continued to allow refugees to enter the country, under the

---

6 Ibid.
7 Ibid.
agreement that they “all must reside in designated camps.” The collapse of Somalia in the beginning of 1990s led to great dispersion of Somalis to several countries.

Following the 1998 U.S. Embassy bombings, a police crackdown seized over 600 residents of Eastleigh, most of whom were Somali refugees. A similar exercise occurred in 2002 when over one thousand illegal immigrants, mainly Somalis, were arrested. Following the American Embassy’s temporary closure in Nairobi in 2003, more than one hundred Somalis were detained for questioning.

From this argument it is evident that the Kenyan people and government have a strong sense of fear and distrust towards Somalis, whether based on actual history or fallacy. In 2001, a policy was instituted that officially closed the Kenya-Somali border. It was claimed that the Somalis abused their welcome into Kenya by bringing illegal firearms into the country. Somalis are also blamed for the current state of insecurity in Kenya largely.

1.2 Statement of the Research Problem

Kenya's refugee camps are located in some of the most hostile semi-desert areas of the country. These camps have been designated as safety net in the emergency phase; however refugees are prevented from enjoying fundamental rights: freedom of movement and employment that would enable them to protect their livelihoods. Kenyan migration law does not allow refugees to move from the camps to towns or other places within the country. As a result, refugees are vulnerable to police harassment, arrest and being charged with illegal entry if found outside the camps.

---

10 Ibid
11 Ibid
12 Ibid
There has been widespread acceptance of the multidimensionality of deprivation among refugees that encompasses lack of movement, income, vulnerability, insecurity and voicelessness. The refugee situation threatens their self-sufficiency as a result of having left behind most of their assets as they ran away from home. Therefore the displaced often face special difficulties not shared by other groups touched by conflict or disaster. The change of location makes it difficult for them to regain their economic security. However, international humanitarian agencies have over the years been active in providing assistance to refugees. Therefore the study will establish social effects of Somali refugee migration to Kenya.\(^{13}\)

Kenya has seen a large-scale influx of refugees settling in Kenya, mostly triggered by the protracted humanitarian crises in neighbouring countries since the collapse of Somalia government in 1991 and setting up of the refugee camps in the same year. The refugees living in Kenya have continued to receive assistance, responding to their needs represents a growing challenge for state authorities and humanitarian actors.

From a legal perspective, the GoK has been required to accept refugees because it is a “party to the 1951 Refugee Convention” and “ratified the [1969] OAU Convention pertaining to refugees”.\(^{14}\) Although the government has legally abided by the above statutes, it has also created numerous informal and unwritten policies to afford no extra rights or luxuries to refugees. Most notably, Kenyan authorities have continued to allow refugees to enter the country, under the agreement that they “all must reside in designated camps”.\(^{15}\) From an ethical standpoint, conditions in the camps should surely be livable and up to international standards. However, how long should a refugee reside in a camp? Could generous living arrangements increase the likelihood that a refugee will not return

---


\(^{15}\) Ibid.
home or attempt to build a new life? These are legitimate concerns that are repeatedly considered by the Kenyan Government and UNHCR, both having found no viable middle ground.

Despite recognition of the refugees by the government through the enactment of the Refugee Act of Government of Kenya 2006 and having ratified the 1951 refugee Convention and the 1967 Protocol respecting the rights of refugees, the management of the refugees migrating still remains a challenge. In the light of this, this study attempts to explore in details the security effects of the migration of Somali refugees into Kenya. Based on Dadaab camp’s experience, this study focuses on security issues experienced as a result of the migration of Somali refugees into Kenya.

1.3 Objectives of the Study

The main objective of the study is to demonstrate that the influx of Somali refugee’s migration in Kenya has caused a security problem.

Some of the specific objectives could be:

1. To determine whether Kenya government policies are guided by principles of international law in its relations refugees.
2. To investigate the security issues caused by Somali refugees in the country.
3. To assess how and why the Somali refugee are connected to terrorism.

1.4 Literature Review

This section will provide relevant literature in the area of study. The chapter provides an extensive review of the literature and research related to the security effects of Somali migration into Kenya.

1.4.1 Refugees

A refugee is a person who has been pushed away from their home and seeks refuge elsewhere. Under the United Nations Convention Relating to the Status of Refugees of
1951, a refugee is more narrowly defined (in Article 1A) as a person who "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, is unable to or owing to such fear and is unwilling to avail himself of the protection of that country".16

The term refugee is often used to include displaced persons who may fall outside the legal definition in the Convention, either because they have left their home countries because of war and not because of a fear of persecution, or because they have been forced to migrate within their home countries.17 The Convention Governing the Specific Aspects of Refugee Problems in Africa adopted by the Organization of African Unity in 1969, employs a definition expanded from the Convention's, including people who left their countries of origin not only because of persecution but also due to acts of external aggression, occupation, domination by foreign powers or serious disturbances of public order.

Somalia is home to roughly 9 million people, the overwhelming majority of whom are ethnic Somalis (UN Statistics Division 2010). The country has been plagued with conflict and disorder beginning just years after it attained independence. Following the overthrow of President Siyyad Barre in 1991 and the chaos that subsequently ensued, Somalis migrated rapidly from inside the boundaries of Somalia and settled in various nearby locations within East Africa. The largest recipient of Somali refugees in Africa is Kenya, with an influx of thousands more every month for roughly the last twenty years. Officially, refugees are confined to designated camps in Kenya; however, it is not uncommon for Somalis to migrate into Nairobi. The Government of Kenya has largely taken a passive approach to refugee assistance and instead, has placed the burden on

16 United Nations Convention Relating to the Status of Refugees of 1951, Article 1A
intergovernmental and nongovernmental organizations. Most significantly, the United Nations High Commissioner for Refugees (UNHCR) has taken the lead to help mitigate the problems posed by refugees within Kenya. Kenya is home to “a substantial indigenous Somali Kenyan population” living mainly in the North Eastern region.\(^{18}\)

The increases in the numbers of Somali refugees result from complex push and pull factors. The circumstance resulting to relocation of the people draws a distinction of the refugee from others,\(^ {19}\) meaning that it is the forces displacement that defines the experience of the refugee. The outside forces acts to push the refugee out of the unstable areas seeking for refuge in countries willing to host them. Therefore the unfavourable environment (oppression, civil war etc) push the people out and the favourable environment in neighbouring nationals or far away countries pull the people out.\(^ {20}\)

In light of the above “push” and “pull” factors of migration, refugee situation are as a result of uncertainty, instability, insecurity and fear due to violence or civil war. This in turn causes refugees to flee with primary purpose of reaching safe nearby country that will host them. As time passes and hoped for stable changes at home country does not eventuate, the realization gradually dawns on the refugee that there will be no victorious return. Subsequent administrative, economic and psychological pressures in host country may force the refugees to make further step and to become an immigrant out of the camps to major towns and to other countries.\(^ {21}\)

A refugee camp is a place built by governments or NGOs (such as the International Committee of the Red Cross) to receive refugees. People may stay in these camps,
receiving emergency food and medical aid, until it is safe to return to their homes or until they are retrieved by other people outside the camps.\textsuperscript{22} In some cases, often after several years, other countries decide it will never be safe to return these people and they are resettled in developed countries away from the border they crossed. However, more often than not, refugees are not resettled. In the meantime, they are at risk for disease, child soldier recruitment, and terrorist recruitment, physical and sexual violence. There are estimated to be 700 refugee camp locations.\textsuperscript{23} The United Nations High Commissioner for Refugees (UNHCR) (established December 14, 1950) protects and supports refugees at the request of a government or the United Nations and assists in their return or resettlement.\textsuperscript{24}

Often Somali refugees bring the seeds of the conflict they are fleeing with them into Kenya. When Kenya contains combatants, they have been targeted by enemy forces, who believe the country is providing their foes with assistance and protection. In addition, local populations may resent the foreign aid offered to refugees, who often receive more than they ever will. Almost everywhere, refugee camps are likely to be run by resistance factions, which can forcibly recruit refugees into guerrilla armed forces. The refugees really pose a security threat because it is hard to know who is genuine or fake refugee is.

Enrollment in armed militias or organized crime, as well as random crime and violence, are easily increased by the circumstances of the refugees. People living in the refugee camps are uprooted and destabilized. The majority of them are women and children, many have little education, and most have lost all their possessions. These conditions are extremely favorable to clashes, abuse, wrongdoings, violence and criminal behaviors.

\textsuperscript{22} Ibid
\textsuperscript{24} Ibid
The Kenyan government has continued to maintain a strict encampment policy despite the implementation of the new Refugee Act of Government of Kenya 2006 which allows refugees to be issued with travel passes.25 Somali refugees outnumber locals in Dadaab by a quarter of a million. The three camps – Hagardeer, Dagahley and Ifo – designed for 90,000 people, now host around 440,000 refugees, 150,000 (all Somalis) of whom have arrived in the past three months, says the UN refugee agency, UNHCR.26

Even before the influx of at least 61,000 new refugees in 2008, Dadaab’s refugees faced a massive shortage in adequate shelter with most refugees living in tiny makeshift shelters made of sticks and plastic sheeting. According to the Norwegian Refugee Council (Refugees in Dadaab lacks shelter and good sanitation since mid-2007) by the end of 2007, Dadaab’s 171,870 refugees lacked some 25,000 shelters and an additional shelter would be needed for every five new refugees arriving in 2008. By the end of February 2009, UNHCR had registered an additional 76,356 new arrivals (who required 15,271 shelters), bringing the total shelter gap at the end of February 2009 to 40,271 shelters.27

By the end of 2012 Kenya was hosting in excess of 600,000 refugees and asylum-seekers, the vast majority of whom were from Somalia. Most were living at the Dadaab refugee camps. The process for registration of new arrivals in Dadaab remained suspended, as did the transportation of asylum-seekers from the border to Dadaab which meant people had to walk about 100km to seek asylum. Police continued to abuse refugees in the Dadaab camps. In May, 2012, Kenyan police arbitrarily arrested, detained, and beat refugees after an attack on a police vehicle in the camps. Police were purportedly searching for explosives.28

25 Refugee Act 2006, Section 17; F
26 Ibid.
27 Human Rights Watch interview Adan Godade, 27 years old refugee in Dadaab, UNHCR, October 19, 2008
28 Ibid
1.4.2 United Nations High Commission for Refugees (UNHCR)

UNHCR provides protection and assistance not only to refugees, but also to other categories of displaced or needy people. These include asylum seekers, refugees who have returned home but still need help in rebuilding their lives, local civilian communities directly affected by the movements of refugees, stateless people and so-called internally displaced people (IDPs). IDPs are civilians who have been forced to flee their homes, but who have not reached a neighboring country and therefore, unlike refugees, are not protected by international law and may find it hard to receive any form of assistance. As the nature of war has changed in the last few decades, with more and more internal conflicts replacing interstate wars, the number of IDPs has increased significantly to an estimated 5 million people worldwide.  

UNHCR is the agency that is mandated to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State, with the option to return home voluntarily, integrate locally or to resettle in a third country.  

UNHCR's mandate has gradually been expanded to include protecting and providing humanitarian assistance to what it describes as other persons "of concern," including internally-displaced persons (IDPs) who would fit the legal definition of a refugee under the 1951 Refugee Convention and 1967 Protocol, the 1969 Organization for African Unity Convention, or some other treaty if they left their country, but who presently remain in their country of origin.

---

29 Ibid
31 According to Crisp's report, bandits who plague the Dadaab area are a mixture of local Kenyans, Somali refugees and, less frequently, Somalia-based militia members engaged in cross-border raids. They move on foot in groups of 5 to 25 people, carrying arms and wearing masks.
The majority of African refugees in Kenya could be classified as acute refugees since the majority were forced out of their countries due to war. Regardless of whether a refugee chooses to leave his/her country of birth in an anticipatory or acute situation, however, in relation to the population of the homeland, refugees fall into three identification categories.\(^{32}\) First are the majority identified refugees, who are forced to flee due to reactive national refugee situations either due to opposition to political situation or social events at home. Their opposition to the catalytic event causing flight is shared with the majority of their compatriots.

Dadaab, a town in North Eastern Province of Kenya houses three refugee camps: Ifo, Hagadera, and Dagahaley. Due to its (mere 80 kilometer) proximity to Somalia, the overwhelming majority of refugees in the camp are Somalis. The compound was originally built in 1991 its capacity was to hold 90,000 refugees. However, currently Dadaab is the largest refugee camp in the world, an estimated population of over 400,000 refugees. These numbers are only expected to grow within the next few years, assuming that the fighting in Somalia continues. The problems in Dadaab is extensive, including extreme overcrowding, high crime rates, lack of resources, and the philosophical issue that, what was once created to temporarily house refugees is now witnessing the births of third-generation Dadaab residents. Problems related to security are continuously evolving and have created a difficult environment for both the refugees and the aid workers.\(^{33}\)

According to UNHCR (1999),\(^{34}\) one of the devastating problems facing refugees is crime within the refugee camps. Since the camps are, in essence, cities, it is not farfetched that some forms of crime exist within the borders. However, the desperation felt by many Somalis within refugee camps mixed with already existing clan and sub-clan disparities

\(^{33}\) Ibid.
\(^{34}\) UNHCR (1999). Refugees and Others of Concern to UNHCR. *Journal of Statistical Overview*. Geneva: Statistical Unit, UNHCR.
exacerbates criminal behavior and makes for widespread insecurity both inside and outside the facilities.\textsuperscript{35}

UNHCR and other NGO staff are not allowed to move freely during the night hours due to the dangers within the camps and the possibility of crime directed towards aid workers. This, of course, creates a lawless society at nighttime, during which most crime takes place. Domestic violence, including physical and sexual abuse, is a common occurrence within the camps. The instances of domestic violence are unfortunately “accepted as normal by the majority of Somali refugees” and rarely reported to authorities.\textsuperscript{36}

1.4.3 Insecurity

A Kenyan government proposal to set up camps along the Somali border was rejected by the UN and NGOs as "untenable" – as the security situation in Somalia continued to be "highly volatile", it contradicts the notion of providing international protection, and impinges upon the right to seek asylum. By shifting the responsibility to host government authorities, however, international agencies can and do side-step the 'political’ issue of whether a policy of settlement in camps is a good one or not, and are able to confine their attention to more technical matters of camp layout, infrastructure and organization.\textsuperscript{37} This in turn requires us to be aware of host governments’ main reasons for preferring settlement in camps. For them, issues such as accessibility, efficiency and transparency of aid delivery are likely to be rather less important than potential conflict between refugees and locals; but uppermost on their minds is likely to be the political and security implications of the pattern of refugee settlement.

\textsuperscript{35} Ibid.
\textsuperscript{36} Ibid.
A recent report to the United Nations Security Council confirmed that well organized criminal networks with links to Al Shabaab are taking advantage of the porosity of the 1,000 kilometer border to smuggle people, commercial goods and weapons. Several of the individuals involved are well established businessmen and real estate investors in Kenya. An opportunistic and mutually beneficial kind of “pax commerciale” has been established between those criminal networks and Al Shabaab.\textsuperscript{38}

Kenyan criminal networks, with close involvement of Somalis linked to Al Shabaab, operate from Northern Kenya and from within Somalia. These are the forces the Kenya government and its military face now. Kenya is the focal point in a region of countries that have experienced civil war and violent conflicts during the past decades. Worse still is its long and porous borders, a large port, and high levels of corruption and the combination of factors makes it attractive for arms smugglers. During the first nine months of 2010 at least ten seizures were reported on the Garissa-Nairobi Road.\textsuperscript{39}

Arms traffickers have a sophisticated smuggling system that links Somalia with the refugee camps at Dadaab and Nairobi. Arms from Somalia are sometimes stored at the refugee camps before being transported to Nairobi and beyond. Relatively small ad hoc criminal networks appear to be responsible for most of the small arms trafficked into and through Kenya. They often consist of Somali nationals who work with Kenyans. Between one and ten firearms at a time are normally transported across the borders by smugglers on foot, or sewn into animal carcasses or concealed in sand or vegetables ferried in trucks and on public passenger buses. The smugglers often include other contraband in their activities, such as sugar, drugs, or counterfeit goods.\textsuperscript{40}

\textsuperscript{39} Ibid
\textsuperscript{40} Ibid
In penetrating government and political institutions, transnational organized crime and corruption are the flipsides of the same coin. The ability to “persuade” and then “buy” a senior police officer or a judge to work for a criminal network requires a significant degree of sophistication and a lot of money. This is corruption at its most dangerous metamorphosis. Wanted Al Qaeda terrorists have been able to escape from Kenyan police cells or elaborate dragnets leaving their cell phones behind yet no local collaborators are arrested.\footnote{Ibid.}

Sexual violence and rape in Dadaab have gained increased international attention following a report by Human Rights Watch. Some argue that rapes are severely underreported while others argue that due to the tremendous resources given to rape victims by NGOs, the instances of rape have been increasingly over reported. Nevertheless, the Human Rights Watch report made it clear that the most common circumstances for rape are based on inter-clan fighting – a concept that is not new to Somalis. Rapes are frequently inter-clan, meaning they are used as a scare tactic or punishment from one Somali clan to another.\footnote{Crisp, Jeff. (2000). A State of Insecurity: The Political Economy of Violence in Kenya's Refugee Camps. \textit{Journal of African Affairs} 99:601-632.} Unfortunately for the victims, there is rarely a formal solution and it is nearly impossible for a victim to take appropriate action. The reasons for this are twofold: First, Somali culture is male dominated and it is very difficult for a female Somali to speak openly. If a female were to openly accuse a male of a crime, it would likely cause further rifts within the community and she would, in all likelihood, not even be taken seriously. Second, the legal system within the camps is largely ineffective and powerless.

The police officers that are stationed in Dadaab are meant to keep refugees safe while, first and foremost, keeping Kenya safe. Road checkpoints are setup near the camps and vehicles traveling outside of the camps are frequently stopped and solicited for bribes.
The security situations and terrestrial remoteness surrounding the camps give police officers leeway in dealing with Somali refugees. Refugees spotted outside the camp are technically in violation of the law and therefore, dealt with at the discretion of police officers.\(^{43}\)

This study focused on the security concerns related to Somali refugees in Kenya, specifically emphasizing the Dadaab refugee camps and the Eastleigh estate in Nairobi. The researcher spent a period of two weeks in Dadaab and Eastleigh and conducted formal and informal interviews with refugees, host communities and government officials and their opinions were recorded.\(^{44}\) The study sought to give an insight into the security threats posed by the Somali refugees’ migration in Kenya.

1.5. Theoretical Framework

The study was guided by three theories, namely; Rational Choice Theory, Grounded Theory, and Terrorism. These theories recognize the pervasive influence of influx of Somali refugees because they holds the unit of analysis as an individual contemplating state security where the influx of refugees, capable of producing extraordinary political outputs with relatively few inputs as well.

Theoretically, a refugee camp within the borders of Kenya must follow the laws and customs of Kenya. In practice, however, refugees establish informal justice systems, largely based on Islamic law.\(^{45}\) State security can be a logical choice but is it a rational choice? And more tangibly, what meanings can be derived from the action itself with respect to law enforcement, policymaking, and ultimately, prevention. Terrorism is planned, coordinated, and conducted in a logical and “systematic” way.\(^{46}\) Inversely, it is

\(^{44}\) Ibid.
not random, spontaneous, or illogical. By declaring the phenomenon systematic and therefore a rational action and by default terrorists as rational actors, scholars seek to predict terrorists’ preferences and explain why they perpetrate terrorism. But is it better to theorize about how terrorists think or go directly to the source and ask them? The two respective methodologies in these approaches are Rational Choice Theory and Grounded Theory.

Rational Choice Theory holds the unit of analysis as an individual contemplating state security where the influx of refugees, cause in Kenya. Scholars like Bruce Hoffman may be categorized as Rational Choice Theorists due to his definition of state security as “the deliberate creation and exploitation of fear through violence or the threat of violence in the pursuit of political change.” Others, such as Brian Jenkins, fall within the same framework. To paraphrase Jenkins, it is not the people that perpetrate state security, or their motivation, cause or justification, but the act itself.

In addition, refugees are capable of producing extraordinary political outputs with relatively few inputs as well. To illustrate, Hezbollah’s 1983 bombing of the U.S. military barracks in Beirut led U.S. President Ronald Reagan to withdraw American troops from Lebanon. Hezbollah (Lebanese refugees, now a terrorist organization) consequently believed activities of refugees may be employed to achieve political success. In another example, the 2004 Madrid train bombing demonstrated how cost-benefit analysis works within terrorism. During morning rush hour on the March 11th, 2004, ten explosions rocked four separate commuter trains, killing 191 and injuring over 1,800 people. The perpetrators stated they were motivated by Spain’s involvement in the Iraq war and sought

to oust then Prime Minister of Spain, José María Aznar (a staunch supporter of the Iraq war) from power. Costing an estimated total of 41,000 to 55,000 Euros, the group’s attack was so effective and efficient that shortly after the attack, Aznar and many of his fellow Popular Party (PP) members was indeed defeated in the subsequent national election.\(^{53}\)

Refugees also operate under the principles of constrained utility maximization\(^{54}\) by optimizing “the highest possible level of utility, under given restrictions, when the highest overall level of utility (satisfaction) cannot be reached.” When refugees perpetrate an act of state security, they do indeed want to achieve a specific goal, but are often quite satisfied with coming close. For example, one of the stated goals of the September 11th attack was “bleeding America to the point of bankruptcy.”\(^{55}\) On a state level, bankruptcy is atypical; but according to some sources, the September 11th attacks cost New York City alone over $95 billion.\(^{56}\) Moreover the ‘Global War on Terror’ is expected to cost upwards of $4.4 trillion.\(^{57}\) Under the constrained utility maximization philosophy, al-Qaeda surely wanted more people killed and higher damage incurred, but its message for all intents and purposes was delivered. Proponents cite the “unprecedented nature of the situation” is often what justifies using its approach to studying terrorism.\(^{58}\)

1.6 Justification of the Study

This study has academic and political justification. There is need to address seriously the issue of refugees in Kenya, especially the Somali refugees who are mainly in Dadaab and Kakuma.

---


It is hoped that the findings of this study will enlighten all the stakeholders concerned with the management of refugee affairs about the short and long term effects of Kenya government policies on the Somali refugees migrating to Kenya. It is also expected to create awareness amongst the stakeholders on the security threat caused by Somali refugees. In particular, the study will be beneficial to the UNHCR, the international refugee agencies, the Kenya Government and scholars who would be interested in conducting further research.

1.7 Study Hypotheses

- Refugee increase leads to insecurity problems for host countries.
- Security problem in Kenya has been caused by the refugees from war-torn Somalia.
- The main type of insecurity being caused by the Somali refugees is terrorism.

1.8 Research Methodology

The study used an explanatory design. As stated by Saunders, Lewis and Thornhill (2007), explanatory studies are studies that put an emphasis on studying a situation or a problem in order to explain the relationship between variables. The explanatory approach is useful as the research will seek to clarify the security threats caused by Somali refugees and to explain the extent to which these effects have on the state security.

Using the academic literature available, the study sought to explain the challenges faced by the stakeholders involved in dealing with the refugees especially in relation to security threat.

In order to address the above, the study adopted the case study strategy, using Kenya as a single case study. Shuttleworth (2008) defines the case study as an in depth study of a particular situation rather than a sweeping statistical survey. Shuttleworth


60 Saunders, Lewis and Thornhill (2007), explanatory studies

61 Ibid
(2008) further explains that it is a method used to narrow down a very broad field of research into one easily researchable topic.62

The data collection exercise involved interviews with refugees, government officials and the host communities as these are the most appropriate for collecting information required for the study on refugees in refugee camps, the refugees themselves and the host communities. The interviews were conducted on government officials operating within the refugee fraternity. Interviews are particularly useful for getting the story behind a participant’s experiences. The interviewer can pursue in-depth information around the topic and are useful as follow-up to respondents to questionnaires, or further investigate their responses.63

1.9 Chapters Summary

The study consists of five chapters. Chapter one gives an overview of the study and it provides foundation of the project. It gives the objectives of the study, the methodology and the study hypotheses. It also provides the literature review. Chapter two provides a historical and more descriptive overview of the research area. Chapter three examines effects of Somali refugees on security in Kenya and chapter four covers the analysis from the data collected by the researcher. Chapter five gives the summary, key findings and recommendations and suggestions for further research.64

Provides is considered as the appropriate strategy for this study because the study seeks to provide a critical and in depth understanding of the security threats of the Somali migration and the challenges it imposes on the stakeholders involved in refugee handling in a very specific context of the host organization and in the framework of management as suggested by Saunders, Lewis and Thornhill (2007) and Shuttleworth (2008).

63 Ibid. 
64 Ibid
CHAPTER TWO
HISTORICAL BACKGROUND OF SOMALI REFUGEE

2.1 Introduction
This chapter reviews the literature relating to the influx of Somali refugees and state security in Kenya on literature related to the specific objectives to investigate on the influence of Kenya government policies as guided by principles of international law in its relations refugees, the security issues caused by Somali refugees in the country and to assess how and why the Somali refugee are connected to terrorism.

2.2 Empirical Literature
From the beginning of the conflict in Somalia, thousands of refugees traveled by boat down the coast of Kenya and arrived in Mombasa, where many were forced into official camps. Due to the urban environment in Mombasa, some managed to settle within the city. A number of Somali refugees who lived outside the camps established small businesses in Mombasa, ranging from electronics stores to black-market activities. Due to a legal policy exempting refugee camps from taxation, many Somalis conducted business within the confines of the official camp, named the Barawan (Hatimy) Refugee Camp, and had great financial success. Of course, this was to the dismay of local business owners, who held significant resentment towards Somali refugees. In 1997, after local businesses put pressure on the GoK to enact policy changes, the camps were officially closed, requiring all refugees to relocate to either Dadaab or Kakuma. The situation was so grim at this point that some refugees opted for repatriation to Somalia. Following this mass repatriation, the number of Somali refugees living in Kenya was nearly halved, although the number of Internally Displaced Persons (IDPs) in Somalia increased drastically.

---

Kenya is the focal point in a region of countries that have experienced civil war and violent conflicts during the past decades. Worst of all is its long and porous borders, a large port and high levels of corruption and the combination of factors makes it attractive for arms smugglers. During the first nine months of 2010, at least ten seizures were reported on the Garissa-Nairobi Road.

Arms traffickers have a sophisticated smuggling system that links Somalia with the United Nations refugee camp at Dadaab. Arms from Somalia are sometimes stored at the refugee camp before being transported to Nairobi and beyond. Relatively small ad hoc criminal networks appear to be responsible for most of the small arms trafficked into and through Kenya.

The most violent regions in Kenya are often the zones through which the trafficking of arms takes place. These tend to be the more remote and sparsely populated areas where nomadic clans herd their cattle. It has led to an arms race among the communities there which left hundreds of death.

Criminal networks have penetrated the political class and there are growing concerns about their ability to fund elections and to exercise influence in Parliament and in procurement processes. In penetrating government and political institutions, transnational organized crime and corruption are the flipsides of the same coin. The ability to “persuade” and then “buy” a senior police officer or a judge to work for a criminal network requires a significant degree of sophistication and a lot of money. This is corruption at its most dangerous metamorphosis. Wanted Al Qaeda terrorists have been able to escape from Kenyan police cells or elaborate dragnets leaving their cell phones behind yet no local collaborators are arrested. This is a security risk!

---

66 Ibid
68 Ibid
According to Kenya 2008 Crime and Safety Report, the sophistication, and ability to corrupt with large amounts of money, is often confined to those involved in transnational organized crime networks. They are the ones who have moved up the social ladder and who mix with the elites because of their wealth, skills and international exposure, and they are the ones who have the means to corrupt top figures in government and politics because of the vast profits they earn from their illicit trade. Reforms within the judiciary and the police force must confront and deal with this evil. Transnational organized crime and corruption have therefore, set Kenya back and could cause it to slide in the direction of becoming a captured and criminalized state.69

Senior government officials repeatedly threatened to close the Dadaab refugee camps and forcibly return all residents to southern Somalia throughout the year, describing Dadaab as a “security threat” and claiming that areas of southern Somalia were safe. Amnesty International and other human rights groups disputed this.

2.3 Somali Refugees Movement from the Camp

The Somalis have always relied upon a strong social network that instilled great family responsibilities on each member. The dispersal of the larger family and flexibility in the movement of smaller units were important livelihood strategies prior to the war. Freedom of movement is necessary to fulfill a host of fundamental civil, political, social and economic human rights.70 This right is being denied in long-term camps where the host state either in law and/or in practice arbitrarily denies such freedom.

Eastleigh is now the hub of commercial skyscrapers uncommon in many residential estates. Speculation has been rife that Indian Ocean piracy cash finds its way to Eastleigh. Clothes, electronic and other goods are said to be smuggled through Eldoret Airport and the porous Kenya-Somalia border. Somali businessmen have also hiked rental

---

69 Ibid
70 Ibid
cost for business premises within the Nairobi city centre with new buildings demanding goodwill upwards of a million shillings.

Maintaining one of the highest crime rates in Nairobi, Eastleigh frequently experiences unannounced raids by police to check the identification documents of Somalis. The government’s policy makes it clear that any refugee found outside refugee camp grounds should be arrested or detained”. 71 There are specific exceptions to this policy, including if a refugee needs to seek health care in Nairobi or has been accepted to an academic institution. Of course, the lack of clear refugee legislation in Kenya makes this a very ambiguous situation, whereby a Somali refugee can be detained for extended periods of time and harassed by the police and end up not being officially charged with a crime. 72

Whereas in Garissa, the strictness of the police seems to make it impossible to reside there without a Kenyan ID, in Nairobi people do. These people live in constant fear of being caught, and even those with a Kenyan ID try to avoid any confrontation with police or CID (Criminal Investigation Department). This seems to be the main source of insecurity for refugees who live in Nairobi.

The raids conducted by police are frequently in response to anti-Somali sentiment felt by many Kenyans and are indicative of a long and painful relationship between Somalis and Kenyans. For years, Somali refugees have been used as a scapegoat for much of the insecurity and disorder that has plagued Kenya. 73 The fact remains that Somalia, as a country, has been politically unstable for much of its post-colonial existence. Kenyans, therefore, overwhelmingly believe that Somali refugees simply brought problems into

72 Ibid
73 Ibid
Kenya. Any significant event that involves terrorism in Kenya almost certainly brings an increased distrust towards Somalis and a subsequent police raid into Eastleigh.

Most of the time, refugee camps provide at least a basic degree of protection against crimes against humanity and genocide. However, their residents are extremely vulnerable, due to their location, their over-crowding, the scarcity of resources available, and the continuing political troubles of their country of origin, not to mention those of the host country. There are also essentially temporary emergency measures that must lead to more permanent solutions, such as voluntary repatriation, integration in the host country, or resettlement in a new country. If the residents are forced to wait too long, the refugee camps may come to represent the worst of the political situation that the refugees were fleeing. Sometimes, when repatriation becomes possible, refugees return to a place that is very different from the one they once left because some of them lived in the camps for decades.

Nearly all the Somali refugees who do not live within an official camp reside in Eastleigh, “a densely populated low-income area of Nairobi, where the informal economy is flourishing”. Historically, the estate was built by British businessmen in the early 20th century to expand business. Nowadays, Eastleigh is known as Mogadishu Ndogo, a Kiswahili phrase meaning “little Mogadishu.” It remains an area that many non-Somalis avoid due to its “collapsing infrastructure, lawlessness, unplanned growth, and lack of basic services”. Simply put, while an official refugee camp may offer slightly better living conditions, Eastleigh provides a “level of invisibility” that a camp lacks.

---

77 Ibid
Although a substantial amount of legitimate business occurs within Eastleigh, there is still an overwhelming presence of illicit activities, making it possible to purchase anything from a fake passport to a firearm. It is even possible to exchange currency with many Somali refugees, using a “black market” rate that is far superior to the official exchange rate. Even the legitimate goods that are sold in the area may have been smuggled into the country through corruption and illegal means.\(^78\)

There are also disadvantages of living in Nairobi for the refugees. Although it is possible to earn an income more easily, this is at the expense of being away from one’s family. Besides, the cost of living in Nairobi is so much more expensive compared to that in the camps. Also, despite resettlement opportunities being much better in Nairobi, this is not necessarily seen by all as positive. People see their friends and acquaintances leave Nairobi for the USA, Canada and elsewhere. This is likely to stimulate *buufis* (the extreme hope to go for resettlement abroad), even in people who were not suffering from it before.

International aid is very much a part of the camps' organization. Despite the hard work of relief agencies, however, the people living in a camp often lack nearly everything they need to create a semblance of normal life. Sometimes, when camps become permanent, they no longer receive a full share of international emergency relief. Food shortages and water deficiencies put refugees' survival into question.\(^79\) Because there are no employment program or agricultural opportunities, camp residents are often forced into complete idleness, which can have devastating consequences on their mental health and those who are able just leave the camp to look for better life elsewhere.\(^80\)

To underscore the fears that Kenya has on the Somali infiltration, the Kenya government deployed a contingent of the Kenya Defence Forces personnel to the war-torn Somalia in October 2012 to fight against the Al-Shabaab militants who had already posed

---

\(^{78}\) Ibid


\(^{80}\) Ibid.
a serious security in the country through kidnappings and murder of Kenyans and tourists visiting Kenya. Some parts of the coast and North Eastern regions of Kenya became recruitment and training grounds for Al-Shabaab militants.81

On September 21st 2013, the Al-Shabaab terrorists raided a shopping mall in Nairobi that resulted in 69 deaths and hundreds injured. The Al-Shabaab claimed responsibility for the attack. Various explosions have also been reported in various parts of the country, especially the North Eastern region, the coastal region and Nairobi, resulting in fatalities. All these are pointed at the Somalis from Somalia, who forms the terrorist group Al-Shabaab.

Terrorism is the systematic use of violence as a means of coercion for political purposes. In the international community, terrorism has no legally binding.82 Common definitions of terrorism refer only to those violent acts that are intended to create fear (terror); are perpetrated for a religious, political, or ideological goal; and deliberately target or disregard the safety of civilians. Some definitions now include acts of unlawful violence and war. Some actions may be labeled terrorism when done by a politically motivated group. Usage of the term has also been criticized for its frequent undue equating with Islamism or jihadism while ignoring non-Islamic organizations or individuals.

The word "terrorism" is politically loaded and emotionally charged, and this greatly compounds the difficulty of providing a precise definition. Studies have found over 100 definitions of "terrorism",83 for example a study by Hared H. Adan, Maj. Kenya Army (2005) on Combating Transnational Terrorism in Kenya defines terrorism as an act of calculated use of violence (or the threat of violence) against civilians in order to attain goals that are political or religious or ideological in nature; this is done through intimidation or coercion or instilling fear.84 In some

81 Ibid
cases, the same group may be described as "freedom fighters" by its supporters and considered to be terrorists by its opponents. The concept of terrorism may be controversial as it is often used by state authorities (and individuals with access to state support) to delegitimize political or other opponents, and potentially legitimize the state's own use of armed force against opponents (such use of force may be described as "terror" by opponents of the state). At the same time, the reverse may also take place when states perpetrate or are accused of perpetrating state terrorism. The usage of the term has a controversial history, with individuals such as Jomo Kenyatta and Nelson Mandela at one point also branded terrorists.

The international community has never succeeded in developing an accepted comprehensive definition of terrorism. During the 1970s and 1980s, the United Nations attempts to define the term but it was difficult mainly due to differences of opinion between various members about the use of violence in the context of conflicts over national liberation and self-determination.\(^8^5\)

By distinguishing terrorists from other types of criminals and terrorism from other forms of crime, we come to appreciate that terrorism is ineluctably political in aims and motives, violent or equally important, threatens violence; designed to have far-reaching psychological repercussions beyond the immediate victim or target; conducted by an organization with an identifiable chain of command or conspiratorial cell structure, whose members wear no identifying insignia and perpetrated by a subnational group or non-state entity.\(^8^6\)

The psychological and tactical aspects of terrorism defined it as political violence in an asymmetrical conflict that is designed to induce terror and psychic fear (sometimes indiscriminate) through the violent victimization and destruction of noncombatant targets (sometimes iconic symbols). Such acts are meant to send a message from an illicit

---


clandestine organization. The purpose of terrorism is to exploit the media in order to achieve maximum attainable publicity as an amplifying force multiplier in order to influence the targeted audience in order to reach short and midterm political goals and/or desired long-term end states.\(^87\)

Terrorist attacks are usually carried out in such a way as to maximize the severity and length of the psychological impact. Each act of terrorism is a "performance" devised to have an impact on many large audiences. Terrorists also attack national symbols, to show power and to attempt to shake the foundation of the country or society they are opposed to. This may negatively affect a government, while increasing the prestige of the given terrorist organization and/or ideology behind a terrorist act.\(^88\) Terrorist acts frequently have a political purpose. Terrorism is a political tactic, which is used by activists when they believe that no other means will effect the kind of change they desire. The change is desired so badly that failure to achieve change is seen as a worse outcome than the deaths of civilians. This is often where the inter-relationship between terrorism and religion occurs. When a political struggle is integrated into the framework of a religious struggle, failing in the political goal becomes equated with spiritual failure, which, for the highly committed, is worse than their own death or the deaths of innocent civilians.\(^89\)

The terms "terrorism" and "terrorist" carry strong negative connotations. These terms are often used as political labels, to condemn violence or the threat of violence by certain actors as immoral, indiscriminate, unjustified or to condemn an entire segment of a population. Those labeled "terrorists" by their opponents rarely identify themselves as such, and typically use other terms or terms specific to their situation, such as separatist,


freedom fighter, liberator, revolutionary, vigilante, militant, paramilitary, guerilla, rebel, patriot, or any similar-meaning word in other languages and cultures.\textsuperscript{90}

In his book \textit{Inside Terrorism (2006)}, Bruce Hoffman offered an explanation of why the term \textit{terrorism} becomes distorted: On one point, at least, everyone agrees: \textit{terrorism} is a pejorative term. It is a word with intrinsically negative connotations that is generally applied to one's enemies and opponents, or to those with whom one disagrees and would otherwise prefer to ignore. 'What is called terrorism,' Brian Jenkins has written, 'thus seems to depend on one's point of view. Use of the term implies a moral judgment; and if one party can successfully attach the label \textit{terrorist} to its opponent, then it has indirectly persuaded others to adopt its moral viewpoint.' Hence the decision to call someone or label some organization \textit{terrorist} becomes almost unavoidably subjective, depending largely on whether one sympathizes with or opposes the person/group/cause concerned. If one identifies with the victim of the violence, for example, then the act is terrorism. If, however, one identifies with the perpetrator, the violent act is regarded in a more sympathetic, if not positive (or, at the worst, an ambivalent) light; and it is not terrorism.\textsuperscript{91}

There is the famous statement: 'One man's terrorist is another man's freedom fighter.' But that is grossly misleading. It assesses the validity of the cause when terrorism is an act. One can have a perfectly beautiful cause and yet if one commits terrorist acts, it is terrorism regardless.\textsuperscript{92} Some groups, when involved in a "liberation" struggle, have been called "terrorists" by the Western governments or media. Later, these same persons, as leaders of the liberated nations, are called "statesmen" by similar organizations. Three examples of this phenomenon are Kenya’s Jomo Kenyatta, the Nobel Peace Prize laureates Menachem Begin of Israel and Nelson Mandela of South Africa.

\textsuperscript{90} Ibid
\textsuperscript{91} Ibid
\textsuperscript{92} Humphreys, Adrian. ‘One official’s refugee’ is another’s terrorist’, \textit{National Post}, January 17, 2006.
2.4 Motivation of terrorists

Attacks on 'collaborators' are used to intimidate people from cooperating with the state in order to undermine state control. This strategy was used in the United States in its War of Independence, in Ireland, in Kenya, in Algeria and in Cyprus during their independence struggles. Attacks on high profile symbolic targets are used to incite counter-terrorism by the state to polarise the population. This strategy was used by Al Qaeda in its attacks on the United States in September 2001. These attacks are also used to draw international attention to struggles that are otherwise unreported.\(^{93}\)

2.5 Religious terrorism

Religious terrorism is terrorism performed by groups or individuals, the motivation of which is typically rooted in faith-based tenets. Terrorist acts throughout the centuries have been performed on religious grounds with the hope to either spread or enforce a system of belief, viewpoint or opinion. Religious terrorism does not in itself necessarily define a specific religious standpoint, but instead usually defines an individual or a group view or interpretation of that belief system's teachings.\(^{94}\)

The perpetrators of acts of terrorism can be individuals, groups, or states. According to some definitions, clandestine or semi-clandestine state actors may also carry out terrorist acts outside the framework of a state of war. However, the most common image of terrorism is that it is carried out by small and secretive cells, highly motivated to serve a particular cause. A 2007 study by economist Alan Krueger found that terrorists were less likely to come from an impoverished background and more likely to have at least a high-school education. To avoid detection, a terrorist will look, dress, and behave normally until executing the assigned mission. Some claim that attempts to profile

\(^{93}\) Ibid.
\(^{94}\) Ibid
terrorists based on personality, physical, or sociological traits are not useful.\textsuperscript{95} The physical and behavioral description of the terrorist could describe almost any normal person. However, the majority of terrorist attacks are carried out by military age men, aged 16 and 40 years. A state can sponsor terrorism by funding or harboring a terrorist organization. Opinions as to which acts of violence by states consist of state-sponsored terrorism vary widely. When states provide funding for groups considered by some to be terrorist, they rarely acknowledge them as such.

As with "terrorism" the concept of "state terrorism" is controversial. State terrorism has been used to refer to terrorist acts by governmental agents or forces. This involves the use of state resources employed by a state's foreign policies, such as using its military to directly perform acts of terrorism. State terrorism has also been used to describe peacetime actions by governmental agents such as the bombing of Pan Am Flight 103. Taking and executing civilian hostages or extrajudicial elimination campaigns are commonly considered "terror" or terrorism. Such actions are often also described as democide or genocide, which has been argued to be equivalent to state terrorism.\textsuperscript{96}

Terrorist attacks are often targeted to maximize fear and publicity, usually using explosives or poison. There is concern about terrorist attacks employing weapons of mass destruction. Terrorist organizations usually methodically plan attacks in advance, and may train participants, plant undercover agents, and raise money from supporters or through organized crime.

Mass media exposure may be a primary goal of those carrying out terrorism, to expose issues that would otherwise be ignored by the media. Some consider this to be manipulation and exploitation of the media.\textsuperscript{97} The Internet has created a new channel for

\textsuperscript{95} Sean Coughlan (21 August 2006). Fear of the unknown. \textit{BBC News}. 1530 hrs


\textsuperscript{97} Ibid
groups to spread their messages. This has created a cycle of measures and counter
measures by groups in support of and in opposition to terrorist movements. The United
Nations has created its own online counter-terrorism resource. The mass media will, on
occasion, censor organizations involved in terrorism to discourage further terrorism.
However, this may encourage organizations to perform more extreme acts of terrorism to
be shown in the mass media.

2.6 The Threat of Terrorism around the world

Increasingly, international terrorism is recognized as a threat to U.S. foreign, as
well as domestic security. Both timing and target selection by terrorists can affect U.S.
interests in areas ranging from preservation of commerce to nuclear nonproliferation to the
Middle East peace process. A growing number of analysts express concern that radical
Islamist groups seek to exploit economic and political tensions in Saudi Arabia, Egypt,
Indonesia, Russia, Jordan, Pakistan, and other countries. Because of their avowed goal of
overthrowing secular or Western-allied regimes in certain countries with large Muslim
populations, such groups are seen as a particular threat to U.S. foreign policy objectives.

Terrorists have been able to develop their own sources of financing, which range
from NGOs and charities to illegal enterprises such as narcotics, extortion, and
kidnapping. Colombia’s FARC is said to make hundreds of millions of dollars annually
from criminal activities, mostly from “taxing” of, or participating in, the narcotics trade.
Al Qaeda depends on a formidable array of fundraising operations including Moslem
charities and wealthy well-wishers, legitimate-seeming businesses, and banking
connections in the Persian Gulf, as well as various smuggling and fraud activities.
Terrorists have attempted to acquire weapons of mass destruction (WMD) technology

---

through their own resources and connections. For instance, the Aum Shinrikyo cult in Japan was able to procure technology and instructions for producing Sarin, a deadly nerve gas, through contacts in Russia in the early 1990s. The gas was subsequently used in an attack on the Tokyo subway in March 1995 that killed 12 people and injured over 1,000.\(^9^9\)

In November 12, 2001, *Time* magazine reported that a bin Laden emissary tried to buy radioactive waste from an atomic power plant in Bulgaria, and cited the September 1998 arrest in Germany of an alleged bin Laden associate on charges of trying to buy reactor fuel. BBC reports cite the discovery by intelligence officials of documents indicating that Al Qaeda had built a radiological “dirty” bomb near Herat in Western Afghanistan. In January, 2003 British authorities reportedly disrupted a plot to use the poison ricin against personnel in England.

Weapons are also transported into Kenya and used for a variety of unlawful and dangerous means.\(^1^0^0\) These weapons play a significant role in transnational crime as well as common street disorder in major cities. Since guns are not manufactured in Kenya, it is only logical to believe that the weapons enter the country in ways that are a danger to global security. According to the Small Arms Survey of 2001, “90 – 95 percent of households in Northern Kenya are armed [with firearms]. For such a significant percentage of gun-owners in a country where legal firearm possession is nearly impossible, it shows that Kenya’s border system is ineffective and that trafficking poses a significant threat to its safety and security.

Crime is no longer as easily traceable and concretely defined as it once was. With advancements in technology over the last several decades, many developing nations, including Kenya, have seen the emergence of technological crime. Since the judicial system often works as a reactive mechanism, the juvenility of cyber offenses has put

---

\(^{99}\) Ibid.

\(^{100}\) RSO (2010). Interview with Regional Security Office at U.S. Embassy. Nairobi, Kenya
Kenya in a very difficult situation. There are minimal personnel within the Kenyan Police Force who possess any computer training and cyber legislation is just starting to take effect. Computer related crime can play an unfortunate role in society, and in Kenya, pertains mainly to money laundering and fraud.\textsuperscript{101} With such an abundance of Internet cafés and advanced cellular telephones, these criminal offenses can take place nearly anywhere throughout the country. A fiber optic network was recently installed underneath the Indian Ocean and, beginning in 2009, started giving Kenyans access to very fast connectivity with the rest of the world. Security experts from the United States Embassy in Nairobi believe that the installation can be both great and terrible at the same time.\textsuperscript{102}

The first measures to fight terrorism in the International arena were made in the 1970, the measures addressed co-operation between states in dealing with hijacking of aircraft, sabotage of aircraft, taking of hostage, violent offences onboard aircraft and crimes against certain protected persons. It’s argued that forms of terrorist activities have changed. Terrorism nowadays is international and has created new forums of increased vulnerability. International terrorism is tantamount to activities that are not constrained to a certain location or region but are geographically unbound. The person engaged in such activities are recruited from many countries and do not have necessarily a connection to the country destined for attack.

Terrorism has changed forms and is specified by new actors, means and ideology. Religious motives have always been part of terrorist activities and religiously motivated terrorist are perceived as dangerous. International terrorism is organized in small and durable cells interconnected to networks that make it much more difficult to fight the organization as a whole. International terrorism inspired by Islamist ideology has been the dominant kind of terror in the 21\textsuperscript{st} century. They have a global theatre and one such

\begin{flushleft}
\textsuperscript{102} Ibid
\end{flushleft}
organization is Al Qaeda that has terrorism infrastructure in all regions. The infrastructure is further reinforced by a network of terror organization such as Boko Haram and Al-shabaab, and they are brought together by a shared Islamist ideology.\textsuperscript{103}

Such terrorist infrastructure is present in Kenya and has been responsible for attack which has led to loss of lives and properties. The attacks have had far reaching negative economic consequences, especially on the tourism sectors, which is central to Kenya’s economy. From a terrorism perspective, economic instability offers the opportunity to blackmail the government or important individual in the general public. Terrorist may be able to disrupt the economics of a nation to the extent that the government feels real pressure from lack of revenue, fiscal cost of repair and security.\textsuperscript{104} After September 11\textsuperscript{th} it was widely said that nothing would be the same again but we are still living in the same world with the same danger and threat and now we are more aware of the consequences and the price of a terrorist act. By this act, terrorism showed its face to the leaders of the world.

The experience of the World Trade Center bombing signaled new dangers in a less defined terrorism threat with roots in extremist Islamic fundamentalism. Evidence points to extremists who are bound together by hatred of Western, especially American, and the existence of Israel. Many of these terrorists are Mujahedin-hardened veterans of the Afghan and Bosnian conflicts. In 1998 Islamic Terrorist group leaders signed a \textit{fatwa}, calling for the elimination of all American civilian and military personnel. This is what led to bombing of American embassies in Nairobi and Dar-es-Salaam in August 1998.\textsuperscript{105}

\textsuperscript{103} Ibid
\textsuperscript{105} Manuel Moreno and Kyle O’Donoghue (2011) 'For Somali refugee children in Kenya, the new school year offers a fresh start,' UNICEF Newsline. Available at: http://www.unicef.org/infobycountry/kenya_59760.html
Terrorist training centres continue to exist in the Middle East, North Africa, West Africa and Somalia. The terrorism of today is complex, with diminishing emphasis on formalized group structure. The *ad hoc*, individualistic nature of those who form the amorphous membership is in direct contrast to more established terrorist groups. The terrorists of today are often more sophisticated than their predecessors. Globally, mobile and knowledge about communications, explosives technology and computers, they have contacts around the world. Their activities and targets are difficult to predict. Nationalism and ethnic unrest remain primary motivators for terrorist activity. Impact of conflicts in Algeria, Israel, Punjab and Turkey, enhanced by the presence of large non-European ethnic minorities in Europe, also poses a threat to the security of democratic countries. Increased migration enhances the terrorism threat by way of cummulation of “ethnic pockets” subject to external influence; e.g. such countries as Iran have long been exerting influence upon Islamic communities world-wide.

2.7 Kenya’s Intervention in Somalia

In the past, despite suffering, multiple high profile terrorist attacks, Kenya avoided the Western-funded “War on Terror” despite receiving military funding from the US. That policy drastically shifted in October 2011 when Kenya sent its troops to Somalia to fight the al-Shabaab, the Somalia-based al-Qaeda affiliated group, following the group's alleged cross-border kidnapping of Western tourists and aid workers. By sending its troops to Somalia, Kenya lost its distinctive regional profile as the only country whose military never went to war with any of its neighbours.\(^{106}\)

This had two consequences. The first was that al-Shabaab explicitly targeted Kenya for retribution. Since Kenya intervened in Somalia, there have been a total of 30

\(^{106}\) Ibid
attacks involving grenades or improvised explosive devices. This succession of relatively minor incidents preluded the attack on the upscale Westgate Shopping Mall on September 21, 2013. The second consequence was to reinforce Kenya's explicitly prominent role in the War on Terror in the region. Domestically, the face of the aggressive counter-terrorism posture was the enhanced role of the Anti-Terrorism Police Unit (ATPU) and the passage of an anti-terrorism bill 2002.

This legislation was passed one year after Kenya's intervention in Somalia started in 2011. The passage of the law saw an uptick in the collective profiling of Muslims specially Somalis. While the demonization of the Somalis has a long history, under the counter-terrorism rubric the community has become the security forces' focal point. For example, after the recent blast in the Nairobi suburb of Eastleigh, the police arrest over 600 Somalis. Additionally, the passage of the bill coincided with an upswing in extrajudicial killings by the police, especially in the coastal city of Mombasa.

2.8 Western mixed signals

Presently the Kenyan government, itself, has little to worry about because the Western countries are providing the majority of counter-terrorism funding and training. Upon its establishment the Anti-Terrorism Police Unit, Kenya received $ 10 million from the U.S. government. The mixed signals, especially those emanating from the US, are insulating the Kenyan government from legitimate criticism. On the one hand, the US State Department emphasizes the principles of good governance, human rights and the rule of law; on the other, the Department of Defense (DoD) gives a priority to counterterrorism. The Kenyan government has become adept at exploiting these mixed

---

108 Ibid
109 Ibid
signals by defending any extrajudicial killing with the response that it was a pre-emptive
counter-terrorism effort.

There is no doubt Kenya faces genuine security threats emanating from Somalia
and Al-Shabaab. Also, there are indisputable instances of radicalization among the Muslim
youth, especially new converts along the Kenyan coast, in the North-East, as well as in the
Nairobi slums. But the massive use of force and the profiling of innocent Somalis and
Muslims, in general, could be counter-productive; it runs the risk of eroding community
and security force relations. Further, an unchecked use of force will destroy the modest
gains made in human rights, rule of law and good governance that Kenya has enjoyed
since the passage of the new constitution in 2010.110

For instance, if Muslim clerics were engaged in radicalizing and recruiting Muslim
youths to join Al-Shabaab, they should have been charged in court under the terrorism
law. In fact, Abubakar Sharif alias Makaburi, was awarded damages by a court in a
lawsuit over the excessive use of force and wrongful arrest by the Kenyan police in 2010
just before his death in 2014.

Additionally, security forces have employed a disproportionate amount of
force along the coast and in parts of Northern Kenya, the two regions with the largest
concentration of Muslims. This is despite the government's protestation they are not
targeting Muslims. The anti-terrorism legislation has also encouraged the emergence of a
false posture from the government, where individuals are forced into an artificial binary:
You are either with the terrorists or with us. This took away any veneer of dialogue
between the state security and the Muslim leaders on how to address radicalization of
Muslim youth.111

110 Ndege, Kagwanja and Odiyo, Refugees in Law and Fact: A Review of the Literature and Research
111 Aljazeera inside story- A war of vengeance.
The U.S.’s response to the September 11, 2001 events was swift, wide-ranging, and decisive. After the U.S. officials attributed responsibility for the attack to the Al Qaeda organization, there was an announced policy shift from deterrence to preemption. Given the potentially catastrophic consequences of terrorist attacks employing weapons of mass destruction (WMD), U.S. decision-makers felt that they could not afford to sit back, wait for attacks to occur, and then respond.

The nation was mobilized; combating terrorism and crippling Al Qaeda became top national priorities. Preemptive use of military force against foreign terrorist groups and infrastructure gained increasing acceptance in U.S. policy circles. A full-scale campaign was launched, using all elements of national and international power, to go after Al Qaeda and its affiliates and support structures.112

As a result, the Taliban was removed from power, all known Al Qaeda training sites were destroyed, and a number of Taliban and Al Qaeda leaders were killed or detained. Since then, according to President Bush in his address to the nation on May 1, 2003, nearly half of the known Al Qaeda leadership has been captured or killed.

International law requires host governments to provide security to refugee populations within their borders. A country’s relations with some of its neighbours can be strained by the influx of refugees from its neighbouring country. For instance Burundi made the often-repeated (and often-refuted) claim that Tanzania was harbouring, training and arming rebels. In the mid-90s, the government of Tanzania responded by asserting its sovereignty and its obligation to protect refugees on Tanzanian soil at whatever cost, but in later years reacted by expressing intentions of forcibly repatriating Burundi refugees as a means to avoiding the possibility of a costly war.113

Forced repatriation of refugees to countries of origin before conditions are conducive is in express contravention of the principles of international refugee law, a thing Kenya was condemned for when she turned way some 400 Somalis and closed its borders.

Internal peace and security has been affected by the increase in serious criminal activities such as murder, armed robbery and illegal possession of arms and ammunition. The impact of these crimes on local populations has been devastating, resulting in: internal displacement of individuals, families, communities and even whole villages; cessation of agricultural activities by some of those displaced; and tension between refugee and host populations.

The Kenyan government has had a legitimate security concern. The conflicts in neighboring Rwanda, Burundi, the Democratic Republic of Congo, Somalia, Sudan, Ethiopia, and Eritrea can, and have, spilled over in the country. The reports of cross-border extremist activity, arms trafficking, recruitment and training of refugees by rebel groups such as Al-Shabaab of Somalia, and the Oromo Liberation Front of Ethiopia, and the extortion of food or money by these militias are serious national security concerns that the government need and must address. Weapons flows, crime, and banditry have increased along the border more especially in the Northern part of the country in the past few years. Furthermore, conditions are unlikely to improve sufficiently for these refugees to return home any time soon.

However this does not seem to auger well within international circles where it has been argued that while national and border security issues are clearly a priority for any government and need to be addressed, long-term security interests are best served by implementing mechanisms that uphold the rule of law. Ultimately, it has been argued by

---

114 Ibid
116 Ibid.
Civil Society Organizations that deal with refugees that indiscriminately criminalizing refugee without due process or individual accountability is neither an effective nor a sustainable security policy. The blanket presumption that refugees pose a security threat has become justification in Kenya for random round-ups, confinement to camps, harassment, and the daily infringement of refugees' rights. This presumption and the international community's failure to advocate effectively against it, has led to an alarming pattern of deteriorating respect for refugee rights in Kenya. Security concerns are valid, but this response is not.117

Governments do have a right to question foreign nationals who have not followed the requisite legal procedures for residence; however, human rights advocates have argued that the tactics being adopted violate international refugee and human rights law. For example, Kenyan government policies that call for the confinement of all refugees on the grounds that some may pose a security threat are based on the presumption that all refugees are rebel fighters or criminals. This does not seem to auger well with proponents of humanitarian law. For instance since the Kenya government’s order for all Somali refugees and asylum-seekers to move to Dadaab Refugee Camp northeastern Kenya, and for all other refugees and asylum-seekers in the country to move to Kakuma Refugee Camp in the northwest of the country the government has come under intense criticism from NGO’s. The decision to place refugees and asylum seekers in camps away from urban centres has been described as a discriminatory and unlawful restriction on freedom of movement. Although these policies violate a refugee's right to freedom of movement (UN Refugee Convention, Article 31(2)), UNHCR has not effectively challenged them. It

117 Binaifir Nowrojee, In the name of security: Erosion of Refugee Rights in East Africa (2000). This article is based on first-hand research and interviews conducted by Human Rights Watch with refugees, UNHCR staff, government officials, and others in Kenya, Uganda, and Tanzania in 1999
is only through the effort of human rights groups and international humanitarian agencies that such policies have been challenged.\textsuperscript{118}

2.9 Conclusion

The Somalis have always relied upon a strong social network that instilled great family responsibilities on each member. The dispersal of the larger family and flexibility in the movement of smaller units were important livelihood strategies prior to the war. Eastleigh is now the hub of commercial skyscrapers uncommon in many residential estates. Somali businessmen have also hiked rental cost for business premises within the Nairobi city Centre with new buildings demanding goodwill upwards of a million shillings. Terrorism has changed forms and is specified by new actors, means and ideology. Religious motives have always been part of terrorist activities and religiously motivated terrorist are perceived as dangerous.

Under international and Kenyan law, Kenya must formally justify any prohibition on free movement as the least restrictive measure necessary to protect national security, public order, or public health.\textsuperscript{119} The Kenyan authorities said the transfer of urban refugees to the camps responds to a series of attacks in which unidentified people threw hand-grenades into crowds in various locations, killing and injuring a number of people, including police officers and soldiers. This in itself is a threat to national security and thus the action was justifiable. What Amnesty International and other humanitarian NGO’s need to understand is that Kenya cannot risk the security of its nationals and other international investors. No law is absolute.\textsuperscript{120}

\textsuperscript{118} Ibid
\textsuperscript{119} Ibid
\textsuperscript{120} Binaifir Nowrojee, In the name of security: Erosion of Refugee Rights in East Africa (2000). This article is based on first-hand research and interviews conducted by Human Rights Watch with refugees, UNHCR staff, government officials, and others in Kenya, Uganda, and Tanzania in 1999
CHAPTER THREE  
EFFECTS OF SOMALI REFUGEES ON SECURITY IN KENYA

3.1 Introduction

Kenya has seen a huge influx of refugees over the recent years owing to the political instability experienced in her neighboring states more especially in the Horn of Africa. The Al-Shabaab insurgency in Somalia has seen Kenya give refuge to countless men, women and children who cross its borders daily to escape from the war in Somali. These refugees, who were traditionally conceived and presented as humanitarian issues, are now increasingly viewed as security threats.\(^\text{121}\) The question that arises in many circles is; does this influx pose a threat to the country’s national security? This presentation examines Kenya’s open door policy in according migrants refugee status without much scrutiny and the impact of this policy on state security. The presentation shall also expound on whether the strict implementation of international instruments and domestic laws would influence the security of Kenya.\(^\text{122}\)

3.2 The History of refugees in Kenya

The history of refugees in Kenya dates back to independence in 1963. The country has been host to refugees from its neighboring countries which have experienced civil war, political unrest and upheavals at one time or another. These include countries such as Ethiopia, Somalia, Sudan, Uganda, DRC, Burundi and Rwanda.

By August 2012, the total number of refugees and asylum-seekers in Kenya, including some 55,000 in Nairobi, stood at more than 630,000.\(^\text{123}\) Kenya is a signatory to the 1951 UN Refugee Convention and its 1967 Protocol, as well as the 1969 OAU


Refugee Convention. It is also a signatory to other international and regional human rights instruments that are relevant to refugee protection. On the domestic front, however, Kenya lacked any national refugee legislation until 2007, when the Refugee Act came into force.\footnote{Ndege, Kagwanja and Odiyo, \textit{Refugees in Law and Fact: A Review of the Literature and Research Agenda in Kenya}, Occasional Paper Series Vol. 1 No. 1, 2002}

Notwithstanding the relatively recent introduction of national refugee legislation, Kenya in general and Nairobi in particular have a long history of hosting refugees from neighbouring and nearby countries. In the 1970s, for example, significant numbers of Ugandans fled from the violence in their own country and took refuge in Kenya, many of them teachers and other educated people who, because of their skills and cultural affinities, settled successfully in the country.

Until the end of the 1980s, when the country began to experience mass influxes from the Horn of Africa, refugees and asylum seekers were able to reside in any place of their choice. There were no camps, although the Thika Reception Centre, established some 40 kilometres from Nairobi, provided accommodation for a few hundred refugees and asylum seekers and where the government’s Eligibility Committee undertook Refugee Status Determination (RSD).

In the early 1990s, following large-scale refugee arrivals from Ethiopia, Somalia and Sudan, refugee camps were set up in the border areas of Kenya.\footnote{Ibid} While many of the Somalis initially made their way to Mombasa and coastal areas of the country, they were subsequently relocated to three large camps in Dadaab, in north-east Kenya. Refugees from Ethiopia and Sudan, meanwhile, were accommodated primarily at Kakuma camp, in the north-west of the country.

At that time, it was anticipated that these new refugee situations would be temporary in nature, and that most of the people concerned would soon be able to return to
their countries of origin. For both the authorities and UNHCR, the camp option seemed to be the most appropriate one in terms of facilitating the eventual repatriation of the refugees, protecting Kenya’s national security interests and organizing the provision of food, shelter and other forms of assistance to the new arrivals. Given the scale and nature of these new influxes, refugee status determination on a case-by-case basis became increasingly untenable and was replaced by the granting of *prima facie* refugee status.\(^{126}\)

The refugees are today settled in two camps in Kenya; Dadaab in Garissa County and Kakuma refugee camp in Turkana County. This followed the closure of other camps in Mombasa, Malindi, Thika, Moyale and Mandera. The U.N.H.C.R, other U.N specialized agencies like UNICEF and other NGOs have assumed the responsibility of providing the basic needs for the refugees in these camps (i.e. food, shelter, water, healthcare, sanitation and education) while the Kenya Government provides the necessary administrative and security back up and generally maintains Law and Order in the camps.\(^{127}\)

### 3.3 Causes of Refugees Influx in Kenya

Due to civil war and famine within the borders of Somalia, many Somalis fled to Kenya during 1991-1992 in order to escape. The continued instability in the region has prevented about half of these refugees to return to Somalia. The problems that faced these refugees are still seen today, and are continuing to cause many to seek refuge within the borders of Kenya. Some of these factors are discussed below.

#### 3.3.1 Civil Wars in Somalia

The Somali Civil War is an ongoing civil war taking place in Somalia. It grew out of resistance to the Siyyad Barre regime during the 1980s. By 1988–90, the Somali Armed Forces began engaging various armed rebel groups, including the Somali Salvation

\(^{126}\) Ibid

\(^{127}\) Binaifir Nowrojee, *In the name of security: Erosion of Refugee Rights in East Africa* (2000). This article is based on first-hand research and interviews conducted by Human Rights Watch with refugees, UNHCR staff, government officials, and others in Kenya, Uganda, and Tanzania in 1999
Democratic Front in the northeast, the Somali National Movement in the northwest, and the United Somali Congress in the south. This coalition of clan-based armed opposition groups eventually managed to overthrow the nation's long-standing military government in 1991. There was no national government in Somalia for nearly two decades now. Much of the country has been effectively governed by local authorities, in Somaliland and Puntland, but these entities were not recognized as states by the international community. There is a severe lack of capacity in every part of the country to adequately address problems. While parts of the north have been relatively peaceful, including much of the self-declared "Republic of Somaliland," interclan and inter-factional fighting have flared up with little warning, kidnapping, murder and other threats to foreigners occur unpredictably in many regions. Since 1991, an estimated 350,000 to 1,000,000 Somalis had died because of the conflict.128

The Somali Republic gained independence on 1 July 1960. Somalia was formed by the union of British Somaliland and Italian Somaliland, while French Somaliland became Djibouti. A socialist state was established following a coup led by Major General Muhammad Siyyad Barre. Rebel forces ousted the Barre regime in 1991, but turmoil, factional fighting and anarchy ensued. The Somali National Movement (SNM) gained control of the north, while in the capital of Mogadishu and most of southern Somalia, the United Somali Congress achieved control. Somalia had been without a stable central government since Dictator Muhammad Siyyad Barre fled the country in 1991. Somalis use the word burbur (‘catastrophe’) to describe the period from December 1991 to March 1992, when the country was torn apart by clan-based warfare and factions plundered the remnants of the state and fought for control of rural and urban assets. Four months of

fighting in Mogadishu alone in 1991 and 1992 killed an estimated 25,000 people, 1.5 million people fled the country and at least 2 million were internally displaced.129

In the midst of drought, the destruction of social and economic infrastructure, asset stripping, ‘clan-cleansing’ and the disruption of food supplies caused a famine in which an estimated 250,000 died. Those who suffered most came from the politically marginalized and poorly armed riverine and inter-riverine agro-pastoral communities in the south, who suffered waves of invasions from the better-armed militia from the major clans.130

3.3.2 Al shabaab repression

The Islamist armed group al-Shabaab is subjecting inhabitants of southern Somalia to killings, cruel punishments, and repressive social control, Human Rights Watch said in a report. Many local al-Shabaab authorities devote extraordinary energy to policing the personal lives of women and preventing any mingling of the sexes. Several women told Human Rights Watch that they had been beaten, flogged, or jailed for selling tea to support their families because the work brought them into contact with men. In other cases, women were beaten for failing to wear the precise type of *abaya* - a bulky head-to-toe garment. Women often fail to wear the *abaya* not out of defiance but because their families simply cannot afford them.

Al-Shabaab has subjected young men and boys to abuses that include forced military recruitment and strict social control. Human Rights Watch interviewed one young man who saw his uncle murdered by al-Shabaab fighters because he refused to reveal the whereabouts of another nephew, a 15-year-old, who had deserted their ranks after being wounded in combat. Beatings or public humiliations are commonly meted out to men for a

---

broad range of offenses such as failing to go to mosque, having long hair, or wearing clothes that al-Shabaab considers Western.\textsuperscript{131}

Opposition fighters regularly fire mortar rounds indiscriminately into populated neighborhoods controlled by the transitional government. They frequently fire from residential areas in apparent hope of attracting retaliatory attacks that will damage the image of the transitional government and AU forces. AU forces have fired mortar shells into densely populated areas without taking precautions to discriminate between civilians and military targets. Human Rights Watch interviewed people on both sides of the lines who witnessed family members being torn to pieces in such attacks, which violate the laws of war.

Al-Shabaab and other opposition fighters threaten and kill civilians they see as sympathetic to the transitional government. Al-Shabaab has also carried out devastating suicide attacks against civilians, including one at a university graduation ceremony in Mogadishu that killed at least 22 people in December 2009.\textsuperscript{132}

3.3.3 Drought and widespread famine

For the last twenty years, Somalia has been entangled in a civil war amidst the destruction of both its rural and urban economies. The country is now facing widespread famine. According to reports, tens of thousands of people have died from malnutrition in the last few months. The lives of several million people are threatened. The mainstream media casually attributes the famine to a severe drought without examining the broader causes. An atmosphere of lawlessness, gang warfare and anarchy is also upheld as one of the major causes behind the famine.

The drought in East Africa is hitting southern Somalia especially hard as aid groups have been attacked or barred by members of the Shabab, an insurgent group linked to Al Qaeda that controls much of the region. Nearly 1 million Somalis have fled the country, while about 3.2 million of those who remain need immediate help.\textsuperscript{133}

The drought has caused widespread crop failure, inflated grain prices, starvation and livestock mortality. In the worst-affected regions of Somalia, cereal prices are 260% higher than they were in 2010. Fourteen aid workers died in Somalia since 2008 and the United States restricted trade in 2009. Droughts have also been followed by floods, damaging roads in areas already lacking reliable infrastructure. Running away from conflict and persecution, leaving their home and land, many people become refugees in neighboring countries. According to a 2004 UNHCR report the total number of refugees has reached 9.2 million in the world. Food aid, health care and human rights protection are the basic needs of refugees. Often it is beyond the capacity of host countries to provide such assistance. It even becomes challenging to humanitarian organizations and UNHCR.\textsuperscript{134} Hence, people at refugee settlement areas are exceptionally susceptible to famine. Relief aid is sometimes looted by rival groups which make humanitarian assistance additionally difficult.

\textbf{3.3.4 Deteriorating Economic Conditions}

From 1965 to 1987 Somalia's annual rate of growth of GNP per capita averaged a dismal 1.1 percent. Agricultural growth was negligible, with output growing at less than 1.5 percent after 1970. Food production failed to keep pace with population growth. Food production per capita fell by 7 percent in the 1960s, 15 percent in the 1970s, and continued to deteriorate in the 1980s. In 1987, for example, it dropped by 4.9 percent.\textsuperscript{135}

\begin{flushright}
\textsuperscript{133} Ibid
\textsuperscript{134} Ibid
\textsuperscript{135} Report of the Inter-Agency Retreat on Urban Refugees organized by UNHCR and RCK at Norfolk Hotel in August 2005
\end{flushright}
Somalia was a pastoral economy based on “exchange” between nomadic herdsmen and small agriculturalists. Nomadic pastoralists accounted for 50 percent of the population. In the 1970s, resettlement programs led to the development of a sizeable sector of commercial pastoralism. Livestock contributed to 80 percent of export earnings until 1983. Despite recurrent droughts, Somalia remained virtually self-sufficient in food until the 1970s.\textsuperscript{136}

The IMF-World Bank intervention in the early 1980s contributed to exacerbating the crisis of Somali agriculture. The economic reforms undermined the fragile exchange relationship between the “nomadic economy” and the “sedentary economy” – i.e. between pastoralists and small farmers characterized by money transactions as well as traditional barter. A very tight austerity program was imposed on the government largely to release the funds required to service Somalia’s debt with the Paris Club. In fact, a large share of the external debt was held by the Washington-based financial institutions.

The structural adjustment program reinforced Somalia’s dependency on imported grain. From the mid-1970s to the mid-1980s, food aid increased fifteen-fold, at the rate of 31 percent per annum.' Combined with increased commercial imports, this influx of cheap surplus wheat and rice sold in the domestic market led to the displacement of local producers, as well as to a major shift in food consumption patterns to the detriment of traditional crops (maize and sorghum).\textsuperscript{137} The devaluation of the Somali shilling, imposed by the IMF in June 1981, was followed by periodic devaluations, leading to hikes in the prices of fuel, fertilizer and farm inputs.\textsuperscript{138} The impact on agricultural producers was immediate particularly in rain-fed agriculture, as well as in the areas of irrigated farming. Urban purchasing power declined dramatically, government extension programs were

\textsuperscript{136} Ibid
\textsuperscript{138} Ibid
curtailed, and infrastructure collapsed, the deregulation of the grain market and the influx of “food aid” led to the impoverishment of farming communities. Also, during this period, much of the best agricultural land was appropriated by bureaucrats, army officers and merchants with connections to the government. Rather than promoting food production for the domestic market, the donors were encouraging the development of so-called “high value-added” fruits, vegetables, oilseeds and cotton for export on the best irrigated farmland.

3.3.5 Improvidence and Corruption

Corruption in Somalia pertains to purported levels of corruption within Somalia’s public sector according to official metrics, anti-graft measures aimed at addressing those issues, as well as political dispensations and structural changes in government affecting transparency. Owing to a reported lack of accountability in the receipt and expenditure of public funds by the Transitional Federal Government, a federal Anti-Corruption Commission was put into place in 2011 so as to deter and eliminate graft.

As one of the longest instances of state collapse in recent years, Somalia faces many of the major corruption challenges that affect conflict-torn countries, with rampant corruption and a deeply entrenched patronage system undermining the legitimacy of the internationally recognized Transition Federal Government (TFG). Corruption is further exacerbated by the absence of a functional central government, a lack of resources and administrative capacity, weak leadership structures as well as a limited ability to pay public officials.

Both petty and grand forms of corruption are prevalent in Somalia, permeating key sectors of the economy such as ports and airports, tax and custom collection, immigration, telecommunication and management of aid resources. According to a recent audit report

by the Prime Minister’s office, corruption manifests itself through various practices, including gross public financial mismanagement, large scale misappropriation of public and donor funds, unethical and professional negligence, and concealment of actual resource flows. Against this background, the TFG has a poor record of confronting corruption due to its weak administrative set up, lack of resources and capacity and wavering political will. President Sharif’s early pledge to address corruption, clean politics and promote good governance in public administration has failed to translate in an articulated strategy so far.\(^{140}\)

### 3.4 Kenya’s Policy on Refugees

The Refugee Act was enacted in 2006, to implement the 1951 United Nations Convention Related to the Status of Refugees, the 1967 Protocol and the 1969 OAU Convention. The development of the Act followed a period of sustained advocacy by UNHCR and civil society organizations. The Act classifies refugees into two main groups, statutory refugees and prima facie refugees, and lays out the conditions for the exclusion and withdrawal of refugee status. This includes those who have committed crimes either outside or within Kenya, have dual nationality and are able to seek refuge in their second country of origin, or people from places where the conditions for seeking refuge no longer exist.

The Refugee Act also established a Department for Refugee Affairs (DRA) which has responsibility for the administration, coordination and management of issues related to refugees. Its functions includes developing policies, promoting durable solutions, coordinating international assistance, receiving and processing applications for refugee status, registration, issuing identity cards and travel documents and managing the refugee camps. A Refugee Affairs Committee, also established under the Act, is responsible for

\(^{140}\) Binaifir Nowrojee, In the name of security: Erosion of Refugee Rights in East Africa (2000). This article is based on first-hand research and interviews conducted by Human Rights Watch with refugees, UNHCR staff, government officials, and others in Kenya, Uganda, and Tanzania in 1999.
advising the Commissioner for Refugees. The Act also states that it should include representation from the host community and civil society.

The Act also determines the parameters for the Refugee Status Determination (RSD) process through which applications for refugee status are assessed. Upon entry into the country, asylum-seekers have up to 30 days to report to reception centres set up by the DRA. Their details are subsequently recorded and they are issued with an Asylum Seekers Certificate which provides protection against arrest as an illegal migrant. Asylum-seekers are subsequently interviewed to ascertain why they are seeking refuge. If refugee status is granted, it allows refugees and their families (if present during the RSD process) to remain in Kenya until it is safe for them to return to their country of origin or move to a third country. If asylum-seekers are denied refugee status, they have recourse to an Appeals Board and, if unsuccessful, to the High Court. If these appeals are rejected they have 90 days to leave the country. If granted asylum, refugees receive a Refugee Identification Pass and can apply for a Convention Travel Document, which enables them to travel abroad without a passport. Those considered by the DRA to have a legitimate reason to leave the refugee camps should receive a Movement Pass.

Despite the high influx of refugees in the country, Kenya has largely pursued an open door policy by allowing a free flow of refugees in the country. This is a policy that is characterised by the liberal admission of refugees who are then awarded full socio-economic rights and are only repatriated to their countries when conditions are conducive. Thus many migrants are accorded refugee status without the scrutiny that they would undergo under the UN Convention and Protocol and other international instruments that govern refugees.\(^{141}\)

\(^{141}\) Protecting Refugee Rights in Kenya, ICJ (K) 1998 Pg 47
This, especially with the emergence of Al-Shabaab insurgency in the Horn of Africa, has exposed Kenya to security threats from the militia men. Thus with the current security threat, there ought to be a shift in policy where refugees' freedom of movement and engagement in self-reliance activities is restricted. The negative impact of refugees can be cited as necessitating the above policy shift and Kenya should state its intentions to advocate for a revision of the existing international refugee regime so as to have refugees protected in 'safe zones' in their own countries.

Kenya can do very little about this. The principle under international law is to the effect that no refugee should be returned or expelled to the frontier or territory where his/her life or freedom could be threatened on account of his/her race, religion, nationality, and membership of a particular social group or political opinion.\textsuperscript{142} This principle, closely examined exposes the receiving state to insecurity and as earlier noted, the refugees, who were traditionally conceived and presented as humanitarian issues, are now increasingly viewed as security threats and measures should be put in place to ensure national security has not been compromised. In other words, the protection of state security and refugee security are not and should not be mutually exclusive.\textsuperscript{143}

3.5 Somali Refugees on Kenya Security

There are several sectors to which the concept of national security applies: military, political, economic, societal, terrorism, radicalization and environmental among others.\textsuperscript{144} These sectors are so interdependent that changes in one sector, whether positive or negative, affect other sectors. This means that if and when refugees affect one security sector, by the same token they affect other security sectors.

\textsuperscript{142} Article 33 of the UN Convention Relating to the Status of Refugees 1957, as modified by the Protocol of 31st January 1967
\textsuperscript{143} Ibid
\textsuperscript{144} Yannis A. Stivachtis, Kosovar Refugees and National Security, \textit{Refuge}, VoL 18, No.3 (August 1999)
3.5.1 Military Security

Because they may be trying to achieve a special status (independence or autonomy) for the region from which they come, or because they may be trying to unify this region with the receiving state, refugees may threaten the military security of states in four ways. The first is when they use the territory of the receiving state for initiating military activities against their home country, which may hold the receiving state responsible for those activities even if it does not politically support such activities. This has severally been employed in Africa to overthrow despotic regimes.145

Second, refugees may convince the receiving state to undertake direct actions against their home country. Third, the receiving state may have an interest in challenging the regime of the refugees’ home country and may use them as a means to this end. And fourth, by imposing a substantial economic burden, refugees may directly affect the receiving states' financial capabilities. Because there is a close relationship between economic and military capability, the presence of refugees has an indirect impact on the host countries' military capabilities, which are crucial to that states' external security.

A state can significantly increase its vulnerability to civil war by absorbing refugee inflows from neighboring countries particularly if these nearby states experience episodes of internecine strife.146 This is because the state of lawlessness in these countries may spill over and the presence of weapons increases in that state. In Kenya, significant numbers of weapons that were once used in Sudan, Somalia, and Uganda are being trafficked back into the refugee camps and surrounding north-east (Dadaab's Ifo, Dagahaley, and Hagadera). Widespread social violence in Northern Kenya is sustained by clan warfare and disputes over cattle, as well as political interests in the capital.

145 A very good example is the situation in Rwanda. President Paul Kagame with his Rwanda Patriotic Front initiated a warfare while in Uganda where the Rwandan Tutsi were living as refugees.
3.5.2 Political Security

Political threats undermine the organizational stability of Kenya government by threatening its national identity and its organizing ideology, as well as the institutions that express them. While in the military sector threats are mainly external to the state, in the political sector a state may be threatened both internally and externally. Internal threats may arise as a result of governmental actions that threaten and constrain individuals or groups. Resistance to the government, efforts to change its policies or overthrow it, or political movements aimed at autonomy or independence, all foment state insecurity.  

Externally, a state can be threatened by the ideology of another state, such as nationalism, fundamentalism, liberal democracy, communism, etc. In this sense, when refugees and receiving states share a similar ideology, their union may pose a political threat to the refugees' home country.

3.4.3 Economic Security

Economic threats can be internal or external, intentional or unintentional. Whatever their type, economic threats may result in material loss and strain on various institutions of the state, while they may undermine the health and longevity of the population. Thus, they are concerned with the sustainability of acceptable levels of welfare and state power.

Although economic threats are the most difficult to handle within the framework of national security, when their consequences reach beyond the strictly economic sector into military and political spheres, then three national security issues emerge. The linkages involved are between economic capability on the one hand, and military capability, power,

---

149 Ibid
and socio-political stability on the other. With all three linkages, economic deterioration produces the same result: weakening the power and strength of states, and an enhancement of their internal and external insecurity.

Refugees may threaten the economic security of the receiving states by imposing limits to their financial capability. Refugees are usually so numerous and so poor that they create a substantial economic burden, straining housing, education, sanitation, transportation and communication facilities while increasing consumption. To deal with this economic burden, the receiving states may have to increase taxes paid by their own citizens.

National societies, or specific social groups within them, may therefore react negatively to an influx of refugees first, because of the economic costs the latter impose on the receiving state; second, because of the refugees’ purported social behaviour, such as welfare dependency, which affects the host country's individual tax payers; and third, because refugees may displace local people in employment when they are prepared to work for lower wages.

Due to the above reasons, a considerable degree of social hostility may be created not only against the refugees, but against all foreigners living in host countries. Created by economic considerations, social hostility may undermine the socio-political cohesion of states thereby affecting their security. Finally, by directly affecting the receiving state's financial capability, refugees have an indirect impact on the same state's military capability and overall power.

---

150 Ibid
151 Personal interview with senior officer Mr. Boniface Mwaniki from Anti-terror police unit (ATPU), in charge of counter terrorism in the country, *The Impact of Al shabaab on Kenya State Security* March 17, 2014.
3.4.4 Societal Security

In the societal sector, the referent of security is collective identities-religious or national, for example that can function independent of the state. In relations between states, significant external threats on the societal level are often part of a larger package of military and political threats, all of which may be difficult to disentangle.\footnote{Jonas Widgren, International Migration and Regional Stability, International Affairs 66, no. 4 (1990): 749-66.}

As in the political sector, threats in the societal sector may arise internally or externally, while an internal threat may be transformed into an external one and \textit{vice versa}. If societal security is about the sustainability of traditional patterns of language, culture, and religious and ethnic identity, then threats to these values come much more frequently from within states than from without them.\footnote{Ibid}

Refugee camps located in or near conflicts are often vulnerable to armed insecurity threatening, on the one hand, displaced people and host communities and, on the other, humanitarian workers, a good example being Dadaab camp in Garissa County which hosts refugees mainly from Somalia. Such a refugee camp can be targeted by domestic and foreign security forces and used as 'training grounds' and recruiting bases for non-state actors. The state of insecurity in Somalia can play as a catalyst to this and it may be difficult for the Kenyan Authorities to differentiate between genuine refugees and insurgents. The presence of small arms in refugee camps acts as a threat to national security.

In the long term, the most obvious effect of refugee migration is the creation of ethnic minorities in host countries. Admitting refugees has long lasting social effects on receiving states. It may turn relatively homogeneous societies into multi-ethnic and multicultural ones. Refugees often raise societal concerns because they potentially threaten the popularity and strength of the nation-state. They challenge traditional notions about
membership within a state, the meaning of nationality and citizenship, and the rights and duties of citizens towards their state and vice versa.\textsuperscript{154}

As it is has been very correctly pointed out, the fact that very few states fit the idealized picture of the homogeneous-state, and that most states’ are cultural and social products of earlier movements of people, often fails to register in popular consciousness.\textsuperscript{155} Nevertheless, it is generally accepted that the existence of refugees has a substantial impact on the interrelated factors of social stability and economic prosperity. By becoming citizens of the receiving state, refugees create a cultural, linguistic, religious and possibly an ethnically distinct minority within the host country, thereby altering the nature of its society.\textsuperscript{156}

Thus, the migration of Somali refugees may threaten communal identity and culture by directly altering the ethnic, cultural, religious and linguistic characterization of the population of the Kenyan people. These refugees may be seen as a threat to the cultural norms and value systems of the country. If, in fact, the Somali refugees violate these norms and values, the people of Kenya may see this violation as a threat to national security. Questions of status and "race" may be difficult to avoid as a consequence.

From the above, it becomes clear that refugee migration is often accompanied by a clash of rival cultural identities. In combination, refugee migration threats and the clash of cultures contribute to a societal conflict between domestic and refugee societies.\textsuperscript{157} As has already been shown, this conflict may easily feed into a massive restructuring of relations between the hosting and home states which may, in turn, affect international security.

\textsuperscript{155} Bali, Migration and Refugees, 212
\textsuperscript{156} Ibid
The governments of the receiving states are concerned because of the migrants' purported social behaviour, such as criminality and black market labour that may generate local resentment which, in turn, may lead to xenophobic popular sentiment and to the rise of anti-immigrant political parties threatening to the government on power.\textsuperscript{158}

Thus, countries receiving refugees need to maintain social stability and cohesion in the face of the multiculturalism produced by refugee migration. It is possible, however, that under certain circumstances, governments may pursue anti-immigration policies in anticipation of public reactions.\textsuperscript{159}

### 3.4.5 Environmental Security

In the environmental sector, the range of possible referents of security is large. The basic concerns, however, are how human beings and the rest of biosphere are related. Many cases have shown that refugees can be seen as an environmental threat, and as a consequence, hostility towards them can be generated when they consume significant amounts of natural resources such as water and produce waste. In Dadaab refugee camp for instance, clashes between the refugees and the locals is rampant and as UNHCR reports, these clashes are instigated by competition of local resources such as firewood.\textsuperscript{160}

### 3.5 The Impact of Refugees on National Security

In these camps, UNHCR reports indicate that 'security incidents involving death and injury take place on a daily basis'. Within the camps themselves, bullets and guns have become a form of convertible currency - part and parcel of a 'gun economy'. They've been absorbed into local customary livelihoods - a lethal addition to traditional conflicts over livestock, water, and grazing rights and inter-communal relations. Furthermore, clan-based

\textsuperscript{158} Ibid
\textsuperscript{160} Ibid
militias and arms syndicates are gradually replacing clan elders as key units of political organization.

Although some armed elements voluntarily lay down their weapons to gain refugee status, others seek to return and fight, and often use refugee camps as bases to reorganize and strengthen their movements.\textsuperscript{161} These militarized groups cause numerous problems for the refugee population as well as the origin and host countries. First, these groups often engage in cross-border fighting with the sending country. “Cross-border fighting between ‘refugee warrior’ groups and neighboring governments threaten local populations, the sovereignty of the host government, and bilateral relations between neighbors.”

Second, militarized refugee populations can destabilize the host country. People who live and work in refugee camps will be hardly surprised by the fact that militants may have been involved in the attacks that hit parts of Kenya since Kenya sent its troops to fight the Al-Shabaab insurgents in Somalia. Infiltration of refugee camps by militia is nothing new. The Goma refugee camp in eastern DRC was notorious for sheltering the Interahamwe fleeing the Rwandan Patriotic Front after it invaded Rwanda in 1994.\textsuperscript{162}

Armed incursions by the origin state to destroy these armed groups can ravage the local population. The incursions include “search-and-destroy” missions that endeavor to weaken the support of armed groups. Such attacks on refugee populations typically entail “rape, looting, abductions, cattle threat and loss of civilian lives.” Armed groups usually transfer large amounts of arms with them from the conflict in the origin country. This influx of arms may assist domestic opposition groups in the host country that intend to destabilize the government. Finally, the inability to separate combatants from the refugees

\textsuperscript{161} Ibid
\textsuperscript{162} Buzan, \textit{People, States and Fear}, chapter 2 as quoted in Yannis A. Stivachtis, Kosovar Refugees and National Security, \textit{Refuge}, Vol 18, No.3 (August 1999)
generally leads to a public perception in the host state that all refugees are a problem, and thereby fosters tensions between host populations and refugees.\textsuperscript{163}

To understand security and how it is seen being affected by refugee movements, one should focus on the various levels of security analysis. The comprehensive security perspective provides a link between those levels by arguing that a state can be threatened equally from within and from without.\textsuperscript{164} External security is identified as the ability of the state to defend itself from external coercion or attack, with an emphasis on the military dimension of security. Within the state, security is defined in terms of the capacity of a government to protect itself from domestic disorder. A state can be threatened from below (by individual or organizational pressures on the government) and from above (by oppressive or threatening governmental policies and actions).\textsuperscript{165}

Here, emphasis is shifted to the non-military aspects of security. The above implies that the influx of refugees may threaten (or may be perceived as threatening) the external and internal security of their home and receiving states.

In Goma, refugees regrouped to organise their next offensive. In return, they got free food, medical care and shelter from the United Nations. With the fighting in Somalia and the influx of refugees in Kenyan camps presents a huge threat to Kenyan security. Like Goma, the refugee camps are probably crawling with militia.

A 2008 United Nations Monitoring Group on Somalia report noted that “members of Shabaab and Hizbul Islam travel with relative freedom to and from Nairobi, where they raise funds, engage in recruitment and obtain treatment for wounded fighters.” This has

\textsuperscript{163} Ibid


\textsuperscript{165} Buzan, \textit{People, States and Fear}, chapter 2 as quoted in Yannis A. Stivachtis, Kosovar Refugees and National Security, \textit{Refuge}, VoL 18, No.3 (August 1999)
been facilitated by the open door policy that Kenya has adopted in its quest to perform its international obligations under the international humanitarian law.

3.6 Conclusion

Despite an official policy that prioritizes the notion of accommodating refugees in camps located in remote parts of the country, Kenya has tolerated the growth of an increasingly large refugee population in the capital city of Nairobi and other urban centers. This, as already noted, has fuelled state insecurity in Kenya.

A set of conclusions that may serve as policy guidelines can be drawn from this consideration of the relationship between refugees and security. The first conclusion is that repatriation constitutes the best alternative for the international community in dealing with refugee problems.\(^{166}\) However, a prerequisite for repatriation is the existence of a just political settlement accepted by all sides in the conflict. Such a settlement will minimize or eliminate the possibility of refugee’s abroad acting against their home country, with or without the official approval of the receiving states, thereby minimizing the possibilities of conflict between home and host countries.

Although a political settlement may provide fertile ground for repatriation, additional guarantees should be given to refugees that their daily life will not be affected in post-conflict society by the bitterness created before and during the conflict. Conflict brings with it deep hostility which needs to gradually evaporate if peaceful relations among the competing communities are to be firmly established. The international community should assist to that end.

Conflict may also bring with it significant destruction. States that have experienced domestic conflicts are usually economically weak and therefore unable to reconstruct after the conflict has terminated. Because there is a strong interrelationship between domestic

and international security, it is in the interest of the international community to assist there construction of states in an effort to stabilize them. If the international community fails to do so, domestic weakness and instability will easily spill over from those states, thereby jeopardizing regional and international stability.

Finally, the receiving states should be very careful in their social, political and economic planning in order to avoid, or minimize, domestic dissatisfaction that may lead to the creation of feelings of xenophobia and racism, since such feelings may, in turn, destabilize not only the domestic environment of the host states, but also their relations with the refugees' home country.\textsuperscript{167}

\textsuperscript{167} Ibid
4.1 Introduction

This chapter analyses the findings, interprets and presents data in line with the objectives of the study. The data obtained is presented in narrative form. The chapter is further sub divided into several sections that are pertinent to the subjects under study.

4.2 Methodology

The study used an explanatory design. The results are presented in pie charts, bar graphs and tables to highlight the major findings. They are also presented sequentially according to the research questions of the study. The research was conducted on a sample of respondent’s majority of whom are from Eastleigh, to which questionnaires were administered.168

The data collection exercise involved questionnaires and interviews with refugees, government officials and the host communities as these are the most appropriate for collecting information required for the study on refugees in refugee camps, the refugees themselves and the host communities. The interviews were conducted on government officials operating within the refugee fraternity. Interviews are particularly useful for getting the story behind a participant’s experiences. The interviewer can pursue in-depth information around the topic and are useful as follow-up to respondents to questionnaires, or further investigate their responses.169

168 Report of the Inter-Agency Retreat on Urban Refugees organized by UNHCR and RCK at Norfolk Hotel in August 2005
4.3 Data presentation

Majority of the refugees in Kenya come from Somalia, Sudan, Ethiopia and the Great Lakes region. There are two official refugee camps in Kenya: Dadaab located in North Eastern Kenya near the Somali border and Kakuma located in Northern Kenya near the Sudanese border. All the refugees (the respondents) interviewed were from Somalia. Refugees are increasingly interacting with the host community: early days a refugee presence in Dadaab was marked by a hostile reception which normally manifested in gender based violence against refugee women and assault to men. Today, refugees freely venture into host community, collect firewood for sale and are employed in firewood collection with no risks at all.170

4.3.1 Interview with Refugees

The study sought to establish the information on the respondents employed in the study with regards to the gender, age, educational Level of urban refugees and marital status. These bio data points at the respondents’ appropriateness in answering the questions and also looks at the influx of Somali refugees and Kenya state security, the results of the study are presented in the figures below.

The majority of respondents in this study were males, 65% while females accounted for the rest 35%, the shortcomings from this study pointed out the lower female turnout due to religious and cultural limitations, Somali females don’t expose information to a male stranger who is carrying out the research, and the issue of being engaged with household chores. Ideally, the reason why there is a high male turnout is because of unemployment and thus easily spotted loitering around. Although there are no official statistics of the refugees living in Nairobi, the ratios correspond with those of RCK’s legal clinic which show that in the last 4 years women have made up less than 30% of those visiting the clinic. Such an imbalance may be the result of women preferring to remain unnoticed for cultural reasons or owing to the traditional roles assigned to them.\textsuperscript{171}

\textbf{Figure 2: Age of respondents}

Most respondents comprised young persons within the age brackets of 19 - 24 and 25 - 30 accounting for 20% and 29% respectively of the total respondents. Put together, these two groups comprise 50% of the total number of respondents. About 30% of the respondents comprised persons in the age bracket, 31 to 40 years old. Only 18% fell in the

\textsuperscript{171} UNHCR, (1997), A country operations plan : Kenya (revised)
age bracket of 41 years and above, the larger proportion of them being those between 41 and 50 years old. These comprise the active age brackets (25-40 years), this age bracket is actively involved in war, and thus most of these age bracket are targeted by militia who train them to join war. They are also running away to acquire jobs, education and other survival means on their own.\textsuperscript{172}

\begin{figure}
\centering
\includegraphics[width=\textwidth]{figure3.png}
\caption{Educational Level of urban refugees}
\end{figure}

According to fig. 3, most of the respondents (87\%) had attained formal education with those below college education accounting for about 57\%. Another 13\% percent had no formal education while about 26\% of them had attained college and university education. The figure explains that there is a low level of college and university education, this is because, war has affected the conducive environment needed for education, as most institutions of higher learnings are found in urban areas. Further data elicited on education through FGDs indicated that a large proportion of illiterate refugees comprise elderly women.\textsuperscript{173}

\begin{footnotesize}
\textsuperscript{172} Ibid
\end{footnotesize}
According to this figure 4, Out of the 251 respondents that indicated their marital status, the number of singles and those married were almost equal accounting for about 47% and 45% of the sample respectively. Those who were divorced or widowed accounted for a mere 2% and about 6% respectively. This observation would imply that a sizeable proportion of the urban refugees are accompanied by their families contributing significantly to their households’ economic burden. Indeed, majority of married women are bringing up their children single handedly because men are fighting and the rest of the population opt to remain single due to economic constraints of starting and maintaining families.

---

**Figure 4: Marital status of respondents**

---

Ibid

---

Ibid
According to the respondents, the welfare of refugees has been significantly affected by the recent influx of people running away from Somalia. This is because space for accommodating extra huge numbers of refugees from Somalia in the already overcrowded camps is overwhelming. There have been rampant outbreaks of diseases like small pox and malaria. There is also malnutrition of children and other people. There are also security issues affecting both refugees and agency workers”, one respondent wrote. “We fear attacks from the Somalis because we do not know if they are genuine refugees or Al Shabaab in disguise”, said another.

Most of the respondents indicated that the migration of Somalis to Kenya has had a negative impact on security situation in the camps. For example, a good number of asylum seekers are former military officers, combatants and militias. “There have been cases of assassinations, murders in the camps and explosives being planted in police camps and roads. There has also been kidnappings of aid workers and public servants”, a respondent indicated. Cases of rape are also rampant in the camps.

---

176 Binaifir Nowrojee, In the name of security: Erosion of Refugee Rights in East Africa (2000). This article is based on first-hand research and interviews conducted by Human Rights Watch with refugees, UNHCR staff, government officials, and others in Kenya, Uganda, and Tanzania in 1999
177 Ibid
178 Ibid
The refugees stated that they had discussed many camp issues with other stakeholders like the Government of Kenya through UNHCR. They had also witnessed significant improvement in camp management especially on issues of health management and security measures.\textsuperscript{179}

According to the refugees, the UNHCR in Kenya has been unreachable and inaccessible to refugees. Eligibility decisions are given in writing as is rescheduling of appointments. Interaction with refugees is kept at a minimum so that refugees neither have a forum where their questions may be addressed nor a means to question the process. On several occasion, NGOs have had to intervene on behalf of refugees and set up a meeting with refugee community representatives and UNHCR in order to address issues of concern. UNHCR remains ill-informed on the refugee situation on the ground as a direct result of its distance from refugees, the very people it serves.

According to one male refugee, “the UNHCR should use its position to comprehend the dynamics of refugee protection and mobilize support for resources to effectively address the challenges of refugee protection in Africa. It must not resign itself to the status quo and remain inactive in the face of state violation of refugee rights. It must take the lead in calling for respect for refugees”.\textsuperscript{180}

According to one male interviewee, “hundreds of ethnic Somali people were arbitrarily or discriminatorily detained by the police and other security forces, particularly in the Eastleigh area of Nairobi, following grenade or other bomb attacks”.\textsuperscript{181} Accordingly therefore, the attacks were thought to be linked to Al Shabaab, the Islamist armed group operating in Somalia but which has allegedly carried out some

\textsuperscript{179} Ibid
\textsuperscript{180} Ludeki Chweya, former permanent secretary of home affairs, personal interview on Somali refugee repatriation. Nairobi, April 18, 2012.
\textsuperscript{181} Ibid
operations in Kenya. However, there is also a pattern of discrimination against Somalis in Kenya because of the perceived burden on the country as it hosts a large number of Somali refugees.

Another Somali refugee said, “The Kenya Police force is very corrupt, and it is their officers who abet terrorism in that whenever they get somebody with illegal firearms, instead of taking legal action, they solicit for very huge bribes”.\(^{182}\)

Many citizens of Kenya, specifically those living in the North Eastern region, are angry that the conditions of this new camp exceed the living standards for most Kenyans. While these are surely legitimate concerns for a citizen of Kenya to hold, it is dangerous for it to occur at the expense of the thousands refugees. Thousands of Somalis continue to enter into Kenya every month and, while the Kenyan Government would rather not get involved, it is obligated to allow every refugee to enter. This obligation is surely a major burden on the government and the Kenyan people; however, it is a necessity to international humanitarian law.

The internationally recognized and UN-supported Transitional Federal Government doesn’t even control the entirety of Mogadishu, Somalia’s capital city.\(^{13}\) African Union troops in support of the Transitional Government continue to fight the Islamist Al-Shabaab militants.

### 4.3.2 Interview with Host Communities

Generally, the host community especially in Dadaab area expressed views that the Somali refugees were brothers and sisters who required their support and help because both are linked by a common language, religion and culture.\(^{183}\) However, according to these interviews, it came out that the huge numbers of Somali refugees threatened the social, cultural, economic and the ecosystem of the area. They also caused a lot of insecurity in

\(^{182}\) Ibid  
\(^{183}\) Ibid
the surrounding areas as pockets of Al-Shabaab had also entered the country in the name of fleeing from the fighting in Somalia.

Al Shabaab has concentrated its attacks on states that are conducting military operations in Somalia, for example since Kenya Defense Forces moved into Somalia in October 2011, most of al Shabaab’s attacks have taken place in Kenya.184

Figure 5 explains that Al-Shabaab most commonly used tactics include hijacking and armed assaults, which comprise 73% of their attacks. Although the group is responsible for almost 90 kidnapping events between 2009 and 2012, it did not carry out any hostage barricade attacks, like the one at Westgate mall. Figure 5 presents al-Shabaab attack types from 2007 to 2012. Security agents have linked most of these attacks to Somali refugees, and since most of them are either members of militia groups or sympathizers of Al shabaab, they have opted to guerrilla tactics to disrupt the state of security in the country.

Figure 5: Al-Shabaab attack types from 2007 to 2012

---

According to the participants, both human and material resources can be mobilized or harnessed to provide care to refugees. The host communities indicated that they competed for the available resources with the refugees. This, according to them brought friction and fighting for the resources became inevitable.\textsuperscript{185}

Levels of professional training among young refugee population and the host communities are significantly low due to lack of tertiary institutions and other institutions of higher learning. Both refugees and the host communities seek training opportunities in big towns and cities like Garissa, Nairobi or even out of the country. Such opportunities are rare and very costly. According to the participants, idleness made the youth get involved in terrorist activities and could easily be lured into military training by Al-Shabaab.\textsuperscript{186}

According to the host communities respondents, refugee households are increasing adopting livestock keeping in line with their cultural norms but more so, as a source of milk and meat to supplement the diet and rations provided by UNHCR. The flip side is that refugee livestock roams the surrounding rangelands and are increasingly weakening the resilience of land to agents of erosion.

The respondents also indicated that they had experienced major health issues resulting from the influx of refugees. They gave examples of diseases like bacterial meningitis, yellow fever, measles, malaria, typhoid and small pox. Mass vaccination and treatment of these diseases are done by GIZ, Kenya Government health workers, and other partners contracted by UNHCR. “UNHCR, and other donor partners met the cost of treatment”, the respondents indicated.\textsuperscript{187}

\textsuperscript{185} Personal interview with senior officer Mr. Boniface Mwaniki from Anti-terror police unit (ATPU), in charge of counter terrorism in the country, The Impact of Alshabaab on Kenya State Security March 17, (2014).


According to the respondents, UNHCR is the main and umbrella body dealing with refugee funds. The UNHCR funds NGOs and agency partners. The agencies also get individual, corporate and governmental financial support, to enable for the provision of services to the refugees. The respondents indicated that there are many options available for the care and support of refugees in order to stop them from joining terror groups.

According to the participants, taking children to school is not a priority.188 The Somalis in Dadaab prefer taking children to Madrassa (Islamic teaching schools) to prepare them for marriage and religious education. Education standards in the camps are considerably low because refugees are mainly taught by their fellow refugees who are untrained and poorly remunerated. As far as religion is concerned, there was no animosity because virtually all of them profess the same religion.

According to the participants, GIZ is the main provider of medical services complemented by the government of Kenya. These organizations are funded by UNHCR to provide medical care in the camps. UNHCR and other support groups should be responsible for provision of health services and support. However, other volunteers like religious organizations should volunteer support to health care programmes in the camps. Resource mobilization should be multi-sectoral where even individuals should give support.189

Schools in the camps comprise the formal, informal and other community based traditional training mechanisms. Children, the youth and adults attend classrooms and study up to secondary schools. Others join informal training institutions especially to gain

188 Ibid
technical skills like tailoring, hairdressing, welding, etc. Each community in the camps socializes the youth in line with their cultural practices and backgrounds.190

4.3.3 Interview with Government Officials

One of the government officials from the Department of Refugee Affairs responded that a refugee is a person who "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country; or not having a nationality and being outside the country of his former habitual residence, is unable or, owing to a well-founded fear of being persecuted for any of the aforesaid reasons is unwilling, to return to it”.

According to the government officials cited above, the definition is derived from the United Nations Convention Relating to the Status of Refugees of 1951, (in Article 1A). However the term may also be used to include displaced persons who may fall outside the legal definition in the Convention, either because they have left their home countries because of war and not because of a fear of persecution, or because they have been forced to migrate within their home countries.191

In relation to the refugees, Kenyan authorities have continued to allow refugees to enter the country, under the agreement that they “all must reside in designated camps”. From an ethical standpoint, conditions in the camps should surely be livable and up to international standards. However, how long should a refugee reside in a camp? Could generous living arrangements increase the likelihood that a refugee will not return home or

190 Retired Captain Simiyu Werunga, who is a security expert and the director of African Centre for Security and Strategic Studies
191 Ibid

76
attempt to build a new life? These are legitimate concerns that are repeatedly considered by the Kenyan Government and UNHCR, both having found no viable middle ground.192

On refugees being a security threat, the government officials indicated that not all refugees were genuine refugees. They said that some Al-Shabaab militants had also escaped from Somalia and they were responsible for recruiting and training the Kenyan youth into so called “jihad”. This, according to the government officials, had resulted in kidnapping of tourists, killing of Kenya security forces through grenade attacks and killing of innocent civilians either by use of gunfire or grenades.

The respondents indicated that a comprehensive body and luggage search is now done to establish whether or not the asylum seeker has concealed weapons, documents, equipment, contrabands and explosives or any other prohibited materials. Those found with weapons shall be disarmed and the items confiscated and shall be referred to the appropriate law enforcement agency for further interrogation before their asylum claim is considered.

The terrorist attack by Somali-based Al-Shabaab at the up-market Westgate Shopping Mall in Westlands Nairobi, on 21st September 2013 was a brutal retaliation for Kenya’s military operations in southern Somalia that began in October 2011. The Kenya Defense Forces are part of the African Union Mission in Somalia (AMISOM), which is led by the African Union and UN-backed peacekeeping forces. Dubbed “Operation Linda Nchi” (Operation Defend the Country), the initial purpose of the invasion was to pursue Al-Shabaab militants who had been accused of kidnapping several foreign tourists and aid workers in Kenya. Nevertheless, it is important to note that the militant group is actively recruiting Kenyans from different ethnic groups into its terrorist operations.193 A report by the United Nations Monitoring Group for Somalia and Eritrea noted that: “Since 2009, the

---

192 Ibid
193 Ibid
group has rapidly expanded its influence and membership to non-Somali Kenyan nationals who today constitute the largest and most structurally organized non-Somali group within Al-Shabaab.\textsuperscript{194}

This has not always been the practice but because of insecurity posed by the refugees, the government had to take stern measures to protect its citizens against insecurity threat caused by the Al-Shabaab in their guise as refugees or asylum seekers. The Department of refugee affairs on behalf of the government has started supply of relief items to most vulnerable groups in the camps. In every refugee camp there is a need assessment committee, which is supposed to identify the most vulnerable category in the camps and come up with distribution procedures.\textsuperscript{195}

Most agree that the evidence indicates that terrorists are both seeking to kill many people and concentrating on hitting economic targets such as support infrastructure and tourism\textsuperscript{196}. If correct, this might argue in favor of programs to combat terrorism which seek to safeguard nuclear materials; detect nuclear, chemical, and biological weapons and conventional explosives; protect infrastructure critical to the functioning of the national and global economy; and enhance information and network security.\textsuperscript{197}

However, notwithstanding the best efforts of the nation and the international community, some terrorist acts likely will succeed. Since the timing, location, and nature of all future terrorist attacks are impossible to predict, much is to be said for programs which promote development of robust response capabilities in the area of disaster/crisis consequence management, including training of first responders. Due to the enormous cost of anti-terror efforts and the impossibility of omnipresent protection, difficult issues and

\begin{thebibliography}{9}
\bibitem{194} Jeffrey Gettleman and Nicholas Kulish in the New York Times on 21st September 2013
\bibitem{196} Ibid
\bibitem{197} Ibid
\end{thebibliography}
trade-offs arise concerning cost-effectiveness, diminishing returns and levels of “acceptable losses.”

According to government officials, UNHCR is the main agency in Kenya in provision of services to refugee. There are also other agencies providing services to refugees, e.g. WFP, LWF, IRC IOM CARE, DRC and others. There are often concerns about nationals losing scarce economic opportunities to refugees. However, refugees can help to foster a country’s development by providing skills and labour in under-resourced sectors, contributing to infrastructure projects and farming on otherwise unused land. Due to the fears and concerns on the presence of refugees to any hosting country, it is opted that relief and donation is the only possible way of providing basic needs to refugees. Kenya being one of the countries hosting the largest number of refugee is afraid of depletion of natural resources due to the increasing number of refugees from neighboring who are at war.

According to the government officials interviewed, all new arrivals seeking asylum should be subjected to thorough security screening. This should be done at entry points and/or reception centers by security officers drawn from Kenya’s security organs such as the National Police Service, National Intelligence Services, Immigration department and any other relevant security agencies. The aim of undertaking this exercise is to ensure that the asylum seekers do not pose national security threats to the country and that they maintain a civilian and humanitarian character of asylum.

Once the asylum seeker has presented him/herself to the appointed officer(s), he/she will undergo security screening to disarm them, or confiscate items that could pose

---

198 Retired Captain Simiyu Werunga, who is a security expert and the director of African Centre for Security and Strategic Studies
199 Retired Captain Simiyu Werunga, who is a security expert and the director of African Centre for Security and Strategic Studies
security threat in Kenya. With the help of an interpreter, where necessary, the security officers shall obtain basic bio-data as may be required and establish the reasons for flight. The appointed officers will be informed of any asylum seeker who may have not gone through the security screening successfully so that they temporarily stop processing his/her asylum claim pending further action. Asylum seekers who may be found to be combatants and refuse to denounce their membership shall be handed over to the appropriate government agency for further necessary action.

In a situation where the asylum seeker is denied asylum due to security concerns, he/she shall be detained pending deportation to their country of origin. The recognition of refugee status is based on two criteria: individual and group basis. In situation of mass influx where persons seeking asylum arrive in large numbers and at such rate; it is impossible or impracticable to do an individual refugee status determination of their claims, their recognition of refugee status may be accorded on a group basis.

4.4 Emerging issues on state security

Trends in crime throughout East Africa, specifically Kenya, are frequently evolving, giving law enforcement the difficult task of remaining vigilant. Surrounding Kenya is the failed state of Somalia, war-torn Sudan, and crime-ridden Ethiopia and Uganda. Without proper border control, there is simply no realistic way to create a secure country. The U.S. Legal Attaché in Nairobi makes it very clear that there is no way to accurately assume the number of people crossing through the Somalia-Kenya border. However, he would estimate that 100,000 undocumented foreigners make entry into or exit Kenya every day. This figure is exceptionally upsetting when it is considered that Somalia houses al-Shabab, a terrorist group with self-declared ties to al-Qaeda.

---

200 Ibid
presence of al-Qaeda in Kenya is directly responsible for the 1998 bombing of the U.S. embassy in Nairobi, therefore, leaving an innate hatred of the terrorist group for nearly every Kenyan.202

Besides the 1998 terrorist attacks that left over 200 people dead in Kenya, there was another significant attack that occurred in 2002. The Kikambala bombing in Mombasa was equally as gruesome and created an even more substantial cause for concern among Kenyans and law enforcement officials worldwide.203 A pro-Palestinian organization from Lebanon planted a bomb at an Israeli owned hotel in Mombasa killing and injuring dozens of people. The international response was firm and expected but it was later made public that the Intelligence Community worldwide had knowledge of an imminent terrorist attack and failed to act on the information.

Described as a permissive environment for terrorist operations, Kenya is an attractive targets for Al Qaida. Kenya has a history of international terrorist activity, with the country holding weak state institutions unable to meet the needs of their citizens. This is compounded by porous borders, widespread corruption and inadequate policing, with enticing Western targets such as large expatriate communities, businesses and NGOs in existence.204

The U.S. State Department considers al-Shabab, which controls portions of Somalia, to be a terrorist organization with ties to al-Qaeda and says that al-Shabab has targeted non-Muslims and those who have converted from Islam to other religions. According to the Council on Foreign Relations, al-Shabab is “fighting for the creation of a fundamentalist Islamic state in Somalia.”

The number of people killed in religion-related terrorist attacks in Kenya has dramatically increased in recent years. According to reports analyzed by the Pew Research

202 Ibid. 14.
203 Ibid
204 Ibid
Center as part of our ongoing global study of religious restrictions and hostilities, more than 300 people were killed, injured or displaced as a result of religion-related terrorist attacks in Kenya in 2012, more than twice as many as in 2011 and more than a five-fold increase from 2010. The Somalia-based Islamic group al-Shabab has claimed responsibility for the Nairobi shopping mall attack that began Saturday and has left at least 62 dead, saying that the assault is in retaliation for Kenyan military operations in Somalia.

4.4.1 Constant Fear over Somali Refugees’ as Agents of Arms Proliferation

When Kenya closed her border with Somalia in December 2006 as a security concern following the Islamic insurgency and Al–Shabaab threats, the then U.S.A Ambassador to Kenya, Michael Rannerberger said that The United States appreciates Kenya’s efforts to care for the refugees in Dadaab. The U.S. government also understands that Kenya needs to ensure the security of citizens of Northeastern province and control its borders. As a contracting party to the 1969 OAU convention on Refugees however, Kenya is obliged to allow Somalis to cross the border to seek asylum. The fear of the state of insecurity in Northeastern province and especially with the influx of refugees (allegedly feared to be in possession of arms) started with the establishment of Dadaab refugee camps in 1991. This fear was accelerated by memories of the Shifta movement in the 1960’s that waged secessionists wars in northeastern supported by Mogadishu. This was because of Somalia’s claim of an expanded Somalia into Kenya’s Northeastern province. Kenyatta on this matter maintained that Kenya would not concede any of its territory to Somalia. To date, the GoK views the Somalis (especially refugees) with suspicion hoping to seal any possibility of renewed insecurity.

205 Retired Captain Simiyu Werunga, who is a security expert and the director of African Centre for Security and Strategic Studies
However, it should be noted that refugees alone are not the only ones suspected to be key figures involved in the proliferation of Small Arms and Light Weapons (SALW). In fact several pastoral communities in Kenya and especially those in the border districts (counties) have always been accused of illegal possession of firearms.\(^{207}\) Several government attempts to disarm these communities have not been fruitful because of the failure of the government to address the root causes. Kenya’s constant fear of the Somali community (refugees included) may have been orchestrated by the history of other neighbouring districts in the larger Northeastern province which have experienced insecurity. These conflicts include: The Wagalla Massacre (Ajuran clan and Degodia Clans) in 1983 to 1984, Kom Conflict (The Borans of Isiolo and Somali of Wajir) in 1997 to 1998, Bagalla Massacre (Boran of Isiolo and Somali of Wajir) in 1998, Wajir North Conflict (Gare clan and Ajuran clan) in 2001 to 2002, Mandera Central conflict (Gare clan and Murulle clan) in 2005 to 2009 and the recent conflict in Mandera County between Gare clan and Degodia clan.

Besides that, neighbouring Wajir district has also suffered from the effects of insecurity and conflict in the neighbouring countries of Somalia and Ethiopia; an example includes the mid 1980’s, when fighting between Somalia and Ethiopia spilled over into clan-based killings in Wajir. In 1991, the influx of Somali refugees after the state of Somalia collapsed made the situation even worse. Because of this therefore, the GoK has been on high alert particularly regarding aliens on their land.\(^{208}\)

A braided wave of killings, rapes and armed robberies throughout 1992 victimized Somali refugees, local Kenyans and relief workers. Lethal modern weapons smuggled into Kenya from Somalia have placed fire power into the hands of Kenyan and Somali bandit


gangs. Persistent robberies and vehicle thefts on highways forced relief workers to travel with police protection between refugee camps. Kenyans widely blamed the Somali refugees for perpetrating the violence, while refugees charged that police regularly committed abuses against them. In one reported incident, five Kenyan police died in an ambush in Garissa town, days later bodies of refugees were found buried near Hagadera refugee camp. The 1993 refugee survey recorded that a crackdown in Kenya’s major towns rounded up and detained some 2000 people suspected of being Somali refugees though many turned out to be legal Kenyan citizens.

According to the world refugee survey 1996, the then Kenyan president Daniel Arap Moi called for the removal of all refugees from Kenyan soil. Although the government eventually backed away from Moi’s demand, authorities continued to press for the closure of refugee camps near urban areas. Police conducted a series of sweeps through Nairobi in November 1996 to apprehend undocumented aliens and refugees who were not residing in designated camps, contrary to government policy. As a result, UNHCR closed two refugee camps in April 1996, including the largest coastal camp, Utange. Kenyan officials had complained for years that Utange camp, located near Mombasa harmed Kenya tourism industry and posed a security threat. The camp was the site of past disturbances and arson, linked to tension between the refugees and the local Kenyans. The reason refugees have always been associated with insecurity is because they are always perceived to be in possession of illicit firearms or propagate its proliferation. The use of illicit small arms leads to widespread illegal activity and eventually undermines the legitimate authority of the state.

The international common borders are often not sufficiently policed and people can and do easily cross the border on either side. Thus, the porous nature of the border makes

---

209 Ibid
210 Ibid
211 Ibid
it easy for the trafficking of illegal arms. Besides the number of officers deployed by the government is hardly enough such extensive common border. In the case of Kenya-Somali border, the rough terrain and hostile weather make border policing more difficult. Haro and others view the porous Kenya-Somalia border as part of a broader, complex pattern of state failure and communal violence afflicting much of the horn of Africa. It is therefore clear that government officials in Africa are caught between their genuine concern for the refugees and their wish to honour international agreements to provide asylum, and the increasingly hostile grassroots response from their own impoverished people in refugee affected areas. In an attempt to promote security, the Kenya government has previously closed down refugee camps near urban centres and stress on the need of refugees staying within their designated camps. The challenge however is that in both of Kenya’s official refugee camps; Dadaab and Kakuma –over 200,000 Sudanese, Ethiopians, Somalis and central African refugees are subjected to armed violence on a daily basis. According to reports issued by the IRIN, there is a ‘very strong possibility’ that the camps are being used to traffic arms: there have been shooting incidents in the camps. It is easy for people to move around with arms on the Kenya –Somali border.

4.4.2 The Current Refugee Crisis and Security Threat in Dadaab

Kenya hosts more than 300,000 Somali refugees of this number, more than 100,000 arrived between 2008 and 2009, a sign of a huge influx. What is of importance however is whether their influx affects the security in the host country (Kenya). It is clear that the large number of refugees and the danger it poses to security are directly proportional. Too often refugees are perceived as a matter for international charity organizations, and not as a political and security problem. Yet refugee problems are in fact

---

212 Personal interview with senior officer Mr. Boniface Mwaniki from Anti-terror police unit (ATPU), in charge of counter terrorism, The Impact of Alshabaab on Kenya State Security March 17, (2014).
213 Ibid
intensely political: mass migration creates domestic instability, generates interstate tension and threatens international security.

Refugee movements can both create conflict between neighbouring states and challenge the integrity of the host state. Refugees and other migrants are frequently perceived by both sending and receiving states as a threat to stability and as a bilateral problem with serious national security implication. In most African countries, refugee hood could be as a result of violent eruption based on political oppression exercised by ethnic groups, religions affiliated or self-imposed elements. This therefore puts the receiving country at a risk of insecurity because of what can be termed as spillover effect. The confidential security report of Garissa District Security Committee of 1992 showed that between January–June 1991, there were 32 banditry incidences reported 114 incidences in 1992 and 193 incidences in 1993. While it is true that the banditry cases have tended to reduce over the years, security fears remains Kenya’s big concern and has continued to freeze a plan to enlarge the world’s biggest refugee camp.²¹⁴

Of late, major security threat to Kenya particularly in Dadaab region of North Eastern is that issued by the Al Shaabab. Al shabaab is a terrorist organization alleged to have links with Al Qaeda and has been issuing a litany of threats, ranging from mounting attacks on Kenya soil to imposing Sharia in North Eastern province. Al Shaabab is a remnant of the Islamic Courts Union, crushed by Ethiopian forces during the 2006 invasion of Somalia. They have severally crossed the border killing Kenyans and accusing the Kenyan government of interfering with Somalia’s affairs. The most recent kidnappings of humanitarian aid workers and tourists by the Al shabaab prompted the Kenya government to declare war on Al shabaab whom it accuses of a spate of killings and kidnappings in the Kenyan soils. Besides al-shaabab threats, the other security threat

troubling Kenya and linked to Somalia is the piracy threat. This new tactic of hijacking ships and other sea vessels is threatening business and general voyage particularly in the Indian Ocean. Kenya government, the International police and other navies from many countries have been trying to combat this emerging sea crime. Somali pirates have been the most linked with these illegal activities though it is possible that the network is larger than it is thought.215

Security issues are a matter of concern in the region especially given the fact that Somalis are both in Kenya and Somalia. The ever increasing influx of refugees suggest the danger this poses to Kenya since the extremists groups are likely to find their way into Kenya in the name of being civilians or refugees. The Kenya security agents are concerned that the fighting in Somalia will lead to a large influx of refugees into the country who might pose a security risk in the country by proliferating weapons through the porous border.216

The security issue in North Eastern province is therefore a major problem and the article aimed at establishing whether refugee settlement in the region play a role in propagating various security issues in Kenya. This could be worsened by the fact that fighting in Somalia promotes proliferation of small arms into Kenya.217 The overwhelming congestion of Dadaab camps presents a humanitarian emergency and threatens a health and security crisis that could spill over and affect Kenyan citizens, this should be checked before the situation is out of hand. It’s clear that in order to promote security in a country the members of the society should be free from illicit firearms or their easy access. Law enforcement agencies, including the police, play a legitimate and central role in combating and preventing arms trafficking to or through conflict zones. According to UNIDIR 2006:

215 Ibid
While inter-state conflicts have relatively reduced over the last two decades, a growing number of civilians are still affected by armed conflict and its consequences. Violence related to small arms and light weapons take the lives of thousands of people every week both within and outside conflict zone.\textsuperscript{218}

The OAU convention of 1969 recognized that the presence of armed elements or combatants amongst refugees represent a threat to the safety of refugees and that of the country of asylum. In this regard it stated that where the authorities of the country of an asylum became aware of the presence of armed elements among the refugee population, the authorities should take immediate action to separate and disarm such elements.\textsuperscript{219} UNHCR should monitor this to ensure it is done in a humane manner and with due care for safety of the refugees and the local population. Security matters within and around refugee camps are a matter of urgent concern to the government and the general public.

Mr. Soren Jessen– Peterson, an Assistant High Commissioner for refugees had this to say at the 30\textsuperscript{th} anniversary of 1969 OAU refugee convention held in Conakry–Guinea March 27 to 29, 2000; closely linked to issues of conflict resolution and peace building is the problem of security in areas surrounding refugee camps and settlements.\textsuperscript{220}

Dadaab has come to the attention of Kenya and that of the international community mainly because of insecurity and the refugee influx creating a humanitarian crisis. A major security threat in Dadaab is that caused by combatants and military groups such as Al shabaab posing as refugees. This has threatened the security of Northeastern province and that of Kenya in general. In an effort to combat threats posed by AL Shabaab Kenyan forces invaded Somalia hoping to end the security threat once and for all. The lawless

\textsuperscript{218} Ibid
\textsuperscript{220} Binaifir Nowrojee, In the name of security: Erosion of Refugee Rights in East Africa (2000). This article is based on first-hand research and interviews conducted by Human Rights Watch with refugees, UNHCR staff, government officials, and others in Kenya, Uganda, and Tanzania in 1999
Somalia had posed a major threat to Kenyan economy through piracy in Indian Ocean and kidnapping of tourists on the Kenyan coast.\textsuperscript{221} This has led to recent waves of land mines and grenade attacks planned and executed from Dadaab camps. This is an indication that armed gangs easily sneak into the camps undetected. One of the greatest security issues is that of differentiating genuine refugees from the militants. Besides that, it is generally difficult to distinguish between Kenyan Somalis and Somalis of Somali nationality. There is therefore the need for proper screening of refugees to ensure only those seeking asylum are hosted as refugees.\textsuperscript{222}

### 4.4.3 Radicalization

The potential for Islamic radicalization does exist, especially in marginalized religious Communities. The solution is broadly political, social, economic reform and the provision of a professional and modern police force that is respected by the local population. This would serve to combat Al Qaida and remove the ground for exploiting dissatisfaction.\textsuperscript{223}

The attackers tried to raid a second church nearby but fled when armed police on patrol in the area appeared. "This has all the indicators of a terrorist attack because the attackers did not steal anything and appeared focused on killing," Mureithi told reporters at the scene.

Two people were killed at the church and two people died of gunshot wounds in hospital, according to the Kenyan Red Cross.\textsuperscript{224} At Mombasa's main hospital doctors

\textsuperscript{222} Ibid. 14.
\textsuperscript{223} Retired Captain Simiyu Werunga, who is a security expert and the director of African Centre for Security and Strategic Studies
\textsuperscript{224} Interview with Mr. Abbas Gullet, Secretary General of Kenyan Red Cross
handed reporters x-rays showing bullets lodged in the skulls of a two-year-old boy, whose mother was killed, and a male adult they were treating.

Kenyan security officials say the Indian Ocean coastline has become a hotbed of radicalization. "Terrorism continues to grow in shape, colour and behaviour and when it assumes the phase of radicalization, it will be met (with) full force," Interior Minister Joseph Ole Lenku said in Mombasa. Moderate clerics in Mombasa warn the forceful the crackdown on militant recruitment networks is fuelling resentment.

Kenyans are increasingly alarmed at the relative ease at which militants appear to move within the country, east Africa's biggest economy and a recipient of U.S. counter-terrorism funding. Al Shabaab said it carried out the Westgate mall siege in the capital to avenge the military deployment in Somalia and has threatened more strikes in Kenya and other nations which have sent troops to Somalia, including Uganda and Ethiopia.225

4.5 Conclusion

The Kenyan State has a legal obligation to better protect the physical security of refugees living in its camps, and the international community, according to the principle of burden-sharing and solidarity, must also play a role in helping the Kenyan government to fulfill its obligations. From the study, majority of respondents in this study were males, 65% while females accounted for the rest 35%. Although there are no official statistics of the refugees living in Nairobi, the ratios correspond with those of RCK’s legal clinic which show that in the last 4 years women have made up less than 30% of those visiting the clinic. Such an imbalance may be the result of women preferring to remain unnoticed for cultural reasons or owing to the traditional roles assigned to them. As an illegal migrant in Eastleigh, life can be very difficult because one has to always try and evade the

225 Ibid
police on patrol. The police know that the Somali Somalis are not supposed to be in Eastleigh and thus, they cash in on that. The Refugee Act (2006) states,

Section 3 (1) Any person who has entered Kenya, whether lawfully or otherwise and wishes to remain within Kenya as a refugee in terms of this Act shall make his intentions known by appearing in person before the Commissioner immediately upon entry or, in any case, within thirty days after his entry into Kenya. Sect 3, (3)....no person claiming to be a refugee within the meaning of section 3(1) shall merely, by reason of illegal entry be declared a prohibited immigrant, detained or penalized in anyway save that any person, who after entering Kenya fails to comply with subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding six months, or both.”

The major challenge the Somalis face in Eastleigh is the security issue. The businessmen keep their money in other bigger business areas, which are relatively safe because they hire their own security, but sometimes they also get robbed. This is because, as illegal migrants, they cannot open bank accounts, although a bank for the Somalis (Dahabshill) has been opened in Eastleigh to provide for the traders. Crime in Eastleigh is rampant because it is not reported to the authorities, thus cannot be curbed. This is due to the fear of police or government officials.

Levels of professional training among young refugee population and the host communities are significantly low due to lack of tertiary institutions and other institutions of higher learning. Both refugees and the host communities seek training opportunities in big towns and cities like Garissa, Nairobi or even out of the country. Such opportunities are rare and very costly. According to the participants, idleness made the youth get involved in terrorist activities and could easily be lured into military training by Al-Shabaab.
According to the respondents, UNHCR is the main and umbrella body dealing with refugee funds. The UNHCR funds NGOs and agency partners. The agencies also get individual, corporate and governmental financial support, to enable for the provision of services to the refugees. The respondents indicated that there are many options available for the care and support of refugees in order to stop them from joining terror groups.

Majority of the participants from this study argued that, taking children to school is not a priority. The Somalis in Dadaab prefer taking children to Madrassa (Islamic teaching schools) to prepare them for marriage and religious education. Education standards in the camps are considerably low because refugees are mainly taught by their fellow refugees who are untrained and poorly remunerated.

In relation to the refugees, Kenyan authorities have continued to allow refugees to enter the country, under the agreement that they “all must reside in designated camps”. From an ethical standpoint, conditions in the camps should surely be livable and up to international standards. However, how long should a refugee reside in a camp? Could generous living arrangements increase the likelihood that a refugee will not return home or attempt to build a new life? These are legitimate concerns that are repeatedly considered by the Kenyan Government and UNHCR, both having found no viable middle ground.\footnote{Ibid}

On refugees being a security threat, the government officials indicated that not all refugees were genuine refugees. They said that some Al-Shabaab militants had also escaped from Somalia and they were responsible for recruiting and training the Kenyan youth into so called “jihad”. This, according to the government officials, had resulted in kidnapping of tourists, killing of Kenya security forces through grenade attacks and killing of innocent civilians either by use of gunfire or grenades.
Findings of this report and the literature review indicate loopholes and gaps in the implementation of the Kenyan government’s laws and regulations. This report on Somalis in Eastleigh was an attempt to provide an insight into how or where the gaps came from. The Police force, as an enforcement arm of the legal system in Kenya, has the mandate to patrol the Kenyan territory. In as much as they try to implement the law, the Police also misuse or abuse their authority, by, for example, harassing the migrants in Eastleigh and accepting bribes. Although the bribes are essentially what migrants depend on in order to survive in Eastleigh and acquire their livelihoods, migrants still find it difficult to pay bribes to Police on a day-to-day basis.
CHAPTER FIVE
FINDINGS, CONCLUSIONS AND RECOMMENDATION

5.1 Introduction
This chapter represents the study in terms of the findings, recommendations and consequent conclusions based on the research questions which were obtained from the data analysis in chapter four while giving room for further study. The research qualitative analysis composed of suggestions and respondents’ opinions gave out valid information on which the conclusions and recommendations were based. The study analyses the notion that the influx of Somali refugees into Kenya is a cause of insecurity.

5.2 Summary
Many of the refugees see encampment as a form of imprisonment. The refugees indicate that the restrictions on movement and the conditions in their forced confinement have caused more psychological, economical and health problems than diseases and wars have caused. Their restricted movement has caused and continues to cause their underdevelopment and deterioration.

The Kenya government is not happy with the dispersed settlement of refugees in a border area because it has made that area vulnerable to attack by parties to the conflict from which the refugees have fled in the first place. The government is not ready to condone the use of their territories by military groups, allied to the refugees, for launching attacks on their country - Somalia. Indeed, in both such cases, resettlement of refugees (whether in camps or not) may also be in the interest of refugee protection.

Those opposing encampment would need to demonstrate that refugees do not necessarily enhance the security situation or reduce conflict between refugees and locals. Clearly there will be circumstances in which the security threat posed by certain groups of refugees does require effective measures of control. But, it could be argued that, in normal
circumstances, control - and especially undue restrictions on refugees’ activities within camps - increases rather than decreases the security threat that is posed by refugees.

Those working with refugees from Somalia have commonly portrayed Somalis as uncooperative and unruly populations, where the safety of humanitarian aid workers is often put into question.

Many parents have remained separated from their children who disappeared from the camps because they could not move to search for them or inquire of their whereabouts. Many refugee students have missed their chances for educational opportunities, or have been unable to obtain education certificates earned because they could not receive the permission to move. As a result, many of them join the terrorist groups like Al-Shabaab where they are trained in the art of war.

Refugee camps in Kenya are like prison camps. There are watchful eyes to ensure that these people remain confined in the camps. Their living conditions are deplorable and their basic human rights are flouted. It is interesting to note that those without any skills, in form of education or technical skills stand a better chance of being recruited into illegal organizations. The Kenya government does not seem to see this.

One of the main problems faced by refugees is police harassment. The police carry out regular raids in refugee-dominated areas during which they have been known to search refugee homes, abuse, assault, intimidate and wrongfully arrest refugees. Many refugees are detained in police cells and there is need for the agency to review its mandate and to provide the requisite protection and assistance to asylum seekers.

5.3 Key findings

Since the beginning of the conflict in Somalia, thousands of refugees traveled by boat down the coast of Kenya and arrived in Mombasa, where many were forced into official camps. Due to the urban environment in Mombasa, some managed to settle within
the city. A number of Somali refugees who lived outside of the camp established small businesses in Mombasa, ranging from electronics stores to black-market activities.

Nearly all the Somali refugees who do not live within an official camp reside in Eastleigh, in Nairobi. It is an area that many non-Somalis avoid due to its poor infrastructure, lawlessness, and lack of basic services. Although a substantial amount of legitimate business occurs within Eastleigh, there is still an overwhelming presence of illicit activities, making it possible to purchase anything from a fake passport to a firearm. The neighborhood is notorious for the above activities, creating a difficult task for the Kenyan Police.

Somali refugees have been used as a scapegoat for much of the insecurity and disorder that has plagued Kenya. The fact remains that Somalia, as a country, has been politically unstable for much of its post-colonial existence. Kenyans, therefore, overwhelmingly believe that Somali refugees simply brought problems into Kenya. Any significant event that involves terrorism in Kenya almost certainly brings an increased distrust towards Somali refugees.

The Kenya government believed that the Al-Shabaab militants posed a serious security in the country through kidnappings and murder of Kenyans and tourists visiting Kenya. Some parts of the coast and north eastern regions of Kenya became recruitment and training grounds for Al-Shabaab militants. Various explosions have also been reported in various parts of the country, especially the North Eastern region, the coastal region and Nairobi, resulting in fatalities. All these are pointed at the Somalis from Somalia, who form the terrorist group Al-Shabaab.

The most difficult task is finding a feasible balance whereby Kenyans can feel safe and refugees can be given aid. There are no indications that Somalis will stop entering Kenya and, as the last several decades have shown, neglecting refugees, whether in
Eastleigh or in a camp, will not make the problem disappear. The fact remains that, in the words of a UNHCR official in Kenya, “you cannot create an island of security in a sea of insecurity”. Instead, the government must work closely with the UNHCR and other nongovernmental organizations to, at the very least, improve living conditions among refugees from one year to the next.

5.4 Conclusion

Refugees who have tried to move out of the camps have been beaten, arrested, detained, and/or forced to pay heavy bribes or fines of large amounts of money they never imagined. Most of the refugees would want the chance to live as other human beings live, with a hope for the future. Since there is the restriction of movement, many refugees in the camps are to pay money in order to get Kenyan national identification documents for the sole purpose of getting access to free movement.

There has been a realization over time by all parties that the protracted refugee situation in Kenya is not going to resolve itself quickly. As refugees have increasingly migrated to the city, they have turned to Nairobi-based organizations such as the Refugee Council of Kenya (RCK), national and international agencies working on refugee issues. NGOs have been advocating on their behalf, while agencies such as UNHCR have engaged the government in discussions over how to align its policy with international refugee conventions and protocols, including the rights to documentation, to move freely and to work.

Kenya has continued to face sporadic influxes of refugees, the long porous borders with Somalia, Sudan and Ethiopia became a cause for concern and the increase in gun crime stirred up public outrage against refugees and immigrants. Concerns arose about environmental degradation in the refugee camps, where large numbers of refugees were living on a small area of land. Conflicts between refugees and host communities have
grown and many Kenyans noted the disparities between their own living standards and those of refugees.

In keeping with the national law and policies found in the Refugee Act and in line with international human rights and humanitarian law, Kenya has allowed refugees to enter into Kenya. With the refugees come groups of militants ready to wage war on Kenya.

5.5 Recommendations

Recommendations generally fall into the categories of:

(1) Preemption (attacking terrorists and combating the growth of Islamist terrorism).

(2) Protecting against and preparing for attacks.

(3) Coordination and unity of operational planning, intelligence and sharing of information.

(4) Enhancing, through centralization, effectiveness of intelligence and counterterrorism oversight, authorization, and appropriations.

(5) Centralizing congressional oversight and review of homeland security activities.

Its overarching goals are to: (1) defeat terrorism as a threat to Kenya’s way of life as a free and open society, and (2) create an environment inhospitable to terrorism worldwide. It is necessary to destroy Al Shabaab, enlist support from allies and train experts in Somali culture with emphasis on gaining a better understanding of the Somalis.

The approach seeks to enhance effectiveness combating terrorism in the long term by strengthening the ideological component in the war on terror. Inherent here is widespread recognition that the Kenya will need to increasingly engage in public diplomacy, in conjunction with other efforts to protect and defend the homeland and efforts to attack terrorists and reduce their capabilities.
The water resources of the River Tana and the digging of boreholes could be utilized to promote agriculture through irrigation. The host communities thrive economically on livestock. Such a resource should be improved through modern animal husbandry to breed high grade livestock for milk and beef production. Entrepreneurship could also be promoted through provision of training and giving financial support to the host communities to enable them to compete favourably with the refugee community.

Most of the refugees have idle days and they do not engage in productive activity. In a short while, since there is no form of recreation, they just engage in making children and this increases the population of the camps. Because of their deplorable conditions, many would-be refugees running away from the turmoil in their countries take the risk of moving into the country without going to the offices of the UNHCR.

The agencies dealing with refugees should endeavour to empower refugees economically, socially and materially by training them in income generating activities. Professionally qualified refugees could be considered to work with the agencies and be granted work permits to supplement what the Kenya Government lacks in terms of specialized human resource. This would make the refugees self-reliant and stop the culture of dependency syndrome. There is urgent need to address the issue of training as a priority in order to keep the youth gainfully employed so that they cannot be lured into military training by Al-Shabaab and their supporters.

Informal training of refugees could be started to equip them with technical skills and assist them with small startup loans to empower the refugee fraternity economically. The Kenya Government could also consider dismantling the camps and encourage integration of the refugees with the host communities taking caution not to compromise state security.
With the creation of South Sudan and with the Somali conflict almost at an end, UNHCR and the Kenya Government need to encourage refugees to go back into their countries since there will be peace and political stability. UNHCR should also consider reforming the camps by improving the camp environments including lobbying for more donor support for resettlement programme and for the international community giving extra support to Kenya forces and African Union peacekeepers in Somalia to eradicate the Al Shabaab militias who have destabilized Somalia.

In order to truly address the Somali problem, efforts must be concentrated towards the root cause of the problem: the collapse of the Somali state. Unfortunately, the hard truth is that nations capable of making real change in Somalia are far more interested in trade revenue than humanitarian efforts. The key to inspiring true international intervention is convincing such nations that these interests are aligned; that the stabilization of Somalia is key to the elimination of insecurity, both in Somalia and its neighbours, Kenya included.

In the refugee camps, there are professionals like doctors, engineers, teachers, etc. who are forced to flee their country because of the political turmoil. Many of these brains are wasted as these professionals are confined within the refugee camps. In fact, whilst it is a “brain drain” from their countries, for them it is “brain rot”. Some of these professionals assist the militant groups with logistics and planning of the terror activities.

It would be suggestive that the Kenya government can carry out a study and get to know the people who have special skills from these camps and engage them economically in some productive activities. This way, they would be gainfully employed and would not have time to engage in clandestine activities.

The Kenya government must ensure that the people who enter Kenya as refugees do not abuse the hospitality accorded to them to launch military attacks either in Kenya or
Somalia. The government also needs to ensure that these militants do not hide behind religion to cause mayhem in areas where they are residing.

The UNHCR must use its position to comprehend the dynamics of refugee protection and mobilize support for resources to effectively address the challenges of refugee protection in Kenya and elsewhere in Africa. It is important to address issues by putting in place predictable systems of management, distinguishing refugees from other categories of migrants and highlighting the need for the Kenya government to resume full authority for the overall management of refugee affairs.

While it is necessary for the government in its efforts to enhance security and protect Kenyans, it would also be unfair to deny entry or forcing back vulnerable refugee women, men and children to a situation of grievous harm and threat of death. UNHCR can mobilize resources from the international community to assist in vetting asylum seekers at the border before they enter the country in order to retain the civilian nature of asylum.

The encampment system needs to be thoroughly researched with the aim of starting income generating and self-development programmes to enable refugees live productively and dignified lives in the host country. If this is professionally done, there would not be an influx of urban refugees and the excuse of crime being perpetuated by the refugees would cease as having a permanent and durable solution to the rights of the refugees.

The camps provide a multicultural and international environment of refugees from diverse cultural backgrounds. To improve the social welfare of the refugee community, the UNHCR and other agencies dealing with refugees should carry out a social cultural study to professionally gauge the social welfare of the refugees. The refugees should be encouraged and supported morally and materially to establish social networks to address
their social welfare challenges and the refugees could be allowed to establish committees and inter-cultural clubs which would interface them in participatory programmes with the host community, Agency workers and government officials. Such forums would enable refugees to effectively interact and articulate their needs more practically at interpersonal engagements.

The government should come up with a programme aimed at developing the potential of the refugees who are in the camps. These people, the professionals and those who have potential should be empowered both economically and mentally to enable them to lead healthy lives free of anxiety and daily “torture” as a result of idling the hours of the day away. Except for exceptions, the government should identify those that can be trained and put them into training institutions and then absorb into the system where they would contribute positively to the development of the country. It would be good to have the educated and professional refugees employed instead of allowing their brains going to waste in Daadab refugee camp. To a very great extent, security can be improved.

Though this study has been conducted on the effects of the influx of Somali refugees and state security, it is still an area that requires further study. This study covered the refugees in Kenya only. This may not be representative of all other refugee situations in the world or even the refugee policies of other countries. It is suggested therefore that further research should be conducted in this area so that a more comprehensive representation can be realized.
BIBLIOGRAPHY

BOOKS


Barbara Harrell-Bond (1984), Imposing Aid: emergency assistance to refugees. Oxford; OUP.


Crisp J, Who has counted the refugees? UNHCR and the politics of numbers, New Issues in Refugee Research, www-jha.sps.cam.ac.uk


Hyndman, M. J *Geographies of Displacement: Gender, Culture and Power in UNHCR Refugee Camps, Kenya.* PhD Thesis. The University of British Columbia


Landau L.B. *‘Urban Refugees’*. Forced Migration Research Guide


Record, Jeffrey (December 2003). “Bounding the Global War on Terrorism”. Strategic Studies Institute (SSI).


Journals, magazines and others


Aljazeera inside story- War of vengeance.

BBC. (2002). The Threat from Portable Missiles, BBC Africa (29 November 2002 ed.).


Humphreys, Adrian. “One official’s ‘refugee’ is another’s ‘terrorist’”, National Post, January 17, 2006.


Legal Attache. (2010). Interview with Federal Bureau of Investigation at the U.S.

Report of the ‘Inter-Agency Retreat on Urban Refugees’ organised by UNHCR and RCK
at Norfolk Hotel in August 2005


Simon Thomas, In a paper presented to the Pan African Conference on Refugees, in
Arusha, Tanzania, 1997

The Convention and protocol relating to the status of Refugees, Article 1

The Media and Terrorism: A Reassessment Paul Wilkinson. Terrorism and Political
Violence, Vol. 9, No. 2 (Summer 1997), pp. 51–64 Published by Frank Cass, London.

The Organization of African Unity Convention: Governing Specific Aspects of Refugee

UNHCR.

Geneva: Statistical Unit, UNHCR.

UNHCR (2002). Refugees and Others of Concern to UNHCR. 2000 Statistical Overview
Geneva: UNHCR.


United Nations High Commissioner for Refugees. 2010. "Supplementary Requirements
for Extension of Ifo Camp in Dadaab, Kenya and Protection Enhancement 2010."

UNHCR.

UNHCR Kenya Annual Statistical Report, Table III, February 2002


APPENDICES

Index I - Interview with refugees

1. Which is your country of origin?

2. Do the Kenya government policies have a strong influence in the social life of Somali refugees in Kenya?

3. Are there security problems in the camp?

4. Do you think the refugees pose a security threat to Kenya?

5. Do you think some of the refugees could be Al-Shabaab militants who have sneaked into Kenya?

6. Do you think Al-Shabaab could be recruiting Kenya’s into their militia to cause mayhem in Kenya?
Index II - Interview with host communities

1. How noticeable are Somalis in Kenya?

2. Is there a relationship between the Somali refugees and the host community? If Yes, which?

3. How does the host community treat the Somali refugees?

4. What dangers are posed by the refugees to the host community?

5. Are there any visible benefits experienced by the local community as a result of the influx of the Somali refugees?

6. Have you received reports of religious animosity amongst the refugees?

7. What could be the underlying cause of this animosity?

8. How can it be contained in the camp?
Appendix III - Interview for use with Government Officials

1. Who in this country is regarded as a refugee?

2. Where does the definition of a refugee come from (e.g., national legal definition, developed by state)?

3. What is the role of the state in relation to the refugees?

4. Do you consider the refugees to be a security threat?

5. If yes, how?

6. How has the government responded to the security threat?

7. Has this always been the practice or has it changed? If it has changed, what do you think has caused the change?

8. Do you think the influx of Somali refugees has had other social effects apart from security?

9. If yes, what are they?

10. How has the government responded to the influx of the refugees? Explore the effect of each response mentioned.

11. What are the specific policies does the government have regarding the treatment of refugees?

12. What efforts and measures are in place to ensure effective implementation and monitoring of existing policies?

13. Do you think the country’s resources are affected by the huge number of refugees in the country?

14. What do you think the government needs to do to address the security problem caused by refugees?

15. What is the relationship between international terrorism, and Kenyan state security?

16. What is the impact of Al-Shabaab terrorism activities on Kenyan’s state security?