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The Impact of Refugees on Host
Communities-The case of Kakuma
Refugee Camp-Kenya

**IMPACT OF REFUGEES ON HOST COMMUNITIES: THE
CASE OF KAKUMA REFUGEE CAMP, NORTHWESTERN
KENYA, 1992-2002**

BY

TURETI, MARTHA KEMUMA

**A DISSERTATION SUBMITTED TO THE UNIVERSITY OF
NAIROBI, DEPARTMENT OF HISTORY IN PARTIAL
FULFILMENT OF THE REQUIREMENT FOR THE DEGREE OF
MASTER OF ARTS IN ARMED CONFLICT AND PEACE STUDIES.**

OCTOBER 2003

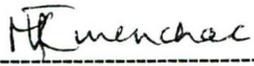
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DECLARATION

This dissertation is my original work and has not been submitted for a degree to any other University.



TURETI M. KEMUMA

21/04/04

DATE

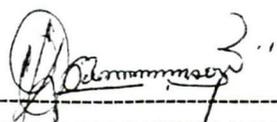
This dissertation has been submitted for examination with our approval as University Supervisors.



DR. RUTH KIBITI

21/04/04

DATE



DR. KENNETH OMBONGI

19 April 2004

DATE

I. F. R. A.
P. O. Box 58480
Nairobi Kenya

DEDICATION

To

Peter and Michael – my dear sons - who bore the brunt of this project and all my siblings

I. F. R. /
P. O. Box 58480
Nairobi Kenya

ACKNOWLEDGEMENTS

Thus far you have brought me God. What began as just filling in forms in the last quarter of 2001 from the board of postgraduate studies now looks seemingly dressed. The struggle was well worth it.

This dissertation became a reality through the persistent struggle and push from my family. I am immensely indebted to Nyachae Michira (my husband) for material, intellectual, moral support and keen interest in my work even when he was about 10,000 miles away through the entire period. Mwalimu Tureti Obara (my dear Dad), special appreciation for your encouragement to keep on and narration on the historical backgrounds of Uganda and the now Democratic Republic of Congo, least did you know the invaluable intellectual contributions of your narration towards this project.

Thanks to you Saringi Momanyi for persistently asking how far I had reached with this project. Without the efforts of Evangeline Nabea (my Research Assistant), Maurice Onyango, G. Chemkang, Moraa J., Kiplagat G., Kiura B., Lavenda Okoyo, Catherine Mwangi and Emmanuel Nyabera- all aid workers with the refugee agencies, this project would have lacked the main ingredients to be fully baked. Thank you Mr. Kikwao R., - Ministry of Home Affairs- Refugee Coordination Secretariat for your input. Ngotho E., Basil O., Nafula Rose and Late Njoka P., bravo for the competitive spirit you instilled in me.

Prof. Milcah Acholla, Prof. V.G. Simiyu, Dr. Ephraim Wahome, Mr. Ben Nyanchoga and Mr. George Odeny, thanks for your informed critique and encouragement. The call for flow of my arguments from Dr. Ruth Kibiti and Dr. Kenneth Ombongi (my Supervisors) greatly enhanced the quality of my thesis. I salute you.

To all who cared even in the least bit, I say thank you.

I. F. ...
P. O. Box 28480
Nairobi

ABSTRACT

Refugees are one of the major problems facing the international community today. Africa today has a refugee population (according to UNHCR statistics) of over 7 million. The causes for the refugee problem in Africa are political, social, economic, and ethnic among others. Once these refugee populations are in the country of asylum, they do not live in isolation but the indigenous people do exist whom they interact with.

The broad objective was to establish the socio-cultural and economic effects of refugees on the host community. The theory of Social Change provided the framework within which this work was done, meaning that values and norms of the refugees could have been diffused to and adopted by the host community.

The study gave particular emphasis on the Kakuma Refugee Camp between 1992 – 2002. The main concern of the study was to explore how the refugees inclusive of the refugee agencies' interventions impact either negatively or positively on the host community. The refugee problem in Sub – Saharan Africa extensively narrated. Refugee protection issues were tackled in my work and serves as a background to United Nations High Commissioner of Refugees (UNHCR). The study found out that in defining the links between refugee flows and their impact on receiving communities, the proposition is that government repression or persecution, domestic conflicts, or regional wars generate refugees. Refugee problems, however, are not only consequences of conflicts or wars, but

increasingly are causal factor sometimes even the primary cause of conflicts as in the case of Kakuma refugee camp.

When it comes to refugee movements and settlements, my study found significant impact of refugees on communal conflicts within the country of asylum. Refugees increased the rate of land and other limited resources use in Kakuma, and this frequently generated tensions between the new comers and the local indigenous populations of the area where they are concentrated. Refugee influx contributed to demographic strains, ecological strains and economic dislocation. There is the risk that the host communities could become involved in the conflict between refugees and their government, particularly if refugees represent a political or communal minority group in their country of origin. Even when refugee populations consist solely of noncombatants who are uninterested in political or militant action, there is risk that their presence along the border will raise tensions between host and source countries.

However, it must be recognised that refugees cause both negative and positive effects on host nations and communities. I have concluded that the deprivations, needs, and capabilities of the weaker host communities as well as those of the refugees deserve to be taken into account by refugee agencies, so that the Turkanas will not continue languishing in poverty while refugees live in plenty.

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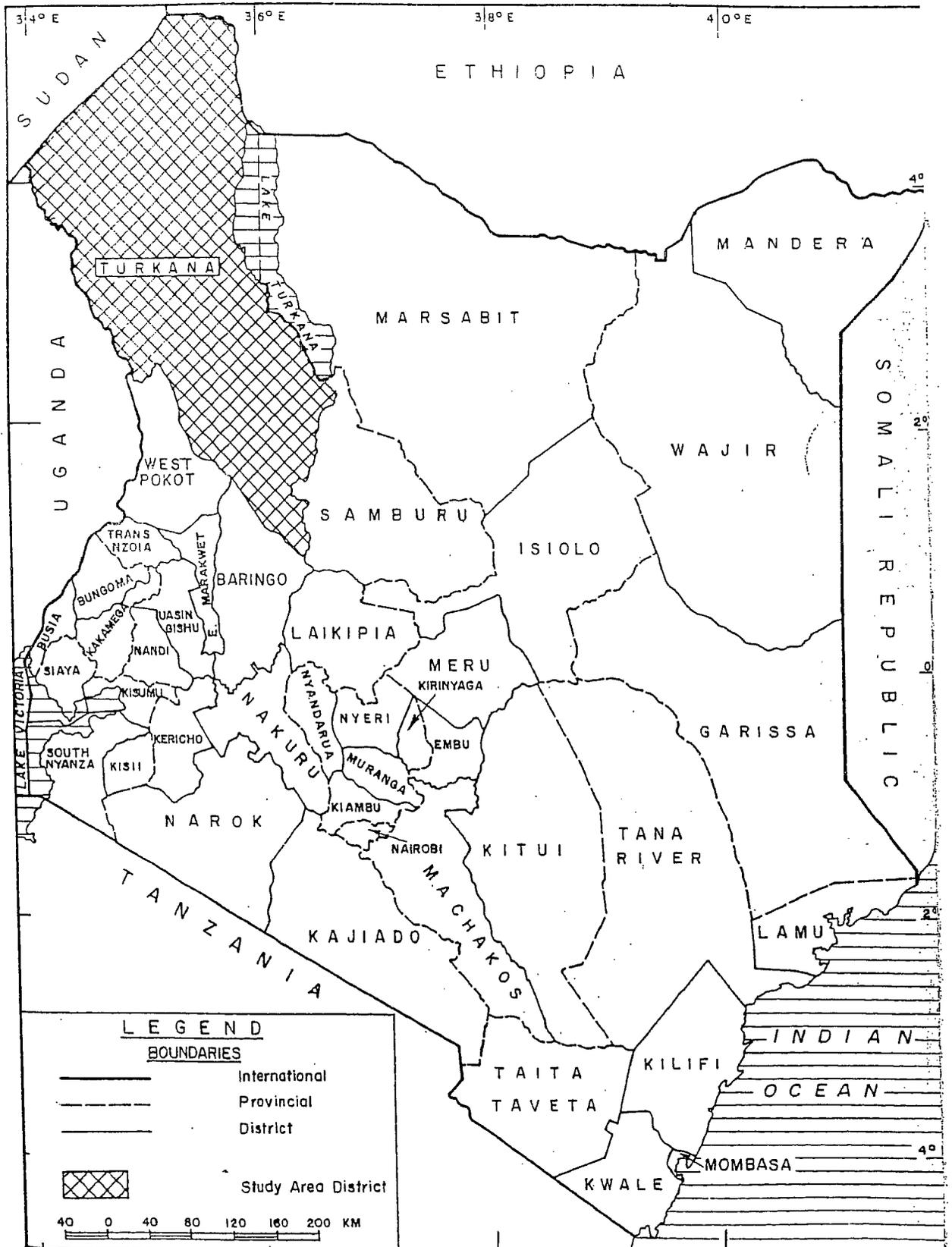
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List of Abbreviations

| | |
|----------|---|
| ADFL - | Alliance of Democratic Forces for Liberation of Congo-Zaire |
| AU - | African Union |
| DRC - | Democratic Republic of Congo |
| EXCOM- | Executive Committee |
| ECOSOC- | Economic and Social Council |
| FAZ - | <i>Forces Armees Zairoise</i> |
| FRELIMO- | Front for National Liberation of Mozambique |
| FRONOSA- | Front for National Salvation |
| GoK - | Government of Kenya |
| ICRC - | International Committee of the Red Cross |
| IDIS - | Institute of Diplomacy and International Studies |
| IRC - | International Rescue Committee |
| IOM - | International Office of Migration |
| JRS - | Jesuit Refugee Services |
| LWF - | Lutheran World Federation |
| MNC - | Congolese National Movement |
| NCCK - | National Council of Churches of Kenya |
| NEPAD- | New Partnership for African Development |
| NIF - | National Islamic Front |
| OAU - | Organization of African Unity |
| OMS - | Operation Management Services |

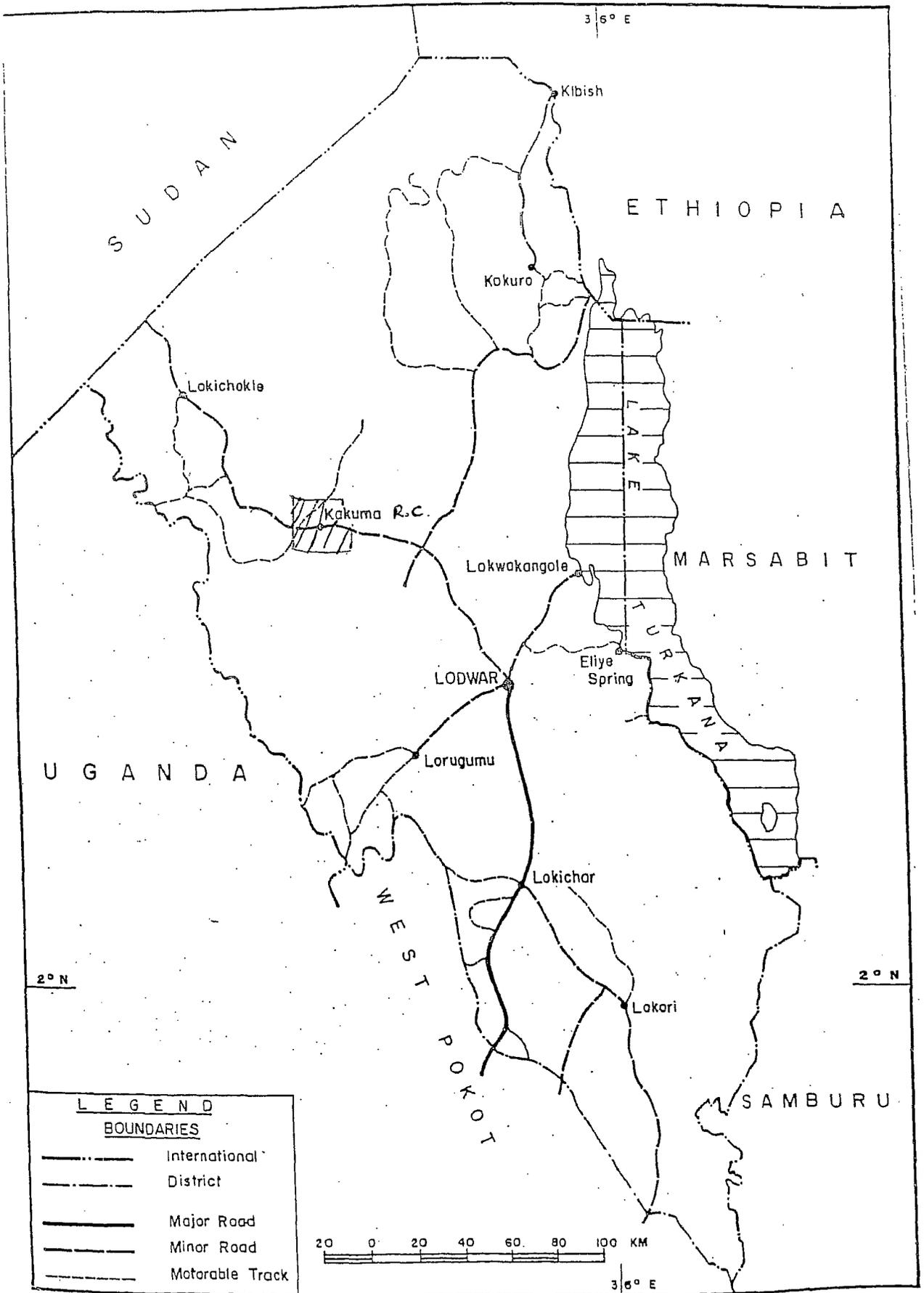
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| PMS | - | Programme Management Systems |
| RPF | - | Rwandese Patriotic Front |
| RSD | - | Refugee Status Determination |
| RTL | - | <i>Radio De Mille Collines</i> |
| SPLM/A- | | Sudan People's Liberation Movement/Army |
| TPDF | - | Tanzania People's Defense Forces |
| UNHCR- | | United Nations High Commissioner of Refugees |
| UNLF | - | Uganda National Liberation Front |
| UNREF- | | United Nations Refugee Fund |
| UPRONA- | | Union for National Congress |
| WVK | - | World Vision Kenya |

Map 1 Kenya showing Turkana District



Source: Awuondo, C.O, 1990

Map. 2 Turkana District



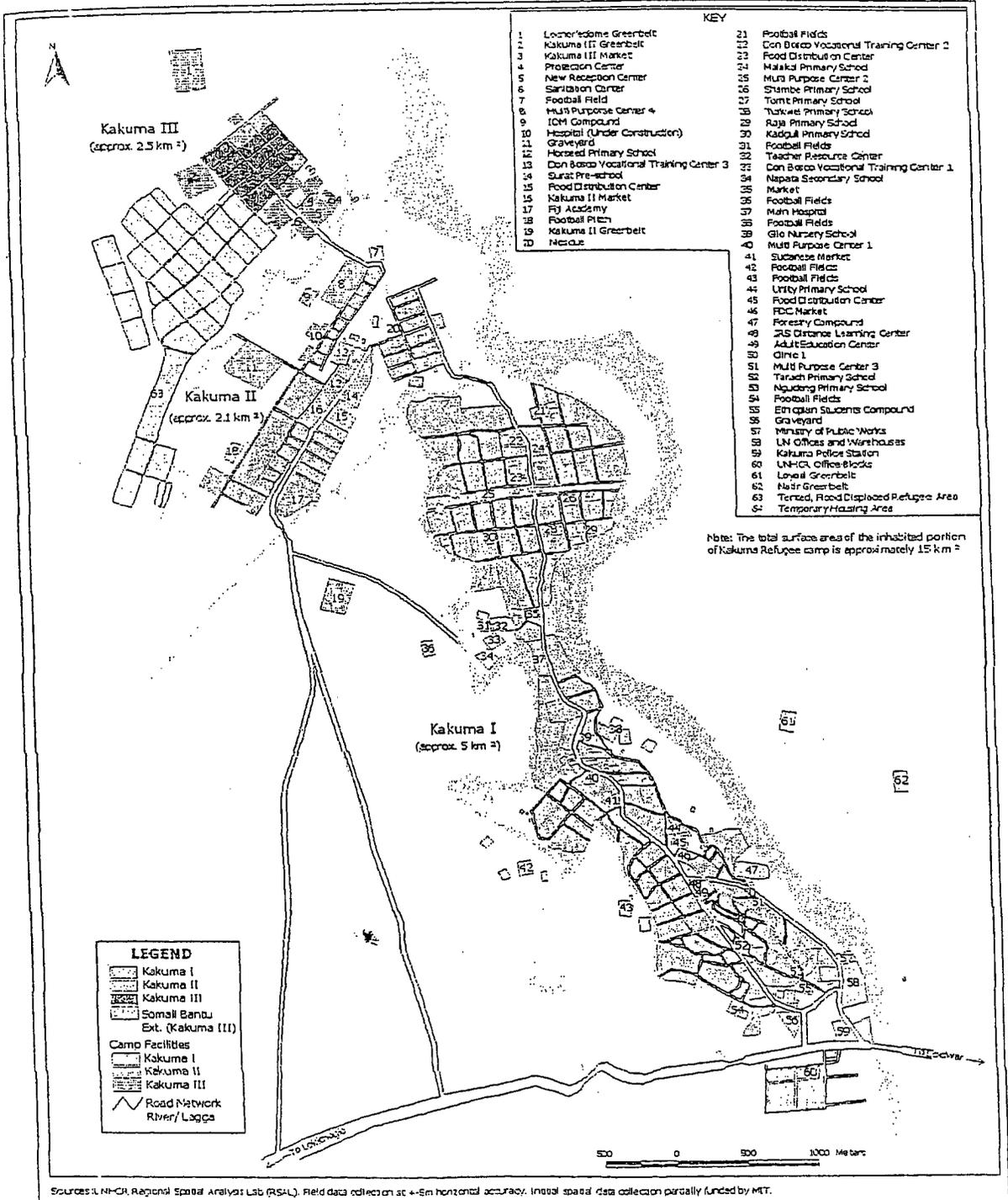
Source: Awuondo, C.O., 1990

Map. 3

Kakuma Refugee Camp Overview

Map as of December 2002

UNHCR Regional Spatial Analysis Lab (RSAL), Nairobi, Kenya



CHAPTER ONE

INTRODUCTION

1:1 INTRODUCTION

An ancient Greek philosopher named Heraclitus said that it is impossible for a man to step to a river twice. It is impossible for two reasons: the second time it is not the same river and the second time it is not the same man. In the interval of time between the first and the second stepping, no matter how short, both the river and the man have changed. Neither remains the same.¹ This is the central theme of the Heraclitean philosophy – the reality of change, the impermanence of being, the inconsistency of everything but change itself. Having worked as a Gender Programme Supervisor with the Lutheran World Federation at the Kakuma refugee camp between May 2000 and December 2001, these words of the Roman poet Lucretius, “*felix qui potuit causas rerum cognoscere*” (Happy is he who can know the causes of things)² kept intriguing me. My causal curiosity never rested and I reminded myself that nothing should steal my desire to know and understand that events have causes and effects. Without such an assumption, the world of history dissolves into pure caprice. Several encounters with issues in my line of duty involving the refugees and the host community inspired me to even seek to inquire more on the impact of the refugees on the host community. The University of Nairobi, Department of History gave me the arena to play my game.

There are around 40 million refugees and internally displaced persons in the world today who have been forced out from their original homes. They are often living in special

¹ Freeman, K., *Ancilla to the Pre-Socratic Philosophers*, Cambridge, Harvard Univ. Press, 1983 (reprint)

² Hadzsits, G.D., *Lucretius and His Influence*, New York, 1963

camps in their own or host countries. Some of them have remained displaced for years because of the prolonged conflicts.³ While Malcom⁴ notes that historians see the refugee phenomenon, inclusive of international refugee law as a twentieth century creation, mass displacements of populations have existed for as long as mankind has lived in organized groups where oppression and intolerance were inevitable. Refugees are one of the major problems facing the international community today. The causes of refugeeism are complex. Persecution, for racial, political, or religious reasons, war, famine and starvation, or fear of these phenomena, cause the major mass exoduses which we know are taking place in the world today. Nobel⁵ adds that the refugee populations of Africa have grown from about 800,000 at the end of the 1960s, to about four million in the 1970s and more than five million in the middle of the 1980s. Africa today has a refugee population (according to UNHCR statistics) of over 7 million. Once these refugee populations are in the country of asylum, they do not live in isolation but interact with the indigenous local communities in the host country. Through these interactions, refugees have an impact on the host communities.

Various countries in Africa have been the source of these refugees; Mozambique, Somali, Tanzania, Rwanda, Burundi, Sudan, Ethiopia, Democratic Republic of Congo and Uganda among others. Kenya, where the proposed study took place is one of the recipients of these outflows of refugee populations. The current refugee figure in Kenya lies at 450,000 (both rural camp and urban refugees).

³ UNAIDS, *Population Mobility and Aids- UNAIDS Technical Update*, Geneva, February 2001

⁴ Malcom, P., *European Refugees 1930-1952: A Study in Forced Population Movement*, London, Faber & Faber, 1957.

⁵ Nobel, P. (ed), *Refugees and Development in Africa*, Uppsala, Scandinavian Institute of African Studies – Seminar proceedings No. 19, 1998, p.13

1:2 KAKUMA REFUGEE CAMP

The study focused on Kakuma Refugee Camp, which is located in North Western Kenya, Turkana District (see map 1 and 2). The Turkana community of Kenya inhabits the area. The Turkana are nomadic pastoralists and, before the influx of refugees they moved from place to place with their animals in search of water and pasture seasonally. The Refugee Camp is 120 KM North West of Lodwar Town and about 127 KM South of the Kenya / Sudan border. It is home to 84,337 refugees from 8 different Nation/States and 20 ethnicities (see map 1). The locality of Kakuma was completely insignificant prior to the 1992 refugee influx. Kakuma was a rural settlement of about 8,000 inhabitants. In the short space of time, it grew to become the second largest shelter site for refugees in the country. ⁶ Ten years have passed since its establishment. One thing that is distinct about the camp is that its population has grown five folds since its inception. It now stands at 84,337 (41 % is female) from the initial figure of 16,000 in July 1992 when the United Nations High Commissioner of Refugees⁷ established it.

Sudanese form 68.7% of the population and Somalis 27.1%, the rest are from Rwanda, Democratic Republic of Congo (DRC), Burundi, Ethiopia, Eritrea and Uganda as shown on table 1.1 below. The Sudanese are in the majority because of the camps close proximity to Sudan.

Table 1.1

Camp Population as at end of 2002

| <u>Nationality</u> | <u>Population</u> |
|--------------------|-------------------|
| Somalia | 22,932 |
| Sudan | 57,882 |

⁶ Jesuit Refugee Service, Volume 13, No.2, 2000, p. 209

⁷ UNHCR – Kenya, June 2002 Report

| | |
|-----------------|---------------|
| Ethiopia | 2,381 |
| Eritrea | 23 |
| DRC | 417 |
| Uganda | 318 |
| Burundi | 141 |
| Rwanda | 243 |
| Total | 84,337 |
| Female | 41% |

Source: UNHCR Kenya 2002 report

The initial plan to set up the camp was to provide protection and assistance to some 16,000 teenage Sudanese (“Lost Boys of Sudan”), a group of children who together with their caretakers undertook a hazardous five year odyssey fleeing the civil war in Sudan to Ethiopia. When war erupted in Ethiopia they went back to an insecure Sudan before they finally reached Kenya in 1992.⁸ The same year large groups of Ethiopians who had fled the fall of the government added to the camp population. Over the years, the caseload in Kakuma has also included the Ethiopians from the closed camps in Walda and Thika and Somalis from the closed camps in Mombasa at the coast, as well as refugees from the great Lakes Region transferred from Nairobi. The continued civil strife and political instability in Sudan, Ethiopia, Somalia, and the Great Lakes Region are the two main reasons why refugees have continued to flock into the country.⁹

Kakuma covers about 25 square kilometers. The camp has three sites (Kakuma I, II & III) as well as the new Somali Bantu site. Turkana is generally flat ranging in elevation from 600 - 900 m above sea level. The most significant landforms in the district are the Loima hills, which form part of the catchment basin of river Tarach and its tributaries. It flows through Kakuma and is the major source of water in the camp. The climate of Turkana is

⁸ UNHCR-Kenya, June 2002 Report

⁹ The People Daily, 15th December., 2002: IV

generally arid with only a few places in the northern part characterized as having semi-arid to sub-arid climate. Temperatures range between 20°C and 30°C, but occasionally surge upwards to 42°C during extreme dry and hot seasons. Vegetation is mainly medium bush composed of acacia species with dense riverline forests.

The study was to find out the socio-cultural and economic impact of the refugees on the host community. This study also examined the policies of UNHCR (United Nations High Commissioner for Refugees) on the host communities besides providing protection and assistance to the refugees.

1:3 OPERATIONAL DEFINITIONS

This section is to highlight operational definitions of various concepts used in this study.

Refugee: The 1951 convention defines a refugee as a person who:

As a result of events occurring before 1 January 1951 and owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his former habitual residence as a result of such events, is unable to or owing to such fear, is unwilling to return to it.¹⁰

“Events occurring before 1 January 1951” is further defined as either events occurring in Europe before that date or events occurring in Europe and elsewhere at that time. This definition of a refugee, which was adopted by the 1951 international convention, was to establish a regime, which would apply to persons who became refugees after the Second World War. The definition, even after the adoption of the protocol, was still too narrow to

¹⁰ Eriksson, et al, (ed.), *An analyzing account of the conference on the African Refugee Problem*, Arusha, 1979, p. 107.

encompass the general African refugee situation. This definition excluded African nationalities. Macharia¹¹ asserts that the Organization of African Unity (OAU) felt it necessary to have its own Convention on the problem of refugees in Africa. This necessity was driven by the fact that previous conventions had not taken Africa into account. This is therefore one area where the OAU proceeded to develop an expanded definition of a refugee. The final result was to add another limb, stating that:

The term refugee shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.¹²

For my purpose the defunct OAU definition is adopted for a working definition.

Refugee camp: There is no clear definition of exactly what constitutes a 'refugee camp'. The term is used to describe human settlements that vary greatly in size and character. In general, refugee camps are enclosed areas, restricted to refugees and those assisting them, where protection and assistance is provided until it is safe for the refugees to return to their homelands or to be resettled elsewhere.¹³

K. F. R. A.
P. O. Box 58480
Nairobi Kenya

United Nations High Commissioner for Refugees (UNHCR): Was formally established in 1950 at the height of East-West confrontation; it was initially charged with protecting and assisting people displaced in the aftermath of World War II and those fleeing communist

¹¹ Macharia, M. Macharia, C., *The OAU Convention and the Evolving Legal and Institutional Refugee Problems in Africa*, (unpublished), 1999, p.2

¹² Eriksson, Opp. cit 107-8; Hitchcox, L., *Refugees*, Franklin Watts, London, 1990:6-7; Keely, C. B., *Global Refugee Policy: The case for A Development-Oriented Strategy*, The Population Council Inc., 1981, pp.6-7.

¹³ Eriksson, o. cit pp. Pp.107-8, Kibreab 1987 as cited by JRS, vol.13, No.2, 2000, p.206

¹⁴ Goodwin -Gill, G.S., *The Refugee in International Law*, 2nd edn, Clarendon Press, Oxford, 1996, p.117

persecution in Europe. From the 1960s until recently, however, the focus shifted away from Europe to Third World countries. Its role may be summarized as ensuring that genuine refugees are treated in accordance with the international humanitarian standards recognised by International Refugee Law.

Asylum: Article 14 of the Universal Declaration of Human Rights states that “everyone has the right to seek and enjoy in other country’s asylum from persecution.” The Declaration is however not binding on states. At the time when the 1967 protocol was adopted, a declaration on territorial asylum was also established and adopted. Apart from being only recommendatory, it made it clear that the grant of asylum is a sovereign act of the state and not a right of the refugee. The 1951 convention has no direct mention of asylum.

Asylum seekers: People who want to be admitted into a country as refugees.

Returnees: Refugees who have either returned home or are in the process of doing so.

Non-refoulement: Goodwin-Gill¹⁴ notes that the term *non-refoulement* is derived from the French *refouler*, which means to drive back or to repel, as of an enemy who fails to breach ones’ defenses. Refoulement is thus distinguished from expulsion or deportation, the more formal process whereby a lawfully resident alien may be required to leave a state, or be forcefully removed. The 1951 Convention contains a provision in Article 32 which prohibits the expulsion of refugees, except on grounds of national security and public order, and Article 33 prohibits expulsion or return of refugees to the frontier of territories where their lives would be threatened. The refugee has therefore some

¹⁴ Goodwin –Gill, G.S., *The Refugee in International Law*. 2nd edn, Clarendon Press, Oxford, 1996, p.117

protection only when he has been accepted in the country of asylum. The OAU convention has provisions in Article 2 that combine elements of the Universal Declaration of Human Rights, the Declaration on Territorial Asylum and the provisions of the 1951 Convention. Article 2 (3) states that "no person shall be subjected by a member state to measures such as rejection at the frontier, return or expulsion, which would compel him to return to or remain in a territory where his life, physical integrity or liberty would be threatened." Most countries of the Third world are engulfed in a general state of people seeking asylum, internally displaced persons and people moving out of the country.

Conflict: May be defined as a difference in preferred outcomes in a bargaining situation.

Zartman,¹⁵ defines it as the underlying issue in dispute between parties.

Host community: That is the aid workers, the local Turkana community and the local government of Kenya.

Acculturation : This is a cultural interaction process whose outcome could involve intercultural exchange/borrowing. It has been used to mean taking on material and non-material attributes from another culture as a result of prolonged face-to-face contact.

Diffusion: will mean the process by which innovations spread from one culture to another.

1:4 PROBLEM STATEMENT

Meier-Braun¹⁶ and Eriksson¹⁷ note that increasing numbers of people have been leaving their indigenous countries and that in recent years the flows of refugees and migrants

¹⁵ Zartman, I., *Ripe for Solution: Conflict and Intervention in Africa*, A Council of Foreign Relations Book, OUP, New York, 1989, p. 8

have taken a completely new dimension. And the reason for taking flight are also growing in number: military conflict, violation of human rights, economic problems, environmental catastrophes and the population explosion are driving people from their indigenous homes.

UNHCR¹⁸ states that the vast refugee flows of the 1980s resulted in the growth of large camps and other kinds of organized settlements in host countries. In Africa in particular, the establishment of camps began to replace the previous practice of allowing refugees to settle amongst the local population. And that UNHCR, in particular, has been held responsible both to the policy of establishing such camps and for the problems found within them.

A tradition of hospitality remains remarkably strong in many of these African and Asian states and communities, but the burdens of hosting so many people are great at both national and local levels. The concentration of such a large population of 84, 337 in an area of about 12 square KM and that previously supported a population less than a tenth of this impacts negatively on the socio-cultural and economic environment.

Nobel¹⁹ notes that the international community has shown solidarity and generosity in providing assistance to meet the physical needs of millions of refugees and has prevented a massive loss of life. Many countries have provided asylum to tens of thousands and sometimes millions of displaced people, bearing the great burdens of accommodating them with the great degree of perseverance. The refugee problem is more than flight from

¹⁶ Meier-Braun K.H., Duetschland (Germany) No. 3, 12/93, *The New Mass Migration*: "When people no longer know why they should stay." 1993, pp. 44-45

¹⁷ Eriksson, op. Cit., p. 102

¹⁸ UNHCR, UNHCR, *The State of the World's Refugees: Fifty Years of Humanitarian Action*, OUP, New York, 2000, p.108

one country to another. It involves changes in the distribution of scarce resources and services of the host country. Such changes entail conflicts between refugees who aspire to get as large a portion of the resources as possible, often to satisfy their basic needs, and the local population who naturally want to withhold as much as possible to maintain their own standard of living.

Is it that refugee influx entail for both exiles and host communities confrontation with new norms and alien social values to which each side has to adjust? The influx of refugees has both positive and negative impacts on the international and host community; the study looked at the negative and positive impacts of the rural camp refugees on the host community. The analysis of impact was at three levels; the individual level, the community level and at the national (Kakuma Division Administration) level.

Loescher²⁰ mentions that most refugees and displaced people move from one-Third World country to another and are found in the poorest parts of the world. One such country is Kenya where the refugees are not a very old phenomenon. In fact, existence of this 'unknown Stranger' did not appear on the Kenyan political scene until early 1960's. This means that the post-independence period up to date can be viewed as a period where most countries in the Horn of Africa and the Great Lakes Region are filled with a lot of civil strives that trigger refugee outflows. The central issue in this research was to determine the nature of the relationship between the refugees and the aid workers, the local community and the local government. Often we speak of the refugee camps, but it is not clear as to what effects they do have on the host communities in Kenya. Refugees in

¹⁹ Nobel, op. Cit., p.19

²⁰Loescher, G., *Beyond Charity: International Cooperation and the Global Refugee Crisis*, Oxford University Press, 1993

Kenya have reflected certain ideologies and employed certain formal patterns at different times. These may be explained by understanding the socio-historical contexts in which these reflections are produced. This research endeavored to analyse the movements or trends of the refugees in Kenya and bring out detailed characteristics of the said trends as well as the factors that influenced their production and their effects on the host community. Little is actually known about the origins and background of the refugees, or about the actual problems and workings of the camp. There is an economic and social life in these camps which workers and scholars are not aware of, as this area is under-researched. This knowledge may be very important in order to plan rationally and to avoid egregious errors. It was my strong impression that a short period of direct observation and participation in camp life by a social scientist could pay considerable dividends.

P. P. R. A.
P. O. Box 58480
Nairobi Kenya

This study too attempted to describe the tension that prevails between the host and the hosted community and assessed the reasons for it. Since Kakuma is an area that is becoming more and more diverse, due partly to migration. Established Turkanas have to relate and adapt to their own diversifying locality. The research assessed the relationship between the infrastructure, price of goods in the local market, services the local community receives and the existence of the refugees in Kakuma. UN has tried to settle people in foreign lands but does it care much of the impact of their settlement to the host community? If it does care, what is the extent of its intervention? /what is the mandate of UNHCR to the host community? The study responded to the above issues.

1:5 AIMS AND OBJECTIVES

The broad objective was to establish the socio-cultural and economic effects of refugees on the host communities. The specific objectives were:

- To investigate the effects of the refugee existence on the socio-cultural and economic changes of the host community.
- To examine refugee effects on the standards of infrastructure of the area and to assess the impact of the infrastructural facilities established by the UN on the living conditions of the households in the study area.

1:6 HYPOTHESES

- The refugee community has greatly influenced the host community's way of life.
- The refugees' presence in Kakuma has no impact whatsoever on the host community.

1:7 JUSTIFICATION

Refugee camps are a major feature of today's refugee scene. Roughly one-half of the approximately seven million refugees in Africa are in some type of camp situation. The 84,337 refugees in the Kakuma camp in Kenya are one of the largest long-term refugee encampments in history, having been there for 10 years. According to UNHCR statistics, Kenya had registered a refugee population of about 471,700 by the close of 2002.

The refugee problem is one of the problems being experienced by developing countries in Africa. It is a burden to the host community. While primary prevention would be the ultimate objective in the control of problems experienced by host community, this is not possible without sufficient intervention through education, information and communication to the refugees, the host community and the refugee agencies that these study has provided. This survey focusing on the problem of hosting refugees has given insights to intervention programs involved in the efforts of reducing conflicts between host and the hosted. The traditional roles and responsibilities of the family members of a

Turkana family have undergone transition. The study was set to communicate these transformations to the society and people of different disciplines. Hence filling in the gap that exists in refugee studies.

The UN Organisations should find the results of this study a major interest in their endeavor to provide better humanitarian assistance to refugee communities and possibly establishing a provision for the host communities. Little has been researched on the impact of refugees on the host community especially in regard to African countries and Kenya for that matter.

1:8 LITERATURE REVIEW

The review is in two parts: part one is on the refugees and the second part is on the host communities.

Literature on Refugees

Meier-Braun²¹, Loescher²², Sobel²³ and Nindi²⁴ argue that the refugee problem in Africa has been one of the fastest growing aspects of Africa's post-Cold-War international relations. It has also become one of the biggest crises in Africa. Mekurias²⁵ comments that the much talked-about African hospitality is diminishing in many asylum countries, including the Sudan, not because the hosts have become less hospitable but because of the deterioration of their own standards of living. He notes that in some cases the initial attitudes of hospitality and accommodation have turned into hostility and resentment

²¹ Meier-Braun, op. cit., pp. 44-45

²² Loescher op.cit., p. 67

²³ Sobel, A. L., (ed), *Refugees: A World Report*, Facts online Inc., New York, 1979, p.34

²⁴ Nindi, B.C., '*Africa's Refugee Crisis in a Historical Perspective*', *Trans-African Journal of History*, vol.15, 1986

²⁵ Mekurias', 1985, p.74

because of increasing competition between the local population and the refugees over scarce resources. The researcher based his conclusion on studies done in Sudan.

Most of the research has focused on refugee health care²⁶, with a bit of research on mental health²⁷ and very little on life inside the camps.²⁸ It was understandable that research had not been done in short-lived camps, such as the Somalia and Ethiopian camps and long-lived ones like Kenya's Kakuma camp. For Mayotte²⁹, when refugees cross-frontiers, the continuum of their lives is interrupted. Refugees arrive in host countries wholesome. They carry within themselves peace and war, strength and fragility. He enumerates their needs in exile while giving case studies of Cambodia, Afghanistan, Eritrea and Sudan. What is clear from his work is that while the needs of these refugees are being met it is at times at the expense of the host community which Mayotte didn't touch on. The study worked towards filling this gap.

Other scholars like Ayiamba and Oucho³⁰ have written in a bid to point out issues that debase human dignity of individual refugees at the household or family level, also political consequences of refugee movement at the national and international levels are examined. Their article concludes by suggesting policy intervention strategies that could help stem the tide of refugeeism. Furthermore, it suggests policy measures appropriate for

²⁶ Simmonds and Gabaudan, M., *Refugee Camp Health Care: Selected Annotated References*, London: London School of Hygiene and Tropical Medicine. 1982

²⁷ Morrison, G.S., & Moos, F. "Halfway to Nowhere: Vietnamese Refugees on Guam," in Hansen, Art and Oliver-Smith, A., eds., *Involuntary Migration and Resettlement*. Boulder, Col.: Westview Press, 1982; Harding and Looney, 1977; Liu, 1979

²⁸ Christensen, H., *Survival Strategies For and By Camp Refugees*. Geneva: UN Research Institute for Social Development. 1982

²⁹ Mayotte, J. A., *Disposable People? : The plight of Refugees*, Obis Books, New York, 1999, p.5

³⁰ Ayiamba and Oucho, *The Refugee Crisis in Sub-Saharan Africa*, African population and Environmental Institute, Nairobi, 1995.

ameliorating problems faced by refugees. Kagwanja and Montclos³¹ study was an investigation of the Kakuma and Dadaab refugee camps' socio-economic dynamics being reflective of cities than refugee camps while my study looked at the socio-cultural, economic activities of the refugees' and their impact on the host community. Nobel³² talks of the assistance given to refugees creating an unfair situation without necessarily going into the details of substantiating this. The study looked at how the competition over scarce resources affects the refugee-host relationships. Holborn³³ has written extensively on refugees. She notes civil wars, power struggles and inter-ethnic rivalries, among others as having caused refugee flow in Africa. She also traced the international efforts on behalf of the refugees from the League of Nations to responses by the international community to the problem through the 1951 UN Convention stipulations of protection and resettlement as permanent solutions. With such a title as hers one expects that she would have covered on how refugees impact on the host community but she didn't.

UNHCR³⁴ use of the 1951 Convention on the Status of Refugees as a reference point also leaves out the African continent that has clearly come out as a major contributor of world refugee population. The refugees are not unique to Africa but it is notable that six of the ten major refugee-producing countries in the world are in Africa.

³¹ Kagwanja and Montclos' (JRS, vol.13, 2000, op.cit)

³² Nobel, op. cit. 1985, p.91

³³ Holborn, L.W., *Refugees: A Problem of our Time*, UNHCR Publication, 1951-1972, vol. II, New Jersey, The Scarecrow Press Inc. 1975

³⁴ UNHCR, *The State of the World's Refugees: The challenge of Protection*, Middlesex, Penguin Books, 1998, p. 2

Amate³⁵ agrees with Holborn on the causes of the refugees in Africa. He gives an account of the formulation of the 1969 OAU Convention governing the specific aspects of refugee problems in Africa and the political impact of the refugees on the origin and host countries failing to make a mention on the socio-economic impact.

Grahl-Madsen³⁶ did an examination of legal issues concerning the protection, rights and problems of the refugees but did not show how these refugees are a problem to the hosting community. Macharia³⁷ has only done a comparison of the 1951 Convention and 1969 OAU Convention and their definition of the concepts of a refugee, asylum, repatriation, internally displaced persons and state responsibility. The former has stated that, states are further prohibited from returning refugees to territories where their life of liberty would be at risk but has not stated reasons why host states may wish to return the refugees. This study looked too into the socio-economic problems that may force a state to opt for *refoulement* of refugees.

Literature on Host Communities

Montclos and Kwanja³⁸ note that Kenya in mid 1980s witnessed a tremendous increase in the refugee population. This was accompanied by a shift in government policy in favour of confining asylum seekers to camps located in the semi-arid areas of northern Kenya, away from the main economic activities and urban centres. They go ahead to

³⁵ Amate C.O.C. *Inside the OAU: Pan-Africanism in Practice*, New York, Macmillan Publishers, 1986, pp.459-475

³⁶ Grahl-Madsen, A., *Refugees and Refugee Law in a World in Transition*, in Michigan Year Book of International Legal Studies, New York, Clark Boardman Co. Ltd., 1986, pp. 65-88

³⁷ Macharia, op.cit.1999

³⁸ Montclos and Kwanja, JRS, op. cit.2000, P.205

examine the positive impact of the social amenities set up by the non-governmental organisations and UNHCR to both the refugees and indigenous people but not the negative impacts experienced by the host community. Mwangiru³⁹ has examined the diplomatic responses to the 1969 OAU refugee regime. He too explores conflicts as causes of the refugee problem in the Horn of Africa region but has not touched on how the refugees can be a source of socio-economic conflicts in the host State.

I. F. R. A.
P. O. Box 58480
Nairobi Kenya

1:9 RESEARCH METHODOLOGY

Primary and secondary data collection methods were employed in this research. It should be recognised that the Turkana pastoralists operate under difficult ecological, political and security conditions that are more difficult than those of other groups. The collection of data in this study experienced the same difficult conditions and was also affected by the clashes between the refugees and the Turkanas in June 2003⁴⁰, which necessitated changes in research procedures.

It required training a Research Assistant who was an insider to work with me to hasten the process of primary data collection given the tight security measures at the time. The Research Assistant holds a first degree in social sciences. Primary data consisted of field visits. Structured interviews had been scheduled with the selected population i.e. the heads of agencies, refugee and local community representatives and the government of Kenya employees- Ministry of Home Affairs and UNHCR Branch Office staff. This population was reached at through deliberate sampling that involves sample based on the ease of access. Through the personal interviews I got answers to pre-conceived questions. However, given the insecurity situation at the time, the respondents in most cases

³⁹ Mwangiru M., *The Refugee Crisis, Diplomacy and Foreign policy in the Horn of Africa: Contextualising the 1969 OAU Refugee Convention*, (unpublished), 1999

⁴⁰ Daily Nation, 25th June 2003, p.

withheld information. Others were suspicious of any person sourcing for information, as they were not sure of the consumer. An unstructured questionnaire that is attached in the Appendix was sent by post earlier and administered to four different categories. The form of the questionnaire was open i.e. inviting free response. Category one was to the Head of Agencies, category two was the Turkana community leaders, category three was for the Government workers in Kakuma and category four was to source relevant information from the refugees. Live experiences during the 20 months that I worked at the refugee camp and direct observation of what was happening at the time of the research have been used as my basis of argument. Documented materials from aid agencies in the area were also examined. Secondary data refers to data that have already been collected and analyzed by someone else. It included both published and unpublished data i.e. books, journals, newspapers, periodicals, reports, magazines and seminar papers in the area of refugee issues. During data analysis, classification and tabulation were mainly used. The raw data was arranged into groups or classes on the basis of common characteristics. Some of the data was summarized and displayed on statistical tables and further analyzed.

1:10 THEORETICAL FRAMEWORK

Social Change

Social change is the significance alteration of social structures (that is patterns of action and interaction), including consequences and manifesting of such structures embodied in norms (rules of conduct), values, and cultural products or symbols.⁴¹ The emergence of change in a society can be analyzed both qualitatively and quantitatively. The major patterns of social change fall under two categories: cultural and societal forms. In cultural forms we have evolution, diffusion and acculturation. Revolution, modernization,

⁴¹ Sheldon, Eleanor B. and Moore, Wilbert E. (eds), *Indicators of Social Change: Concepts and Measurements*, Russell Sage Foundation, NY, 1968, p. 5

industrialization, urbanization and bureaucratization fall in the societal forms. My study only employed what the evolutionary, diffusion, acculturation and revolutionary change theorists posit.

The *evolutionary* change theorists focus on culture and technology to show how evolutionary changes take place in society. They demonstrate that the major source of change is a shift in a society's basic means of subsistence—for instance from agricultural to industrial. Because each subsistence level is more productive than its predecessor, the result is a greater economic surplus through which larger populations, more affluent, greater cultural diversity, the emergence of new statuses and roles, faster economic development and an ever increasing complexity and efficiency is made possible.

Bellah 1970 as cited by Vago⁴² views “evolution” as a process of increasing differentiation and complexity of organization which endows the organism, community, or whatever the unit in question with greater capacity to adapt to its environment than were its less complex ancestors.

Diffusion as the other pattern of change is the process by which innovations spread from one culture to another or from a subculture into the larger culture. This theory developed an alternative to evolutionary theories in positing that social change was the result of contact and diffusion among societies. Thus in my case values and norms of the refugees could have been diffused to and adopted by the host community. In Kroeber's words, a U.S. anthropologist of the mid-1940s as cited by Vago “whatever else diffusion does or does not involve, it does always involve change for the receiving culture. The total part played by diffusion in human culture is almost incredibly great.” Murdock (1934) as cited

⁴² Vago, S., *Social Change*, 3rd edn, Prentice Hall, New Jersey, 199, P. 76

by Vago estimated that about 90 percent of every culture known to history has acquired its elements from other peoples. Anthropologists have estimated that in world history about 4,000 different human societies have existed in which there has been a considerable amount of borrowing amongst them.

Diffusion is not always a one-way process, it can be reciprocal as well but in my study I will consider it in relation to the receiving culture.

Another pattern of change that I will subject my study to is *acculturation*. Acculturation refers to taking on material and non-material attributes from another culture as a result of prolonged face-to-face contact. War, conquest, military occupation, or colonization; or it may be through missionaries or cultural exchanges are a few among the several ways such contact may come about. Migration, transportation of labour through slavery or penal deportations, trade, technical exchange, spread of institutions for the exchange of ideas are other sources that may generate contact. Acculturation usually brings about greater similarities between two or even more cultures in my case.

Acculturation plays a role in a variety of activities and behavior ranging from language use, frequency of sexual partners and condom use among the adults, delinquency among the adolescents and living arrangements in the later life.

In the problem of study, acculturation starts with the arrival of the refugees, aid workers, donors and administrators. The result therefore is the disorganization of the ecological, economic, and political bases of traditional tribal life. Vago asserts that at times acculturation can be both forced and planned. A good example is the colonial British office's attempt to "civilize" the "backward" native Africans. This entailed the teaching of the English language and the transmission of the rudimentary skills and technologies.

Petersen, as cited by Vago⁴³ also sees acculturation as the interaction between a constant and a variable- that is, between an essentially stable receiving culture and an adapting immigrant group.

And lastly, acculturation is a form of change that is regulated by various degrees of convergence among cultures. It is not always disruptive and painful only that it is faster than other forms of change but it may be well upsetting than gradual change.

Another pattern responsible for social change is *revolution*. Goldstone as cited by Vago⁴⁴ sees a *revolution* as a fundamental, rapid and violent change in political organization, power relationships, stratification, economic property control and the predominant myth of a social order within a society. It is considered the most radical form of social change that entails forcible transfer of political power from one group of contenders to another in a society. Revolutions are capable of inducing changes of the largest scope involving all levels and dimensions of society including the economy, polity, culture, and social organization; the changes in these areas are radical. There are two ideal types of revolutions: the left wing and the right wing. In the former, the goal is to change major social and political institutions. It involves redistribution of resources and wealth between the rich and the poor, provision for basic services such as health and education, land reform, and the nationalization of industries and commerce.

In the latter form of revolution, restoration of traditional institutions is its objective. Rather than try to achieve greater social equality through institutional change they lay emphasis on maintaining social order and traditional authority. The primary sources of

⁴³ Ibid., p. 86

⁴⁴ Ibid., P.87

major social upheavals are: economic fluctuations, increasing illegitimacy of the existing government, "relative deprivation", or rising expectations, economic conflict between classes, economic decline and status crises, military pressure, large scale corruption, and conflict among the elite among others.

While revolutions have many positive outcomes like redistribution of land, elimination of oppressive systems of land tenure and of hereditary privileges of traditional aristocracy, they too have brought about increases in literacy, improvements in education, medical care, greater equality, economic opportunities and independence to many. They have in most cases not fully met their promises of greater freedom, equality for all and significantly improved material well being. They are responsible to some extent for the high price of wars, severe economic dislocations, internal strifes that have resulted in deaths of millions of people and even refugee outflows. It is within the framework of social change theories that this study was carried out.

CHAPTER TWO

THE REFUGEE MOVEMENT INTO KAKUMA

2:1 INTRODUCTION

The past four decades have seen a radical leap in the magnitude, complexity and intractability of refugee crisis and emergencies in Africa. This accounts for the establishment of camps such as the Kakuma Refugee Camp in Kenya. The essence of this chapter is to look at the refugee movement into Kakuma, while considering the wider context of the refugee problem and status in Sub-Saharan Africa. This chapter will examine the general causes of massive refugee movements in Sub-Saharan Africa, a prerequisite to the understanding of the existence of Kakuma. These factors range from political, economic, social, ethnic to other causes that trigger off refugee flow. The refugees' movements to Kenya and the decrease of camps from 16 to 2 will also be discussed in this chapter. The chapter, too, gives a statistical analysis of the number of refugees in Kakuma and Dadaab, Kenya and Africa as a whole from 1992 through 2001. The chapter too discusses the development of Kenya's encampment policy. The chapter concludes with the current figures of refugees in Kakuma.

2:2 REFUGEE STATUS IN SUB-SAHARAN AFRICA

The United States Committee for Refugees¹ reported that the global population of refugees had increased by approximately 50% in the previous five years, that is from 8.5

¹ US Committee for Refugees Publication, *World Refugee Survey 1991*.

million to almost 17 million people at the end of 1990. Africa alone had 5.4 million registered refugees - 31.8% of the worldwide refugees. Why is a refugee on the move? To most governments in Sub Saharan Africa and in other developing countries, a refugee is one in flight from political, religious, ethnic and military conflicts².

Compulsory mass migrations have occurred throughout history and have moulded the world we live in. The most spectacular example of the complex mix of reasons why people leave their homes could be found in Africa. The refugee problem has been most acute in four major regions of the African continent- The Sahel, Southern Africa, Central Africa and, the Horn of Africa, all of which are in the Sub Saharan Africa. Africa today has a refugee population (according to UNHCR statistics) of over 7 million (compare with table 2.1), in addition to some 15-18 million internally displaced persons.

Table 2.1
Refugee arrivals by region of asylum, 1992-2001(thousands)

| Region | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | Total |
|-----------------------|-------|-------|---------|-------|-------|-------|-------|-------|-------|-------|---------|
| Great Lakes Region | 35.4 | 102.1 | 2,426.8 | 42.4 | 324.8 | 250.9 | 108.0 | 220.3 | 216.8 | 87.7 | 3,815.2 |
| West & Central Africa | 159.0 | 379.2 | 199.2 | 46.8 | 31.4 | 89.3 | 317.5 | 86.1 | 29.4 | 13.9 | 1,351.8 |
| East & Horn of Africa | 405.8 | 35.3 | 71.4 | 46.0 | 64.6 | 30.6 | 28.4 | 61.3 | 137.3 | 47.6 | 928.4 |
| Southern Africa | 124.1 | 6.2 | 3.0 | 12.9 | 14.8 | 10.0 | 5.2 | 42.8 | 59.8 | 39.3 | 318.2 |
| North Africa | 69.8 | - | 31.1 | 13.1 | 1.7 | 2.6 | 0.3 | 0.4 | 1.0 | 0.0 | 120.0 |
| Total | 794.1 | 522.8 | 2,731.5 | 161.2 | 437.3 | 383.4 | 459.4 | 410.9 | 444.3 | 188.5 | 6,533.6 |

Source: UNHCR Statistical Year Book 2001, 2002:95

Civil strife and armed conflicts have taken a heavy toll on African countries during the last few decades. Aside from the massive loss of lives, the region has witnessed the

² Ayiamba and Oucho *The Refugee Crisis in Sub-Saharan Africa*, African population and Environmental Institute, Nairobi, 1995. P. 7

destruction of its physical, economic and social infrastructures, the collapse of civil societies, the breakdown of family units and the displacement of its people in unprecedented numbers. In some places hunger and malnutrition alone have created refugee flow.

Broadly speaking there are two categories of refugees in Africa: huge groups of rural refugees and, small and scattered urban groups of refugees. The UN General Assembly established the United Nations High Commissioner for Refugees in 1951. It has two main functions: providing international protection to refugees: and seeking permanent solutions to refugee problems. The United Nations 1951 Convention Relating to the Status of Refugees, and its 1967 Protocol, define "refugee" as a person who "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside the country of his nationality... and unable or unwilling to avail the protection of his country..." The OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969, has extended the definition in the Refugee Convention 1951 to cover in the term "refugee" has served as a legal basis for a number of African states to provide temporary refuge to nationals of neighboring countries who fled violence or civil strife. Accordingly, every person who, owing to external aggression, occupation, foreign domination or events seriously disrupting public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.

2.3 CAUSES OF THE SUB-SAHARAN AFRICA REFUGEE PROBLEM

The causes for the refugee problems in Africa are political, social, economic, ethnic and environmental.

Political causes

The African continent is one of the major areas with refugee problems. The flow of refugees in Africa became acute in the 1960s coinciding with the struggle for the attainment of independence by most African States. The process of decolonisation brought new and powerful political forces into play and released new conflicts that created mass displacements.³

In the late 19th century Africa had experienced the division of the entire continent-with the exception of Ethiopia and Liberia among European rulers. In this early period, conflicts between the colonial armies and the Africans caused refugees flow in many parts of the continent. Once their control over their subjects was consolidated the European settlers also started to use forced labor for the production of commercial crops and mining of minerals. In addition, heavy taxation was levied on Africans as a means of enforcing the recruitment of labor to the mines and plantations. Resistance to forced labor and taxation was met with brutality by the colonial establishments, causing internal displacements as well as flights across colonial borders. The complex and often violent process of "nation-building" in the newly independent states often representing minority nations within the boundaries of the new states brought about refugee flows fleeing

³Nobel, P., 1985, p. 21, and Smyser 1987, p. 14).

across national boundaries such as the Ewe from Ghana, the Hutu and Tutsi from Rwanda and Burundi, the Lampa from Zambia, and the Asians from Uganda. Chad, Angola and the Sudan are some other examples in Africa.⁴

Liberation struggles, civil wars and sudden changes in the political regimes because of frequent coup d'états have also caused the refugee displacements. Moreover what one finds peculiar to African is the fact that arbitrary rule, injustice and terror are not only directed towards those who are supposedly the authors of 'political infractions', but also affect their families, their friends, more distant relations and the members of their tribes. In such an atmosphere whole families and even villages leave. Guinea, Zaire, Angola and Uganda are illustrations of the fact that the movement of refugees has continued in Africa. To emphasize further on this Smyser cited that the most serious crises arose in South Africa, where an intensification of the Mozambique civil war after 1985 drove hundreds of thousands from Mozambique into the neighboring countries of Malawi, Zambia and Zimbabwe, and even into S. Africa itself. In addition, many Angolans fled from an expansion of their civil war to find refuge in Southeast Zaire, in the province of Shaba, others fled into Zambia. In Ethiopia for instance, large numbers of refugees also fled from other parts to Sudan in 1970s. The prolonged and bloody revolution, which followed the overthrow of the autocratic Emperor Haile Selassie in 1974, was known at its peak as the "red terror". The left wing military faction that seized power, known as the 'Dergue', killed or imprisoned thousands of political opponents, labor activists and students, and caused a continuing exodus of refugees from the country. In 1987-88, some

⁴ Ibid: p. 20, Smyser 1987:66, and Eriksson, L.G., *Ten Years of Assistance to African Refugees through International Cooperation*, Geneva, 1972, p. 51.

365,000 Somalis also fled to Ethiopia to escape fighting between Somali government forces and rebels seeking independence for northwest Somalia⁵

Social causes

People who differ either politically, ethnically or religiously from the ruling majority cross international borders to safety in order to escape the eventual violence may suffer at the hands of this majority which unlike the past, now has the state power under its control. The Bokongo in Congo, fits into this category. Among the other important reasons of the refugee problems in Africa are the local ethnic, tribal based political rivalry, internal conflicts between ethnic groups over political economic spoils to see which tribal group will dominate national life. These problems are further compounded, as these hostile tribes are now fellow citizens.

Ethnic and Religious persecution

Ethnicity is the root cause of the refugee crises prevalent today. However, it is also worth noting the role that refugees play in sustaining, if not creating, ethnic conflict. Refugee camps occasionally see fighting between rival ethnic groups. Ethnic repression has taken many forms in Africa and it is beyond the scope of this paper to detail here. However, the cases of Rwanda and Burundi provide examples, par excellence, of where one ethnic group has oppressed the other because of ethnicity. What is clear is that refugee situations in Africa have resulted from political domination of one ethnic group by another and

⁵ UNHCR, *The State of the World's Refugees: Fifty Years of Humanitarian Action*, OUP, New York, 2000 P. 110, 115.

from the upheavals that have followed coup d'etat and attempted coups in the new African governments.⁶

Religious intolerance and religious persecution is too a factor responsible for the African refugee problem. And it is quite common to see two clans fighting, not for the good of the country or even the interests of the men in power, but simply for objectives which interest the clans. The struggle for power takes places in the same socio-cultural group. And the most regrettable aspect of this situation is that populations run in every direction as refugees to find peace in neighboring states.

I. F. K. A.
P. O. B. 58480
Nairobi Kenya

Economic causes

Various economic problems have caused refugee flows in Africa. A large number of African countries have very small populations and very fragile (weak) economies. Among the structural features of these least developed countries of Africa are "climatological handicaps such as landlockedness, drought and desertification and high exposure to flood or disaster." Other factors such as the loss of property, heavy taxation and poverty due to the loss of family breadwinners contribute to economic problems, which lead to flight. Certain political conflicts have their roots in economic factors. Areas rich in minerals are often tempted to secede, sometimes with the active support of outside powers. The secessionist attempts in Nigeria's eastern region (1967-70) resulted in a sordid refugee situation. Excessive taxation and forcible contribution, which was imposed by the government in order to finance the war against the fronts, were also the

⁶ UNHCR 1951-1972, *Refugees: A problem of Our Time*, vol. II, 1975, The Scarecrow press, New Jersey vol. II, 1975, p. 831.

reasons for their flight. Some people fled due to famine. Countries of Africa also face a foreign debt problem, which has rendered them incapable of realizing their potential and forced them to resort to import of food grains and other essential consumer goods, leading to a retarded development.

Nobel⁷ citing Mekuria Bulcha makes a mention of the allocation of scarce funds to prestigious projects, lack of priorities in economic development, corruption, and disparity in the distribution of social and economic resources rendering the struggle against poverty ineffective. Hence these attitudes and practices of African leaders in their own right make conflict inevitable; the end result – triggering the mass flight of refugees across international borders. If the economic problems of the African remain unsolved for long period, the refugee problem cannot be solved.

Other causes

Denial of fundamental human rights has been one of the most profound causes of seeking asylum. The African refugee problem derives directly from the prevalent concrete conditions in independent African states especially the manner these states are organized tending to undermine the effective promotion and protection of human rights.

To compound Africa's refugee burden, new and sometimes massive flows of refugees have taken place from 1984-1987 across virtually every section of the continent. The most dramatic took place during the latter part of 1984 and the beginning of 1985, when devastating drought hit Africa, particularly the countries around the Horn of Africa, hundreds of thousands streamed into Sudan from Ethiopia and Chad. They presented a grim image of famine...despite uncertainties as to whether they were refugees or famine

⁷ Nobel, op. cit. 1985, p. 20-1

victims or both, the UNHCR played a central role in providing relief for them while they were in Sudan.⁸

What is clearly evident is that when people decide to leave their own home country there are many reasons. Environmental disasters such as floods, droughts and earthquakes are displacing more and more people every year. In Sudan alone, atleast 1.5 million people have left their homes in search of food. Recent research reveals that such disasters are not just the wrath of nature but also people and governments of many developing countries are changing their physical environment in away that makes it more prone to disaster.⁹

2:4 THE MOVEMENT OF INDIVIDUAL COMMUNITIES INTO KAKUMA

This section tries to assess the eight catchment areas of the refugees in Kakuma refugee camp in Kenya while at the same time examining the causalities of the refugee outflows from the individual countries.

2.4.1 Somali Refugees

The Somalia social system is a network of highly autonomous families tied into alliances (clans and sub-clans) at many levels. Large numbers of clan based parties competed for leadership. Between 1961 and 1969 Somalia had a succession of elected governments. In 1969 October, General Siad Barre seized power through a military coup. He worked

⁸ Smyser, op. cit. 1987:72 and Ayiamba and Oucho op. cit1995, p. 9.

⁹ Article, *Refugees- the Dynamics of Displacement*, 1986, p. 10

towards a complete overhaul of the Somali society by introducing a one-party system therefore denouncing clan loyalty as 'backward' and 'primitive'. He introduced an authoritarian and over-centralized system of government. Heinrich¹⁰ observes that Siad Barre's clan enjoyed numerous privileges and profited most from development aid and foreign assistance while most Somali citizens experienced the 'state' as a system of suppression.

Opposition groups in the northwest of Somalia organized for resistance against the repressive government in 1978 and Siad Barre waged the most brutal war against the civilian population in the northwest to destroy the organizational basis. There were human rights violation that involved indiscriminate bombing of cities, destroying water holes, wells and livestock confiscation; these led to the collapse of Somali's economy. The sudden emergence of a totalitarian regime made many Somali people find it hard to co-exist with or tolerate the regime. This led to the outbreak of civil war in northern Somalia in mid- 1988 and the Somali government's brutal retaliation against the civilian population (including, the forced recruitment of Ethiopian refugees in the country). Ghalib and Elizabeth¹¹ note that many felt forced or chose to flee their own country, that is 700,000 Somalis fled to Ethiopia, Kenya, Djibouti and others displaced within the country. The war also forced the Ethiopian refugees to go back to Ethiopia where they

¹⁰ Heinrich, W., *Building the Peace: Experiences of collaborative Peacebuilding in Somalia 1993-1996*, Life and Peace Institute, Uppsala, , 1997, p. xiii

¹¹ Ghalib, M.J., *The Cost of Dictatorship: The Somalia Experience*, Lilian Barber Press, Inc., NY, 1995, p.148 and Elizabeth, G. F., *Beyond Borders: Refugees, Migrants and Human Rights in the Post -Cold War Era*, World Council of Churches Publications, Geneva-Switzerland 1993, pp.143-4

faced perilous conditions in camps hastily constructed in Eastern Ethiopia. In December 1990, the violence escalated. Fighting in the capital led to widespread destruction of the city and to the evacuation of most foreigners and international agencies operating there. The opposition defeated the government in the northwest leading to the collapse of Siad Barre's military dictatorship on January 27, 1991. He was forced out of Mogadishu with his troops, and a new government under the leadership of the United Somali Congress was formed. Elizabeth¹² goes ahead to say that this new government was unable to bring about an end to the violence and fighting continued throughout the year. Gangs of armed men terrorized the city, looting and killing indiscriminately. By the end of 1991, the fighting was dominated by two strong men with intent of fighting each other to death over issues related to intra-clan rivalry rather than ideology or even economics. Social norms and values degenerated as hospitals were attacked, children killed, and everything of value stolen. Rival gangs and unorganized looters, all heavily armed dominated life in Mogadishu. The ICRC (International Committee Of the Red Cross) and a few NGOs continued to provide very limited assistance, but were hampered by lack of supplies and, above all, by the growing desperation of the city's population. In spite of efforts by the United Nations and other humanitarian agencies to provide relief assistance and food, the violence in the port led fully laden ships to turn back from Mogadishu because they could not unload. Meanwhile Somalis faced starvation because of lack of food. By early 1992, it was estimated that between one-quarter and one-third of all Somali children under the age of five had already died.¹³ Peace initiatives were undertaken, a few UN peacekeepers

¹² Ibid, p. 144

¹³ Ibid

sent to the country, but given the random nature of the violence, a solution to the violence and even a limited cease-fire proved elusive.

Since 1990 over one million Somalis fled the country in the aftermath of the violence, seeking protection and food in Ethiopia, Kenya, Yemen, Djibouti and Saudi Arabia. In Ethiopia they arrived in areas without water, far from roads to facilitate delivery of water and relief supplies. While UNHCR sought to transport water to the camps, the logistical and bureaucratic difficulties meant that water and food were insufficient. Violence in the refugee camps had continued to be a major problem; many of the refugees were armed, and foreign relief workers were not allowed to spend the night in the camps. The further influx in April 1991 of additional 200,000 Somali refugees into Ethiopia stretched UNHCR's capacity to breaking point. Reduced rations and increased malnutrition led some Somalis to return to Somali in spite of the brutal war that was going on then. Most Somali refugees fled into Kenya during 1991-2 to escape civil war and famine in their own country. The Kenyan government reacted to the new Somali arrivals with dismay since it was facing its own ethnic conflicts and had a growing popular reaction against Somalis. It did not want to encourage the arrival of large numbers of Somali refugees. On the other hand, the wide spread suffering in Somalia as well as the relative inaccessibility of the border meant that Kenya was reluctant to be too aggressive in keeping them out. The arrival of large number of Somalis, often in desperate physical condition, posed a severe strain on the Kenyan government and society. In the early 1991, Kenya hosted 14,000 refugees with relatively few problems. By the end of the year, nearly 200,000 were jammed into overcrowded camps and more were expected. The Liboi camp, for

example, near the Somali border was intended for 3,000 refugees but by early 1992, it housed 68,000 Somali refugees. The lack of water meant that people had to queue for up to 48 hours to get their ration of three liters.¹⁴ At the same time as the Somalis were arriving in Kenya, refugees from southern Ethiopia poured into the country. Some of the refugees had walked for more than 600 kilometers to reach the border; many were wounded, and weakened by the long trip. In mid – 1992 UNHCR estimated that at least 300,000 people in southern Ethiopia were in dire need of assistance. Without that assistance they will continue to flow into Kenya. Conservative estimates said that the refugee population in Kenya would have reached 340,000 by the end of June. Today fighting in Somalia is about power and, above all control over economic resources and opportunities.

The influx of Somali refugees into Kenya was caused by frequent droughts in Somalia, the war between Somalia and Ethiopia over Ogaden in 1979 and the civil conflict that culminated in the overthrow of Siad Barre's government in 1991 and the subsequent disintegration of the Somali state.¹⁵ Warlords who emerged to fill the political vacuum led the various Somali clans in one of the biggest struggles for power in Africa. Between 1992 and 1996 alone over 500,000 Somalis died as a result of civil strife and famine in the country. Over a million people were internally displaced and about 600,000 fled the country, many seeking asylum in Kenya. Since then the displaced Somali have constituted the largest number of asylum seekers and refugees in Kenya (see table 2.4). The refugees who came by land faced difficult conditions- murdered, their properties

¹⁴ Ibid, p. 144

¹⁵ Waldron and Hasci 1995 as cited by Ndege et al 2002, p.4

forcefully taken away and lack of food particularly expectant mothers and children. Most of them fell prey to wild animals and sea pirates. Those who left by sea were crowded in overloaded boats, which occasionally sunk in the middle of the sea and were forced to disembark in order to reduce the weight. At other times the boats developed mechanical problems and capsized (for instance in 1992 February, 520 people from Kismayu died off the coast of Malindi when their boat capsized). Most refugees came in contravention of Kenyan laws, which did not allow them entry through the sea. When found (refugees), the Kenyan navy would usually repatriate them forcefully. Both Benadiri and Utange were razed to the ground by a fire and most refugees lost all their possessions in 1994. In January 2000, the same fate befell Kakuma.¹⁶ Somali refugees lived in four areas of Kenya. Nearly 120,000 occupied three camps in the country's remote eastern zone near the Kenya-Somali border (Dadaab camps at Ifo, Hagadera and Dagahaley). Several thousands continued to occupy designated camps in the south east, near the coastal city of Mombasa (Hatimy, Swaley and Jomvu camps). About 10,000 lived in camps in western Kenya - Kakuma in Turkana district despite government restrictions. The fourth concentration of Somali refugees resided in Kenya's urban areas, that is cities and major towns. Government officials asserted that over 100,000 Somalis lived in urban areas.¹⁷

2:4:2 Sudanese Refugees

Sudan's long civil war rages on, claiming a terrible toll of death and displacement. While the decades of destruction are too complex to trace back to a single source, several forces

¹⁶ Somali National Reconciliation Conference, 2003, p.45

¹⁷ US Committee of Refugees, 1998, p.73

propelled the war, principally, disputes over religion, resources, governance and self-determination. Concentration of power in a small group of competing elite's that did not grant the majority of Sudanese broader economic and political rights had only deepened the country's considerable geographic, religious, cultural and ethnic divisions. The Islamic government and the opposition Sudan People's Liberation Army (SPLA) have been battling for a number of years. The government generally controlled roughly the northern two-thirds of Sudan, while the SPLA has largely been based in the southern third, with some pockets of resistance in the north. Sudan is 65 per cent African and 35 per cent Arab. Over 70 per cent of Sudanese are Muslim, of whom a large percentage is of African descent. The rest follow traditional religions, with 5-10 per cent being Christian.¹⁸ Up to two million originally southern Sudanese live in north, further diversifying the picture.¹⁹

I. F. R. A.

P. O. B. 58480

Nairobi Kenya

For over ten years the war has evolved from a largely north-south conflict into a competition for power that involves groups from across the nation. Beginning from the coup that brought General Bashir and the National Islamic Front (NIF) in 1989, political and military organization from other regions of Sudan have joined southern groups in armed and unarmed opposition to the government.

The civil war in Sudan has been characterized with stubborn brutality, specifically from government forces. The government is responsible for indiscriminate aerial attacks, it has

¹⁸ Doornbos et al., *Beyond Conflict in the Horn: The Prospects of Peace, Recovery & Development in Ethiopia, Somalia, Eritrea & Sudan*, The Institute of Social Studies, The Hague, 1992, p. 8

¹⁹ International Crisis Group publication, 2002 p. 5.

used famine as a weapon of war, forcibly displaced civilians and supported paramilitary forces engaging in the slave trade. The opposition (SPLM/A) too and its allies has been involved in civilians attack, forcefully recruiting soldiers, including children and diverting relief supplies.

What is clear is that conflicts have engulfed the country for 34 years of its 45 years of independence and remains the only factor in a land whose population has repeatedly been devastated. Civilian and military regimes have been drawn into further bloodshed and escalating violence. The country that has been involved in civil war since 1983 has approximately had two million of its 36 million people killed as a result of the fighting, or as victims of violence, starvation and disease. About 500,000 have spilled into neighboring countries (see table 2.3), and roughly four million displaced and driven from their homes within Sudan.

Inflows of Sudanese refugees to Kenya date as far back as the 1955 mutiny which marked the beginning of the civil war between the Islamic north and the African south. The persistence of this war continues to displace large numbers of people in Sudan, making the country one of the ten major refugee-producing countries in the world.²⁰ The displaced were estimated at 374,000 in 1998. Out of this over 48,000 sought refugee in Kenya. In February 2000 Kenya hosted 64,254 refugees from southern Sudan the majority of whom were at Kakuma camp and a few distributed among the Dadaab

²⁰ UNHCR, *The State of the World's Refugees: The challenge of Protection*, Middlesex, Penguin Books, 1998

camps.²¹

2:4:3 Ethiopian Refugees

The Ethiopians have been pushed out of their country mainly by war between Ethiopia and Eritrea, a succession of internal political turmoil and change of regimes and drought. The first wave was pushed into Kenya, Somali and Sudan in the 1960s by the war between Ethiopia and Eritrea. The military revolution that overthrew Emperor Haile Sellasie in 1974 sent away a second wave of Ethiopian refugees. Then followed a third wave that was uprooted by the “Red Terror”(murder campaign against the civilian opposition parties) that engulfed the country between November 1977 and March 1978 as the military rulers, the Dergue (that toppled and replaced the monarchy in 1974) carried out bloody reprisals against its critics, largely supporters of the old regime. There was further more the fall of the Mengistu regime in 1991, which was accompanied by a serious drought.²²

Conflict is common in Ethiopia between different ethnic groups especially the pastoralists groups. The reason behind them being competition over control of grazing lands and water supplies, and increase during droughts; marginalization of some groups by a state that monopolizes control over the production and distribution of resources. The end result being that the state has the ability to favour one group that is the highland Ahmara and Tigray ruling elites in Ethiopia, while discriminating against other groups, such as the Oromo or Somali in the south and east. This culminated into escalation of

²¹ UNHCR, 2000

²² Ndege et al., *Refugees in Law and in Fact: A Review of the Literature and Research Agenda in Kenya*, Occasional Paper Series Vol. 1 no. 1, 2002 , p. 6

dissidence and rebellion as the other groups are neglected in the process of development and allocation of resources.

In interstate conflicts, Ethiopia has been involved in two of them; with Eritrea to the north and Somalia to the east. Lind²³ citing Flintan notes that both conflicts were rooted in competing territorial (boundary) claims. Although boundary conflict and nationalist fervor were the sources of the conflict between the two countries, access to and control of resources were closely related to competing claims to the Ogaden. In the Ethio-Eritrea conflict throughout the period of the border dispute the relationship between the two governments were cordial both on the political and economic fronts. Relations soured in 1997 when the Eritrean government introduced its own currency, the *Nakfa*. This prompted Ethiopia to state that trade between the two countries should be made in hard currency. Port procedures and charges were controversial in the Eritrean ports of Massawa and Assab. Ethiopia also found it expeditious to import oil products and other import items through the port of Djibouti instead of subsidizing the refinery in Assab. Border trade along the Tigrean and Eritrean border also proved to be contentious because of the requirement of payment for Ethiopian goods in hard currency.

The Eritrean military took control of the border areas it claimed to be its own, prompting Ethiopia to seek a peaceful solution to the crisis. Rwanda and the United States facilitated the attempt to peaceful reconciliation between the two sides. The matter was also handled by the 38th session of the Assembly of Heads of State and Government of the

²³Lind , J., et al (eds), *Scarcity and Surfeit: The Ecology of African Conflicts*, Institute for Security Studies, South Africa, 2002, p. 249

Organization for African Unity (OAU) that endorsed the proposals made by the facilitators and decided to send a delegation to Addis Ababa and Asmara. Ethiopia accepted the framework agreement proposed by the OAU delegation on 9 November 1998, while Eritrea remained silent. The situation deteriorated and war broke out towards the end of February 1999. Ethiopia launched repeated military offensives in May 2000 against Eritrea forces reclaiming all territories previously occupied by Eritrean forces and further territories inside Eritrea. This led to loss of life and displacement of people within and outflows of others to the neighboring countries (see table 2.3).

2:4:4 Ugandan Refugees

The major cause of violation of human rights was the struggle to achieve and maintain political power at all costs, which led to all political groupings in Uganda breaking into factionalism every now and then. The initial conflict was between the central government led by A.M. Obote as the Prime Minister, and the government of Buganda led by the Kabaka, Sir Edward Mutesa, who was also President of Uganda. This culminated in the battle of Mengo in May 1966 in which the military was involved to resolve an otherwise political dispute. In the meantime, a military truck had killed 12 students at St. Mary's Kisubi; many civilians had been killed and others injured by the police at Nakulabye in April 1964. With the defeat of the Kabaka, a state of emergency in most parts of Buganda was declared with emergency regulations and curfew hours restricting the rights of the people in the affected areas. The state of emergency remained in force from 1966 – 1971. With the removal of Mutesa and Nadiope from the office of the President and Vice President respectively, A.M. Obote appointed himself President

and John Babiha as Vice-President. The term of parliament was extended for another five years without elections and a new constitution came into force without any meaningful debate. The constitutional arrangement of 1962 with its kings and federal states came to an abrupt end. The overthrow of the constitutional order was now complete.

With the overthrow of the constitutional order by misuse of the army and the police, the position of the army and especially its new commander, Amin, was enhanced. From that time the executive, in particular the president, became a hostage of the army and thus all crimes by the army personnel were covered up. The 1967 Constitution added provisions to the bill of rights which created immunities for acts committed during the state of emergency while the old one of 1962 was suspended before the new one came into force.²⁴ The influx of Ugandan refugees into Kenya can be traced to the constitutional crisis in Uganda of 1966 and the assumption of absolute power by Milton Obote. This was then followed by Obote's overthrow by Idi Amin in 1971. The reasons for the overthrow of Obote were: the unwarranted detention of people without trial; the continuation of a state of emergency; lack of freedom to air political views; the frequent loss of life and property from armed robberies; the wide spread corruption in high places, especially ministers and civil servants; the failure of political authorities to organize any election and the proposed method which would only favour the rich; economic policies

²⁴ Tumusiime, J. (ed.), *Uganda 30 Years 1962 – 1992*, Fountain Publishers LTD., Kampala, Uganda, 1992 p. 80

that had caused poverty and unemployment; high taxes, e.g. development, sales and social security fund among others.²⁵

Amin started with a populist approach starting with the return of Mutesa's body, however the years 1971 – 1979 are known to many as 'The years of Amin's Terror'. The use of terror against the civilian population already instituted by Obote made the coup by Amin quite popular to a large section of the Ugandan society. His rule, however, faced greater opposition from within and from without the country. Brutal suppression of internal political and military resistance to his regime was not enough to let Amin relax when his enemies like Obote and his senior army officers had taken refuge in Tanzania. President Nyerere of Tanzania had made Amin more uneasy by not only condemning his coup but also by refusing to recognize him as a head of state. Amin's fears were soon confirmed when in 1972 Uganda was invaded from Tanzania.

Taking advantage of the Asian expulsion and the foreign anti-Amin sentiments, Obote and Museveni with tacit approval of the Tanzanian government launched their invasion with hurriedly assembled and ill-trained fighters through Masaka and Mbarare in September 1972, hoping to spark off mass uprising of UPC supporters. After a brief engagement of Amin's troops in the dawn attack, the guerrillas were repulsed and others quickly surrounded and massacred in Mbarara Simba Barracks. These included close associates of Museveni like Mwesigwa Black; those who were captured alive included

²⁵ *ibid*, p. 41

former Minister of Information Alex Ojera who was later tortured to death. Amin having a narrower popular base than that of Obote, unleashed such terror and killed the Ugandan people that Uganda's name in the international community became inextricably linked with the repulsive acts of the dictator. Disappearances of people was the order of the day, summary execution by firing squad became quite common, some of them performed in public and the massive expulsion of Asians in 1972 (many of them Ugandan citizens on racial grounds) were among the human rights violations in his era.²⁶ Many people, highly qualified ones in particular, sensing danger in their lives, fled to other countries which could offer them opportunities to oppose Amin politically or militarily. This was the beginning of the movement of large numbers of people out of the country either as refugees running away from human rights violations or as a result of economic hardships. Amin too claimed a large part of western Kenya as Ugandan territory and also invaded the Kagera Salient of Tanzania to annex it to Uganda. As a result Tanzania army resisted and invaded Uganda with a number of Ugandan exile groups and installed the Uganda National Liberation Front (UNLF) leading to Amin's fall in 1979.²⁷

Yoweri Museveni who had participated in the invasion reluctantly after disagreement with Obote over the military strategy, went a head to form the FRONASA modeled along the lines of the Mozambique anti Portuguese guerrilla group FRELIMO. Using close relations with members of guerrilla groups based in Tanzania, Museveni recruited and trained guerrillas who had then infiltrated into Uganda to carry out various acts of

²⁶ Ibid., pp.44-5

sabotage. Operating under the difficult Mogadishu agreement FRONASA was not able to provide any effective anti-Amin armed opposition especially in view of the number of cadres it kept on losing to Idi Amin's secret agents inside Uganda.²⁸

The Uganda National Liberation Front (UNLF) was made up of very many political groups hastily formed and patched up in Moshi for the purpose of replacing the Amin regime after its eminent overthrow by the Tanzanian Peoples Defense Forces (TPDF) supported by the two main Ugandan fighting groups, FRONOSA (Front for National Salvation) and KIKOSI MAALUM. The factional in-fighting of the UNLF led to the overthrow of its leader Yusuf Lule, then Godfrey Binnaisa by Paulo Muwanga who paved way for the second coming of Obote in 1980. Obote was again overthrown in a coup in 1985. July 1985-January 1986 was a period of instability, uncertainty, utter chaos and lawlessness. The capital city Kampala was then divided among several warlords belonging to different factions. The country was divided into two parts, one under the Kampala regime and another comprising of regions west and north west of Kampala under the NRA (National Resistance Army). Looting, plunder and murder of civilians were the goals of the Kampala regime. The Tito Okello Lutwa's regime came to an end when the NRA stormed and overran Kampala on the 26 January 1986 bringing Museveni to power. All these events were responsible for displacements of large numbers of people. Most of them were the victims of reprisals by the successive regimes. For instance, the victims of Obote's first regime were the Baganda and Rwandese. Amin targeted the Acholi and the Lango, the bedrock of Obote's power and Asians. When

²⁷ Ibid , p. 82).

²⁸ Ibid, p. 46

Obote returned to power his vengeance was directed towards the Nubians from West Nile, the Rwandese and other Bantu Communities from southern and southwestern Uganda. During Museveni's reign most victims of displacement were northerners.²⁹

Most of these people sought refuge in Kenya and Tanzania. Most Ugandans came to Kenya in 1970s and early 1980s before the establishment of refugee camps.³⁰

2:4:5 Rwandese Refugees

The 1994 genocide was a culmination of a systematic and deliberate divide and rule policy conceived and implemented by the Belgian colonial masters and the successive dictatorial regimes that further constitutionalised divisive and discriminatory practices.

Though the Hutu-Tutsi and Twa existed in pre-colonial Rwanda as social-economic classes, later those classes lost their cultural significance as an individual could change classes whenever he lost or he attained a certain number of cattle (the base for economic status). These classes, however, were manipulated with the coming of both secular and religious colonial masters, who wanted to exploit them for the sake of introducing a policy of divide-and-rule. They went an extra mile to include the so-called ethnic labels in the national identity cards. These classes in the first instance did not qualify as ethnic groups. All Rwandans had, and still have, the same culture, language, history, shared the same religion and had one administrative structure under one head of state.

²⁹ Ibid p. 46-7

³⁰ Ndege et al, op. cit. P. 6-7

To entrench their policy of divide-and-rule, the Belgian colonialists favored what they considered to be “the superior group”- the Tutsi, gave them the kind of education that was exclusively intended to make out of them assistants to their colonial professionals. However this put the few privileged Tutsis at the level of the ruling elite, while the Hutu and majority of the poor Tutsi remained oppressed.

The already bad situation become worse at the birth of African Nationalism and the wave of de-colonization, when the favored Tutsi started seeking for independence. The Belgian colonial masters changed allegiance and started promoting the Hutu who just needed the transfer of favour from the Tutsi first and then have independence later. This change of allegiance from the Tutsi to the Hutu instigated the 1959 Hutu uprising, which strongly undermined human rights and deprived a section of Rwandese of their rights to property, to their civic rights and condemned them to almost perpetual exile. All this was done with the tacit consent of the colonial masters. The early leaders that came to power after independence did not do much to change the situation. They instead aggravated it by institutionalizing divisionism, discrimination, the culture of impunity and denying the Rwandese refugees their right to return to their country. In 1990 fighting broke out between the Tutsi-dominated Rwandese Patriotic Front (RPF), which was based over the border of Uganda, and the official Rwandan army (Hutu-dominated). This lasted off until 1993 when the UN helped to negotiate a peace settlement between the Rwandan government (Hutu) and the RPF (Tutsi). 2500 UN troops were sent to monitor the transition to peace in October 1993.³¹

³¹ Lowe, N., *Mastering Modern World History*, Palgrave Master Series, 3rd edn, 1997, p. 469

For a few months all seemed to be going well, and then disaster struck. The aircraft that had on board the Hutu President of Rwanda and the Burundian President back from talks in Tanzania was brought down by a missile as it approached Kigali (the capital of Rwanda), killing both presidents (April 1994). This sparked off the most horrifying tribal slaughter: Hutus murdered all Tutsis they could lay hands on, including women and children. The Tutsi RPF marched on the capital. The small UN force was not equipped to deal with violence of this scale, and it soon withdrew. The civil war and the genocide continued to June, by which time half a million Tutsis had been murdered by Hutu government forces and Hutu militia. It seemed to be a deliberate and carefully planned attempt to wipe out the entire Tutsi population of Rwanda. In addition, about a million Tutsi refugees fled into neighboring countries (see table 2.3). Prunier³² and Clark³³ states that the mass exodus of July/August 1994 had led nearly 2 million Rwandese out of a total 7 million to cross the country's borders. As for the geographical distribution, UNHCR figures even if probably exaggerated give a good idea of the general order of magnitude in each location. Prunier cited Northern Burundi as approximately hosting 270,000, western Tanzania 577,000, south west Uganda 10,000, Zaire (Gome) 850,000, Bukavu 332,000 and Uvira 62,000 Rwandese refugees. The UNHCR Statistical Yearbook 2001, 2002: 92-4 indicates that as at end of 2001, 31,300 Rwandese refugees were residing in Kenya.

³² Prunier, G., *The Rwanda Crisis: History of Genocide*, Fountain Publishers, Kampala, 1994, p. 312

³³ Clark, J. F., (ed.) *The African Stakes of the Congo war*, Fountain Publishers, Kampala, 2002, p.227

France mounted in response a small expedition, which offered protection to civilians during August and September 1994. In Kigali a Tutsi RPF government was set up while the Hutu government was driven out. In 1996 this new government was still trying to make its authority felt over the whole country, but it was a slow process. No peace agreement was reached. Tutsis were still being slaughtered; Hutu moderates, who were prepared to work with the Tutsi government and were willing to give evidence against the Hutus responsible for the 1994 massacres, were being murdered by Hutu extremists.

Towards the end of 1996 fighting broke out in the refugee camps in eastern Zaire, which housed almost a million Hutus who had left Rwanda after the Tutsi victory in 1994. Zairean Tutsi rebels (who controlled the large areas of eastern Zaire), supported by the Rwandan government army (Tutsi), attacked the remnants of the Hutu army and the Hutu militias (*interahamwe*), which had fled from Rwanda after their defeat. This new conflict was really a continuation of the 1994 Rwandan civil war. The defeated Hutu army and militias were planning to invade Rwanda and overthrow the Tutsi RPF Government, while the Tutsis were determined to do all in their power to wipe out the Hutu extremists.³⁴ The militias used camps as bases. Innocent refugees were caught up in the fighting, and the militias used them as hostages, preventing them from returning home to Rwanda and food supplies from reaching them. Fighting reached its climax in November 1996; just as the international community was preparing to send a force of 15 000 troops to eastern Zaire, with UN authorization, Zairean rebel forces and Rwandan Tutsi troops defeated the Hutu militias and broke their control over refugees. Many of the Hutu

³⁴ Prunier, *op. cit.* P. 469

extremists fled into the hills. In January 1997 a new wave of killings began as Hutu extremists launched a campaign against Tutsis who survived the 1994 massacre. Foreign aid workers and UN staff accused by the Hutus of helping the Rwandan government also came under attack.³⁵

The above mentioned factors coupled with high levels of poverty, illiteracy and mass media such as RTLM (*Radio De Mille Collines*) and propagated hatred ideology all led to systematic extermination of Tutsis and a few moderate Hutus resulting into 1994 genocide that claimed more than a million lives.³⁶

2:4:6 Burundi Refugees

The Belgians left Burundi completely unprepared for independence. Between 1962 and 1965 there was peace and democratic rule. Burundi, is made up of two groups- the *Tutsi* and the *Hutu*. The Hutus were in the majority but the Tutsis were the *elite* ruling group. There was a continuous tension and skirmishing between the two tribes right from the Independence Day in 1962. Burundi has experienced four episodes of prolonged violence – in 1965, 1972, 1988 and 1993 to date. Editors Lind and Sturman³⁷ note that:

There are four recurring themes which weave through this account and which shape the form of violence in Burundi. First is the cyclical nature of the violence, in which each episode creates the conditions for the next. One of these conditions, born of the experience of violence itself, is the fear of ethnic genocide by both Hutus and Tutsis. The second underlying theme, concerning not only the fact but also the cause of violence is the fundamental and long-term repression and exploitation of the majority by a minority, which is stronger due to control over a centralized state administration and especially the army. Third, there are

³⁵ Ibid, p. 470

³⁶ East African Standard, May 6, 2003:R12

³⁷ Lind, J., et al (eds), *Scarcity and Surfeit: The Ecology of African Conflicts*, Institute for Security Studies, South Africa, 2002, p. 94

various external and internal triggering factors that serve to spark off violence at a particular time. This might be political or economic. Fourth, impunity for the killing of civilians, especially by the army, has undermined any cross-community respect for the rule of law.

The period 1972-1993 is a mixture of tranquility, violence and massacres. There was a mass rising of Hutus against the ruling Tutsis in 1972: this was savagely put down, and over 100,000 Hutus were killed. In 1988 Hutu soldiers in the Burundi army massacred thousands of Tutsis. What distinguishes the 1988 crisis from previous outbreaks of violence is that the army could not carry out its brutal repression without repercussions. After 1988, there was for the first time external attention, criticism and pressure on the government to institute reform, notes Lind et al.³⁸ After 1988, there followed five years of political reform, culminating in the adoption of a new constitution in 1992, and multiparty elections and the election of a Hutu president in 1993. After 1993, the assassinations of the president, the speaker and deputy speaker of the National Assembly triggered the longest and bloodiest war in the Burundian history. In the provinces, Hutus killed thousands of Tutsis in reprisal of their president, including Hutu members of *Union pour le National* (Union for National Progress UPRONA). This period was marked by international pressure together with an economically weakened government bringing about political reform on one end and on the other high hopes for a democratic Burundi which triggered the fighting that is on to date. Tutsi soldiers soon murdered the new president, but other members of the Hutu government were able to escape. As Hutus carried out reprisal killings against Tutsis, massacre followed massacre, and the country disintegrated into chaos. Eventually the army imposed a power-sharing agreement on the

³⁸ Ibid., p. 99

country: the Prime Minister was to be a Tutsi, the President a Hutu, but most of the power was concentrated in the hands of the Tutsi Prime Minister.

Fighting continued into 1996, and the Organization of African Unity which sent a peace-keeping force (the first time it had ever taken such action) was unable to prevent the continuing massacres and ethnic cleansing. The economy was in ruins, agricultural production drastically reduced because much of the rural population had fled, and the government seemed to have no ideas about how to end the war. The outside world and the great powers showed little concern – their interests were not involved or threatened – and the conflict in Burundi was not given much coverage in the world's media. In July 1996, the army overthrew the divided government, and Major Pierre Buyoya (a Tutsi moderate) declared himself president. He claimed that this was not a normal coup – the army had seized power in order to save lives.³⁹ This fighting has been responsible for the killings of civilians (both Hutu and Tutsis) and driving others as refugees into the neighboring countries (see table 2.3).

P. O. Box 12483
Nairobi Kenya

2:4:7 Democratic Republic of Congo (DRC) Refugees

In 1908 the DRC became an official colony of Belgium. The Belgians suddenly allowed the Congo with completely inadequate preparations to become independent in June 1960. There was no experienced group of Africans to which power could be handed over. The Congolese had not been educated to take up professional jobs, very few had received any higher education and no political parties had been allowed. This did not mean that civil

³⁹ Lowe, op.cit pp. 468-9

war was inevitable, but there were added complications. There were over 150 different ethnic groups, which could have made the Congo difficult to hold together even with experienced administrators. Violent and chaotic elections were held in which the Congolese National Movement (MNC) led by a former post office clerk, Patrice Lumumba, emerged as the dominant party; but there were over 50 different groups. Agreements of any sort was going to be difficult; nevertheless Belgians handed power over to a coalition government with Patrice Emery Lumumba as Prime Minister, and Joseph Kasa-Vubu, the leader of another group, President. The country experienced a series of rebellions and secessionist movements sometimes with the direct encouragement of external actors.

A mutiny broke out in the Congolese army in July 1960 only a few days after independence. This was in protest against all officers who were Belgians, whereas the Africans expected instant promotion. Lumumba was deprived of the means of keeping law and order, and ethnic violence began to spread. The south-eastern Province of Katanga, which had rich Copper deposits, was encouraged by the Belgian company (*Union Miniere*) which still controlled the copper mining industry, to declare itself independent under *Moise Tshombe*. This was the wealthiest part of the Congo, which the new state could not afford to lose. Lumumba unable to rely on his mutinous army appealed to the United Nations to help him preserve Congolese unity and a 3000-strong peacekeeping force soon arrived.⁴⁰

⁴⁰ Ibid ., pp. 465-6

Lumumba was to use UN troops to force Katanga back into the Congo, but the situation was complex. Many Belgians preferred an independent Katanga, which would be easier for them to influence, and they wanted to continue their control of the copper mining. The UN Secretary General, Dag Hammarskjold, refused to allow a UN attack on Katanga, though at the same time he refused to recognize Katangese independence. In disgust Lumumba appealed for help from the Russians, but this horrified Kasavubu, who encouraged by the Americans and Belgians, had Lumumba arrested (he was later murdered). As the chaos continued, Hammarskjold, realized that more decisive UN action was needed, and although he was killed in an air crash while flying to Katanga to see Tsombe, his successor, U Thant, followed the same line. By mid-1961 there was 20,000 UN troops in the Congo; in September they invaded Katanga and in December 1962 the province admitted failure and ended its secession; Tsombe went into exile. Though successful, UN operations had been expensive, and within a few months all their troops were withdrawn. Tribal rivalries aggravated by unemployment caused disorders to break out again almost immediately, and calm was not restored until 1965, when General Joseph Mobutu of the Congolese army, using white mercenaries and backed by the USA and Belgium, crushed all resistance and took over the government himself.⁴¹ He remained in power for 32 years. It was probably inevitable that if the Congo, with its many problems (an under-developed economy, tribal divisions and shortage of educated people), was to stay united a strong authoritarian government was required. Mobutu provided exactly that! There was a gradual improvement in conditions as the Congolese

⁴¹ Ibid., p. 466

gained experience of administration, and the economy began to look healthier after most of the European –owned mines were nationalized.⁴² However, in the late 1970s there was more trouble. In 1977 Katanga (now known as Shaba) was invaded by troops from Angola, apparently encouraged by the Angolan government, which resented Mobutu's earlier intervention in her affairs and by the USSR which resented America's support for Mobutu. This was a way for the USSR to make gesture against the Americans, and yet another extension of the Cold War.

Having survived that problem, Zaire found itself in economic difficulties, mainly because of declining world copper prices, and drought which made expensive food imports necessary. Mobutu came under increasing criticism outside Zaire for his authoritarian style of government and his huge personal fortune. In may 1980 Amnesty International claimed that atleast a thousand political prisoners were being held without trial and that several hundred had died from torture or starvation during 1978-9. In 1990 he promised to allow a multi-party political system, but with himself above politics as Head of State; his rule became more corrupt and unpopular. During 1996 his health began to fail; he underwent surgery for prostate cancer and spent a long time convalescing in the south of France. Meanwhile rebel forces, led by Laurent Kabila and supported by the Rwandan Government, gathered strength and by the end of the year they controlled much of eastern Zaire.⁴³ In 1997 his corrupt despotic regime was overthrown by an alliance under the leadership of Laurent Desire Kabila with backing from a number of other governments.

⁴² Ibid: p.466

⁴³ Lowe, op.cit. pp. 466-7

In 2001 January Kabila was assassinated and subsequently replaced by his son Joseph Kabila, as president of DRC.

Since its independence, DRC has been engaged in many wars associated with external exploitation of its immense natural resources, the exodus of some 1.2 million Hutu refugees across the border from Rwanda, following the capture of Kigali by the Tutsi led Rwandan Patriotic Front in July 1994 (see table 2.3). This threatened the security along the borders between the DRC and Rwanda and greatly contributed to the further escalation of the conflict in the DRC.

2:5 KENYA AS A COUNTRY OF ASYLUM

Given the above outlined causes of refugee flows, large numbers of refugees came to Kenya as asylum seekers. HRW⁴⁴ notes that Kenya hosted 14,000 refugees in 1990, but as a result of the increase of regional conflicts, the number had risen to 120,000 by 1991. Just one year later, in 1992, 401,000 refugees were living in Kenya and in 1997 it hosted approximately 195,000 refugees: some 150,000 from Somalia, nearly 40,000 from Sudan, 5,000 from Ethiopia and 1,000 from other countries. The number of refugees in Kenya declined in 1997 for the fifth consecutive year, from a peak of 401,000 or more in 1992 to approximately 195,000. Upto 150,000 have been repatriated or resettled in third countries since 1992. Only 6 refugee camps remained open in Kenya at the end of 1997,

⁴⁴ Human Rights Watch Publication, *Hidden in Plain View: Refugees Living Without Protection in Nairobi & Kampala*, NY, USA, 2002, P. 57

compared to 16 camps several years earlier.⁴⁵ See table 2.3 below. The large numbers overburdened the Eligibility committee, causing Kenya to ask UNHCR to set up refugee camps. UNHCR and other international NGOs were needed at the time since the large numbers of arrivals far outstripped the government's ability to ensure their well being. Radoll's article in the Standard of October 6, 1994 notes that the government had decided to close all refugee camps at the Coast Province because they had adversely affected the tourism industry. The government had decided to take the camps to North Eastern Province. The then Minister for Home Affairs and National Heritage, the late Mr. Francis Lotodo further said that that decision was necessary to protect the tourism industry, which is the backbone of the country. The industry was threatened given the insecurity caused in the coastal region by the refugees. This led to the establishment of only two rural refugee camps in Kenya, Kakuma and Dadaab. See table 2.4 below.

I. F. K. ...
P. O. Box 58480
Nairobi Kenya

2.5.1. Kenya's Camp Confinement Policy

Kenya is a signatory to virtually all the international legal instruments governing or guiding the treatment / management of refugees. In particular, Kenya is party to the 1951 Geneva Convention (relating to the status of refugees), the 1969 OAU Convention (on the specific aspect of refugee problems in Africa) and the Universal Declaration of Human Rights (UDHR). In addition, Kenya is subject to the general human rights treaties such as the international Covenant on Economic, Social and Cultural Rights, Covenant on Civil and Political Rights and the African Charter on Human and People's Rights.

⁴⁵ USCR, op. cit., 1998, p. 73.

However, at the local level Kenya has not domesticated these International legal instruments. Thus, although these instruments are binding to the government of Kenya, there is no national legal guarantee for the implementation. The international instruments therefore exist more in books, than in practice in the Kenyan situation. Evidently, the problem in Kenya “is not lack / absence of applicable refugee law on an international level, but the deficiency in the implementation of the international treaties mentioned above on a domestic level”⁴⁶

In Kenya, refugees are required by an unwritten executive policy, which started in 1991, to reside in Dadaab camp or Kakuma camp. The camps have been in place for more than eleven years. The minister responsible for internal security had been granted the power to enact a policy for “requiring all aliens to reside and remain within certain places or districts.” However, under law such a policy may only be enacted “when a state of war exists...or when it appears that an occasion of eminent danger or great emergency has arisen.” Neither the minister nor parliament has ever promulgated laws or regulations to enact the encampment policy. Nevertheless, a camp confinement policy exists and is enforced on a daily basis. Kenyan officials have insisted for years that all refugees must live in designated camps to qualify for assistance. For instance, they classify Somalis living outside camps as illegal aliens. Kenyan police have conducted regular crackdowns to apprehend refugees and other foreigners found in urban areas. A police sweep in July

⁴⁶ Hyndman and Nylund, 1998, p.29

1997 detained at least, 1,000 non-Kenyans, including 200 persons “of concern” to UNHCR who were transported to refugee camps.⁴⁷

Kenyan authorities continued their policy in 1997 of gradually closing and consolidating the remaining camps for Somali refugees, partly to encourage more refugees to repatriate. Officials closed one camp along the coast and completed the closure of another during the year. Upto 7,000 occupants of the closed camps moved to existing camps in the east, near Somali border.⁴⁸ While administrative exceptions to the camp confinement policy appear to exist, they –like the confinement policy itself- are not enacted into law or regulation. According to UNHCR, the exceptions have been developed through consultations with Kenya’s Ministry of Home Affairs. Apparently, the following categories of refugees may fit within one of these administrative exceptions to camp confinement:

- Refugees undergoing resettlement interviews or processing;
- Refugees who require specialized medical or psychological care not available in the camps;
- Refugees who are pursuing educational opportunities not available in camps; and
- Refugees with serious security problems in camps.

However, refugees are completely unaware of these exceptions. In fact, even staff member of large international NGOs working in Kakuma camp informed Human Rights Watch that they were not aware of any exceptions to the camp confinement policy.⁴⁹

⁴⁷ USCR, op. cit. P.73

⁴⁸ Ibid., p. 73

⁴⁹ HRW, op.cit. p. 148-9

This absence of clarity in refugee-specific laws has left a vacuum with regard to the rights and treatment of refugees and asylum seekers in Kenya. Arbitrary arrests of refugees, illegal detentions in Kenya of refugees and general harassment by police as discussed above are key problems of refugees and asylum seekers in Kenya.

Table 2.2: Refugee population by origin into Kenya, 1992-2001(thousands)The origin is listed if the number of refugees was 5,000 or more in atleast 1 year

| Origin | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | Total |
|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|----------------|
| Ethiopia | 68.6 | 26.5 | 10.5 | 8.5 | 7.1 | 8.6 | 8.1 | 8.2 | 4.1 | 13.5 | 163.7 |
| Rwanda | 2.2 | 2.2 | 2.1 | 5.9 | 5.5 | 5.8 | 8.7 | 2.9 | 2.7 | 3.3 | 31.3 |
| Somalia | 285.6 | 219.0 | 206.3 | 172.2 | 171.3 | 174.1 | 164.7 | 141.1 | 137.4 | 144.3 | 1,816.0 |
| Sudan | 21.8 | 31.6 | 27.2 | 41.2 | 33.5 | 37.4 | 48.2 | 64.3 | 55.6 | 69.8 | 430.6 |
| Uganda | 3.3 | 2.2 | 2.9 | 5.9 | 5.4 | 5.5 | 6.0 | 5.9 | 5.8 | 5.8 | 48.7 |
| Total | 481.5 | 280.5 | 249.0 | 233.7 | 212.8 | 231.4 | 235.7 | 220.4 | 205.6 | 236.7 | 2,490.3 |

Source: UNHCR Statistical YearBook 2001, 2002:92-4

Table 2.3: Refugee Arrival into Kenya & Population, 1992-2001 (thousands)

| | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | Total |
|-------------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
| Ref. Arrival | 339.3 | 14.2 | 14.0 | 11.8 | 12.5 | 15.2 | 10.6 | 36.7 | 4.5 | 27.1 | 486.0 |
| Ref. Population. | 402.2 | 301.6 | 252.4 | 234.7 | 223.6 | 232.1 | 238.2 | 223.7 | 206.1 | 239.2 | 2553.4 |

Source: UNHCR Statistical YearBook 2001, 2002:96 & 86

Table 2.4: Refugee population in camps: selected indicators, 1997-2001

| Name of location | Main origin | Total population (thousands) | | | | | % under the age of five | | | | | Percentage female | | | | |
|------------------|----------------|------------------------------|-------|-------|-------|-------|-------------------------|------|------|------|------|-------------------|------|------|------|------|
| | | 1997 | 1998 | 1999 | 2000 | 2001 | 1997 | 1998 | 1999 | 2000 | 2001 | 1997 | 1998 | 1999 | 2000 | 2001 |
| Kakuma | SUD/SOM | 50.6 | 69.5 | 86.6 | 69.7 | 84.6 | 10.8 | 11.8 | 13.7 | 15.8 | 17.4 | 39.0 | 40.1 | 40.7 | 38.5 | 38.8 |
| Dadaab | Somalia | 124.6 | 107.4 | 124.6 | 128.0 | 134.0 | 19.5 | 12.3 | 12.1 | 15.2 | 13.6 | 51.1 | 49.5 | 49.1 | 49.0 | 49.0 |

Source: UNHCR Statistical YearBook 2001, 2002:45

Table 2.5: Refugee outflows by origin, 1992-2001(thousands)

| origin | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | total |
|-----------------|-------|------|---------|------|-------|-------|------|-------|-------|------|---------|
| Rwanda | 3.6 | 3.2 | 2,309.5 | 34.9 | 87.5 | 4.2 | 9.4 | 2.0 | 13.9 | 6.5 | 2,474.8 |
| Burundi | 7.9 | 83.1 | 112.4 | 0.4 | 146.3 | 135.6 | 29.5 | 64.2 | 80.3 | 15.7 | 675.2 |
| Sudan | 74.2 | 39.2 | 22.1 | 12.4 | 41.5 | 20.1 | 37.2 | 51.5 | 33.7 | 35.0 | 367.0 |
| DRC | 30.5 | 4.3 | 0.8 | 4.5 | 69.4 | 65.9 | 31.3 | 136.2 | 127.6 | 32.7 | 503.2 |
| Eritrea | - | - | 0.5 | 0.1 | 1.0 | 0.1 | - | 0.0 | 98.1 | 0.9 | 100.7 |
| Ethiopia | 70.0 | 2.7 | 1.0 | 4.2 | 1.7 | 0.5 | 0.0 | 0.0 | 0.0 | 0.4 | 80.5 |
| Uganda | 1.6 | 0.2 | 1.3 | 6.7 | 4.8 | 27.2 | 0.0 | 0.0 | 0.1 | 0.9 | 42.8 |
| Somalia | 268.5 | 5.6 | 54.4 | 37.9 | 18.9 | 9.6 | 14.2 | 31.1 | 10.1 | 21.3 | 471.6 |

Source: UNHCR Statistical YearBook 2001; 2002:97

2:6 Conclusion

Today's refugee policy mainly consists of responding to crises as they happen rather than trying to prevent them and this does not make much sense as the refugee problem in Africa is indeed grave and appears to be worsening and, in practical terms a lot needs to be done. Underdeveloped and burdened with the precarious task of welding numerous heterogeneous groups into viable modern states and confronted with both internal and external destabilizing forces, Africa is likely to have to deal with larger numbers of refugees unless urgent preventive and curative measures are taken. More often than not it is observed in Africa that root causes of refugee flows are actually a major part of refugee problems. There is little wisdom in treating only the symptoms. A strategy of prevention, preparedness and solution would perhaps make more sense. The wars that form a major part of the problem cannot be tackled by the African states alone and the UN, the Great Powers, the Commonwealth countries, AU, NEPAD, and the European Union Countries have the influence and the power, to solve these problems. What is eminent is that the international community pulled together resources so as to treat both the causes of the problem and the problem itself. Otherwise we continue having this so-called 'temporary settlements' turned into permanent abodes for refugees who can neither be repatriated nor resettled in a third country.

CHAPTER THREE

UNHCR: ITS MANDATE AND POLICIES ON REFUGEES

3:1 INTRODUCTION

While the past 40 years or so have seen tremendous increases in the magnitude and complexity of refugee crisis and emergencies in the world, the institutions – international, national and private – that have come into being to address these problems since World War II have been strained to the maximum by these challenges. It is important to ask if these institutional structures in place today can hold or whether they risk being swept away by the flood tides of refugees, the internally displaced persons, the poverty stricken and starving.¹ Given the complexity of the world refugee situation the UN General Assembly came up with a body to assist and protect refugees.

This chapter is intended to highlight the tradition of refugee protection, and serves as a background to UNHCR. It will discuss the UNHCR mandate including the statute and the convention together with the 1967 Protocol. The Refugee Convention of OAU is also covered in this chapter. The chapter highlights protection and assistance of the refugees as the mandate of UNHCR. Under assistance, the forms of assistance to the refugees are covered together with durable solutions (voluntary repatriation, local integration and resettlement to a third country).

¹ Symser, W.R., *Refugees: Extended Exile*, New York, Praeger Publishers, 1987, p.vii.

3:2 HISTORICAL BACKGROUND

The office of the United Nations High Commissioner for Refugees was created in December 1950 by Resolution 428(v) of the United Nations General Assembly, and began its operations on 1 January 1951. It is a humanitarian and strictly non-political organization devoted to protecting and assisting refugees.

Refugees are people who have been forced to sever links with their home country. They cannot rely on their own governments for legal protection; it is this, that distinguishes refugees from other migrants. Refugees do not have access to the legal and social protection that a properly functioning government is supposed to extend to its citizens, the international community has had to make special arrangements to respond to their particular plight.²

The conviction that the international community – rather than individual governments or organizations – has a duty to provide refugees with protection and find solutions to their problems dates back to the time of the League of Nations, established in 1920.³

Immediately after World War I, in the chaos of the postwar period and particularly in the collapse of the Russian imperial regime and the dismemberment of the Austrian and Ottoman empires, one and half million Russians fled several successive revolutions, the long resistance wars, and the destruction of the society they had known.⁴ More than one-half million persons, not only Armenians who were a majority but also Greeks and

² UNHCR's mandate, www.unhcr.ch, 2003:3

³ Ibid., p.3

⁴ Smyser, op.cit.p.5

Assyrians, fled from Ottoman territories as the empire crumbled. Refugees, produced almost casually by the rearrangement of European borders, fled in all directions. Hungarians fled Romania. Serbs fled Hungary. Refugees fled into Western Europe and to a lesser extent, into the Middle East.⁵

Europe, still exhausted from the war, was unable to receive or to help the new arrivals. National authorities were uncertain whether to admit the refugees and, if they were admitted whether to treat them as legitimate immigrants, illegal aliens, or temporary visitors. Few resources could be placed at their disposal. Only a handful of persons understood the dimensions of the tragedy and the urgency of the needs. The refugees shuffled on in confusion and disarray, searching for relatives, friends, fellow nationals, churches, or charitable institutions that could help. Those who tried to help often found that their resources could not begin to match the requirements of the situation.⁶

The representatives of a group of charitable organizations met in Geneva, Switzerland, in February 1921 to find a common answer to the problem. Through the president of the International Red Cross asked the League of Nations to appoint a commissioner to guide and coordinate their efforts. The League appointed Dr. Fridtjof Nansen, a distinguished Norwegian explorer and humanitarian, to be "High Commissioner on behalf of the League" to deal with refugee matters. He was instructed to determine the legal status of the refugees and to find a permanent solution, either by repatriation, integration into the

⁵ Ibid., p.5

⁶ Ibid

countries in which they had found asylum, or resettlement to other countries where they might wish to and where they might be welcome.

During the years that followed, the High Commissioner addressed the whole range of refugee problems. These included protection and relief for the Russian, Armenian, Assyrian, and other refugee groups as well as the exchange of populations between Greece and Turkey. He persuaded the governments of the asylum countries to issue a new document, known as the "Nansen Passport", the forerunner of today's Travel Document for Refugees to identify the new arrivals and to give them a definite status. When this commissioner expired in 1929, it was followed by the creation of the International Nansen Office for Refugees, established with the stipulation that it too, was temporary and was to cease its functions not later than December 31, 1938.

When the United Nations replaced the League of Nations in 1945, it recognised from the outset that the task of caring for the refugees was a matter of international concern and that, in keeping with its Charter, the community of states should assume collective responsibility for those fleeing persecution. In 1946, at its first session, the General Assembly adopted a resolution that laid the foundations for United Nations activities in favour of refugees. The resolution stressed that no refugee or displaced person that had expressed valid objections to returning to his country of origin should be compelled to do so.⁷

⁷ UNHCR's mandate, op.cit. p.4

The United Nations also established the International Refugee Organization (IRO) whose mandate was to protect those refugee groups that had been recognised by the League of Nations, and one new category – the 21 million or so refugees scattered through out Europe following World War II. Initially IRO's main objective was repatriation. But the political build – up to the cold war tilted the balance instead towards resettlement to those who had valid objections to returning home. The office of the High Commissioner for Refugees (UNHCR) replaced the IRO in 1951. This same time marked a turning point for the United Nations Convention Relating to the Status of Refugees. Together they provided, for the first time, a formal structure for responding to the needs of refugees under international law.⁸

The 1951 convention is significant in two aspects. First, although it was initially limited to refugees from Europe, it provides a general definition of a refugee as someone outside his or her own country and unable to return as a result of a well-founded fear of persecution on grounds of race, religion, nationality, political opinion or membership of a social group. This means that people displaced within their own borders do not come under the international legal definition of 'refugees'. Second, it recognizes that people who fall within the refugee definition should benefit from certain rights, and that helping refugees should not simply be a question international charity and political advantage. The convention places obligations upon states which are party to it, the most fundamental of which is the principle of *non-refoulement*. This concerns the obligation of countries

⁸ UNHCR, *The State of the World's Refugees*, 2000, P. 2

of asylum not to return people forcibly to situations where they have a well-founded fear of persecution.⁹

3:3 UNHCR'S MANDATE

UNHCR's responsibilities have evolved over time. At its inception, its founding statute entrusted it with two main and closely related functions – to provide international protection to refugees and to seek permanent solutions to their problems.

3:3:1 Refugee protection

The need for international protection arose from the fact that refugees, unlike ordinary aliens, no longer have the protection of their home country. International protection is a temporary substitute for the protection normally provided by states to their nationals abroad until the refugee can again benefit from national protection.¹⁰ When UNHCR was first developed, material aspects of the refugee relief were seen to be the responsibility of the government that had granted asylum. Activities mainly concerned the resettlement of refugees in the aftermath of World War II, whose needs were largely met by the countries directly involved and by non-governmental Organisations. However, as many of the world's more recent major refugees flows have occurred in less developed countries, UNHCR has required the additional role of coordinating material assistance for refugees, returnees and, in specific instances, displaced persons. Although not mentioned in the organization's statute, this has become one of UNHCR's principal functions, alongside

⁹ Ibid., P. 2

¹⁰ UNHCR Handbook for Emergencies 2nd edn: 12 and UNHCR 2000, P. 2-3

protection and the promotion of durable solutions.¹¹ The organization initially focused on finding solutions for some 400,000 refugees who were still homeless in the aftermath of the Second World War. By 1996, it was assisting some 26 million people. The organization's budget and staffing level have increased greatly. In 1951, UNHCR had a budget of US\$ 300,000 and 33 staff members; by 1999, the budget had reached over US \$1 billion and the organization was employing over 5,000 staff. UNHCR has also expanded the geographic scope of its activities. Initially, it operated only in Europe; by 1999, it had offices in 120 countries across the world. Table 3.1 below gives the population of concern for the African case as at end of 2001.

Table 3.1
Population of Concern to UNHCR by gender and age, end – 2001 (estimates)

| Region of asylum or residence | Female (000) | | | | | | Male (000) | | | | | |
|---------------------------------|--------------|--------------|--------------|-------------|--------------|--------------|--------------|--------------|--------------|-------------|--------------|---------------|
| | 0-4 | 5-17 | 18-59 | 60+> | Other | Total | 0-4 | 5-17 | 18-59 | 60+> | Other | Total |
| East, Horn & Great Lakes Region | 193.1 | 387.0 | 461.9 | 24.0 | 144.6 | 1,210.5 | 193.3 | 425.2 | 452.2 | 24.1 | 118.7 | 1,213.5 |
| North Africa | 17.7 | 39.7 | 46.2 | 0.6 | - | 104.2 | 17.5 | 43.0 | 47.3 | 1.6 | - | 109.4 |
| Southern Africa | 15.6 | 32.1 | 47.3 | 1.2 | 169.7 | 265.8 | 16.3 | 36.4 | 75.5 | 1.3 | 207.2 | 336.8 |
| West & Central Africa | 68.7 | 163.5 | 193.0 | 25.4 | 0.0 | 450.5 | 63.4 | 162.0 | 189.3 | 22.7 | 0.0 | 437.4 |
| Total | 295.1 | 622.3 | 748.4 | 56.6 | 314.3 | 2,031 | 290.5 | 666.6 | 764.3 | 49.7 | 325.9 | 2097.1 |

Source: UNHCR Statistical YearBook 2001, 2002:34

In 1952, the General Assembly recognised the need for UNHCR to extend some form of material assistance (food, shelter) as well as the provision of health care, education and other social services for refugees, and authorized the high commissioner to seek funds for emergency aid. In 1954, the High Commissioner was authorized to establish the United Nations Refugee Fund (UNREF). Its purpose was to achieve durable solutions (through voluntary repatriation, local integration and resettlement) and to continue emergency assistance to the most needy cases. In 1957, the General Assembly authorized the High

¹¹ Ibid., P. 3

Commissioner to put into effect an annual assistance programme, to be submitted for approval by the Executive Committee (EXCOM). The High Commissioner was also authorized to establish an emergency fund. This was the beginning of what later became UNHCR's General programmes.

Toward the end of the 1950s and throughout the 1960s, the focus of UNHCR's activities shifted from Europe towards developing countries. This shift was prompted by the refugee crisis resulting from the process of decolonization, primarily in Africa. During this period, the General Assembly authorized the High Commissioner to lend its good offices in seeking appropriate solutions to the problems of specific groups. These mainly comprised persons in situations similar to those of refugees but who, for various reasons, were not considered to be within the high commissioner's mandate. The needs of these groups were, in general, temporary, and voluntary repatriation was frequently a feasible solution.¹²

This trend changed in the late 1960s and early 1970s. As the process of decolonisation abated, new types of conflicts emerged, many of them regional, giving rise to large-scale movements of refugees (see table 2.1 above for Africa's case load). This was also the period when UNHCR was called upon to provide assistance under "special programmes", in accordance with resolutions adopted by the General Assembly and the Economic and Social Council (ECOSOC). This category of programmes has since been discontinued,

¹² www.unhcr.ch UNHCR's Mandate, 2003, P.5

but the realities they addressed are still covered under UNHCR's unified Annual Programme Budget or Supplementary Programmes. The refugee problems of the 1980s, 1990s and those currently facing the office, bear little resemblance to those of the early years that followed the adoption of UNHCR's Statute. Difficulties are often compounded by development problems and solutions to the underlying conflicts can be elusive, leading to stagnating refugee situations. Moreover in recent years, the General Assembly and the United Nations Secretary General have called upon UNHCR to protect or assist particular groups of internally displaced persons in Africa, the Balkans, the former Soviet Union, Colombia, Sri Lanka, East Timor, Afghanistan and other locations.¹³ These conditions have currently led the High Commissioner to undertake preventive initiatives in countries, which currently produce refugees or may do so in the future. In undertaking these initiatives, UNHCR is careful to ensure that such activities are complementary to its international protection responsibilities, and consistent with the principles of international humanitarian rights and humanitarian law; in particular, UNHCR must ensure that the institution of asylum is not undermined. These preventive activities are carried out both before and during refugee crises. In the latter, they frequently take place in the broader context of United Nations peacekeeping efforts. UNHCR's assistance programmes have inevitably grown substantially, both in magnitude and complexity, and differ radically from those introduced in the early days of its existence. In situations such as those described above, where political solutions to conflicts are hard to find, on going protection and assistance programmes, accompanied by efforts to make refugees self-reliant, are often the only alternative.

¹³ Ibid., P. 5

In terms of financial resources, UNHCR is almost entirely dependent on voluntary contributions. Only part of UNHCR's administrative expenditures is met from assessed contributions, i.e. from the United Nations regular budget (which, in 2002, amounted to less than two per cent of UNHCR's overall resource requirements).

The underlying goal of UNHCR's assistance remains the facilitation of protection and durable solutions. As programmes have become larger and more complex, and in order to improve their planning and management, a more impact and result-oriented Operations Management System (OMS) has been developed and is gradually being introduced to replace the early Programme Management System (PMS).¹⁴

Handwritten notes: P. 1, 2000, (K...)

3:3:2 Durable Solutions to the Refugee Problem

The ultimate goal of international protection must be to achieve a satisfactory solution for the refugee. Solutions to refugee problems have traditionally been divided by UNHCR into three categories; voluntary repatriation, local integration in the country of asylum, and resettlement from the country of asylum to a third country.¹⁵ If the preferred solution of voluntary repatriation is not feasible, the other durable solutions of local integration or resettlement should be pursued. The following paragraphs describe in more detail the role of protection in relation to these three solutions, as well as in the context of in-country protection activities.

¹⁴ Ibid

Voluntary Repatriation

The search for solutions has generally required UNHCR to promote, with governments and with other international bodies, measures to establish conditions that would permit refugees to return safely to their homes and to make a free and informed choice. This entail the identification of a number of actions required to ensure sustainable return, based on a thorough knowledge of the communities, their leaders, political processes underlying eventual movements and the legal and administrative obstacles that hinder their return. Creating actual conditions for return, however, remains fundamentally a political process going well beyond the capabilities of UNHCR. Return has been used in certain countries as the sole vehicle to achieve ethnic integration, promote Multi-ethnicity and eventually reconciliation, but in the highly politicized context in which it often occurs, caution must be exercised to ensure that proper protection standards are respected. Equally, premature return has occurred in a number of situations as a result of asylum fatigue. Return is seen by UNHCR as one of the means through which the restoration of national protection may be ensured in a way that international protection ceases to be necessary. This is the standard against which the prospects for return must be measured.

Over the past year UNHCR has played a leading role in facilitating and coordinating voluntary repatriation, including through support for national protection and the provision of assistance to returnees during the process of reintegration and rehabilitation in a number of places, such as Afghanistan, Cambodia, East Timor, South-Eastern Europe,

¹⁵ UNHCR, *The State of the World's Refugees: Fifty Years of Humanitarian Action*, OUP, New York, 2000, P.2

Liberia and Somalia. UNHCR Sub-Office in Kakuma for instance submitted 269 cases for voluntary repatriation to Sudan, Northern Somalia, Uganda and Ethiopia. More refugees indicated their interest to return. However UNHCR could not process repatriation applications as needed due to lack of funds.¹⁶

In almost all these situations return has often taken place in less than ideal circumstances. While UNHCR has continued to support spontaneous return movements, sustainable solutions with adequate guarantees of protection will only become a reality if the international community is prepared to commit itself to a substantive and prolonged engagement to reinforce local efforts. Ensuring respect for human rights, rebuilding the infrastructure, improving the economic, social and political life, rehabilitating the judicial system and bringing long term stability are daunting tasks.

The conclusion of agreements on voluntary repatriation between UNHCR and states concerned has been an important precursor to most organized voluntary repatriation operations. Apart from reinforcing the voluntary character of repatriation, these agreements translate the respect for the right to return into operational modalities that ensure respect for minimum protection standards for return. They cover arrangements for assessment visits, UNHCR's monitoring role, international access, the reintegration process (including amnesties, exemptions from military service and the recognition of civil status) and confidence building initiatives, especially at the early stage. Most

¹⁶ Youth- Building the Future report of April 2003, P.4 a UNHCR Kakuma Report

recently the signing of a Tripartite Agreement between Eritrea, Sudan and UNHCR in April 2000 paved the way for the voluntary repatriation of some 140,000 Eritrean refugees, who had been in exile for a prolonged period. The agreement sets out the legal framework for the return and reintegration of one of Africa's oldest refugee caseloads.¹⁷

Repatriation: The first of these solutions, repatriation can be considered only when conditions in the country of origin have changed such that refugees no longer believe their lives or liberty is threatened, and it does not exclude the application of another solution in the meantime. Voluntary repatriation relieves the host country of an unwanted financial burden and lessens the hostility that the refugee problem creates between the country of origin and the refuge granting state. The country of origin too, benefits from a reduction of hostility with its neighboring countries besides conferring legitimacy on its government and providing a basis on which to appeal for additional economic aid. However, the repatriation should not be promoted until the causes of flight are removed.

Local Integration

In protracted refugee situations, return home may not be a viable option in the foreseeable future. While UNHCR has continued efforts to promote return opportunities for those wishing to return in such situations, the office has also promoted other solutions for those, who, for valid protection reasons, including severe trauma, or because of long-term stay in host countries, are unable or unwilling to return. In a positive development, several countries in Africa and Latin America have announced during the reporting the period that they would locally integrate the residual caseloads of refugees with UNHCR's

¹⁷ Note on International Protection 7/07/2000, p.16 UNHCR 51st Session at www.unhcr.ch

support. The UNHCR's activities in the area of local integration have included advocacy for the granting of permanent stay, as well as small-scale integration assistance, such as housing and employment packages.¹⁸ Two strategies are followed in the integration policy of most host countries in Africa: planned or organized settlements and the 'spontaneous' absorption of refugees into the local population. In Africa, as most of the new comers were of a rural background, integration could start at once either spontaneously or in an organized manner. Many rural settlements have been established and most of them have become permanent homes of the refugees. The integration of the refugees into the communities can be useful both to the country of origin and the country of asylum. Once the refugees have secured employment and have been able to take a share of other benefits to the community, he is perceived as posing less threat to the security of the country from which he has fled, especially if he is contented with the new situation and regards the changing conditions at home only as a remote possibility.

Resettlement

Resettlement in third countries: There are a small number of refugees for whom a durable solution has to be sought on a case by case basis: the severely traumatized, people with political affiliations or opinions their governments abhor, the army officer or politician who risks his life by opposing government measures to crush political opposition. Some people cannot negotiate successfully, even with the integration assistance provided by voluntary agencies and government institutions. The difficulty of integrating refugees from entirely different ethnic backgrounds has been used to label resettlement as the least

¹⁸ Ibid. p.19

desirable and costliest durable solution reserved as an exceptional measure to be pursued only for compelling humanitarian reasons.

I. F. R. A.
P. O. B. 58480
Nairobi Kenya

Apart from being a protection tool, resettlement has increasingly become an instrument of responsibility sharing and a durable solution in specific circumstances. The traditional resettlement countries continue each year to provide international resettlement opportunities to some 30,000 UNHCR referred refugees throughout the world, particularly in the Middle East and, increasingly, in Africa. In a welcome development over recent years, Argentina, Benin, Brazil, Burkina Faso, Chile, Iceland, Ireland and Spain joined the list of countries willing to provide resettlement opportunities both as a protection tool and a durable solution. Countries willing to accept refugees for resettlement in a spirit of responsibility-sharing, have made an important contribution to strengthening first asylum and resolving long-standing refugee problems in a growing number of situations. Internally UNHCR has continued to review its resettlement policies, criteria, procedures, implementation capabilities and cooperation arrangements, in close consultation with resettlement countries and NGOs. This has already resulted in a more systematic and proactive case identification, which has enabled a stronger protection orientation and a wider coverage of resettlement needs all over the world.¹⁹

In the UNHCR Kenyan case, in the year 2001-2002, 3,000 Sudanese youths were resettled in the USA. In the year 2002, other 270 persons were resettled (230 Sudanese, 23 Ethiopians, 11 Somali, 3 Rwandese, 2 Congolese and 1 Burundi) in the USA, Canada

¹⁹ Ibid

and Australia. In cooperation with International Office for Migration (IOM), 10,000-12,000 Somali Bantu will be resettled in the USA.²⁰

3:4 RESPONSIBILITY FOR REFUGEE PROTECTION IN KENYA

Until 1991, the Government of Kenya (GoK) was in charge of refugee status determination (RSD). An eligibility committee that included representatives from the ministry of Home Affairs and the Immigration Department interviewed asylum seekers after which they were granted refugee status to stay in Kenya. However, the events of the early 1990s (an increase in the influx of refugees from conflicting countries of Somalia, Sudan and Ethiopia) meant more pressure for the government, as it could not contain the large flow of refugees owing to its limited resources and general capacity. According to Verdirame as cited by Carey²¹, the war in Somalia, and the subsequent arrival of the Sudanese 'walking boys' (young boys who had survived the perils of war in Sudan and walked to Kenya from Ethiopia sometimes referred to as the 'lost boys'), in the North-West, led to the final collapse of the government's ability to determine refugee policy.

The United Nations High Commissioner for Refugees (UNHCR) then stepped in to fill the gap created by the government's failure to take responsibility for maintaining a procedure for determining refugee status. By the end of 1999 UNHCR had taken complete control of the RSD procedures and had set up an office in Nairobi for this

²⁰ *Youth- Building the Future* report of April 2003:5 a UNHCR Kakuma Report

²¹ Carey, W. B., *KURVE Report (S.K.)* to Ford Foundation, December, 2002, p.7

purpose. Here asylum seekers received letters which gave them 'refugee status' (the so called 'protection letters'), and either directed them to the particular camps or, in exceptional cases, allowed them to live in Nairobi. Others were rejected upon being interviewed, meaning that they were no longer persons of concern to UNHCR.²² UNHCR has adapted a *de facto* mechanism (according to the OAU definition) to recognize refugees in Kenya. Caseloads from Somali and Sudanese communities are not processed through eligibility procedures. It is agreeable to both the GoK and the UNHCR that, given the situation in their countries of origin, they are *prima facie* refugees (i.e. their reasons for flight are more or less automatic and widely known). The taking over of the eligibility process by UNHCR from Jesuit Refugee Services (JRS) who had been sub-contracted to do it had implications: first, by accepting this responsibility, UNHCR arguably compromised its role as a protector of refugees to become a 'judge' of who is or who is not a refugee; secondly, when the UNHCR took charge of the Refugee Status Determination (RSD), it more or less marginalized the state (Kenyan) authorities in the whole affair. This led to a sense of resentment on the part of the relevant government officials and encouraged apathy. Constant attempts in late 1990s to persuade the government to resume an active role in managing refugee affairs have failed. The GoK comes into play mostly at the height of refugee crisis, such as conflict between refugees and the local population or when refugee members in urban centres have gone up. Currently UNHCR is in the process of transferring the eligibility centre / process from Nairobi to the camps, keeping only a very reduced capacity in Nairobi to fit in with the official government policy of encampment.

²² Ibid., p. 8

3:5 CONCLUSION

While the idea of transferring the eligibility centre to the camps would help consolidate rendering of services to refugees on one hand, on the other it will further violate the rights of a good number of refugees. UNHCR in Kenya has to live to its mandate of protecting refugee rights through challenging regimes that put refugees at risk. For instance, they have not opposed encampment and have shifted their attention from the protection of rights to the provision of relief, as it is easier and less contagious than dealing with the government. It needs to be understood that assistance alone cannot constitute a solution to the problem of refugees. Once refugees have left their homes, no amount of money or assistance can fully restore their past lives. The real solutions are those that will enable people to avoid flight in the first place. Therefore, resolving refugee problems will mainly depend on a range of human rights activities including developing pluralistic political systems, strengthening civil societies and education, reinforcing legal structures and government structures and empowering local grass-roots associations. Thus, Africa faces a difficult future and Africans themselves have a vital role to play in the control of the massive refugee flow.

CHAPTER FOUR

IMPACT OF THE REFUGEES ON HOST COMMUNITIES IN KAKUMA

4:1 INTRODUCTION

The aim of this chapter is to assess the impact of the refugees on the host communities surrounding Kakuma refugee camp since its inception in 1992 to 2002. This chapter is divided into six parts. In the first part the nature of camps (with a definition of a 'refugee camp' and a 'self – settlement camp') is discussed while comparing the merits and demerits of refugee camps and self – settlement camps. In the second section a historical background of the Kakuma refugee camp is highlighted giving the pioneer group of refugees in that camp together with the current refugee figures according to nationality. The third section of this chapter examines the social cultural and economic activities of the Turkana people. Findings of this study are presented in section of the field findings, an impact analysis of all the findings from the distributed questionnaires, reports, papers and funding proposals from the refugee agencies, information collected through manner of interviews and that found in related early works is given in part four. Before drawing the conclusion of the findings this chapter will look at the hypothesis and the theory of study and how they conform to the findings. Conclusions are then drawn based on the findings of the study.

4:2 THE NATURE OF CAMPS

Refugee Camps and Settlements: The vast refugee flows of the 1980s resulted in the growth of large camps and other kinds of organized settlements in host countries. In

Africa in particular, the establishment of camps began to replace the previous practice of allowing refugees to settle among the local population. For a number of years now, there has been wide spread criticism of camps. UNHCR, in particular has been held responsible both for the policy of establishing such camps and for the problems found in them. Critics argue that camps are harmful (to the refugees and their hosts) and unnecessary and that alternatives such as self-settlement (in which refugees live among the host community) should be pursued.¹

In chapter one a definition of a refugee camp is provided. Refugee camps are usually intended to be temporary, and are constructed accordingly. In many cases, however, they last for ten years or more, creating new problems. Water and sewerage facilities often cannot cope with long-term usage, and housing plots become too small as families increase in size. In many camps, firewood is inadequately supplied and refugees must forage outside the camps, causing deforestation and other environmental problems. As problems spill over from camps and affect the surrounding host communities, governments often impose restrictions on refugees, reducing their freedom to move and work outside the camps. Most camps are often located close to conflict zones. In the long term, they can become dangerous, crime-ridden places, beset by arms and drug smuggling and the presence of organized crime. As camps lose their civilian character and become havens for armed groups, they become targets for attack by enemy forces. Camps have been bombed, shelled, raided for hostages, vehicles and supplies, and the

¹ UNHCR, *The State of the World's Refugees: Fifty Years of Humanitarian Action*, OUP, New York, 2000 p.108

scene of 'hot pursuit' by armed groups. Under such circumstances, host governments view them as increased security threats and impose greater restrictions on refugees.

While on the face of it, it may seem obvious that no one will choose to live in a refugee camp, the reality, however, depending on circumstances, refugees living outside camps can be subject to a range of security and economic problems ranging from threats from resentful local people, to attacks by rebel groups and forced recruitment into those groups. Self-settled refugees can be at the risk of being rounded up by host authorities and relocated or forced into camps, as occurred in Karachi and Peshawar in Pakistan in the mid – 1980s.

While critics are capitalizing on the negative impacts of refugee camps on the refugees and the local indigenous people, in some cases, the influx of refugees has been a stimulant to the development of natural resources. The Liberian refugees in the forest region of Guinea contributed to the local agricultural activity despite the accusation of deforestation (Black and Sessay).² In the same way, Sudanese refugees around Gambela in Ethiopia were hired on state cotton plantations in Abobo and in surrounding Anuak farms. As for the Ugandan refugees in southern Sudan in mid – 1970s, they formed a supply of very cheap manpower responsible for an increase in farming output (Harrell – Bond).³ In eastern Sudan, Eritreans around Kassala have also been at the origin of a twelve fold increase in fruit and vegetable production in twenty years (Kibreab).⁴ It is clear that camps are often places of vibrant social and economic activity. Most large

² Black and Sessay 1997 as cited by JRS, vol.13, No.2, 2000,p.206

³ Harrell – Bond 1986, p.22

⁴ Kibreab 1987 as cited by JRS, vol.13, No.2, 2000, p. 206

camps become important zones of economic activity in the hosting area, with active markets, restaurants, and other facilities, which are run by refugees and attract locals from miles around.

Although diseases such as cholera can easily be spread especially through hastily constructed and overcrowded camps, in many cases – particularly after the emergency phase – refugees in the camp receive significant better health care, education and other services than people in the surrounding areas. As a result, humanitarian organizations working in camps are increasingly providing health, agricultural and education services not only to refugees but also to the local communities. This is not to suggest that camps are always an asset to the receiving region. Economic benefits can be offset by other problems, but these should be kept in perspective. The debate over the advantages and disadvantages of the refugee camps to the host communities that this chapter is set to explore will take place in the context of a clear understanding of how camps work, and the nature of their impact on the Kakuma region. What the pro- and anti-camp advocates need to understand is that refugee camps are not inherently dangerous or destabilizing places, nor is self-settlement always the best option for refugees. The challenge for host states, humanitarian organizations and policy makers is to ensure that refugees are able to enjoy safe, secure and dignified conditions of life whether or not they live in a camp. Camps can serve their purposes well where they are prevented from becoming militarized, where the rule of law is maintained, where adequate health care, education

and other essential services are provided, and where refugees have an opportunity to sustain themselves. It is to this end that humanitarian efforts should be directed.⁵

4:3 SOCIAL-CULTURAL AND ECONOMIC ACTIVITIES OF THE TURKANA

The main economic activity in these areas is pastoralism, but not exclusively nomadic, and this forms the basis of the livelihood of the Turkana of northwestern Kenya. The definition of pastoralism as a production system has not remained static over the years but has experienced a certain degree of dynamism that reflects the changes in the pastoralist enterprise.

Pastoralists are people who derive most of their income or sustenance from keeping domestic livestock in conditions where most of the feed that their livestock eat is natural forage rather than cultivated fodders. In most cases pastoralists devote the bulk of their own and their families' working time and energy to looking after their livestock rather than to other economic activities. Pastoral societies consist of interacting groups, households and individuals who define their livelihoods on livestock production on natural pastures, using grazing, water, livestock, labour and immaterial resources which they own or have access to and who are characterised by a partial and variable engagement or incorporation in imperfect markets beyond their direct control (Zaal).⁶ Awuondo⁷ views pastoralism as a mode of production and a way of life adapted to the

⁵ UNHCR, op.cit. 2000, p.109

⁶ Zaal, F., *Pastoralism in a Global Age. Livestock Marketing and Pastoral Commercial Activities in Kenya and Bukina Faso*. Amsterdam: Thela Publishers 1998, p.24

⁷ Awuondo, C. O., *Life in the Balance: Ecological Sociology of the Turkana Nomads*, ACTS press, Nairobi, Kenya. 1990, p. 8

harsh conditions of the arid environment. He further describes it as a land –use system, which puts into profitable use the scantily and sparsely distributed resources of the marginal land without doing damage to the ecology. In this areas rain fed agriculture does not do well. Thus pastoralists kept cattle, sheep, goats, camels and donkeys which move around freely and forage on the grass. Pastoral products on which the nomads depend on a day-to-day basis are meat, milk, blood and dung.⁸

Nunow⁹ distinguishes between nomadic and transhumant pastoralists. Transhumance pastoralists are differentiated by the existence of a permanent base from which the livestock move back and forth depending on the season of the year. Whenever they are not involved in crop production, pastoralists may be nomadic or transhumant, depending on weather, the whole homestead moves with the animals (former) or there is a permanent homestead from which only the animals move depending on the season of the year (latter). Livestock-based resources not only dominate in the livelihoods of the pastoralists, but the household labour allocation is also strongly influenced by herding or other practices that contribute to the productivity of the system.

4:3:1 Pastoralists and Market Activities

Trade and exchange has been part of the pastoral economies for generations although its importance has varied over the years and among the seasons. Trade and exchange has enabled the pastoral system to survive and flourish for thousands of years. Pastoralists,

⁸ Ibid

⁹ Nunow, A. A., Pastoralists and Markets: livestock commercialization and food security in northeastern Kenya, African Research Centre, Leiden, 2000, P.3 citing Roger 1999

even those who have never had much demand for supplementary food, usually sold or exchanged animals for goods they could not produce, e.g. tea, sugar, tobacco and clothes.¹⁰ However their level of participation varied from one pastoral community to another as well as from one region to another. Unless they are under pressure to purchase food or critical inputs such as veterinary drugs, the pastoralists' participation in the market depended on the economic environment of the market with high susceptibility to external intervention.¹¹ For instance, the arrival of new traders at a market, other things remaining the same, tends to stimulate sales by the pastoralists. Among other factors, the ability of pastoralists, both communities and individuals, to actively participate in trade may be influenced by their proximity to the market where livestock products may be marketed. The distance to the market centres is usually dictated by the availability of pasture and water within a 'reasonable' distance from the market place. Presumably the pastoralists' proximity to market centres could significantly improve the nutrition of their children since milk and other livestock products could be sold to purchase high-caloric food.¹² In Kakuma the refugees do sell food rations received from aid agencies while providing ready market for animal products. Besides, the proceeds from the animal product sales may be used to purchase other products such as clothes and weapons and may not necessarily benefit the nutritional status of their children. On the other hand it should be noted that the proximity of the trading centre is often inversely related to good grazing readily available. This in turn impacts negatively on livestock productivity. Close

¹⁰ Markakis 1993

¹¹ Kerven, C., *Customary Commerce; a Historical reassessment of pastoral livestock marketing in Africa*, Overseas Development Institute, Occasional Paper No. 15 Russel press Ltd, Nottingham, 1992

¹² Nunow op. cit., p. 4

to a trading centre, there is less grazing which, is usually of poorer quality. It has also been observed that pastoralists who stay close to trading centres for longer periods are usually those with insufficient herds for their subsistence.¹³

4:3:2 Social organization of production

In all pastoral communities (Turkana included) Awoundo¹⁴ argues that there is a relationship between the social organisation and the demands of livestock herding. Anthropologists have argued that there is a close relationship between the physical environment and the social organization of a given pastoral community. He goes further to say that one of the distinguishing features between different modes of production is their respective labour structures, which are determined by a given mode of production in a specific time in history. Labour requirement is determined by the ideological underpinnings of a mode of production. In a pastoralist mode of production, cattle (livestock) is the capital on which all other resources (milk, blood, meat, calves, and leather) depend. Land is the other crucial factor of production, but it is taken as given; it is communally owned and utilized for the benefit of all. The family is the basic production and consumption unit. In discussing the structure of the Turkana as the centre of production and distribution of domestic stock, distribution is governed by egalitarian ethos to ensure equity. A herder's economic success is correlated with this access to labour.

¹³ Ibid

¹⁴ Awoundo, op.cit. citing Gulliver 1972

Traditionally, pastoralism was a full-time occupation for all. Every one from the ages of 5-8 years was actively engaged in production. Division of labour was by age and sex, and there were no known idlers. Males were economically productive especially when still youthful, energetic and agile and could move fast and far over the difficult terrain as herders, scouts and warriors. The hostility of the physical environment, the diversity of ecological resources which required travelling far and wide, the presence of fierce wild animals which occasionally attacked and killed both people and beast and the presence of raiders made it imperative to develop many skills which could stand up to the harsh realities of arid lands.¹⁵

Responsibilities of warriors included defending domestic stock and human life against impending dangers, defending territorial borders against encroaching intruders, acted as spies scouting over the land to discover good grazing areas and investigating the possibilities of raiding or counter-raiding their pastoral neighbours. Good fighters eventually emerged as military leaders. Divination and medical practice reserved for the elders. The women, assisted by young boys and girls looked after small stock (goats and sheep), camels, donkeys and sick animals; they watered animals, milked and prepared food for the family. Women also built the houses. Awoundo further says that the idea of diversification of domestic stock and herd-splitting made it necessary for the pastoralists to marry many wives so that there was sufficient labour for the different stock units. Thus polygamy and wealth in livestock went hand in hand.

¹⁵ Ibid

4:4 VIEWS AND RESPONSES FROM DIFFERENT CATEGORIES OF STAKEHOLDERS IN THE CAMP

P. F. R. A.
P. O. Box 59480
Nairobi, Kenya

4:4:1 Category 1 – Head of Agencies Serving the Refugee Community

Out of the ten questionnaires distributed, 7 (seven) responses were received back and the following information gathered on the objectives and services offered to the refugee communities elaborated on the implementation arrangements in the camp.

UNHCR provides assistance to refugees through its implementing and operational partners, namely Lutheran World Federation (LWF), International Rescue Committee (IRC), German Development Co-operation (GTZ), World Vision Kenya (WVK), Don Bosco, Jesuit Refugee Services (JRS), Windle Charitable Trust- Kenya, National Council of Churches of Kenya (NCCCK) and Kenya Red Cross Society. UNHCR also coordinates its activities with three UN Agencies namely, World Food Programme (WFP), UNICEF, and International Office for Migration (IOM). UNHCR too works closely with the authorities in the host community.

LWF, the main implementing partner's objective is to build the capacity of the refugees to enable them be in charge of their own development/lives. It specifically handles Camp Management and Security, Food Distribution, Education (primary and secondary), Provision of Water, and Community Services (child development, gender equity and human rights, sports, reception of refugees centre management, peace building and conflict management and community empowerment).

The officer in charge clearly indicated that some of these services are extended to the host community, for instance, the agency through funding from UNHCR in conjunction

with UNICEF has dug five bore holes for the host community. The children from the host community are allowed to attend camp schools. For peaceful co-existence the organization has initiated the formation of Joint Peace Committee and Monthly Joint Leaders meetings.

IRC's objective is to ensure the protection and well being of refugees through advocacy, relief assistance and comprehensive healthcare programming. Its specific services to the refugee community include adult literacy – functional literacy, economic skills development, community based rehabilitation, sanitation / hygiene promotion, curative health services and preventive health services. All these services are extended to the host community for instance the adult education while the rest of the services are accessible to the host community within facilities set up in the refugee camp. For the last eleven-(11) years that IRC has served the refugee community, 300 learners from the host community have benefited from the literacy classes. It continuously supports the Kakuma Mission Hospital with Technical Staff. 10 per cent of the nutrition and curative health program beneficiaries are from the host community.

GTZ 's (Gesellschaft für Technische Zusammenarbeit, a German cooperation agency) goal is to contribute to global sustainable development. Its two main objectives are, RESCUE – Rational Energy Supply Conservation, Utilization and Education and EMER – Energy Management and Environmental Rehabilitation. In its specific services it deals with agricultural training and extension, energy conservation training and extension, agroforestry training, environmental education, forestry training, firewood distribution,

water development and conservation services. It does do offer incentive positions to the refugees. In these the area is greening and locals are given firewood supply tenders. 68 local community members have been recruited as incentive earners to the project, they too have benefited from education on environmental conservation, energy saving practices, supplied with seedlings, seeds and farming implements.

WVK is charged with providing homes for the refugees through shelter construction, improving the educational environment by constructing schools, classrooms and toilets, improving technical skills by encouraging beneficiary participation along with these they too improve and repair damaged shelters and maintenance and development of roads and airstrip. It has too donated a complete primary school (Pokotom) to the local community and three other classrooms to them.

Don Bosco's main objective is to prepare young people for life with technical and life skills, empower young people to grow morally and spiritually upright life and to support young people and the vulnerable groups to establish income generating activities. Specifically it offers Vocational Training Skills and Income Generating Activities (IGA) and the administration of the Catholic Church in the camp. All these services are extended to the host community with 10 percent of the vocational training students being from the host community.

JRS is involved in counseling services, scholarship programme including a Distance Learning programme from the University of South Africa (UNISA). **Windle Trust**

Kenya offers English language courses for adults and runs a scholarship programme attached to the World University of Canada.

NCCCK's objective is to create awareness among the refugees and local community on Reproductive health and STD's, HIV/AIDS and discourage traditional harmful practices.

Kenya Red Cross Society undertakes tracing and reunification activities. **WFP** provides food and monitors its distribution by **LWF** while **IOM** facilitates documentation and movement of refugees for resettlement to third countries. **UNICEF** assists with water projects.

The Kenyan government is a signatory of both the 1951 Convention and the 1969 OAU Convention. Working in partnership with UNHCR, local legislation is being drafted consistent with the international standards and practices.

On whether the UNHCR has a policy to the host community; Mr. Nyabera Emmanuel, the UNHCR Branch Office Information Officer responded that there are implementing agencies handling particular sectors in order to meet the basic needs of the refugees. Their services have been extended to the host community as a remedy to easing the tensions between the refugee and the host communities. Selected schools in the local community are given food by UNWFP in conjunction with UNHCR under the school-feeding programme in the nomadic areas. The government has sought aid from other agencies like UNICEF to take care of the local community's needs.

4:4:2 Category 2 – Host Community’s Response

The population of the host community that has settled around the camp as per UNHCRs’ June 2002 report is about 40,000 compared to 84, 337 refugees. Due to the limitations at the time of data collection that I have explained in the introduction only 10 questionnaires were distributed out of which 8 were received back. Of the eight respondents, seven noted that they settled in Kakuma after 1992. Six mentioned that since then they have almost permanently established their homes in Kakuma, two noted they have been on and off Kakuma following the weather conditions in search of grazing land and water for their animals that are their source of income. The respondents showed that they have benefited from the spin-off effects of Kakuma camp economically through the provision of social amenities- health and school institutions. Those who have not moved since 1992 noted that in Kakuma, they have been able to see their services – in construction work in the refugee camp, others are selling firewood, charcoal, others are there to access the free education available in the refugee camp schools. Generally, the respondents noted that others have taken government jobs that are available in Kakuma division that is the administration, in education and the ministry of health among others. The other larger group is that involved in business ventures especially in the wholesale and retail stores and those who own commercial buildings, mini buses (*Matatus*) and the brokers that sell animals.

On notable changes in their lifestyles since the influx of the refugees, seven of them noted that there have been both positive and negative changes while one did not see any change at all. The locals no longer depend on only animal products (milk, meat and

blood) but also other foods like rice and maize, the market for charcoal has widened – high demand given the ever increasing number of refugees (currently 84,337), flexibility in cultural practices as local girls are being taken as wives by the refugees. There is moral deterioration in the local community so they noted citing early pregnancies for their girls, sexually transmitted infections and HIV/AIDS, existence of Discos, illicit liquor, a lot of child labour as house helps in the camp and shop attendants. The respondents too noted that there is increased crime rate in the area though this has earned about 200 locals jobs as Kenya Police Reservists to patrol in the nights when the criminal activities are on the highest. One respondent mentioned that he has been able to go for a language course in the camp out of which he can now speak Arabic and Hamaric (spoken by the Sudanese and Ethiopians respectively).

On social amenities, the respondents mentioned that after the influx of the refugees the UN constructed camp hospitals, the camp schools and vocational training centres, bore hole water that are accessible to both the refugees and the host community. The tarmacked road connecting Kakuma to other towns of Kenya has been improved with the influx of the refugees though it is currently impassable due to the heavy trucks ferrying refugee supplies. The Kakuma market condition has improved since from a livestock selling market to a Multi-purpose one. The prices however have gone up as items that cost one shilling then now cost not less than twenty shilling this is related to the amount of money in circulation in the market by the time the exercise was being conducted as compared to years before 1992.

On the issue of if they wished the refugees were returned to their own country, four respondents were for their repatriation while the remaining four were against it citing the developments that have been experienced in the area since the arrival of the refugees. Those who were for their repatriation cited the existence of illegal firearms and the insecurity associated with it as the reason why they wish these refugees can be returned to their countries of origin.

4:4:3 Category 3 – Government Representatives at the Refugee Secretariat and those serving in Kakuma Division

Mr. Kikwao Robert of the National Refugee Secretariat, Ministry of Home Affairs had this to say about Kenya's stand on refugee issues: Kenya, like every State Party to the Refugee Convention and the OAU Refugee Convention, is bound to uphold both treaties. Governments usually accomplish this task by setting up a domestic legal framework – such as domestic legislation – that implements their treaty obligations. Kenya has some law that is applicable to asylum seekers and refugees, but nothing that fully implements its treaty obligations. And, since 1991 Kenya has failed to fully implement the domestic laws that do exist – except for their most restrictive aspects.

Kenya's Immigration Act applies to all non-citizens, including refugees. The Act provides that all non-citizens who enter Kenya without a valid entry permit or passes are unlawfully present and subject to arrest and detention. He noted too that Kenya's parliament has been debating a draft Refugee Bill since 1990. The latest version of the Bill obtained by Human Rights Watch is from 1994. The draft Bill falls short of international standards since it affords unfettered discretion to a single "Minister" in

charge of refugee matters to receive recommendations for refugee status from an eligibility committee, to make final decision on refugee status, and to hear appeals. The draft bill requires refugees to apply for refugee status within seven days of their arrival, a limitation that is unreasonable. UNHCR has stated that “failure to submit an asylum request within a specified period does not lead to exclusion of the request from consideration”.¹⁶ The draft Bill also requires refugees to live in refugee camps, without enacting exceptions to that policy in law. Mr. Kikwao said that the encampment policy is aimed at ensuring security to both the refugees and Kenyans, ensuring protection for the refugees and also it is easier to assist them when in a confined place for instance, on the provision of water, shelter, food, medical services and schools. The big numbers of refugees received (about 450,000) at once in the early 1990 too brought about the encampment policy. Other provisions of the draft Bill, such as the definitional sections, are unobjectable and would implement Kenya’s obligations under international law. Finally the Draft bill does envisage establishing “transit centres” for asylum seekers while their applications are being considered. On the issue whether they are a burden or an asset, Mr. Kikwao saw them as a burden because they have interfered with the already stretched natural resources in the camp. On the issue whether he thinks that the refugees are treated better than the hosts, Mr. Kikwao responded that the international community that meets the refugee needs is richer than the government of Kenya.

Of the 10 questionnaires distributed to Government of Kenya officials serving in Kakuma Division, only five were received back. On the government position on the refugee issue,

¹⁶ UNHCR, Sub – Committee on International Protection, *Note on Asylum*, August 30, 1979, para. 16

they all noted that the UN Geneva Convention of 1951 binds the government and the refugee charters but does not directly work with the refugees. On what they had to say about refugees, they noted that they have been a source of insecurity in the Kakuma area through the proliferation of small arms and cited the recent conflicts between the refugees and the host community in June 2003. For law and order to be observed the government has placed two police posts in the camp to ensure security for both the refugees and the host community. The Division Officer and Chiefs occasionally meet with refugee leaders so as to address some of the causes of hostilities between these two groups. The government of Kenya has too permitted the refugees to carry on businesses within the camp like in hotels and shops where the local community members have been able to find jobs. The refugee agencies have given jobs to Kenyan citizens through whom the government collects taxes. Three respondents in this category stated that the refugee host relationship is cordial and cited interdependency amongst them. The locals have agreed to share their resources like land, firewood, charcoal and water with the refugees. Two other respondents mentioned that sometimes mistrust exists between the two groups. Reasons being that the host community members feel neglected in terms of service provision, this was noted as one of the reasons that led to the recent skirmishes where ten (12) lives were lost 2 being from the local community.¹⁷

¹⁷ Daily Nation, June 25th 2003, p.5

4:4:4 Category 4 – Refugee Community Representatives

10 questionnaires were distributed, and given that we have 8 communities / nationalities in the camp, then the criteria of selection was based on getting a representative from every community. The larger communities (Sudanese and Somali) had two people picked for the exercise. On the feedback, only 7 (seven) responses were received back.

On the reasons for movement from their home countries, war was rated highest with five respondents citing it, political difference and education were cited by one person each as a cause of movement out of their own countries. While the decision to come to Kakuma was purely a UNHCR one, four respondents cited nearness to their countries of origin as the reason why they settled in Kakuma.

Five respondents were not satisfied with the living conditions in Kakuma due to the insecurity from the host community, the area is also too hot with semi arid type of climate, the ration distributed to them is inadequate too and inter-refugee conflicts.

On the refugee – host relationship, six respondents mentioned that it has been both friendly/mutual and unfriendly/hostile. This state of affairs has existed since 1997 before which it was friendly. The following reasons made the respondents point it as having at times been mutual; that there has been intermarriages between the refugees and the host community, that the two communities share social amenities like schools, water and hospitals. The refugees have always shared their food with the Turkana especially after every food distribution in the camp and that they have had business ventures together. The Turkana too see the refugee as a source of income given that their land is not agriculturally productive.

However there have been stances of hostility amongst the two communities. Three respondents mentioned that their fellow refugees have used guns from the host community to rob and kill their fellow refugees at night. All the respondents mentioned that the host community views them as being more privileged i.e. get shelter, food, water, education and jobs while the hosts are not treated equally. Other issues that were mentioned were that there is competition for the limited resources available in the locality such as firewood. In its scarcity refugee women often go to the bushes to collect firewood only to end up being raped by members of the host community. The refugees confirmed that there has been illegal killings and burying in private places – sparking off hatred for especially the Sudanese community. The host community members have been beaten up in the camp when selling their wares and their properties taken away by force. One respondent noted that:

“If shooting and slashing heads become the main issue (order of the day) then there should not be need for refugees to be brought from bad to worse”

-Turkana Elder-

This has caused some refugees to conclude that for peaceful co-existence between them and their hosts, then the aid agencies should look into extending their services to a wider range to the host community. This should involve carrying out workshops on peaceful coexistence for both refugees and host community on a larger scale and regularly otherwise relocate them to another area or take them back to their countries of origin.

Table 4.1

UNHCRs Support to Host Communities/ Authorities

| | | Amount in US\$ | |
|--|--|--|---|
| Period | Sector/activities | Kaku ma | Comments |
| 1992 to date | (a) Water / Sanitation Construction and maintenance of boreholes and donation of equipment and spare parts for the local communities. -5 boreholes (c.g. Nadapal, Napepongoit, Letea, Kakuma Town, Lokichogio) -Average spent per year (2000-2002) | 315,000.00 60,000.00 | <ul style="list-style-type: none"> • Reduced water resources conflicts between locals and refugees |
| 1996-1999 2000-2002 | (b) Health/Nutrition -Construction of camp hospitals in Kakuma with a bed capacity of 90 -Support to Kakuma/ Lodwar Hospitals | - 5,288.00 | <ul style="list-style-type: none"> • Local communities have access to free treatment, vaccinations and medication from the camp hospitals, reducing the pressure on government dispensaries. |
| 1993-2002 2001 2000-2002 | (c) Infrastructure/other Activities - construction/Repair of Kakuma Airstrip. - Donation of 6 police vehicles, fuel, offices and residential building in Kakuma - Payment of police /KPR Incentives in Kakuma | 115,000.00 150,000.00 108,319.00 | <ul style="list-style-type: none"> • Improved infrastructure for refugees and local population. • Improved security for locals and refugees. • Uplifting the morale of Government Officials working with refugees. |
| 2000-2002 | (d) Education 10% - Expected number of local children attending the camp schools -Total US\$. Allocation for refugees | 1,799,797.00 | <ul style="list-style-type: none"> • Improved learning conditions for the local school going |

| | schools in the camp. | | children. |
|--|---|--|--|
| | <p>(e) Environment Rescue Afforestation 252,381 tree seedlings distributed in Kakuma</p> <p>Rehabilitation 15.6 hectares of greenbelts rehabilitated in Kakuma.</p> <p>Household Energy 19,000 energy saving stoves distributed</p> <p>Stakeholder Involvement 1 Environmental working group operational in Kakuma Total Allocation/investment upto December 2001</p> <p>Environmental Education Projects Production of teaching materials and teacher training.</p> <p>Firewood Distribution Firewood provided to all refugees and meets 30% of their household energy requirements.</p> | <p>875,000.00</p> <p>43,000.00</p> <p>569,620.00</p> | <ul style="list-style-type: none"> • Project nurseries have provided tree seedlings free of charge to host community. • Degraded areas are rehabilitated through this intervention • Energy saving methods and devices enable a 20% energy saving thus reducing the demand on firewood • Potential conflicts on natural resources are averted through this forum. • Environmental ethics instilled among refugee and host community children and adults, leading to prudent resource utilisation • Firewood is procured through competitive bidding as guided by UN rules and regulations • The tender committee chaired by the District Officer ensures transparency in awarding transport and harvesting contracts to the host community. contracts provide for the supply of deadwood only. This is enforced by the Resource Use Monitoring Committees (RUMCs) and GoK foresters attached to the project. • The project injects over 50 million Kenya shillings into the host community economy every year. |

SOURCE: unhr 2002 report on its support to the host community since 1992

Development of water resources for the locals living within 100km Square from Kakuma are undertaken by UNICEF with UNHCR funding In Kakuma out of the 7 boreholes developed within the refugee camp, 6 of them are shared between the locals and refugees. 49 wells in Turkana District were rehabilitated and supplied with water

I. F. R. A.
 P. O. Box 58480
 Nairobi Kenya

4:5 IMPACT ANALYSIS

The sudden presence of refugees, aid workers, and relief resources significantly altered all aspects of life for people in northwestern corner of the country. This section examines the implications of the refugee presence for the host community in northwestern Kenya.

Despite the assumption that refugees present a problem or a burden,¹⁸ it is clear that refugee migrations bring both costs and benefits to host countries.¹⁹ This section also seeks to contribute to this line of inquiry by examining not only the burdens and benefits associated with the refugees presence, but also their variations among host populations in Kakuma refugee camp locality.

4:5:1 Economy

Whitaker²⁰, while researching on the impact of refugees in western Tanzania noted that refugees generally impose a burden on local infrastructure, environment, and resources, but they also provide cheap labour, expand consumer markets, and justify increased foreign aid. The massive influx of refugees increased the size of the local market and the pool of labour. She realised that hosts respond quickly to market opportunities by using refugee labour to expand their farms and increase production. In Karagwe district, for example, farmers on average doubled their production of bananas and beans between 1993 and 1996. The existence of several aid agencies too increased the currency in circulation. Simmel,²¹ who was interested in the broad issue of value noted that money can be seen as simply a specific form of value. At another level, he treated money as a

¹⁸ Harrell-Bond 1986

¹⁹ .Kuhlman 1994; Sorenson 1994; J Baker 1995

²⁰ Whitaker in *Journal for Refugee Studies* 2002, pp.340-2

²¹ Simmel, 1978

specific phenomenon linked with a variety of other components of life, including “exchange, ownership, greed, extravagance, cynicism, individual freedom, the style of life, culture, the value of the personality etc.”²² Currently the Turkana community members have embraced money which has exacerbated the above listed attributes and vices. On a general note, vices like extravagance and greed can trigger off negative competition that is at times responsible for criminal activities.

The refugees receive 10kgs of firewood per person per month instead of the required 40kgs. Given the refugee population of 84,337 then it means that 843,370kgs of firewood are distributed per month. The firewood supplied only meets 35% of their household needs. The refugees in Kakuma rarely put out fires between meals due to the shortage of matches, and dried food rations take longer to cook. Given the existing gap between the minimum required amount and the actual amount distributed the refugees have tried to cope by selling part of their ration to buy firewood. Others who have nothing to sell fetch firewood from the bush. In an area where trees are a source of fuel, fencing and shelter construction material deforestation is eminent. It is this deforestation that is responsible for soil erosion hence posing a problem to both the hosts and the refugees the end result being conflicts between the host and the hosted as discussed below.

The sudden increase in the size of the local Kakuma market generated a huge upsurge in business and trade conducted by both hosts and refugees. Commercial centres developed in the camp, and especially the Kakuma town underwent a transformation from sleepy

²² Ritzer, G., *Sociological Theories*, 3rd edn., McGraw-Hill Inc., New York 1992, p. 174

outpost to thriving economic centre. Some Kenyans even opened shops and leisure centres to cater for expatriate aid workers' taste. Trade has increased within the camp communities. Before the influx of refugees the host community had difficulty finding local markets for the domestic animals like camel, cattle, sheep and goats and often traded across the border in Ethiopia, Sudan or Uganda. The coming of the refugees effectively moved markets closer to local villagers. Gradually instead of walking long distances to the borders, hosts sold their products in near by camps. The Turkanas sell charcoal at Kshs. 70 per tin and firewood and animals (for slaughter) to the refugees so they can be able purchase other household goods. This finding agrees with the findings of Kabwegyere,²³ on the importance of trading centres. He noted that people come to the centre with goats and get money to afford school fees for their children without being indebted.

The economic boom associated with the refugee presence has been accompanied by an increase in the cost of living. This has been attributed to the belief by the host community that a society or individual benefits from using a large quantity of goods and services (consumerism). The prices of basic items such as meat, salt, soap, Kerosene rose by 400 per cent. Price increases is of particular hardship to the teachers and civil servants whose salaries did not include the cost of living allowances. These items are expensive because of the high currency in circulation due to the availability of high paying jobs within the refugee serving NGOs and the high demand for them given the increased population.

²³ Kabwegyere, B. T., (Ph.D. Thesis), *Social Economic Transformation in East Africa: The Growth of Trading Centres in Rural Kenya*, Essex, 1976, pp.42-3

The host experience with the refugees' presence also varied depending on socio-economic class. Wealthy hosts have been able to take advantage of economic opportunities and expanded their wealth since 1992. They used available start-up capital to build profitable shops and restaurants, and to invest in other businesses, such as matatus and transport lorries. Some even rented out property –houses to be used for the cultural orientation exercise for the refugees going for resettlement in the United States of America and car / buses for the relief operation therefore ensuring a monthly income of hard currency. The wholesalers took advantage of the arrival of the refugees and humanitarian organisations. Abdullahi Ogle, a Somali of the Isaaq clan who settled in Kakuma in 1968, is the most important businessman in town. His turn over has grown by 50 percent since 1992. Previously he did business with local people on a barter basis, exchanging cattle for manufactured products. This fluctuated according to the periodic movements of pastoralists. The establishment of a refugee camp has ensured a stable market, as some of the stock has had to be sold to the Ethiopian, Sudanese or Somali retailers. Other wholesalers have followed suit by opening shops in Kakuma after 1992. Other beneficiaries of the influx of the refugees especially the *Miraa* chewing Somalis have been the local *Miraa* kiosk owners. Currently there are 15 kiosks that are doing booming businesses.

Poor host members though have not been able to benefit in the same way and some have become worse off during the refugee. They have particularly been affected by the high rates of inflation, which forced them to pay higher prices for basic supplies such as salt, sugar, and kerosene. The business networks of the camps supply the surrounding areas as

far away as the refugees' countries of origin. Because of shortages, refugees are forced to sell a portion of the food distributed to them, in order to purchase the items that they lack. This includes shoes, clothes, meat, milk, pasta, kerosene, matches, etc. whatever is distributed can be sold, including the products of the development projects around the camps, such as plastic sheets. This form of trade allows the native population to benefit from humanitarian aid and helps to prevent jealousy arising.²⁴

Finally, with respect to overall economic development, the refugee presence opened opportunities which on some host- particularly wealthier ones- were able to capitalize more than others i.e. the poor hosts tended to loose in periods of economic growth.

4:5:2 Employment

The relief operation meant an increase in employment opportunities for hosts, NGOs hired Kenyans at all levels from guards to drivers and house helps to field staff, teachers, administrators, and accountants. Salaries in the relief operation were two to three times the salaries for similar positions elsewhere in Kenya. The UNHCR – Kakuma Sub-Office alone (exclusive of international – Geneva Staff) had a monthly payroll of roughly US \$ 250,000 at the peak of its operation.²⁵ The inflated salaries offered by relief organizations also have a negative consequence. Many employees from hospitals, schools, and government departments left their positions in search of greener pastures. In Kakuma, according to a senior official, more than 50 per cent of camp clinic/hospital

²⁴ Christensen 1982:27 as cited by JRS, op. cit. 2000, p. 213

²⁵ UNHCR report June 2002

staff left their government posts to work with IRC (International Rescue Committee). UNHCR 2002 mid year report indicates that of the over 1500 camp aid workers, 50% are from the host community though most of them are casual workers. The changing dynamics associated with the refugee presence also created different opportunities for local hosts depending on their age and physical health. Young adults are most able to take advantage of the business and job opportunities. With the high unemployment level country wide, this group has been able to get jobs as housemaids / boys (not only in the aid workers' houses but also Somali and Ethiopian refugees have employed Turkana children as domestic servants), loaders, clerks, drivers, Kenya Police Reserve (KPRs), accountants among other things. In contrast however, elderly hosts and those with disabilities do not have the strength, mobility, and energy necessary to start businesses or work for NGOs. Some have also been affected by the migration of their youthful children (to the camps in search of employment), on whom they depend upon for assistance in doing household chores, animal grazing and collecting water and firewood.

The sudden presence of a huge refugee population has greatly increased the supply of laborers. The refugees are able to accept lower wages because they are already receiving food rations and other non-food assistance. They are always available when needed, more reliable, more adequate leading to poorer hosts being forced to accept lower wages. It has further been argued by the host community that the refugees have constrained the labour market as they compete with the local inhabitants for the very scarce jobs and opportunities. Elizabeth Ferris²⁶ has, for example, stated that “ the burdens refugees

²⁶ Elizabeth Ferris, 1993, p.130 as cited by Ndege , Ndege et al., *Refugees in Law and in Fact: A Review of the Literature and Research Agenda in Kenya*, Occasional Paper Series Vol. 1 no. 1, 2002, p.15

present to host governments seek to balance competing economic, political and ethnic, and humanitarian demands". There also exists the notion that refugees commit crimes such as drug peddling, armed robbery, and trade in small arms and smuggling. Refugees usually overplay these negative impacts at the expense of the positive contributions.

4:5:3 Infrastructure

Infrastructure has a great contribution to economic development of any one given area. Rural roads have a major effect in improving marketing opportunities and reducing transaction costs. A study of the impact of improved rural roads in Colombia²⁷ documented not only increases in agricultural production, but also great use of credit and alternative non farm employment, resulting in higher overall earnings. In Thailand, reduced transport costs from improved roads were found to shift local demand away from some cheap locally produced goods as cost of competing manufactured consumer goods were reduced.²⁸ A comparison of villages in rural Sindh, Pakistan found that women who had access to improved water supply spent 70-80 per cent less time collecting water than those without. Skilled women spent greatest amount of their time savings on income-generating activities and to a lesser extent on leisure, unskilled women spend their extra time mainly on domestic activities.²⁹ Inadequate infrastructure can also have multiple effects on health, and thereby on individuals labour productivity as well as quality of life. Improvement in water supply and sanitation has a large measured impact on reducing

²⁷ Van Raalte, 1979 cited in Kessides, C. The contributions of infrastructure to Economic Development; A Review of Experience and Policy Implications, World Bank Discussion Papers 213, 1993, p.14

²⁸ Kessides, op. cit., 1993, p.15 citing Binswanger 1983

²⁹ Ibid., p.19

morbidity from major water borne diseases, reducing child mortality, and reducing the severity of diseases when it occurs.³⁰

The refugee situation in northwestern Kenya has affected local infrastructure. There is no doubt that the establishment of infrastructure and social amenities by non-governmental organizations (NGOs) and the United Nations High Commissioner for Refugees (UNHCR) is valuable for economic development and benefit both refugee and indigenous populations. Compared to the rest of Turkana District Kakuma camp has better health facilities and a higher percentage of local children in full-time education. In Kakuma there is a 90-bed hospital, five clinics, 22 primary schools and three high schools. There are four technical colleges where the Kenyan curriculum is taught.

In this light, the 10 per cent quota set for Kenyans has never been reached. In the camps, local Turkana account for only 2 percent of pupils in secondary schools, and there are none among the 22,000 children in primary schools and less than five percent of the five hundred youths in vocational training centres. Table 4.1 illustrates some of the physical structures that donors are often willing to fund, that provide tangible evidence that something is being done, and that can show through the US Dollars given towards these projects through UNHCR how much facilities / programmes are being extended to the local population. The support for Pokotom Primary School from the Japanese government through the lobbying of World Vision Kenya and UNHCR is one such example and entirely meant for the local community. During the influx, border area schools were damaged when refugees slept in classrooms, burned desks for firewood, and

³⁰ Ibid. p. 22

filled latrines. Local health facilities quickly became over-stretched. Even after the establishment of the hospitals in the camps, refugees continued to use the mission hospital as a referral hospital for especially surgery cases. Refugees occupied more beds than Kenyans did at the camp hospital. The criminal justice system was also overburdened; according to government records, refugees at times represented as many as 65 per cent of jail inmates. That has resulted into the construction of the Friendship Hall to help enhance peace between the two communities and a Courtroom in Kakuma town. This is however not for the refugees' use alone but to the benefit of the local population. While a legal officer hired by UNHCR represents the refugees in the hearings in the mobile court, the local population has also benefited, in that minor cases are sorted out within Kakuma. This reduces the costs considering that formerly they had to go together with their witnesses to Lodwar District court. The time saved has been put in other socially productive activities by the concerned.

More than five schools (Pokotom and Kakuma primary inclusive) and three dispensaries have been rehabilitated, the district hospitals has been expanded and atleast five bore holes were constructed and improved or installed (with pumping machines and generators shared) see *table 4.1*, a community centre has been constructed, and a teacher resource centre built in Kakuma. The implication of improved bore holes is that a greater local population has access to improved water supply which will impact on the health levels - reduced morbidity from major water bone diseases and reduced child mortality. Access to these facilities means improved levels of education and individual labour productivity hence more time being put in income-generating activities. This means that the local

population can access the jobs available in the market and with these comes an improved standard of living.

4:5:4 Social Impact, STIs, HIV and AIDS

The presence of large refugee populations inevitably altered social dynamics in Turkana community. Rural residents suddenly had an urban centre in their midst offering opportunities associated with urban centre that have both negative and positive effects. Pastoralists communities moved in from surrounding locations to take advantage of water resources in the camps, and to sell cattle, camel and goats. Some have settled near boreholes (table 4.1 in section 4:4) that UNHCR allocated to them in order to avoid quarrels with refugees. Permanent and free access to water attracted families, who stayed in small *Manyatta*. Relief food is often bartered with the local population. Food exchange has a social impact linking the refugee population and the local people in a relationship of mutual benefit, and preventing antagonism between highly subsidized non-food-producing poor groups and less subsidized food-producing poor groups residing in the same localities.³¹ In Pakistan she³² reports charitable activities by refugees who gave small shares of food relief free of charge to destitute Pakistanis who visited the refugee compounds. The local poor can thus gain from spillover efforts of more than adequate relief supplies.

³¹ Gorman, F. R., (ed.), *Refugee Aid and Development: Theory and Practice*, Greenwood Press 1993, p.33 citing Christensen 1982, P.27

³² Gorman, 1984, p. 57

However, social relations between refugees and hosts also have some negative consequences. The camps are associated with problems such as drunkenness, prostitution, and sexual promiscuity. Crime rates rose sharply, especially for murder, armed robbery and illegal possession of firearms. The elderly Turkana people have perceived a breakdown of the traditional social structure. Marriage for instance is of such great importance in Turkana life and it cannot be compared to any other social or economic event. The profitability of marriage is twofold. Firstly it is the acquisition of labour (a wife and children provide valuable labour to a man), and secondly it is also a very significant extension of the stock-group by inclusion of the in-laws. Marriage is an enormous step ahead, economically and socially, as it leads to the much-desired independence.³³ The high bride price has a stabilizing function as much as marriage is concerned. Adultery is regarded as a crime of the same order as murder. The man who commits adultery has to pay a fine that equals the size of bride price. The recommended animals were forty head of big animals (cows or camels) and hundred small animals (goats or sheep). A herd of this size equals a basic economic support for a small nuclear family. The fact that a small nuclear family can live on that size of a herd indicates the economic value of bride price in Turkana society. A young man has to acquire a great number of animals before he can marry. The young men went as far as cattle raiding so as to raise the other half of bride price given that the father had to provide the other half. Van der Jagt notes that for long time cattle herding has been the sole occupation of the Turkana people and that other modes of existence such as agriculture and fishing have not influenced the Turkanas culture. This trend is though changing for especially those

³³ Van der Jagt K., *Symbolic Structures in Turkana Religion*, Van Gorcum, Netherlands, 1989, p.12

Turkanas who have settled around the refugee camp. The level of cattle raiding where young Turkanas were involved has commendably gone down given the alternative source of income (jobs in the refugee camp). The young generation is raising bride price through income received from employment. The institution of marriage has though been greatly affected in that it is not as stable as it were before the coming of the refugees. The amount received from employment can barely raise the forty head of cattle and one hundred goats. Most young people who have settled around the town have gone in for cohabitation. Lewd tendencies are on the increase given the economic independence for both men and women. The end result is an increase in sexually transmitted infections (that are very expensive to treat and life threatening), increased early pregnancies and single parenthood. In marriage, the wives were able to get animals from their husbands as a source of livelihood, with the available jobs in the camp that women too can access, the men who were formally consulted for approval of all important matters (as heads of the families) are getting sidelined.

In principle every initiated man has equal right. There is however inequality as far as influence over others is concerned. Three factors outlined by Van der Jagt³⁴ determined this inequality in the Turkana community. These are seniority, wealth and charisma. Today with the younger generation becoming independent of their seniors, what was considered a mark of wealth (livestock) does not take an upper hand in their survival.

³⁴ Ibid., p.7

A closer look at the material culture that comprised ornaments, body covers, utensils and containers most of which were made of wood, skins and iron has been replaced by jewelry and clothing, household goods (especially those given by refugee assistance programmes to the refugees) bought from refugee community. What this leaves behind is a disintegrated community where the social norms and values that held them together have been eroded.

Many Kenyans have also established extensive social relations with refugees. They socialize together, visit one another and attend social functions such as weddings and funerals of the other. They compete in soccer and other sports. Some refugee men have even taken Turkana as wives. What clearly came out is that the refugees have a much higher standard of living than that of the local people. In a camp where 66 per cent of Sudanese are men and 72 per cent of Ethiopians are men, some Turkana women are said to take up prostitution out of necessity, whereas it is refugees who are reckoned as sex workers.³⁵ According to national statistics in 1997, Turkana District was the second poorest in Kenya after Marsabit.³⁶ The camp lies on the main truck route between Kenya and the relief programs in South Sudan and there is a large degree of interaction between the refugee and local communities. The camp can be noted for its ethnic diversity both within these major groups and among the smaller populations from countries such as The Democratic Republic of Congo, Ethiopia, Uganda, Rwanda, and Burundi. Approximately 60% refugees in the camp are of reproductive age, and as a result of its unique history, there is a disproportionate demographic representation of unmarried

³⁵ Journal of Refugee Studies, 2000, p.214

³⁶ Nation, 6 September 1997. P. 17

young males who arrived as unaccompanied minors and live largely in group settings. Thus given the cases of AIDS seen in the camp hospital (*table 4.2*), the high degree of interaction between the local and refugee populations and the relative mobility of certain segments of the camp population (such as scholarship students), there is every indication that HIV infection is a potential problem in Kakuma Refugee Camp. Kakuma was previously believed to be a low risk area as the majority of refugees are Sudanese, who traditionally have had lower rates of infection. However, the camp health system is increasingly detecting the presence of the disease. Of all symptomatic individuals attending to IRC health facilities approximately 30% test positive for HIV antibodies (*table 4.2*), although there is currently no systematic procedure for assessing the prevalence of the disease.

Table 4.2
Monthly HIV positive cases among blood donors and symptomatic patients in Kakuma, 2000/2001

| Month | N u m b e r o f c a s e s | | | | |
|------------------|---------------------------|-----------------|-----|-------------------------------|------------------|
| | No. blood donors | Number positive | HIV | HIV/AIDS Symptomatic patients | No. HIV positive |
| Year 2000 | | | | | |
| January | 5 | 0 | | 16 | 6 |
| February | 6 | 0 | | 13 | 8 |
| March | 14 | 0 | | 26 | 7 |
| April | 26 | 0 | | 20 | 5 |
| May | 22 | 1 | | 35 | 10 |
| June | 11 | 0 | | 36 | 12 |
| July | 15 | 0 | | 38 | 12 |
| August | 18 | 0 | | 19 | 4 |
| September | 76 | 1 | | 38 | 12 |
| October | 6 | 0 | | 16 | 3 |
| November | 9 | 1 | | 18 | 8 |
| December | 9 | 0 | | 12 | 1 |
| Year 2001 | | | | | |
| January | 24 | 0 | | 17 | 3 |
| February | 74 | 0 | | 16 | 4 |
| March | 0 | 0 | | 27 | 6 |
| Total | 314 | 3 (1%) | | 347 | 101 (29%) |

Source: IRC Final CDC proposal 2001.

Appreciation and understanding of the factors that contribute to the spread of HIV in Kakuma is essential in order to develop relevant and adequate responses. The adolescents take sexual risks and face exploitation in the absence of traditional socio-cultural constraints. There is also a high degree of interaction between the camp population and the local Turkana community. Refugees from rural and urban areas that have different rates of HIV/AIDS are now being settled in the camp together, thus creating exposure between high and low prevalence populations: This may be a critical factor in the spread of HIV/AIDS in Kakuma camp. The camp lies on the main truck route between Mombasa and the relief operations in Southern Sudan.

For a growing number of women in the camp and local community, the way out of exclusion and deprivation lies in finding a male partner. Therefore women and children may be coerced into having sex as a way of survival - marriage to a local means a female refugee can automatically assume Kenyan citizenship, while less permanent relationships imply at least a level of material support. For IRC as a health agency, such marriages present a potential for HIV spread among vulnerable refugees and host community members.

There is a relatively high STI rate in the camp. STIs and HIV spread fastest where there is poverty, powerlessness and social instability characteristic of Kakuma Refugee Camp. In year 2000 alone, over 2,000 cases of STI (approximately 1 in 20 of the population of reproductive age) were treated. The disintegration of community and family life among the refugees has led to the break up of stable relationships and the disruption of social

norms governing sexual behaviour. In a knowledge, attitudes and behaviour (KAB) survey conducted in 1998, 23% of women and 10% of men reported being treated for an STI since arrival (*table 4.3a,b*). Moreover, STIs especially those that cause genital sores or ulcers, increase ones risk of becoming infected and of passing on HIV (Final CDC Proposal 8'01 to IRC New York). The survey (*table 4.2*) indicated that of the 314 blood donors in the IRC run camp hospital (serves both refugees and host community), 3 (1% of total blood donors) were HIV positive. Between January 2000 and March 2001 of the 347 HIV symptomatic cases, 101(29%) were HIV positive. Sexually transmitted diseases are a growing problem, and the camp hospital reported an increase in the prevalence of HIV/AIDS among the community members (*table 4.2 & 4.3a,b*). A similar research carried out by Whitaker in a refugee camp in western Tanzania too revealed that the local hospitals reported an increase in the prevalence of HIV/AIDS among blood donors. The dual trend of an increase in diseases and a shortage of drugs are unfortunately common in refugee-hosting areas.³⁷ The refugee presence has hence been associated with an influx of diseases that are resistant to conventional drugs and hence increased mortality rate, lose of the youthful generation and orphaned children in a culture that adultery was a criminal offence and surmounted to a high fine. This obviously reduces economic growth of the region.

³⁷ Kibreab, 1985

Table 4.3a (table continues on next page)

| Knowledge, Attitudes and Behavior: Sexually Transmitted Infections, including HIV/ AIDS, Kakuma Refugee Camp, 1998 | | | | |
|--|-------|-------|-----|-------|
| | Women | | Men | |
| | No. | % | No. | % |
| Have heard of AIDS | 581 | 85.7% | 583 | 96.5% |
| Believe that AIDS can be transmitted by: | | | | |
| Mosquitoes | 227 | 36.1% | 213 | 35.4% |
| Sex | 574 | 83.8% | 592 | 97.9% |
| Blood transfusion | 529 | 80.2% | 579 | 96.3% |
| Hugging a person with AIDS | 155 | 25.4% | 67 | 11.2% |
| Injections/ sharing needles | 513 | 78.7% | 582 | 96.2% |
| Scarification or tattooing | 429 | 67.5% | 544 | 90.4% |
| Believe that AIDS can be transmitted from mother to baby during pregnancy | 561 | 83.5% | 523 | 86.4% |
| Fear that they can get AIDS | 403 | 60.5% | 302 | 50.2% |
| Spontaneously cited means of avoiding AIDS: | | | | |
| Not having sex | 305 | 49.8% | 450 | 74.4% |
| Staying with one partner | 424 | 69.3% | 328 | 54.2% |
| Using condoms | 130 | 21.2% | 341 | 56.4% |
| Not sharing razors or needles | 229 | 37.4% | 217 | 35.9% |
| Choosing sex partners who look healthy | 114 | 18.6% | 77 | 12.7% |
| Avoiding commercial sex workers | N/A | | 32 | 5.3% |
| Know of no means of avoiding AIDS | 68 | 10% | | |
| Know someone who has visited CSW (in last month) | | | 116 | 19.5% |
| Spontaneously cited signs of sexual infection in a man: | | | | |
| Urinary burning | | | 350 | 57.9% |
| Urethral discharge | | | 372 | 61.5% |
| Genital sore/ ulcer | | | 106 | 17.5% |
| Spontaneously cited signs of sexual infection in a woman: | | | | |
| Vaginal Discharge | | | | |
| Dysuria | 244 | 48.7% | | |
| Abdominal/Back Pain | 215 | 42.9% | | |
| Genital Sore/Ulcer | 255 | 50.9% | | |
| | 73 | 14.6% | | |
| Report being treated for sexual infection (since arrival in camp) | 157 | 23.3% | 57 | 9.5% |
| Know what a condom is | 308 | 46.2% | 497 | 82.8% |
| Spontaneously cited source of condoms: | | | | |
| Camp health facility | 254 | 37.1% | 409 | 67.6% |
| Community health worker/ RH worker | 58 | 8.5% | 330 | 54.5% |
| Other | | | | |

| | | | | |
|---|-----|-------|-----|-------|
| Do not know any source of condoms | 330 | 49.2% | 98 | 16.3% |
| Have ever used a condom | 54 | 8% | 150 | 24.8% |
| Used a condom, last act of sexual intercourse | 33 | 49% | 85 | 14.7% |
| | 33 | 4.9% | 85 | 14.7% |

Source: IRC Reproductive Health KAB Survey, Kakuma, 1998

Table 4.3b

| Knowledge, Attitudes and Behavior Regarding Sexually Transmitted Infections, including HIV/ AIDS, by Selected Socio-demographic Characteristics, Kakuma Refugee Camp, 1998 | | | | | | |
|---|---|---------|-------------------------|---------|------------------|--------|
| | Know condoms as method of preventing AIDS | | Knows source of condoms | | Ever used condom | |
| | Women | Men | Women | Men | Women | Men |
| Age | | | | | | |
| 15-19 | 14 15% | 127 81% | 39 43% | 127 81% | 2 2% | 25 16% |
| 20-29 | 67 22% | 218 88% | 165 53% | 218 88% | 30 10% | 63 26% |
| 30-44 | 48 19% | 129 86% | 133 53% | 129 86% | 21 8% | 54 36% |
| 45-59 | | 31 66% | | 31 66% | | 7 15% |
| Nationality / Ethnicity | | | | | | |
| Sudanese | | | | | | |
| Dinka | 28 10% | 165 49% | 101 34% | 268 80% | 11 4% | 54 16% |
| Nuer | 1 20% | 22 40% | 2 40% | 54 98% | 0 0% | 12 22% |
| Other | 14 16% | 25 66% | 49 57% | 33 87% | 1 1% | 9 24% |
| Somali- | | | | | | |
| Bantu, Barawa, Bajuni | 30 21% | 40 75% | 91 64% | 45 85% | 4 3% | 23 43% |
| Other | 48 38% | 60 68% | 81 63% | 73 83% | 28 22% | 32 37% |
| Ethiopian | 3 38% | 27 87% | 8 100% | 28 94% | 6 67% | 18 58% |
| Turkana | 30 20% | 55 10% | 9 10% | 30 50% | 5 4% | 15 25% |
| Education | | | | | | |
| None | 32 0% | 27 42% | 122 39% | 36 56% | 8 3% | 8 13% |
| Some primary | 18 17% | 29 59% | 54 52% | 40 82% | 1 1% | 8 16% |
| Upper primary | 38 26% | 156 50% | 93 64% | 259 83% | 19 13% | 61 20% |
| More than primary | 41 46% | 129 72% | 70 78% | 170 95% | 26 29% | 73 41% |
| Duration in Camp | | | | | | |
| 0-6 months | 14 25% | 12 55% | 25 45% | 19 86% | 6 11% | 6 27% |
| 7-12 months | 18 15% | 40 78% | 62 51% | 43 84% | 0 0% | 22 43% |
| 1-3 years | 62 29% | 77 56% | 115 54% | 109 79% | 31 15% | 37 27% |
| More than 3 years | 32 12% | 211 54% | 99 36% | 332 85% | 16 5% | 85 22% |

Source: IRC Reproductive Health KAB Survey, Kakuma, 1998

In the health sector however the IRC hospital has always extended its services to the host community (table 4.2). In the year 2001 about 850 children from the Nadapal,

Napepongoit and Letea benefited from community outreach immunization activity organized by IRC. In year 2000-2002, UNHCR spent US \$ 5,288 in support of Kakuma mission and Lodwar district hospitals.

4.5.5 Conflict Resolution and Peace Building

Conflict theories emphasize the dominance of some social groups by others, see social order as based on manipulation and control by dominant groups, and see social change as occurring rapidly and in a disorderly fashion as subordinate groups overthrow dominant groups. Every society at every point is subject to the processes of change and many societal elements contribute to disintegration and change. Whenever there is contact between two or more groups the prior integration serves as a basis for a conflict. Conflict theory sees whatever order there is in society as stemming from the coercion of some members by those at the top.

The conservative function of conflict is that it too leads to change and development.

Dahrendorf argued that once conflict groups emerge, they engage in actions that lead to changes in social structure. When the conflict is intense, the changes that occur are radical. When it is accompanied by violence, structural change will be sudden. Coser (a social scientist) argued that conflict might serve to solidify a loosely structured group and can also serve a communication function.

Turner developed a nine-stage process leading to overt conflict as summed below. The social system is composed of a number of interdependent units; there is an unequal distribution of scarce and valued resources among them; those that are not receiving a

proportionate share of the resources begin to question the legitimacy of the system. (Turner noted that this questioning is most likely to take place when people feel their aspirations for upward mobility are blocked, when there are insufficient channels for redressing grievances, and when people are deprived of rewards in a variety of sectors). Deprived people become aware that it is in their interest to alter the system of resource allocation. Those who are deprived become emotionally aroused. There are periodic, albeit often disorganized outbursts of frustration. Those involved in the conflict grow increasingly intense about it and more emotionally involved in it. Increased efforts are made to organize the deprived groups involved in the conflict. Finally, open conflict of varying degrees of violence breaks out between the deprived and the privileged. The degree of violence is affected by such things as the ability of the conflicting parties to define their true interests and the degree to which the system has mechanisms for handling, regularizing and controlling conflict.

Economic inequalities, social injustice, absence of democratic participation, violation of human rights, conflicting State interests in a given region or country, which have accumulated over years or even decades are at the root of the problem notably ethnic conflicts. It is such global view of the deep origin of conflicts, which is at the basis of the refugee movement in Africa.

Discussions about the refugee problem in The Great Lakes or The Horn of Africa- or any other region must eventually come round to the question of conflicts, which are the major cause of the refugee problem in this region. Refugees by and large attain that status because they are running away from internal situations that have become intolerable, and

hospitals and other institutions of the camp. From the above analysis there is a clear indication too that a relationship of interdependence exists between the two groups. Karl Deutsch talks of positive and negative interdependence. He posits that if a rewarding change is experienced in country (community) A, followed by a rewarding change in country (community) B, then that is a positive interdependence. If interdependent changes that are good for A are bad for B, and vice versa, then we speak of negative interdependence. Strong positive interdependence tends to support solidarity, strong negative interdependence tends to promote conflict; and weak interdependence tends to make but little difference either way. Transportation means, trade, businesses and finance, different modes of communication, recreational facilities, movements of students and teachers within the camp and nationally and fashions in clothes, music and lifestyles in the camp have all been resources of interdependence between the two groups.

Though joint leaders' meetings are held between the refugees and host community on a monthly basis, conflicts still existed. The causes of conflicts that were cited are, limited staff to focus on peace initiatives in host community, limited funds to conduct community workshop on peace education and the fact that the refugees live in affluence while the hosts are neglected and having their natural resources depleted without much compensation. Shortfall in the budget requirements compel the refugees to collect firewood from the bush, thus, they are exposed to various forms of violence, including hostilities with the host community.

In conclusion, the sudden presence of refugees and relief resources changed social and economic opportunities for host communities in both positive and negative ways. The

distribution of burdens and benefits is not uniform throughout Kakuma. The refugee presence created the opportunity for some but not all hosts did benefit; others actually became worse off. Word from the hosts is that the concern organizations should organize sports competitions, workshops on peace, encourage regular deliberations and equity in services delivery among the refugees and host community thereby promoting peaceful co-existence.

I. F. R. A.
P. O. Box 58480
Nairobi Kenya

4.6 ANALYSIS OF THE HYPOTHESIS OF STUDY

A **hypothesis** is an idea that is suggested as a possible way of examining a situation, or proving an idea. The two under listed were the working hypotheses for my study.

- The refugee community has greatly influenced the host community's way of life.
- The refugees' presence in Kakuma has no impact whatsoever on the host community.

In assessing the validity of the two working hypotheses, my study finding realized that it has not been misery for all the residents following the arrival of the refugees in the area. For some it has been a blessing in disguise. The first beneficiaries being businessmen who cashed in by hiking rents. The sudden presence of refugees and relief resources changed social and economic opportunities for the host community in both positive and negative ways. On the positive side it has stimulated trade, created new jobs and attracted humanitarian aid and negative because refugees have depleted the forests and the scarce water resources, there has been an increase in STIs/AIDS infections with the decrease in cultural values. They are responsible for the wear and tear on the road between Kitale and

Kakuma because of the heavy transport vehicles ferrying relief supplies to the camp; they have promoted the banditry and accelerated the levels of dependency of the local community on humanitarian aid. The prices of commodities have also shot up with time affecting the local populace who cannot afford to buy them at the new prices.

Most of the area residents who protested the arrival of the refugees were hostile but on asking their views about the refugees being repatriated back to their homes or being relocated, 50 per cent were reluctant to let them go. This is an indication that the host community does appreciate the fact that the refugee presence has had a positive impact in their livelihoods. For instance, it is clear that the refugees have helped step up the little known town of Kakuma to world fame. Various personalities have paid a visit to it such as the Japanese government official in mid 2001.

In conclusion of this section, the findings of my study revealed the facts that are listed above which are testimonies that the presence of refugees in Kakuma has greatly influenced the way of life of the hosting community, which is an indication that my second hypothesis is invalid.

4:7 ANALYSIS OF THE THEORY OF SOCIAL CHANGE AND ITS CONFORMITY TO THE STUDY FINDINGS

Observations regarding the impact reveal a narrow gap between theory and practice. Early on in chapter one of this work I clearly mentioned that the emergence of change in a society can be analyzed both qualitatively and quantitatively and that the major patterns of social change fall under two categories: cultural and societal forms. In cultural forms,

of particular importance are evolution, diffusion, and acculturation and revolution, modernization, industrialization, urbanization and bureaucratization among the societal forms. My study only employed what the evolutionary, diffusion, acculturation and revolutionary change theorists posit.

The *evolutionary* change theorists focus on culture and technology to show how evolutionary changes take place in society. They demonstrate that the major source of change is a shift in a society's basic means of subsistence-for instance, from agricultural to industrial. Given that each subsistence level is more productive than its predecessor, the result is a greater economic surplus through which larger populations, more affluent, greater cultural diversity, the emergence of new statuses and roles, faster economic development, and an ever increasing complexity and efficiency is made possible. My study findings revealed "evolution" as a process of increasing differentiation and complexity of organization which endows the organism, community, or whatever the unit in question may be, with greater capacity to adapt to its environment than were its less complex ancestors.

The study also revealed that social change was the result of contact and diffusion among societies given that the Turkana way of life has greatly been altered since their first contact with the refugees in 1992. Meaning in my case therefore that values and norms of the refugees could have been diffused to and adopted by the host community.

My findings are in agreement with Kroeber's words, a U.S. anthropologist of the mid-1940s,³⁹ "whatever else diffusion does or does not involve, it does always involve change for the receiving culture. The total part played by diffusion in human culture is almost incredibly great." Murdock⁴⁰ estimated that about 90 percent of every culture known to history have acquired its elements from other peoples. Anthropologists have estimated that in world history about 4,000 different human societies have existed in which there has been a considerable amount of borrowing amongst them. Though in my study I had considered Diffusion in relation to the receiving culture I acknowledge that it is not always a one-way process, it can be reciprocal as well.

I. F. A. ...
P. O. Box 58480
Nairobi Kenya

Through acculturation there has been the taking on material and non-material attributes of the refugees by the local community as a result of prolonged face-to-face contact. This has been exacerbated by the migration, trade, technical exchange, and spread of institutions for the exchange of ideas into and out of Kakuma. Though acculturation usually brings about greater similarities between two or even more cultures, in my case there were not many such similarities noted. However ranging from language use, frequency of sexual partners and condom use among the adults, delinquency among the adolescents and living arrangements were an indication of such similarities between the two groups. My study revealed that acculturation started with the arrival of the refugees, aid workers, donors and administrators. The result is the disorganization of the ecological, economic, and political bases of traditional tribal life.

³⁹ Kroeber's words, a U.S. anthropologist of the mid-1940s as cited by Vago, S., *Social Change*, 3rd edn, Prentice Hall, New Jersey, 1996, p.77

And lastly, acculturation as a form of change was regulated by various degrees of convergence among the over 20 (twenty) cultures in Kakuma refugee camp and its surroundings. It is not always disruptive and painful only that it is faster than other forms of change but it may be well upsetting than gradual change.

My study, however, did not find what the revolutionary change theorists posit to be of any validity in relation to the impact of the refugees on the host community but was found to be responsible for the refugee problem in Africa. This is because *revolution* is a fundamental, rapid, and violent change in political organization, power relationships, stratification, economic property control, and the predominant myth of a social order within a society. The radical form of social change that entails forcible transfer of political power from one group of contenders to another in a society was not reported by the host community but was reported as the cause of refugee movement by especially the refugees. Revolutions are responsible to some extent for the high price of wars, severe economic dislocations, internal strifes that have resulted in deaths of millions of people and even refugee outflows.

⁴⁰ Murdock (1934) as cited by Vago op. cit. P.78

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5:1 INTRODUCTION

The study examined and analyzed the impact of refugees on the host communities. It gave particular emphasis on the Kakuma Refugee Camp between 1992 – 2002. The main concern of the study was to explore how the refugees inclusive of the refugee agencies' interventions impact either negatively or positively on the host community. However, it narrated extensively the refugee problem in Sub – Saharan Africa: its causes, consequences, internationalism and management.

This chapter draws conclusions based on findings of the study, assessed within the theoretical approaches of social change. The conclusions reached can be generalized to explain refugee impact in other regions in Africa or the world. It will give comments concerning refugee and host management issues that have to be taken into consideration by the UN, Host governments and NGOs.

5:1 STUDY FINDINGS CONCLUSION

The study found out that in defining the links between refugee flow and their impact on receiving communities, the proposition is that government repression or persecution, domestic conflicts, or regional wars generate refugees. Most existing studies on refugees have focused on the "one-way" approach to explain when and why conflicts produce refugees, not vice versa. Refugee problems, however, are not only consequences of

conflicts or wars, but increasingly are causal factor sometimes even the primary cause of conflicts as in the case of Kakuma refugee camp. Refugee flow sometimes-incorporate guerrilla fighters who exploit sanctuaries as strategic sites from which to launch attacks on their government. Noncombatant refugees may also become "unwitting agents" as well as passive victims of conflicts. The refugee problem is no longer a matter of simple humanitarian tragedy. Their presence has become a real or potential threat to the host's internal stability, global security, and the emerging new world order, thus repeating a vicious cycle: massive flow of refugees fleeing political persecution or wars increase tensions and escalate conflicts in the regions they settle, and in turn contribute to new causes of flight. A perfect example is the conflict of the year 2000 and 2001 that claimed lives of both refugees and locals and those that engulfed the camp in mid 2003 when this research was conducted. This claimed at least 12 lives 2 of which were locals.

At least three effects were observed in the study when it comes to refugee movements and settlements. First, the impact of refugees on communal conflicts within the country of asylum is significant. Refugees increased the rate that land and resources are being used in Kakuma, and this frequently generates tensions between the newcomers and native populations of the area where they are concentrated. As the percentage of refugees (about two times more) in relation to the total population of a host community, both refugees and natives are propelled together under conditions of greater competition for scarce goods, land, resources, and jobs. Refugees also increased demands for economic assistance and social services from the host government and local peoples. If their needs must be met by domestic resources rather than international funds given the current donor

fatigue, resentment on the part of the receiving government and population that must bear the costs will be heightened. Regardless of whether refugees are related to the host's population or not, a sudden, massive influx of refugee populations causes destabilizing factors in the country of asylum, which often precipitate social and political instability and strong pressures on the host government to repatriate refugees or restrict their inflow. In addition, the extended sojourn of displaced communities has attracted not only humanitarian attention and the need to acquire relief resources, but has challenged the security of host countries and even whole regions.

Second, refugee flows can cause conflicts amongst countries of origin and asylum. At times refugees are considered an instrumental vehicle with which the powerful countries can attain their foreign-policy objectives. When refugees flee from a neighboring country that does not establish amicable relations with the receiving state, refugees can be well received since the host government perceives them as a lever with which to pursue its national interests against the rival country. The receiving country thus forms alliances with refugee groups and supports their attempt to transform the political situation in their country of origin. A host government also welcomes kindred refugees from the neighboring country because these refugees can serve as allies. Yet, most governments are reluctant to host refugees because they usually do not wish to complicate their relations with the refugees' home country. As a consequence, some host governments have closed their borders to unwanted refugees, have judged asylum-seekers as illegal immigrants, and have attempted forcible repatriation. Refugee movements carry the spillover effects, often raising political and military tensions between the recipient

country and the neighboring country of origin. There is the risk that the host will become involved in the conflict between refugees and their government, particularly if refugees represent a political or communal minority group in their origin country. Even when refugee populations consist solely of noncombatants who are uninterested in political or militant action, there is a risk that their presence along the border will raise tensions between host and source countries.

The study found out that the host governments' responses to refugee flow from other countries are greatly affected by the relations between origin and asylum countries. If there is tradition of hostility between the two countries, tensions over refugee flow may lead to more intensified conflicts, as the presence of refugees becomes long-term or a permanent resettlement. If the countries have shared a cooperative history, the host government, not wishing to upset its ally, is likely to use force against refugees, either by forcible relocation within the host country, or border controls to keep most or all of them out. However, irresponsible fighters in the host country can target refugees and their country of origin as scapegoats for popular discontent. The result can be a militant nationalism that destroys the cooperative relationship that once existed between neighboring countries.

Third, the study found out that the refugee influx contributes to demographic and ecological strains and economic dislocation. Given the degree of global environmental damage, the refugee contribution to environmental degradation may be minimal. But no matter where refugees flee, sudden and unexpected increases in population can cause the

disruption of the delicate ecological balance of their new region. Such environmental disruption has generated economic and social strains in Kakuma and caused havoc in the area. In the case of Kakuma – Kenya, a sharp increase in population densities in refugee site has placed tremendous burdens on the physical environment which must already contend with the natural population increase. Combined with the large refugee presence, prolonged refugee population increase, the environmental impact of the large refugee presence is great. Although the ultimate causes of environmental deterioration in this area are similar to those existing in normal communities of high population densities, the effects are more startling. This is because the refugee camp was built in an environmentally fragile area. In fact, the majority of refugees today are living in the world's poorest countries. Under normal circumstances, people can choose where to move in search of more environmentally sound areas of resettlement. In the case of refugees, however, such choices of movement are not usually available. Often they are too busy and desperate fleeing for their very survival to enjoy options. In addition, refugees indiscriminately utilize limited resources in the receiving community as they have few incentives to preserve the regions that do not belong to them. In sum, large concentrations of refugee population in fragile environments lead refugees to utilize the meagre resources available in the regions close to their camps and resettlement zones, a process that accelerates environmental degradation. This in turn poses additional hardships on poor local host populations competing for scarce natural resources and possibly forces them to migrate to other areas. Ironically, it is important for UNHCR and the government of Kenya to know that the search for solutions to environmental degradation, which produces environmental degradation, which produces refugees in one

country, can generate other refugee-producing environmental changes in a receiving nation.

Given what was before the coming of the refugees and what is today; it is in order to conclude that food aid and cheap refugee labour, together with refugee trading, and artisan activities have stimulated economic development. New and improved Kitale-Lodwar –Kakuma-Lokichokio road, Kakuma and Lokichokio Airstrips, better access to markets and goods have raised the economic activity to a new level. The Somali refugee who are better-off with contacts with fellow Kenyan Somalis in Eastleigh-Nairobi have developed boutiques in the camp selling perfume, jewelry, clothing and footwear have benefited the local minibus (Matatu) and hand cart (Mkokoteni) owners.

In conclusion therefore, it has not been misery for all the residents following the arrival of the refugees in the area. For some it has been a blessing in disguise. The first beneficiaries being businessmen who made profit by hiking rents. The sudden presence of refugees and relief resources changed social and economic opportunities for the host community in both positive and negative ways. On the positive side it has stimulated trade, created new jobs and attracted humanitarian aid. Negative effects because refugees have depleted the forests and the scarce water resources, there has been an increase in STIs/AIDS infections with the decrease in cultural values. They are responsible for the wear and tear on the road between Kitale and Kakuma because of the heavy transport vehicles ferrying relief supplies to the camp; they have promoted the banditry and accelerated the levels of dependency of the local community on humanitarian aid. The

prices of commodities have also shot up with time affecting the local populace who cannot afford to buy them at the new prices.

Most of the area residents who protested the arrival of the refugees were hostile but on asking their views about the refugees being repatriated back to the homes or being relocated 50 per cent were reluctant to let them go. This is an indication that the host community does appreciate the fact that the refugee presence has had a positive impact in their livelihoods. For instance, it is clear that the refugees have helped step up the little known town of Kakuma to world fame. Various personalities have paid a visit to it such as the Japanese government official in mid 2001.

5:2 RECOMMENDATIONS

To the Government of Kenya

The government of Kenya too has to put mechanisms in place to ensure that the local community takes advantage of the facilities availed to the refugees for the areas' social economic development. It is sad to note that though schools increased with the influx of the refugees – the number of local children enrolled in standard one by end of year 2002 had decreased to only less than 10 per cent of the overall standard enrollment. The reasons behind it being that most of them had resorted to child labour (UNHCR is aware of this and a psychosocial programme by LWF has been started that extends its services to the host community to address the issue) in the camps. With the finalization of the refugee Act the government would have provided a legal framework on how to manage the refugees with set structures right from the national level to camp. The Kenyan

government should take a strong stance against the criminal offences by the refugees. This can be through instituting mechanisms to ensure broad-based legal protection for the local community that include Increase in the security personnel in the camp.

To UNHCR and Other Refugee Aid Agencies

Both refugees and host community members wish for a peaceful co-existence. For this to effectively happen, international agencies operating in Kakuma should create and implement strategies for incorporating the local community in the existing education, skills-building, medical and psychosocial projects in the refugee camp. They should research and introduce projects that address the concerns of the local community, particularly sexual and natural resources exploitation. So to designate a better part of their yearly spending towards projects that will nurture peaceful co-existence amongst the two groups. This should start from a participatory needs assessment where the two groups are involved right from identification of their needs, prioritizing them, planning, implementation and even evaluation of such a programme. Most importantly, the refugee agencies should raise funds aimed at offering services that are at par with those that are directed to the refugees since this imbalance was cited as the main cause of the rifts between the two groups. The deprivations, needs, and capabilities of the weaker hosts as well as those of the refugees deserve to be taken into account otherwise majority hosts are more vulnerable and will continue being hurt while refugees are helped. So deliberate action to include them in relief programs, services and development can only minimize this. The ILO and all the refugee agencies should intervene in the camp to advocate for the rights of the child. That is, facilitating developmental initiatives that will allow both

I. F. R. A.
P. O. Box 58480
Nairobi Kenya

refugees and the poorer hosts to engage in economically productive activities that will help them afford better livelihood.

It is important for the UN to note that in the provision of services, the local population is as poor and as much in need of assistance as the refugees. Otherwise conflicts between refugees and locals over natural resources is common. It happened in the United States, where more marginal and less successful local fishermen were hostile to Vietnamese refugee immigrants over alleged over-fishing.¹ Competition for scarce natural resources appears to give rise to more open conflict than competition for work or effects on the wages of the poor. Two main reasons are responsible for this. First the act of exploiting scarce resources is visible and tangible: people are there physically taking something, collecting firewood for fuel, water from the dry riverbed commonly known as *lagga* and soil for making bricks for the construction of their houses. Secondly, whereas competition for work and wages hurts the poor youthful hosts but helps the rich and less poor hosts, thus dividing their interests, competition for resources hurts most or all of them and serves to unite them. Since all or almost all hosts lose, it is not surprising to find that the Turkanas around Kakuma are showing hostility to the exploitation of resources by refugees.

To the Donor Community

The donor community should re-examine its commitment to addressing the needs and concerns of refugees and the hosting community by recognizing that discriminative

¹ Starr 1981 as cited by Gorman 1993, p. 36

justice is a major cause of conflict. It should acknowledge the major impact of the refugees on the hosting community and come up with initiatives to reduce prevalence of violence. The services accessible to the refugees should be instituted to the host communities given the pressure the refugees are putting on the community's natural resources.

To the Refugees

Energy supply seems to be the most serious environmental issue associated with refugee camps. Refugees should consider using alternative cost-effective energy efficient cooking devices. The available cooking kit and solar cooking technology from Solar International if utilized will be useful in reducing their firewood needs that have at times been cited as a source of conflict between the two communities. The refugee families should use energy saving practices. These include gentle simmering, pre-soaking of hard foods, use of lids, prompt extinguishing of fire and families should bulk cook their food.

To the Local Community

In view of that it must be recognised that refugees cause both negative and positive effects on host nations and communities. The local Turkana community should be assisted to raise their standards of living by the International community as a sign of appreciation for their hospitality and the cause of rivalry that impacts negatively on the development of the local community would have been eliminated. The community too needs to maximize opportunities in the camp especially in basic education, skills development and business establishment.

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APPENDIX I
QUESTIONNAIRE

Category 1 (Head of Agencies)

Name of Respondent:.....

Age:.....

Sex:

Name of Organization:.....

Number of years worked in Organization:.....

Duties/Career:.....

1) How long has your Organization operated in this Camp?.....

2) What are its objectives?

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

3) What specific services does your Organization offer to the refugee community?

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

4) Do these services have any effects on the host community? Yes No

a) If Yes, which ones?.....

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

5) Do you extend these services to the host community? Yes No

a) If Yes, in which ways and of what quantities?.....

b) If No, why?.....

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

6) What are your views about the refugee-host relationships?

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

7) Does your organization have any collaborative relationship with the government of Kenya?

Yes No

If yes, how?

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

If no, why?

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

8) What are your views on Kenya's Refugee Encampment policy?

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

9) Do you have any other information you wish to share with me on the impact of refugees on the host community.

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

Category 2 (Turkana community members)

Name of Respondent:.....

Age:.....Between 10-20 20-30 30-40 40+

Sex:.....

Occupation:.....

Level of Education:.....

1) Year settled in Kakuma:.....

2) Have you moved from place to place recently? Yes No

a) If yes, for what reason/purpose.....
.....
.....
.....
.....

b) If no, what were the difficulties/constraints?.....
.....
.....
.....
.....

3) Are there notable changes in your lifestyle since the coming of the refugees?
Yes No

a) If yes, which ones?.....
.....
.....
.....
.....

4) What can you comment about the social amenities (schools, hospitals, water, markets) now as compared to before the year 1992 (coming of the refugees).....
.....
.....
.....
.....

5) Is the current transport and communication network of any importance to you and your community?
Yes No

a) If yes, how important is it?.....
.....
.....
.....
.....

b) If no, why?.....
.....
.....
.....

6) What can you comment about the prizes of goods in the market now and then (before coming of the refugees in year 1992)?.....
.....
.....
.....
.....

7) Would you prefer that the refugees were sent back to their countries of origin?
a) If yes, for what reasons?.....
.....
.....

b) If no, for what reasons?.....
.....
.....

8) What is your view about the host- refugee relationships?.....
.....
.....

9) Do you have any other comments on the effects of the refugees on your community.....
.....
.....
.....
.....

Category 3 (Government workers in Kakuma)

Name of Respondent:.....

Age:.....

Sex:.....

No of years worked in Kakuma:.....

Present Duties/Career:.....

1) What services do you offer to the refugee community?.....
.....
.....
.....

2) Do you receive complains from the refugees/host? If yes, which ones?
.....
.....
.....

3) Do you receive any form of assistance from the refugee aid agencies operating in the camp? Yes No
If yes, which one and of what quantities and what intervals in the last three years?.....
.....
.....
.....
.....

4) What are your views about the refugee-host relationships?.....
.....
.....
.....

5) What is the Government position on these refugees?
a) If an asset, how?.....
.....
.....
.....
.....

b) If a burden, why?.....

6) Does Kenya have a Policy Paper on refugees? Yes No
a) If yes, what are its main concern?.....

b) If no, why?.....

7) What is the relationship between Kenya and the countries of origin of the refugees?.....

8) Do you have any other comments on the impact of refugees on the host community that you wish to share.....

Category 4 (Refugee Members)

Name of Respondent:.....

Age:.....

Sex:.....

Level of Education: Primary Secondary College

Occupation:.....

Year of arrival in this area.....

1) What is your country of origin?.....

2) Reasons that forced you to come to Kakuma-Kenya.

- a) War
- b) Natural disaster
- c) Education
- d) Others, Specify

3) Why did you choose Kakuma Camp amongst others?

- (a) Near (b) Acceptance (c) Others Specify

4) Are you satisfied with the living standard in the camp? Yes No

If No, explain.....
.....
.....
.....
.....

5) What do you think is the feeling of the host community towards refugees?

(a) Friendly/Mutual, why do you think so?.....
.....
.....
.....
.....

(b) Unfriendly/hostile, why do you think so?.....
.....
.....
.....

APPENDIX II

LIST OF RESPONDENTS

| <u>Name</u> | <u>Designation/Position</u> | <u>Date interviewed</u> |
|------------------|---|-------------------------|
| Mr. Odulo | Centre for Ref. Studies, Moi University | 13/03/03 |
| Robert Kikwao | Min. Of Home Affairs- Refugee Secretariat | 16/06/03 |
| Emmanuel Nyabera | UNHCR- Branch Office-Info. Officer | 19/06/03 |
| Tarus Kiplagat | District Officer- Kakuma Division | 23/06/03 |
| Graham Davison | LWF- Camp Manager | 23/06/03 |
| Hatibu Ibrahim | IRC- Prog. Co-ordinator | 23/06/03 |
| Echwa Elim | GTZ- Administrator | 24/06/03 |
| Peter Ndugutu | WVK- Management | 24/06/03 |
| Fr. Joseph Prabu | Don Bosco- Director | 24/06/03 |
| Lucy Nganga | NCKK- Field Officer (Nurse) | 24/06/03 |
| Joseph Kiai | GTZ- Afforestation & Energy Conserv. Off. | 24/06/03 |
| Kaneriga Engomo | Turkana Project Officer | 25/06/03 |
| Gillian Kiplagat | LWF-Social Worker | 24/06/03 |
| Romanos Onyango | LWF-Transport Officer | 24/06/03 |
| George Chemkang | LWF- Youth Development Officer | 24/06/03 |
| Maurice Onyango | LWF- Peace & Conflict Resolution Officer | 24/06/03 |
| Evangeline Kamau | LWF- Community Service Coordinator | 24/06/03 |
| Bior Ajang | Sudan Community – Watchman | 23/06/03 |
| James A. Darius | Sudan Community Leader | 23/06/03 |
| Bolis Yacob | Sudanese Student | 23/06/03 |
| Didier Okende | DRC – Community Leader | 23/06/03 |
| James Miaker | Sudanese Youth Leader | 23/06/03 |
| Desalegn Adamu | Ethiopian Community Leader | 23/06/03 |
| Francis Namuya | Turkana Community Leader | 23/06/03 |
| Ekoropus John | Chief- Turkana Community | 24/06/04 |
| Cosmas Esuguru | Ass. Chief – Turkana Community | 24/06/03 |
| Mary Aikai | House wife – Turkana Community | 25/06/03 |

| | | |
|-----------------|--------------------------------|----------|
| Albert Lotum | Herdsman- Turkana Community | 24/06/03 |
| Lowaya Kamaka | House wife- Turkana Community | 25/06/03 |
| Ebony J. Ewesit | Social Worker- Komudei Program | 25/06/03 |
| James Long'oor | Herds Man – Turkana Community | 25/06/03 |
| Florence Achan | Ugandan Community Leader | 24/06/03 |

I. F. R. -
P. O. Box 58480
Nairobi Kenya