

## The Dilemma of Hosting Refugees: A Focus on the Insecurity in North-Eastern Kenya

Peter Kirui and Dr. John Mwaruvie

Senior Lecturer and Dean, School of Education and Social Sciences

Karatina University College

P. O. Box 1957, Karatina, Kenya.

### Abstract

*Physical security is paramount if any country is to progress both politically and economically. This article examines the problem of physical insecurity in Dadaab refugee camps in Northeastern Kenya in the last two decades (1991-2011). The three camps of Ifo, Dagahaley and Hagadera accommodated an approximate of 300,000 refugees as of July 2009, a number that far exceeds its capacity of 90,000 refugees. The recent influx of economic refugees fleeing from famine and Al shabaab stricken Somalia has further pushed the number to 470,000 refugees as of January 2012. These camps have had several cases of reported and unreported violence since its inception in 1991. As of July 2009, Dadaab refugee camp has remained the largest in the world. These camps are dominated by Somali refugees who depend on livestock keeping for their livelihood. Despite the Government of Kenya (GoK) and the United Nations High Commissioner for Refugees (UNHCR's) effort to promote security in and around Dadaab refugee camps, the problem seem to be deeply rooted hence calling for attention from the government, the academia and the general public concerned with peaceful coexistence in society. It is argued that refugee settlement impacts on physical security not only in and around the camps, but even nationally and internationally. It reveals that the security dynamics in a refugee settlement are complex because of the spillover effects from refugees' home countries and the varied interests of both UNHCR, as a refugee agency, and host government as a law enforcement agency. It reveals that refugees and the host community often conflict over resources, systems of governance and other varied interests. Citing examples across the world, it argues that refugee-hosting countries have always found themselves in the dilemma of hosting refugees as a humanitarian gesture and that of endangering their national security due to refugee security dynamics. Relating to Kenya's case that hosts the largest refugee camp in the world, it argues that this poses a serious national security to Kenya. Given the proximity of the porous Kenya-Somalia border, the similar features of Somalis of Kenya and those of Somalia (which makes it difficult to differentiate them), it is indeed difficult to monitor and screen the influx of refugees into Dadaab refugee camp. This poses a major security threat to the host community. The Kenya's military incursion into Somalia in pursuit of Al shaabab could have been greatly contributed by these refugee security dynamics-some combatants posing as refugees threatening the national security of host countries.*

### Introduction

Kenya has been home to thousands of refugees from neighbouring countries like Uganda during the dictatorial rule of Idd Amin. Southern Sudan and Somalia among others. However, the Dadaab refugee camps introduced in 1991 to host Somali refugees fleeing the clashes and subsequent civil wars after the ouster of Siad Barre in January 1991 have posed more security concern to Kenya. Until 2009, majority of Kenyans had not heard of Dadaab and hardly knew of its geographical location in the Kenyan map. Surprisingly, Kenya has been hosting the World's largest refugee camp-Dadaab refugee camp! Indeed, the Kenyan government has been in dilemma of a genuine humanitarian concern for the refugees and the need to control its borders as a security matter. The persistent insecurity in Dadaab refugee camps has put pressure on the Kenya government on the need to obey the international law by continually hosting refugees and that of protecting its national interests as regarding its national security.

**Key Words:** AU-African Union, CCR-Canadian Council for Refugees, GDDP-Garissa District Development Plan, GDSC-Garissa District Security Committee, GoK-Government of Kenya, IISS-International Institute for Strategic Studies, KDF-Kenya Defense Forces, NGO's-Non Governmental Organizations, OAU-Organization of African Unity, SALW-Small Arms and Light Weapons, UN-United Nations, UNHCR-United Nations High Commissioner for Refugee, UNIDIR-United Nations Institute for Disarmament Research, USA-United States of America

## **Definition of Refugee**

According to the 1951 United Nations Convention Relating to the Status of Refugee:

A refugee is any person 'who, owing to a well founded fear of being persecuted for reason of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or owing to such fear, is unwilling to avail himself of the protection of the country.'<sup>1</sup>

Regional instruments in refugees expanded the UN definition. For example, the Convention Governing the Specific Aspects of Refugee Problems in Africa, a regional instrument adopted by the Organization of Africa Unity (O.A.U) in 1969, besides adopting the UN definition expands it to include people fleeing external aggression, internal civil strife, or events seriously disturbing public order in African countries.<sup>2</sup> The definition of who a refugee is therefore may vary in scope although the 1951 UN convention definition is normally taken as the standard for 'genuine' refugee status.

Before a refugee acquires refugee status in the country they have fled to, they are normally called asylum seekers.<sup>3</sup> After their request being considered genuine, they are registered and given the refugee status. This is when they are now officially handed over to UNHCR as mandate refugees.

The magnitude of refugee influx in recent years has generated urgent concern throughout the world. Widely perceived as an unprecedented crisis, these flows have produced a mixture of humanitarian concern for the millions of people forced into exile and fear for the potential threat to the social, economic and political stability of host states caused by streams of unwanted newcomers.<sup>4</sup> The host states are therefore struggling to strike a proper balance between the need to maintain control over their borders and the need to protect refugees who seek asylum within their borders.<sup>5</sup>

## **The Host State and Refugee Security Dynamics**

### **Refugees and Security of Host State**

Gil Loescher stresses on the need to not only see refugees as a humanitarian problem but also as a political problem particularly in terms of security. He argues that:

Too often refugees are perceived as a matter for international charity organizations, and not as a political and security problem yet refugee problems are in fact intensely political. The presence of refugees accelerates existing internal conflicts in the host countries. During the 1980's for example, the proliferation of arms following the influx of three million Afghans contributed to a resurgence of Pathan conquest in Pakistan. Elsewhere, Palestinian refugees upset delicate domestic balances in Lebanon and Jordan.<sup>6</sup>

The presence of refugees in many third world host states is further compounded by armed groups of exiles actively engaged in warfare with political objectives. Refugee warriors invite military retaliation, complicate relations with other states and threaten the host states and the security of their citizens.<sup>7</sup> As a result, host countries have often been unwillingly drawn into conflicts with their neighbours.

The dilemma for the African states, therefore, is a dilemma between a humanitarian concern for refugees, and a realization that refugees can be a source of tension between the African states.<sup>8</sup> Efforts should therefore be made to encourage the refugee to recognize his responsibility to his host government by demonstrating interest and effort in solving his own problems, by becoming a useful member in a society in the country of asylum.<sup>9</sup>

In the 1990's refugee movements were likely to be the result of ethnic and annual conflicts fuelled by the increasing availability of modern weaponry and socio – economic inequalities. The underlying dynamics of many third world conflicts has in fact been competition for political power among fiercely rival ethnic groups. In the Horn of Africa, for example, the root cause of the enduring conflicts has been competition for power among multi – ethnic groups in Ethiopia, Somalia and Sudan.<sup>10</sup>

Refugee and immigrant communities can also pose considerable political and security risks for host governments. They are a political force for their country of residence, and the way they react to the politics of host country, and their political relationship with the country of origin, have become important factors in influencing relations between the sending and receiving countries.<sup>11</sup>

According to Garissa District Development Plan (GDDP) 1994-1996, the influx of refugees into the district resulted into insecurity hence adversely affecting the supervision of development programmes.<sup>12</sup>

The insecurity problem posed by the coming of refugees to Dadaab has always been stressed by the various government officials as manifested in the various Garissa District Development Plans. Apart from the GDDP report of 1994-1996 referred above, the GDDP report of 1997-2001 reiterated on the insecurity posed by the refugee influx when it reads in part that:

With the political instability in the Republic of Somalia and the resultant influx of more than 150,000 refugees, a lot of insecurity in the district is now being experienced. A lot of resources have been diverted to attending refugees and in stemming the problem of insecurity. Sophisticated weaponry have found their way into the district promoting banditry, cattle rustling and general violence in the district.<sup>13</sup>

Elsewhere in the GDDP of 2002-2008 the report notes that:

Dadaab and Jarajila divisions are a bit insecure compared to others. This has mainly been caused by the presence of refugees in Jarajila and Dadaab, which has made the divisions adjacent to be insecure. Proximity to Somalia Republic border in these regions makes insecurity a challenge to development.<sup>14</sup>

Besides that, the latest GDDP report on insecurity posed by the refugee settlement in Dadaab accuses the refugees of destroying the environment and of being a major cause of insecurity in the adjacent divisions.<sup>15</sup> Kenya therefore experiences the daily challenge of refugee settlement in her soils particularly as far as insecurity is concerned. It is clear that the host community/ country and refugees always have a big mistrust towards each other. Even though refugees are welcomed by host states, this reception is normally characterized by suspicion and cold reception, which always leads to mutual avoidance.

A part from posing security threats to host state, refugees also poison relations between the state of origin and the state providing asylum. The poisoned relations could therefore advance to aggression between the countries involved if not carefully handled. For instance, relations between Tanzania, Rwanda and Burundi strained between 1994 and 1995 when Tanzania hosted thousands of refugees fleeing the genocide in Rwanda and chaos in Burundi. This was captured by sentiments of the then Tanzania's Minister for Foreign Affairs as follows:

The presence of refugees is a source of tension in the relations between Tanzania and Burundi and to a certain extent Rwanda, arising from suspicions that the refugees are regrouping and training in warfare for attacking the countries of origin.<sup>16</sup>

It is therefore clear that even in functioning and peace-loving state such as Tanzania, the geo-political stakes inherent in a refugee situation are such that security of camps and border areas cannot be reduced to a mere question of law enforcement.<sup>17</sup> Kenya thus is not the only country finding refugees as a threat to its national security. It is evident that the host country and refugees often have a big mistrust towards each other. Even though refugees are welcomed by host states, the reception in most cases is cold and full of suspicion leading to mutual avoidance. Host countries have become reluctant to host refugees because of the fear that the refugees are no longer seen as a short-term challenge as earlier thought in the 1940's during the Second World War.

The unquestionable assumption in the 1940's was that refugees were in their host countries temporarily and that they would go back to their home countries as soon as the Second World War ended. As a result they received an immense sympathy. For instance, when Palestinian refugees began flooding into their neighbouring Arab states as of spring of 1948 they received a warm welcome. The prolonged refugee stay however put undue strain on already fragile economies and attitudes in the host countries began to shift.<sup>18</sup>

However, Oroub El-Abed on the other hand differs with the general assumption held by host governments that refugees are of no help to the host government but a burden. She asserts that refugees can be of benefit to the host governments if they are allowed to work unhindered and become productive members of the society. She however admits that most governments have been reluctant to incorporate refugees in their national systems.<sup>19</sup> A good example in support of Oroub-El-Abed's argument is that of Palestinian refugees who have been integrated with the Egyptians to an extent that they are virtually undistinguishable.<sup>20</sup> In this case therefore Palestinian refugees in Egypt are no longer perceived as a security threat by Egyptians.

This is easily achieved particularly when the culture of refugees is similar or almost similar to that of the host state. While Oroub El-Abed's idea of integrating refugees into the host state is worthwhile, it works on the assumption that all refugees embrace integration to the host state. Interestingly, while some refugees would wish to be integrated to host community and form part of the citizenship, some decline such offers. For example, between May 2006 and May 2007, Tanzania expelled roughly 15000 Rwandans and several thousand Burundians including some registered refugees alleging that the deportees had declined offers of permanent residence of citizenship.<sup>21</sup>

Conflict in Somalia started when dictator Mohammed Siad Barre was ousted in 1991. The inter – clan conflicts that followed gave way in early 2007 to an Islamic insurgency – prompted by Ethiopian invasion – which as of 2009 killed an estimated 18,000 civilians.<sup>22</sup> Even though host governments often perceive refugees as a threat to their national security, refugees too often accuse host government of exploitation, constant harassment and segregation based on their nationalities. They argue that host government often formulates policies that are unfavourable to the new comers.

Elsewhere in Kakuma, the state of insecurity resulting from refugee settlement is no different from that in Dadaab. A report from Kakuma, in the northwest of Kenya, observes “a marked increase in the number of incidents in the camps and the surrounding areas” and notes that “frequent outbreaks of violence and unrest occur without warning.”<sup>23</sup>

Jeff Crisp captures an interesting conflict between the refugees and host government in regard to administration of justice within the camps both in Kakuma and Dadaab refugee camps. Formally, refugee camps are located on Kenyan territory and are therefore subject to that country's legal system.<sup>24</sup> In practice, however, powers of arrest, adjudication and punishment appear to have been assumed by institutions which are indigenous to the different refugee populations. For example:

The traditional judges' and 'bench courts' which characterize the Sudanese community in Kakuma ...who wield immense power including the power of corporal punishment and detention in a prison facility constructed with the assistance of an international NGO.<sup>25</sup>

In Tanzania, traditional refugee justice system is liberal. In both Congolese and Burundian refugee camps, refugees used traditional justice system to solve disputes, but there were no reports of detention or physical punishment by them.<sup>26</sup> As a result of the above, it can be argued that violation of human rights, particularly among the vulnerable is rampant. Community leaders who preside over these courts are allowed to pocket the fines they impose and they may order flogging as part of the punishment.<sup>27</sup> Generally speaking, the literature shows host states have had security challenges that come with the hosting of refugees.

### **Conflict between Refugee and Host Community**

Apart from conflict between the host government and the refugees, there is also conflict between the refugees and the host community. In Dadaab for example, the Kenyan Somali's feel the refugees are given special attention than them because they receive assistance from humanitarian organization like UNHCR and other NGO's. Refugees are given food, medical attention, and education among other social services. Majority of Kenyan Somalis cannot afford this and therefore view the refugees (who are also Somalis) as enemies who are taking 'Milk and Honey' while they starve in their motherland.

The UNHCR are however not to blame because according to international law, in order to receive international aid, a person must live outside the country of origin and without state protection.<sup>28</sup> As a result, the UNHCR is not mandated to help the host community no matter how poor it is. In Kakuma for instance:

While refugees receive international aid, the Turkana (who are just as poor) do not. Unfortunately this causes an imbalance that has resulted in the host community feeling hostile and blaming their problems on refugees. It also raises fundamental questions about human rights and equality since, in this case, the refugees who receive free shelter, food, firewood and healthcare, have better conditions than their hosts.<sup>29</sup>

Similarly, in Chad and Darfur, “where there are large congregations of displaced persons in an arid environment, there are huge demands on the scarce local water resources and this gives rise to friction with the local communities.”<sup>30</sup>

In Ghana, Liberian refugees are widely cited by Ghanaians as the cause of recent armed robberies and wife stealing. In addition, the Ghanaian population says that Liberians engage in illegal activities such as prostitution, drugs robbery and gambling.<sup>31</sup> In Iran, the Iranian government claims that illegal Afghans pose threats to its national security especially given their possible contact with insurgents and narcotic traffickers near the Afghan border.<sup>32</sup>

In order to ease this tension, 'refugee-affected area' programmes have been established in Dadaab, their purpose being to ensure that local people derive some tangible benefits from the presence of so many refugees.<sup>33</sup> In Dadaab, locals claim that the major source of conflict between them and refugees is over grazing land and wood resources. Refugees graze their camels, cattle, donkeys and goats in community land since there is no grazing land in the camps. This 'refugee-affected' programme has helped reduce this type of conflict and acts as compensation to the local population.

Conflict between the refugee and host government is also evident. In January 2009 for example, several Somali refugees were arrested, particularly in Eastleigh in Nairobi for illegally being in the Kenya. Most of them were Somali refugees, from refugee camps, who had found their way to the City of Nairobi.<sup>34</sup> This was after several Muslims demonstrated against the arrest of Jamaican cleric Abdulla al-Faisal causing violence in Nairobi city.<sup>35</sup> Given this general relationship between the locals, refugees and host governments, the issue of security becomes paramount. With these existing tensions around Dadaab refugee camps, the presence of arms around the region poses a real danger to Dadaab area as a whole. The easy proliferation of arms from Somalia is a big security issue in the region and a possible solution has to be sought before the bitter reality dawns.

With the presence of small arms and light weapons in the region, and with the ever-souring relationship between the locals and the refugees, the security of Dadaab and that of Northeastern and Kenya in general is of major concern. Relations between refugees and the surrounding host population often sour with increasing insecurity and environmental degradation being blamed on the refugee influx. The Dagahaley, Hagadera and Ifo camps in Dadaab comprise the largest refugee site in the world. As of 5, July 2009, the site hosted an estimated 284,306 refugees, mainly from Somalia.<sup>36</sup>

### **Kenya's Constant Fear over Somali Refugees' as Agents of Arms Proliferation**

When Kenya closed her Somali border in December 2006 as a security concern following the Islamic insurgency and Al – Shabaab threats, the then U.S.A Ambassador to Kenya, Michael Rannerberger had this to say: -

The United States appreciates Kenya's efforts to care for the refugees in Dadaab. The U.S. government also understands that Kenya needs to ensure the security of citizens of Northeastern province and control its borders. As a contracting party to the 1969 OAU convention on Refugees however, Kenya is obliged to allow Somalis to cross the border to seek asylum.<sup>37</sup>

The fear of the state of insecurity in Northeastern province and especially with the influx of refugees (allegedly feared to be in possession of arms) started with the establishment of Dadaab refugee camps in 1991. This fear was accelerated by memories of the Shifta movement in the 1960's that waged secessionists wars in northeastern supported by Mogadishu. This was because of Somalia's claim of an expanded Somalia into Kenya's Northeastern province.<sup>38</sup> Kenyatta on this matter maintained that "Kenya would not concede any of its territory" to Somalia.<sup>39</sup> To date, the GoK views the Somalis (especially refugees) with suspicion hoping to seal any possibility of renewed insecurity.

However, it should be noted that refugees alone are not the only ones suspected to be key figures involved in the proliferation of SALW. In fact several pastoral communities in Kenya and especially those in the border districts (counties) have always been accused of illegal possession of firearms. Several government attempts to disarm these communities have not been fruitful because of the failure of the government to address the root causes.<sup>40</sup> Kenya's constant fear of the Somali community (refugees included) may have been orchestrated by the history of other neighbouring districts in the larger Northeastern province which have experienced insecurity. These conflicts include:

The Wagalla Massacre (Ajuran clan and Degodia Clans) in 1983 to 1984, Kom Conflict (The Borans of Isiolo and Somali of Wajir) in 1997 to 1998, Bagalla Massacre (Boran of Isiolo and Somali of Wajir) in 1998, and Wajir North Conflict (Gare clan and Ajuran clans) in 2001 to 2002.<sup>41</sup>

Besides that, neighbouring Wajir district has also suffered from the effects of insecurity and conflict in the neighbouring countries of Somalia and Ethiopia; an example includes the mid 1980's, when fighting between Somalia and Ethiopia spilled over into clan-based killing in Wajir. In 1991, the influx of Somali refugees after the state of Somalia collapsed made the situation even worse.<sup>42</sup> Because of this therefore, the GoK has been on high alert particularly regarding aliens on their land.

According to world refugee survey of 1993, Kenya hosted 320,000 Somali refugees as a result of ousting of Siad Bare in 1991. By the end of 1991, some 92,000 Somali's had fled to Kenya. The number grew to at least 210,000 by mid – 1992 and propelled by Somali's unchecked violence and famine, to 320,000 by year's end.<sup>43</sup>

A braved wave of killings, rapes and armed robberies throughout 1992 victimized Somali refugees, local Kenyans and relief workers. Lethal modern weapons smuggled into Kenya from Somalia have placed fire power into the hands of Kenyan and Somali bandit gangs. Persistent robberies and vehicle thefts on highways forced relief workers to travel with police protection between refugee camps.<sup>44</sup> Kenyans widely blamed the Somali refugees for perpetrating the violence, while refugees charged that police regularly committed abuses against them. In one reported incident, five Kenyan police died in an ambush near Garissa, days later bodies of refugees were found buried near Hagadera refugee camp.<sup>45</sup> The 1993 refugee survey recorded that a crackdown in Kenya's major towns rounded up and detained some 2000 people suspected of being Somali refugees though many turned out to be legal Kenyan citizens.<sup>46</sup>

According to the world refugee survey 1996, the then Kenyan president Daniel Arap Moi called for the removal of all refugees from Kenyan soil. Although the government eventually backed away from Moi's demand, authorities continued to press for the closure of refugee camps near urban areas. Police conducted a series of sweeps through Nairobi in November 1996 to apprehend undocumented aliens and refugees who were not residing in designated camps, contrary to government policy.

As a result, UNHCR closed two refugee camps in April 1996, including the largest coastal camp, Utange. Kenyan officials had complained for years that Utange camp, located near Mombasa harmed Kenya tourism industry and posed a security threat. The camp was the site of past disturbances and arson, linked to tension between the refugees and the local Kenyans.<sup>47</sup>

The reason refugees have always been associated with insecurity is because they are always perceived to be in possession of illicit firearms or propagate its proliferation. The use of illicit small arms leads to widespread illegal activity and eventually undermines the legitimate authority of the state.<sup>48</sup> The international common borders are often not sufficiently policed and people can and do easily cross the border on either side.

Thus, the porous nature of the border makes it easy for the trafficking of illegal arms. Besides the number of officers deployed by the government is hardly enough such extensive common border.<sup>49</sup> In the case of Kenya-Somali border, the rough terrain and hostile weather make border policing more difficult. Haro and others view the porous Kenya- Somalia border as part of a broader, complex pattern of state failure and communal violence afflicting much of the horn of Africa.<sup>50</sup> It is therefore clear that government officials in Africa are caught between their genuine concern for the refugees and their wish to honour international agreements to provide asylum, and the increasingly hostile grassroots response from their own impoverished people in refugee affected areas.<sup>51</sup>

In an attempt to promote security, the Kenya government has previously closed down refugee camps near urban centres and stress on the need of refugees staying within their designated camps. The challenge however is that in both of Kenya's 'official' refugee camps – Dadaab and Kakuma – over 200,000 Sudanese, Ethiopians, Somalis and central African refugees are subjected to armed violence on a daily basis. According to reports issued by the IRIN, there is a "very strong possibility" that the 'camps are being used to traffic arms: there have been shooting incidents in the camps... it is easy for people to move around with arms on the Kenya – Somali border'.<sup>52</sup>

### **The Current Refugee Crisis and Security Threat in Dadaab**

Kenya hosts more than 300,000 Somali refugees of this number, more than 100,000 arrived between 2008 and 2009, a sign of a huge influx. What is of importance however is whether their influx affect the security in the host country (Kenya).<sup>53</sup> It is clear that the large number of refugees and the danger it poses to security are directly proportional. Too often refugees are perceived as a matter for international charity organizations, and not as a political and security problem.<sup>54</sup> Yet refugee problems are in fact intensely political: mass migration creates domestic instability, generates interstate tension and threatens international security.<sup>55</sup>

Refugee movements can both create conflict between neighbouring states and challenge the integrity of the host state. Refugees and other migrants are frequently perceived by both sending and receiving states as a threat to stability and as a bilateral problem with serious national security implication.<sup>56</sup> In most African countries, refugee hood could be as a result of violent eruption based on political oppression exercised by ethnic groups, religions affiliated or self-imposed elements.<sup>57</sup> This therefore puts the receiving country at a risk of insecurity because of what can be termed as spillover effect.

The confidential security report of Garissa District Security Committee of 1992 showed that between January – June 1991, there were 32 banditry incidences reported, 114 incidences in 1992 and 193 incidences in 1993.<sup>58</sup> While it is true that the banditry cases have tended to reduce over the years, security fears remains Kenya's big concern and has continued to frozen a plan to enlarge the world's biggest refugee camp.<sup>59</sup>

Of late major security threat to Kenya particularly in Dadaab region of North Eastern is that issued by the Al Shaabab. Alshaabab is a terrorist organization alleged to have links with Al Qaeda and has been issuing a litany of threats, ranging from mounting attacks on Kenya soil to imposing Sharia in North – Eastern province.<sup>60</sup> Al Shaabab is a remnant of the Islamic Courts Union, crushed by Ethiopian forces during the 2006 invasion of Somalia.<sup>61</sup> They have severally crossed the border killing Kenyans and accusing the Kenyan government of interfering with Somalia's affairs.<sup>62</sup> The most recent kidnappings of humanitarian aid workers and tourists by the Al shabaab prompted the Kenya government to declare war on Al shabaab whom it accuses of a spate of killings and kidnappings in the Kenyan soils.<sup>63</sup>

Besides al-shaabab threats, the other security threat troubling Kenya and linked to Somalia is the piracy threat.<sup>64</sup> This new tactic of hijacking ships and other sea vessels is threatening business and general voyage particularly in the Indian ocean. Kenya government, the International police and other navies from many countries have been trying to combat this emerging sea crime. Somali pirates have been the most linked with these illegal activities though it is possible that the network is larger than it is thought.

Security issues are a matter of concern in the region especially given the fact that Somalis are both in Kenya and Somalia. The ever increasing influx of refugees suggest the danger this poses to Kenya since the extremists groups are likely to find their way into Kenya in the name of being 'civilians' or 'refugees'. The Kenya security agents are concerned that the fighting in Somalia will lead to a large influx of refugees into the country who might pose a security risk in the country by proliferating weapons through the porous border.<sup>65</sup> The security issue in North Eastern province is therefore a major problem and the article aimed at establishing whether refugee settlement in the region play a role in propagating various security issues in Kenya. This could be worsened by the fact that fighting in Somalia promotes proliferation of small arms into Kenya.<sup>66</sup> The overwhelming congestion of Dadaab camps presents a humanitarian emergency and threatens a health and security crisis that could spill over and affect Kenyan citizens,<sup>67</sup> this should be checked before the situation is out of hand.

It's clear that in order to promote security in a country the members of the society should be free from illicit firearms or their easy access. Law enforcement agencies, including the police, play a legitimate and central role in combating and preventing arms trafficking to or through conflict zones.<sup>68</sup> According to UNIDIR 2006:

While inter-state conflicts have relatively reduced over the last two decades, a growing number of civilians are still affected by armed conflict and its consequences. Violence related to small arms and light weapons take the lives of thousands of people every week-both within and outside conflict zone.<sup>69</sup>

The OAU convention of 1969 recognized that the presence of armed elements or combatants amongst refugees represent a threat to the safety of refugees and that of the country of asylum. In this regard it stated that where the authorities of the country of a asylum became aware of the presence of armed elements among the refugee population, the authorities should take immediate action to separate and disarm such elements.<sup>70</sup> UNHCR should monitor this to ensure it is done in a humane manner and with due care for safety of the refugees and the local population.

Security matters within and around refugee camps are a matter of urgent concern to the government and the general public. Mr. Soren Jessen –Peterson, an Assistant High Commissioner for refugees had this to say at the 30<sup>th</sup> anniversary of 1969 OAU refugee convention held in Conakry –Guinea- March 27 to 29, 2000;

Closely linked to issues of conflict resolution and peace building is the problem of security in areas surrounding refugee camps and settlements. In recent years, refugee camps have, at times been the subject of military infiltration within or cross borders. While the primary responsibility of protection and security remains with the host nation, UNHCR has embarked on a number of projects aimed at addressing this problem, including materials and financial support to national security forces.<sup>71</sup>

In view of the above, there is need for various governments and even international bodies like the African Union (AU) and United Nations (UN) to come up with laws and treaties that will see the reduction of SALW.

Dadaab has come to the attention of Kenya and that of the international community mainly because of insecurity and the refugee influx creating a humanitarian crisis. A major security threat in Dadaab is that caused by combatants and military groups such as Al Shabaab posing as refugees. This has threatened the security of Northeastern province and that of Kenya in general. In an effort to combat threats posed by AL Shabaab Kenyan forces invaded Somalia hoping to end the security threat once and for all. The lawless Somalia had posed a major threat to Kenyan economy through piracy in Indian Ocean and kidnapping of tourists on the Kenyan coast. This has led to recent waves of land mines and grenade attacks planned and executed from Dadaab camps. This is an indication that armed gangs easily sneak into the camps undetected. One of the greatest security issues is that of differentiating genuine refugees from the militants. Besides that, it is generally difficult to distinguish between Kenyan Somalis and Somalis of Somali nationality. There is therefore the need for proper screening of refugees to ensure only those seeking asylum are hosted as refugees.

### ***Conclusion***

The dynamics and challenges of armed conflict and insecurity in a refugee environment is a complex. As it emerged, insecurity as a result of armed conflict in the refugee camps is a complex one and difficult to deal with because of the interests of UNHCR as a refugee protection agency and those of GoK as the host state. The attachment of refugees to their home countries complicates it even more and political events in those countries have often affected the stability of refugee camps. The location of refugee camps near the border of their home countries has sometimes exposed the neighbouring countries into danger of aggression. The fact that refugees are under UNHCR mandate, while at the same time subject to Kenyan law calls for a closer collaboration between GoK and UNHCR in dealing with armed conflict of any kind. Although refugees are a matter of humanitarian concern, there is need to understand the political implication of hosting refugees-the threat to national and international security. There is therefore the need of striking a balance between obeying international obligations and that of protecting national interests. A proper analysis of refugee security dynamics may lead to the development of policies guaranteeing sustainable peace and security in the refugee camps and in the host state at large.

### **End notes**

1. The 1951 UN Convention Relating to status of Refugees, 28 July 1958, United Nations Treaty, Vol. 189 No. 2545, 137.
2. The Organization of African Unity Convention, : *Governing Specific Aspects of Refugee Problems in Africa*, 10<sup>th</sup> September 1969, OAU Document CM/267/ Rev.1.
3. Gil Loescher, *Refugee Movements and International Security*, Adelphi Paper 268, ( London: Brassey's for IISS, 1992), 6.
4. Gil Loescher and Ann Dull Loescher, *The Global Refugee Crisis*, (London: Oxford,1994), 7
5. *Ibid.*
6. *Ibid.* 14.
7. *Ibid.*
8. Thomas Hovet, Jr. "Boundary disputes and tensions as a cause of refugees" in *Refugee South of the Sahara* Hugh C. Brooks and Yassin El-ayouty(eds), (Connecticut: Negro Universities Press,1970), 29.
9. *Ibid.*, 77-79
10. *Ibid.*, 16.
11. Myron Weiner, *Migration and Development in the Gulf; Population and Development Review*, Vol.8. No. 11, March 1982: 11 – 36.
12. Republic of Kenya, *Garissa District Development Plan (1994-1996)*, (Nairobi: Government printer), 81.
13. *Garissa District Development Plan 1997-2001*, Office of the Vice President and Ministry of Planning and National Development, (Nairobi: Government Printer), 59.



14. Republic of Kenya, Ministry of Finance and Planning, *Garissa District Development Plan 2002-2008*, (Nairobi: Government Printer),16.
15. 15. Republic of Kenya, Office of the Prime Minister, Ministry of State for Planning, National Development and Vision 2030, *Garissa District Development Plan 2008-2012*, (Nairobi: Government Printer), 30.
16. 16. Mwakasege J. C., *The Impact of Refugees on Host Communities: The case of Kasulu, Ngara and Karagwe*. A Report of an Oxfam Sponsored Research Project, presented at the International Workshop on Refugee Crisis in the Great Lakes Region, Arusha, Tanzania, 16-19 August 1995, 13.
17. 17. Canadian Council for Refugees, *Preserving the Civilian Character of Refugee Camps: Lessons from Kigoma Refugee Programme in Tanzania*, CCR vol.9 no.3, November 2000, 4.
18. 18. Oroub El-Abed, *Unprotected Palestinians in Egypt since 1948*. (Ontario: Co-Published by Institute for Palestinian Studies, Washington DC and International Development Research Centre Ottawa, 2009),170.
19. 19. Ibid.
20. 20. Laurie Brand, "Nassir's Egypt and the Re-emergence of the Palestinian National Movement", *Journal of Palestinian Studies* 17, 2 (winter1988) :85
21. 21. United States Committee for Refugee and Immigrants, *World Refugee Survey 2008*, 2.
22. 22. <http://www.monstersandcritics.com/news/africa/features/article>
23. 23. Internal UNHCR document, 25 May 1999.
24. 24. Jeff Crisp, *New Issues in Refugee Research*, Working Paper No.16, A State of Insecurity: the political economy of violence in refugee-populated areas of Kenya, December 1999,13.
25. 25. Ibid.
26. 26. United States Committee for Refugee and Immigrants, *World Refugee Survey 2008*,2.
27. 27. Guglielmo Verdirame, "Human rights and refugees: the case of Kenya", *Journal of Refugee Studies*, 12, 1(1999):63
28. 28. Aukot, E. "It is better to be a Refugee than a Turkana in Kakuma: Revisiting the Relationship between Hosts and Refugees in Kenya," *Global Movements for Refugees and Migrant Rights*. 21.3(2003):73-84
29. 29. Ibid
30. 30. Cronin, A. et al., "A Review of water and sanitation provision in refugee camps in association with selected health and nutritional indicators-the need for integrated service provision," *Journal of Water and Health*, 6 (2008):1
31. 31. Porter, G., et al. "Linkage between Livelihood Opportunities and Refugee-Host Relations: Learning from the Experience of Liberian Camp-based Refugees in Ghana." *Journal of Refugees Studies* 21(2008):2
32. 32. Bruce Koepke, *The Situation of Afghans in the Islamic Republic of Iran Nine Years After the Overthrow of the Taliban Regime in Afghanistan*, (Washington, D.C.: Middle East Institute, 2011): 2.
33. 33. Jeff Crisp, *New Issues in Refugee Research*, Working Paper No. 16, A state of insecurity: the political economy of violence in refugee-populated areas of Kenya, December 1999. Also found in <http://www.unhcr.ch/refworld/pubs/pubon.htm>
34. 34. Jilo Kadida et al, 'Jamaican hate cleric deported ahead of case' *Daily Nation*, 22 January 2010, 2
35. 35. Sammy Cheboi and Kibiwott Koross, 'One Killed, scores injured in protests over Sheikh' *Daily Nation*, 16 January 2010,.1
36. 36. <http://www.irinnews.org/report>. Accessed on 10<sup>th</sup> December, 2010.
37. 37. <http://www.simbanews.com>. Accessed on 10<sup>th</sup> December, 2010.
38. 38. Jona Rono, "Kenya Foreign Policy" *Africa Foreign Policies*, Stephen Wright(ed.) (Colorado: Westview Press,1999),105.
39. 39. Katete Orwa, "Foreign Relations and International Co-operation", *Ministry of Information and Broadcasting* (ed.), Kenya: An Official Handbook(Nairobi: Colourprint,1988),308.
40. 40. Adan, M and R Pkalya. *Closed to Progress; An Assessment of the Socio-economic impact of Conflict on Pastoral and Semi-pastoral in Kenya and Uganda*,(Nairobi: Practical Action.2005), 3.
41. 41. Pkalya, Ruto, Mohamud A. and Isabella M., *Conflict in Northern Kenya: A Focus on Internally Displaced Conflict Victims in Northern Kenya*. Conflict in Northern Kenya Report, (Nairobi: DTP Martin Karimi Publisher, 2003), 13-15
42. 42. Weiss, T., *Guns in the Borderlands. Reducing the Demand for Small Arms*. Monograph No.95, (Durban: Institute for Security Studies, 2004), 95.
43. 43. *World Refugee survey 1993*, US Committee for Refugees, p.63.
44. 44. *Ibid* ., 63.
45. 45. *Ibid*
46. 46. *Ibid*., 64.
47. 47. *World Refugee Survey 1996: an Annual Assessment of Conditions Affecting Refugees Asylum Seekers and Internally Displaced People*,(US Committee for Refugees, 1996), 52.
48. 48. Jan Kamenju, Mwachofi Singo, and Francis Wairagu, *Terrorized Citizens: Profiling Small Arms and Insecurity in the North rift Region of Kenya*, .83.
49. 49. *Ibid*.

50. 50.Haro, Guyo. O.Godana J. Doyo and John G McPeak, *Linkages between Community, Environmental and Conflict Management: Experiences from Northern Kenya* .Conference report, Ithaca,(New York: Cornell University,2003),3.
51. 51. B.E Harfelt Bond, *Imposing Aid Emergency Assistance to Refugees*, (Nairobi: Oxford,1986),15.
52. 52. <http://www.irinnews.org/>. Accessed on 20<sup>th</sup> February 2011.
53. 53. Ogosia Kenneth, “Official Insists there is no State Policy to Deport the Refugees”, *Daily Nation*, Friday April 10, 2009. 16.
54. 54. Gil Loescher, *Refugee Movements and International Security*, Adelphi Paper 268, (London: Brassey’s for IISS 1992), 5.
55. 55. *Ibid.*
56. 56. *Ibid.*
57. 57. Mading Deng Kuol, *The Impact of Teachers Mobility on the Refugee Secondary Education at Kakuma Camp in Kenya*, (Mphil Thesis, School of Education, Moi University, August 2001), 13.
58. 58. Elijah Amollo Adera, *The Impact of Refugee Settlements on the Environment: A Survey of Ifo and Utange Refugee Camps in Kenya*, (Thesis, School of Environmental Studies, Moi University, October 1997), 143 – 144
59. 59. Nation Reporter and Agencies, “Security fears stall Dadaab expansion” *Daily Nation*, April 3, 2011.
60. 60. Lilian Ahianga, “Our Territory is under attack on Four Fronts and there is Danger it Could get Worse”, *The Standard Sunday* May 10, 2009.23.
61. 61. *Ibid.*, 23.
62. 62. Galgalo Bocha, ‘Security alert over al-shaabab man’,*Daily Nation*,Tuesday June 8,2010,p.6
63. 63 AFP, “Kenya declares war on Al shabaab”,*Daily Nation*,Saturday October 15,2011,p.1
64. 64. Reuters, ‘Somali pirates seize Panama-flagged vessel as 24 killed in battle’*Daily Nation*,Thursday June 3,2010,19.
65. 65. Dominic Wabala, “Fresh Conflict in Somalia Raises Terrorism Fears in the Region”, *Daily Nation* Wednesday May 27, 2009, 14.
66. 66. *Ibid* p. 14.
67. 67. <http://www.simbanews.com>. Accessed on 20<sup>th</sup> February, 2011.
68. 68. *The Scope and Implications of a Tracing Mechanism for Small Arms and Light Weapons*, (UNIDIR and SAS.2003), 23
69. 69. *Disarmament as Humanitarian Action, From Perspective to Practice*, John Burrie and Vanessa Martin Randin(eds),UNIDIR,2006.33
70. 70. Report of Special OAU/ UNHCR meeting of Government and Non – Government Technical experts on the 30<sup>th</sup> Anniversary of the 1969 OAU Refugee Convention held at Conakry, Guinea, 27 – 29 March 2000. p17.
71. 71. *Ibid.*

## References

- Adan, M and R Pkalya. *Closed to Progress; An Assessment of the Socio-economic impact of Conflict on Pastoral and Semi-pastoral in Kenya and Uganda*.Practical Action.2005.
- Adera Amollo Elijah, *The Impact of Refugee Settlements on the Environment: A Survey\_of Ifo and Utange Refugee Camps in Kenya*, Moi University, Thesis, School of Environmental Studies, October 1997.
- Almanga Lilian, “Our Territory is under Attack on from fronts and there is danger it could get worse”, *The standard*, Sunday May 10, 2009.
- Aukot, E. “It is better to be a Refugee than a Turkana in Kakuma: Revisiting the Relationship between Hosts and Refugees in Kenya,” *Global Movements for Refugees and Migrant Rights*. 21.3,2003.
- Bocha Galgalo ‘Security alert over al-shaabab man’,*Daily Nation*,Tuesday June 8,2010.
- Brand Laurie “Nassir’s Egypt and the Re-emergence of the Palestinian National Movement”. *Journal of Palestinian Studies* 17,2(winter1988).
- Canadian Council for Refugees, *Preserving the Civilian Character of Refugee Camps: Lessons from Kigoma Refugee Programme in Tanzania*, CCR vol.9 no.3 , November 2000.
- Cheboi Sammy and Kibiwott Koross, ‘One killed, scores injured in protests over Sheikh’ *Daily Nation*, 16 January 2010.
- Cheboi Sammy “welcome to Garissa,eastern and central Africa’s safest town”, Special report, *Daily Nation*,Tuesday June 15,2010.
- Crisp Jeff, *New Issues in Refugee Research*, Working Paper no. 16, A State of Insecurity: the political economy of violence in refugee populated areas of Kenya, December 1999.
- Cronin, A.et al., “A Review of water and sanitation provision in refugee camps in association with selected health and nutritional indicators-the need for integrated service provision,” *Journal of Water and Health*, 6 (2008).

- El-Abed Oroub, *Unprotected Palestinians in Egypt Since 1948*. Co-Published by Institute for Palestinian Studies, Washington DC and International Development Research Centre Ottawa, Ontario, 2009.
- Garissa District Development Plan 1994-1996
- Garissa District Development Plan 1997-2001.
- Garissa District Development Plan 2002-2008.
- Garissa District Development Plan 2002-2012.
- Haro, G.O, Godana J.D. and John GM. *Linkages between Community, Environmental and Conflict Management: Experiences from Northern Kenya*. Conference report. Ithaca, New York: Cornell University, 2003.
- Harrell – Band, B.E, *Imposing Aid Emergency Assistance to Refugee*, Nairobi: Oxford, 1986.
- Kadida Jilo et al, ‘Jamaican hate cleric deported ahead of Case’, *Daily Nation*, 22 January 2010.
- Koepke Bruce, *The Situation of Afghans in the Islamic Republic of Iran Nine Years After the Overthrow of the Taliban Regime in Afghanistan*, Washington, D.C.: Middle East Institute, 2011.
- Kuol Mading Deng, *The Impact of Teachers Mobility on the Refugee Secondary Education at Kakuma Camp in Kenya*, Thesis, School of Education, Moi University, 1997.
- Loescher Gil, *Refugee Movements and International Security*, Adelphi Paper 268, London: Brassey’s for IISS, 1992.
- Loescher Gil and Ann Dull Loescher, *The Global refugee Crisis*, England: Oxford, 1994.
- Mwakasege J. C. *The Impact of Refugees on Host Communities: The case of Kasulu, Ngara and Karagwe*. A Report of an Oxfam Sponsored Research Project, presented at the International Workshop on Refugee Crisis in the Great Lakes Region, Arusha, Tanzania, 16-19 August 1995.
- Nation Reporter and Agencies, “Security fears stall Dadaab expansion” *Daily Nation*, April 3, 2011.
- Ogosia Kenneth. “Official insists there is no State Policy to Deport the Refugees”, *Daily Nation* Friday April 10, 2009. Report on Special OAU/UNHCR Meeting of Government and Non – government Technical Experts on the 30<sup>th</sup> Anniversary of the 1969 OAU Refugee Convention held at Cinalary Counea, 27 – 29 March 2000.
- Orwa, Katete “Foreign Relations and International Co-operation”, *Ministry of Information and Broadcasting* (ed.), Kenya: An Official Handbook (Nairobi: Colourprint) 1988.
- Porter, G., et al. “Linkage between Livelihood Opportunities and Refugee-Host Relations: Learning from the Experience of Liberian Camp-based Refugees in Ghana.” *Journal of Refugee Studies* 21(2008).
- Report of Special OAU/ UNHCR meeting of Government and Non – Government Technical experts on the 30<sup>th</sup> Anniversary of the 1969 OAU Refugee Convention held at Conakry, Guinea, 27 – 29 March 2000.
- Reuters, ‘Somali pirates seize Panama-flagged vessel as 24 killed in battle’ *Daily Nation*, Thursday June 3, 2010.
- Rono Jona “Kenya Foreign Policy” *Africa Foreign Policies*, Stephen Wright (ed) Colorado: Westview Press, 1999.
- The 1951 UN Convention Relating to Stations of Refugees* 28 July 1958, United Nations Treaty, Vol. 189, no. 2545. *The Organization of African Unity Conventions, Governing Specific Aspects of Refugee Problems in Africa*, 10th September 1969, OAU Document Cm/267/Rev.1.
- Wabala Dominic, “Fresh Conflict in Somalia raises Terrorism Fears in the Region” *Daily Nation*, Wednesday May 27, 2009.
- World Refugee Survey 1993, *US Committee for Refugees*.
- World Refugee Survey 1996: *An Annual Assessment of Conditions Affecting Refugees, Asylum seekers and Internally Displaced People*, US Committee for refugees, 1996.

#### Internet.

- <http://www.irinnews.org/report>.
- <http://simbanews.com>.
- <http://www.monsterandcritics.com>
- <http://www.unhcr.ch>
- [allafrica.com/..201104080201.html](http://allafrica.com/..201104080201.html). Accessed on 5th June, 2011