

# **NEW ISSUES IN REFUGEE RESEARCH**

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## **A state of insecurity: the political economy of violence in refugee-populated areas of Kenya**

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## Summary

This paper examines the problem of physical insecurity in two refugee-populated areas of Kenya: Kakuma, in the north-west of the country, and Dadaab, in the north-west. These areas accommodate some 200,000 refugees in total, most of them from Somalia and Sudan.

The introduction to the paper points out that it is impossible to quantify the amount of violence that takes place in and around Kenya's refugee camps. It is clear, however, that security incidents involving death and serious injury take place on a daily basis. Disturbingly, moreover, the level of violence in these refugee-populated areas of Kenya appears to be on the rise.

The following section of the paper provides a simple typology of the security incidents which take place most commonly in Kakuma and Dadaab. Five categories of violence are examined: domestic and community violence; sexual abuse and violence; armed robbery; violence within national refugee groups; violence between national refugee groups; and violence between refugees and local populations.

Having identified the different forms of insecurity which occur in and around the camps, the paper examines the way in which UNHCR and its humanitarian partners have responded to this problem. Acknowledging that UNHCR may not always have given sufficient attention to protection and security issues in northern Kenya, the paper also points out the constraints experienced by the organization in its efforts to address this problem.

In addition, the paper suggests, recent years have witnessed a concerted effort on the part of UNHCR and its partners to reduce the level of insecurity in Kakuma and Dadaab. The paper describes the steps which have been taken to achieve that objective, including measures such as the provision of support to local police forces; the introduction of enhanced security arrangements within the camps; the extension of UNHCR assistance to local populations; and the establishment of a firewood distribution project, which is intended to limit the need for female refugees to venture into areas where they are at risk of sexual assault.

The final section of the paper asks why these measures have not been more successful in reducing the level of violence which takes place in and around the camps. Kenyan refugee policy, the paper points out, is based on a general recognition of the principles of asylum and *non-refoulement*. At the same time, however, that policy is characterized by a number of other features: first, a determination to resist the integration of refugees into the economic and social life of the country; second, the maintenance of large refugee camps in remote areas, close to the refugees' countries of origin; and third, an assumption that pending their repatriation, responsibility for the refugees will be fully assumed by UNHCR and other members of the international community.

This policy framework, the paper suggests, does not provide a conducive environment for the maintenance of refugee protection and security. The refugees are obliged to remain in areas which have traditionally been insecure, where the rule of law is weak and where the perpetrators of violence can act with a high degree of impunity. The refugees themselves are obliged to live in very trying circumstances, a factor which increases their propensity and vulnerability to violence. Having fled from countries which have experienced protracted and very brutal forms of armed conflict, they find themselves without freedom of movement, with few economic or educational opportunities, and with almost no immediate prospect of finding a solution to their plight.

The paper concludes that the insecurity which affects refugees in northern Kenya is deeply rooted in nature. It derives to a large extent from the political economy of the Kenyan state, the way in which the state and other actors have sought to manage the country's refugee problem, as well as the characteristics and circumstances of the refugees themselves. However well intentioned, and irrespective of their technical proficiency, the security measures introduced by UNHCR and its partners cannot be expected to resolve the problem of violence in Kakuma and Dadaab. At best, those measures can only help to mitigate the security situation, preventing it from becoming more serious than it otherwise might be.

*On 6 March 1998, a 40 year-old refugee from Bahr-el-Ghazal named Mr. [] was shot dead. In the same night, unknown gunmen invaded the Bajuni Somali community and took away 13 goats. On the evening of 9 March 1998, an inter-ethnic fight broke out between Sudanese Dinka Bahr and Dinka Bor, resulting in serious injuries to 155 persons. On the evening of 9 March 1998, Mr. [] was stabbed dead with a sword. On the evening of 15 March 1998, a lone gunman shot a Ugandan refugee in the arm while being pursued by Ethiopian community local guards. On 22 March 1998, at around 18.00 hours, young men of the Sudanese Nuer community attacked the Ethiopian community with traditional weapons and 29 people were seriously injured.*

UNHCR security report, Kakuma refugee camp, 12 August 1999

It is impossible to quantify the amount of violence which takes place in and around Kenya's refugee camps. But as indicated by the preceding quotation, incidents involving death and serious injury take place on a daily basis. Disturbingly, moreover, the level of violence in refugee-populated areas of Kenya appears to be on the rise. A recent report from Kakuma, in the north-west of the country, 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>1</sup> "The security situation in Kakuma has continuously been deteriorating," states another report. "Increasing incidents of inter-nationality and inter-ethnic fights, thuggery and banditry have resulted in a situation of hazard and risk. Tangible measures must be looked into to curb the situation."<sup>2</sup>

The situation in Dadaab, in the north-east of the country, is no less serious. In October 1998, for example, a UNHCR report observed:

The security situation in and around Dadaab has been deteriorating... Despite additional live fencing being installed, banditry attacks within the camps (including looting, shooting etc.) have become almost daily occurrences. One or two bullets being fired is now considered as a minor incident and some shootings even appear not to have been reported to the police... A senior UNHCR staff security officer described the Dadaab situation as probably worse than that in Kosovo.<sup>3</sup>

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This paper is written in a personal capacity and does not represent the views of UNHCR. It could not have been prepared without the generous assistance of UNHCR staff in Kenya, especially Jim Vale and Pia Phiri in Nairobi, Saber Azam in Kakuma, Girma Guebre-Kristos and Esther Kiragu in Dadaab.

<sup>1</sup> Internal UNHCR document (cited hereafter as 'UNHCR'), 25 May 1999.

<sup>2</sup> UNHCR, 12 August 1999.

<sup>3</sup> UNHCR, 7 November 1998.

These circumstances have evidently had a serious impact on the welfare of refugees in Kakuma and Dadaab. When asked to identify the most serious problems confronting them, the refugees rarely mention the issues which tend to preoccupy UNHCR's beneficiaries in other parts of the world: a desire to go home, the inadequacy of the assistance they receive, or the need for their children to benefit from better educational facilities. Instead, they invariably draw attention to the fact that their safety is under constant and serious threat. In the words of one Somali refugee in Kakuma, "it is of no advantage for us to get a full ration from UNHCR if our lives are always at risk from insecurity."<sup>4</sup>

The first part of this paper examines the different forms of insecurity which are to be found in and around Kenya's refugee camps, while the second outlines the measures taken by UNHCR and other humanitarian organizations in response to the problem. Seeking to explain why those measures have failed to curtail the violence that takes place in Kakuma and Dadaab, the third part of the paper analyzes the different sources of insecurity in refugee-populated areas of Kenya. In brief, the paper suggests that these areas lack the two fundamental attributes which enable countries and communities to live in a peaceful manner: a high degree of social cohesion and the effective exercise of state authority. It would be naive to believe, the paper concludes, that UNHCR and its partners can effectively compensate for the absence of these attributes.

### **Forms of insecurity**

The majority of refugees living in Kenya are to be found in the two areas mentioned in the opening paragraphs of this paper: Kakuma in the north-west of the country, and Dadaab in the north-east. In mid-1999, the refugee population at Kakuma stood at around 75,000, most of them from Sudan, but with smaller numbers from Somalia, Ethiopia and elsewhere. The refugee population in Dadaab (where there are three separate camps Ifo, Hagadera and Dagahaley) totalled some 110,000, around 105,000 of them from Somalia, and the remainder from Ethiopia, Sudan, Uganda and Eritrea. While a significant number of refugees and asylum seekers live 'down country', particularly in the capital city of Nairobi, this paper concerns only those who are to be found in the north-west and north-east of Kenya.

It is not very easy to draw a detailed picture of the insecurity which prevails in Kakuma and Dadaab. Due to the dangers that exist in the camps, UNHCR and other agency staff are confined to their compounds from dusk until dawn. They are consequently unable to monitor the security situation in the camps at night, when many violent incidents are known to take place. For reasons that will be explained later in the paper, moreover, many of these incidents go unreported by the refugees and uninvestigated by the police. Despite these methodological constraints, by scrutinizing UNHCR reports, and by interviewing refugees, aid workers, government officials and police officers in the two areas, it is possible to establish a simple typology of the security incidents which take place in the areas of Kakuma and Dadaab.

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<sup>4</sup> Interview, Kakuma, August 1999.

### *Domestic and community violence*

Much of the violence experienced by refugees in Kenya is inflicted upon them by members of their own family and community. According to aid agency staff, domestic violence (normally involving the physical abuse of women, children and adolescents by adult men) is a regular occurrence within the camps.<sup>5</sup> The exact scale of the problem is unknown. As noted in a report from Dadaab, “housewives are harassed and at times beaten by their husbands. This, unfortunately, has been accepted as normal by the majority of Somali refugees. Such incidents are hardly ever reported to the police or to UNHCR.”<sup>6</sup>

Insecurity also derives from the social and political hierarchy which governs the refugee communities. Somali men and adolescents, for example, are sometimes obliged to leave the camps in Dadaab to fight on behalf of a particular clan or faction within their country of origin. Similarly, there is little doubt that the Sudan People’s Liberation Army (SPLA) regularly recruits (or conscripts) soldiers from the refugee population at Kakuma. It is also believed that the SPLA imposes taxes on the Sudanese refugee population. But little is known about the degree of physical or psychological coercion involved in these processes.

It is also quite clear that abuses arise from the administration of justice in Kakuma and Dadaab. Formally, the refugee camps are located on Kenyan territory and are therefore subject to that country’s legal system. In practice, however, powers of arrest, adjudication and punishment appear to have been assumed by institutions which are indigenous to the different refugee populations. The ‘traditional judges’ and ‘bench courts’ which characterize the Sudanese community in Kakuma, for example, are said to wield immense (and sometimes arbitrary) power - including the power of corporal punishment and detention in a prison facility constructed with the assistance of an international NGO! Thus according to one researcher who visited the camp in 1996:

... three minors and a mentally ill woman were found detained in the two cells located in the middle of the camp. They were guarded by a young man, carrying a long whip. Another reported case is that of a woman and her infant who were detained for seven days in one of these cells; her offence was having been found guilty of committing adultery. Punishments meted out by these courts also includes flogging... That the community leaders who preside over these courts are allowed to pocket the fines they impose introduces another dimension of potential abuse...<sup>7</sup>

Punishments of this type seem to be less common amongst the Somali refugees, whose customary system of justice depends to a greater extent on the payment of compensation

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<sup>5</sup> Domestic and community violence is also widespread outside of the camps. See, for example, Human Rights Watch, ‘Spare the child: corporal punishment in Kenyan schools’, report 11, 6 (A), New York, September 1999.

<sup>6</sup> UNHCR, August 1999, no date specified.

<sup>7</sup> Guglielmo Verdirame, ‘Human rights and refugees: the case of Kenya’, *Journal of Refugee Studies*, vol. 12, no. 1, 1999, p. 63.

(often in the form of livestock) to the aggrieved party. According to a UNHCR evaluation report, this system of justice actually adds to the insecurity experienced by members of the refugee population, especially women. “The settlements reached under Somali customary law as interpreted by the refugee elders in Kenya seldom, if ever, benefit the survivor of sexual assault. She is usually coerced into a ‘marriage’ with the rapist, or the men of her clan or family receive compensation to which she is not permitted access.”<sup>8</sup>

### *Sexual abuse and violence*

Sexual abuse and violence constitute a daily reality for refugees living in northern Kenya, particularly (it need hardly be added) women and girls.<sup>9</sup> Female genital mutilation (FGM), for example, is widely if not universally practised amongst the Somali refugees. In Kakuma, Sudanese girls and women are known to be abducted for the purposes of forced marriage in their country of origin. Some human rights activists also allege that sexual (as well as physical) abuse is prevalent amongst the Sudanese boys, adolescents and young men in Kakuma, a large number of whom arrived in Kenya as ‘unaccompanied minors’ and who continue to live in their own section of the camp.

While such forms of insecurity have remained largely hidden from external view, the problem of sexual violence (more specifically, rape) in the three camps around Dadaab has attracted a substantial amount of international attention.<sup>10</sup> Kakuma seems to be far less affected by this problem, although some commentators have suggested that this is because so few of the rapes which take place in and around the camp are ever reported.<sup>11</sup>

The high incidence of rape in Dadaab first came to light in late 1992 and early 1993, shortly after the establishment of the area’s first refugee camp. Following a visit to Dadaab in April and May 1993, for example, the Lawyers Committee for Human Rights reported that beatings of refugees as well as sexual assault and rape of refugee women were “daily and nightly occurrences.”<sup>12</sup> A UNHCR rape counsellor, recruited in February 1993, documented 192 cases of sexual assault in the first seven months of her assignment.

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<sup>8</sup> Courtney O’Connor, ‘A review of UNHCR’s women victims of violence project in Kenya’, UNHCR, Geneva, 1996, p.12.

<sup>9</sup> For more details see Mary Anne Fitzgerald, ‘We keep silent until we die’, *Refugees*, vol. 2, no. 115, 1999; Refugees International, ‘Gender violence and kidnapping of women and children at Kakuma Refugee Camp’, <<http://www.refintl.org/>>, March 1999.

<sup>10</sup> See Human Rights Watch, ‘Seeking refuge, finding terror: the widespread rape of Somali women refugees in north-eastern Kenya’, 1993; Africa Rights, ‘The nightmare continues... abuses against Somali refugees in Kenya’, London, 1993; Binaifer Nowrojee, ‘Target for retribution’, Human Rights Watch, New York, 1997.

<sup>11</sup> Kenya Human Rights Commission, ‘Haven of fear: the plight of women refugees in Kenya’, Nairobi, 1999, p. 13.

<sup>12</sup> Lawyers Committee for Human Rights, *African Exodus: Refugee Crisis, Human Rights and the 1969 OAU Convention*, New York, 1995, p. 66.

Sexual violence continues to be a constant threat to women living in the Dadaab area, despite the introduction of numerous measures to counter the problem. While efforts have also been made to ensure that the incidence of rape is accurately recorded, the statistics collected by UNHCR and other agencies continue to be a source of confusion and controversy. Some commentators argue that rape is such a shameful experience for Somali women that most incidents go unreported. Others suggest that the special assistance programmes which have been established for the victims of sexual violence in Dadaab provide women with an incentive to claim that they have been raped, even if they have not been the victims of sexual violence.<sup>13</sup>

According to a study prepared by the Kenya Human Rights Commission, a national and non-governmental organization, the number of reported rapes in the Dadaab area stood at 200 in 1993 and subsequently dropped to between 70 and 105 in the following four years.<sup>14</sup> Statistics compiled by the UNHCR protection unit in Dadaab suggest that the number of reported rapes (actual and attempted) increased to 164 in 1998 but dropped again to 33 in the first six months of 1999.

Involving female refugees from 12 to 50 years of age, the overwhelming majority (around 80 per cent) of these rapes took place in the bush that surrounds the camps during the hours of daylight, when Somali women and girls are obliged to collect firewood and building materials. The available evidence suggests that in earlier years, before live thornbush fences were planted around the camps, rapes were more likely to take place at night, within the camps and in conjunction with armed robberies of the refugees' dwellings.

The rapes which are committed in and around Dadaab are normally ascribed to 'bandits' - a conveniently generic term that is used to describe roving groups of men who are also responsible for theft, cattle rustling and other criminal activities. Given their apparently ubiquitous presence in the Dadaab area, surprisingly little is known about the bandits. Where do they come from? Where do they and their families live? Do they survive purely on the basis of robbery, or do they also have more legitimate means of subsistence? Are they organized on the basis of clan or sub-clan membership? Do they enjoy privileged links with influential figures in the local community? Why do they engage so regularly in the rape and assault of refugee women and girls? And why are the bandits never apprehended and interrogated, thereby enabling such questions to be at least partially answered?

According to agency staff, refugees and other local informants, the bandits who plague the Dadaab area are a mixture of local Kenyans, Somali refugees and, less frequently, Somalia-based militia members engaged in cross-border raids. They move on foot, in groups of between five and twenty five, carrying firearms and knives and wearing masks to avoid identification. Some also dress in military-style fatigues. They frequently engage in gang-rapes, using extreme violence to subjugate their victims. As a result of

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<sup>13</sup> This apparently sexist analysis, which has been rejected by many commentators, was supported by an expatriate female doctor interviewed in Dadaab.

<sup>14</sup> Kenya Human Rights Commission, *op cit*, p. 10.

the type of FGM practised by the Somalis, which involves sewing up the genitalia, rape victims may literally be cut open by their assailants, using daggers or bayonets. The degree of physical pain and psychological trauma inflicted by such experiences require no elaboration.

According to some commentators, the incidence of rape in Dadaab must be seen in the context of the clan-based violence which also affects the area and which is discussed later in this paper. A report on Kenya published by the advocacy organization Refugees International, for example, unequivocally states that “rape is a weapon of war, an act of aggression by one clan or sub-clan against another.”<sup>15</sup> The Kenya Human Rights Commission is less emphatic on this score, however, pointing out that Ethiopian and Sudanese refugee women in Dadaab have also been subjected to rape.<sup>16</sup> Similarly, a Somali student who previously lived as a refugee in Dadaab casts doubt upon the notion that sexual violence is invariably associated with inter-clan hostility.

Rape is not a welcome act in the Somali tradition and is at times used as a weapon in time of revenge and war... There have been reports where the rapists asked for the woman’s clan and raped them if they were not from their (the rapist’s) clan. It is not uncommon for a woman to be singled out from a group of women and raped if she was not from the clan of the attackers. These, however, are isolated incidents and cannot lead to the conclusion that rape in the Dadaab camps is caused by clan rivalries.<sup>17</sup>

### *Armed robbery*

In addition to the sexual violence examined in the preceding section, the problem of ‘banditry’ in Dadaab is regularly manifested in the form of armed and highway robbery. Indeed, the scale of this phenomenon is such that all vehicles in the area are obliged to travel in organized convoys, led and followed by armed police escorts.

A review of the files at UNHCR’s Dadaab office suggests that around a dozen armed robberies are reported in and around the area’s three refugee camps in a typical month. The actual incidence of armed robbery is probably much higher. A senior NGO staff member, for example, felt that there were “on average, at least one serious incident of robbery every night.”<sup>18</sup> The conventional wisdom in Dadaab is that the number of armed robberies committed, and the boldness of the people responsible for them, has increased markedly during the past two years.

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<sup>15</sup> Mary Anne Fitzgerald, ‘Firewood, violence against women and hard choices in Kenya’, Refugees International, <<http://www.refintl.org/>>, July 1998, p.2.

<sup>16</sup> Kenya Human Rights Commission, *op cit*, p. 10.

<sup>17</sup> Alfred Orono, ‘Analysis of 1993-1998 rape statistics for Dadaab refugee camps and suggestions for prevention of sexual violence in an overall crime prevention initiative’, BA dissertation, University of Alberta, March 1999, pp. 23-24.

<sup>18</sup> Interview, Dadaab, August 1999.

The available evidence indicates that the majority of armed robberies in Dadaab take place at night, and are committed by the same kind of 'bandit' groups that are responsible for raping women in the hours of daylight. These groups of armed robbers appear to have four principal targets: refugees, especially those who have a business or a cash income; aid agency facilities and installations, including warehouses, schools and pumping stations; vehicles travelling in the region, especially those without the requisite police escort; and *miraa* or *khat* traders, who deal in the mildly narcotic leaf which is chewed by people throughout the Horn of Africa.

Significantly, the very valuable humanitarian assets to be found in Dadaab - four-wheel-drive vehicles, trucks, building and pumping equipment, construction materials and food supplies, for example - appear to be of no interest to the thieves. Whether attacking a refugee, a trader, a member of the local population or a lorry driver, their interest is confined to cash and to low-value portable items such as radios, cameras, cassette players, watches, shoes, clothes, plastic sheeting and blankets.

According to many testimonies, the bandits sometimes verify the clan of their intended victim before proceeding with a robbery. They are most prone to resort to the use of violence when obstructed in their criminal activities. This is not to suggest, however, that they are governed by a humanitarian code of conduct. Indeed, the frequency with which the victims of robbery are subjected to a thorough (and in some cases fatal) beating suggests that the bandits are eager to maintain a climate of fear and intimidation in Dadaab, thereby reinforcing the degree of impunity which they appear to enjoy.

#### *Violence within national refugee groups*

Some of the most important manifestations of violence in Kenya's refugee-populated areas have involved violent clashes between exiles of the same nationality. Of the two areas concerned, Kakuma has been the most seriously affected by this phenomenon. In June 1997, for example, fighting between Sudanese Dinkas and Sudanese Nuers led to an unknown number of deaths and more than 100 injuries. Six months later, the UNHCR office in Kakuma reported that "a fight took place between two Dinka youths, which quickly escalated into a fracas involving large numbers... Previous fighting involving Dinkas was against the Nuers. Dinkas are now fighting amongst themselves."<sup>19</sup> This clash - between sub-clans known as the Dinka Barhal Gazal and the Dinka Bor - lasted four hours and prompted the police to fire more than 100 rounds of live ammunition over the heads of the belligerents. Around 140 casualties were recorded.

Since that time, further clashes of this type have taken place at Kakuma. In March 1998, renewed fighting between the Dinka Barhal Gazal and the Dinka Bor left 155 refugees with serious injuries. And in January 1999, six Sudanese refugees were killed and up to 300 injured when members of the Dinka and Didinga groups fought a running battle with spears and swords. Around 400 houses were burnt to the ground and some 6,500 refugees - primarily Didinga women and children - felt obliged to seek refuge in front of

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<sup>19</sup> UNHCR, 11 December 1997.

the UNHCR compound. And then, as a UNHCR staff member reported, “drums of war were heard from the Dinka community, and young men with spears and arrows were sighted going towards the rift, coming towards the reception area... We had a terrible time to control the Dinka Sudanese minors from attacking the reception zone.”<sup>20</sup>

Clashes have also taken place between the different Somali clans and sub-clans living in Dadaab. Frequently triggered by minor incidents, they are indicative of the emphasis placed upon revenge in Somali culture. To give just one example, in August 1998, UNHCR reported that a quarrel between two women at a tapstand in Hagadera “turned into an inter-clan block fight in which four women were injured.”<sup>21</sup> A few days later, “two refugees armed with a knife attacked a 40 year-old man in a revenge attack linked to the quarrel at the tapstand. He sustained serious injuries and was admitted to hospital.”<sup>22</sup>

There is an evident potential for such disputes to escalate into violence of a more generalized nature. In January 1999, for example, six men were tied to trees and shot dead at point blank range some three kilometres from Hagadera camp. Initially, seven men had been captured, but one managed to escape without being shot. The deceased, all of them from the Auliyahan clan, were reported to be nomads, in search of pasture and water for their animals.

Shortly after the killings, the man who had escaped from the scene of the crime spotted two of the suspected murderers in a local market and, supported by a growing crowd of people, chased them into Hagadera camp. According to one report, the crowd proceeded to act “in mob justice fashion, and set ablaze the *tukuls* [huts] in two blocks... Approximately 97 *tukuls* had been burned to ashes and diverse pieces of property looted or damaged... Half an hour later, there were reports of physical confrontations and clashes between the Auliyahans and the Shikhals in Hagadera camp. It was alleged that a group of Auliyahan youths, armed with knives and clubs, went towards the block to confront the Shikhals. In the process, the Auliyahans were overpowered and two seriously injured.”<sup>23</sup> A later report observed that “serious inter-clan conflict” had broken out in the camp, involving “physical confrontations and clashes” between the two groups.<sup>24</sup> Twenty people were seriously injured.

Another form of inter-group violence in Dadaab consists of conflict between the majority of Somali refugees (who are primarily nomadic pastoralists) and the minority Bantu Somalis, who speak a different language, who usually practice sedentary agriculture and who are derided by other Somalis because of their way of life, accent and physical appearance.<sup>25</sup> In May 1998, for example, fighting broke out between the two groups when the majority Somalis attempted to ensure a camp-wide boycott of a ration card revalidation exercise. “Most Sudanese, Ethiopians and Bantu Somalis came for

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<sup>20</sup> UNHCR, 29 January 1999

<sup>21</sup> UNHCR, 9 August 1998

<sup>22</sup> UNHCR, 15 August 1998.

<sup>23</sup> UNHCR, 10 February 1998.

<sup>24</sup> UNHCR, 25 January 1999. See also Philip Ngunjiri, ‘Kenya: rival groups turn refugee camps into battleground’, Interpress Service World News, <<http://www.oneworld.org>>, 1 February 1999.

<sup>25</sup> My thanks to Guido Ambroso for this information.

wristbands,” the UNHCR office reported, “and were subsequently targeted by the Somali majority. In Dagahaley, it came to violent clashes between the Bantu Somalis and the Somalis.”<sup>26</sup>

### *Violence between national refugee groups*

In addition to the violence that takes place between different groups of Sudanese refugees, Kakuma has also been affected by tension and conflict between refugees from different countries. In March 1998, for example, fighting between Sudanese Nuer and Ethiopian exiles left 29 people injured, five of whom had to be hospitalized. When the District Officer ordered the belligerents to surrender their weapons, around 200 spears, clubs and other implements were handed over to the authorities. The cause of the dispute is not known.

Six months later, another serious incident took place in Kakuma, this time involving a clash between Somali and Sudanese refugees. The following report is indicative of the violent atmosphere which pervades the camp:

On 6 September 1998, at around 5.00 p.m., the UNHCR field team was leaving the compound for a meeting with the Burundi community to try to resolve a water dispute, when we were informed that a fight has started between the Somali and Sudanese communities in Kakuma... Upon arrival at the scene, they faced a very angry crowd with fierce traditional weapons, rushing towards the burning houses and shops... The damage was serious as one Somali died by gunshot at the scene and a Sudanese died later during the night... The Social Services assessment reported 54 shelters and business premises burnt down and others looted in the Somali community...

Several theories were advanced on the cause, but one which appears most plausible is that five Sudanese boys went to fetch water ... and lined their jerrycans across the footpath. Two Somali riders, together on one bicycle, knocked down the jerrycans by riding along the path. Obviously the Sudanese boys got annoyed and held the bicycle to enquire the reasons why they behaved that way. Instinctively, one of the Somali boys walked to the nearest shop and came back, threatening with a knife. He stabbed the Sudanese boy and the fight opened. Three of the wounded were referred to Lopiding, one of whom died the same night. 24 injured were treated and discharged while four were admitted to the Kakuma mission hospital...<sup>27</sup>

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<sup>26</sup> UNHCR, May 1998.

<sup>27</sup> UNHCR, 14 September 1998

### *Violence between refugees and local populations*

In Dadaab, the distinction between ‘refugees’ and the ‘local population’ is in many ways a fuzzy one, as most of the people living in and around the three camps share a common language and culture, and belong to clans which straddle the border between Kenya and Somalia. In Kakuma, however, the Sudanese refugees who dominate the camp do not share such links with the local Turkana. According to a UNHCR report, there is “a persistent climate of suspicion” between the two groups.<sup>28</sup>

The most frequent manifestation of this suspicion is to be found in the theft of livestock by Turkanas, sometimes bearing arms, who live in and around the camp. As one Sudanese refugee elder explained, “the Turkana say, these are not your animals. You are not supposed to keep them. You are refugees and you are on the move. They are our animals and we will take them.”<sup>29</sup> And take them they do. According to a UNHCR staff member, “any animal that is acquired by a refugee is certain to be stolen by the Turkana if it is not slaughtered straight away.”<sup>30</sup>

Hitherto, regular and large-scale outbreaks of violence between refugees and local population in Kakuma have been averted, although one UNHCR publication has reported that “during 1997, tensions that arose amongst the local Turkana and Sudanese refugees culminated in fighting at nearby Kakuma town, resulting in injuries among both refugees and townspeople.”<sup>31</sup> According to many humanitarian personnel, however, the potential for further clashes of this kind is mounting. This is due partly to the steady expansion of the refugee camp, into areas used by the Turkana for grazing, and partly because of a growing tendency for local Turkana to settle within the perimeter of the camp, where they are more likely to come into contact and conflict with the refugees.

### **UNHCR and the humanitarian response**

Given the level of insecurity which prevails in and around Kenya’s refugee camps, one might legitimately ask what steps UNHCR and its NGO partners have taken to curtail the level of violence. According to some commentators, such steps have been seriously inadequate. Guglielmo Verdirame, for example, has suggested that UNHCR and other humanitarian agencies are an intrinsic part of the security problem in Kenya, “administering the camps in ways which often appear to be in blatant disregard of international human rights standards.”<sup>32</sup> Other commentators, such as the Lawyers Committee for Human Rights and African Rights, have taken UNHCR to task for failing to take adequate action in support of refugees who have been affected by rape and other

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<sup>28</sup> UNHCR, 6 August 1998.

<sup>29</sup> Interview, Kakuma, August 1999.

<sup>30</sup> Interview, Kakuma, August 1999.

<sup>31</sup> UNHCR, ‘Information Bulletin: Kenya/Somalia Programme’, July 1998, p. 4.

<sup>32</sup> Guglielmo Verdirame, *op cit*, p. p. 75.

forms of violence, including abuses committed by refugee community leaders and the local security services.<sup>33</sup>

Such allegations cannot simply be dismissed. First, it must be acknowledged that UNHCR may not have always given sufficient attention to protection and security issues in Kakuma and Dadaab - a problem which is due in part to the pressing problems confronting refugees and asylum seekers in Nairobi, where UNHCR's branch office for Kenya is to be found. It is somewhat surprising to note, for example, that no international protection officer was deployed in Kakuma until August 1997, and that when such a post was created, it was established at the most junior level possible. Similarly, the protection unit in Dadaab, currently consisting of one international and one national officer, is hardly a strong one in relation to the size of the three camps in the area and the security problems which they experience. The branch office in Nairobi employed only one international protection officer until February 1998, and has therefore not been well placed to address the problem of insecurity in Kakuma and Dadaab.

Second, while their allegations may hold true in certain respects, some of UNHCR's critics seem to have an unrealistic impression of the organization's strength and influence in the camps. One NGO worker in Nairobi, for example, suggested that the security of the refugee camps should be far better in view of UNHCR's "large and powerful presence" in Kakuma and Dadaab.<sup>34</sup> Similarly, one Kenyan human rights activist described UNHCR as being "omnipresent and omnipotent" in Kakuma and Dadaab.<sup>35</sup> In fact, UNHCR's programme in Kenya has been subject to serious budgetary and staffing constraints in recent years, with the result that the organization has just a dozen international staff members in the north of the country. More generally, one should note that UNHCR's mandate with respect to the physical safety and security of refugees is a limited one, such issues being in the first instance the responsibility of host states.<sup>36</sup>

Third, it is clear that the insecurity experienced by UNHCR staff and other aid agency employees in Kakuma and Dadaab imposes an additional constraint on the ability of such organizations to address the problem of violence. One experienced NGO worker, for example, said that working in Dadaab was in many ways a more depressing and

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<sup>33</sup> Lawyers Committee for Human Rights, op cit, pp. 64-71. The exact extent to which the security services have been involved in the abuse of refugees has been a matter of considerable controversy. See Richard Carver, 'Kenya after the elections', *Refugee Survey Quarterly*, vol. 13, no. 1, 1994, p. 52-53.

<sup>34</sup> Interview, Nairobi, August 1999.

<sup>35</sup> Interview, Nairobi, August 1999.

<sup>36</sup> This issue was first addressed in 1983, when former High Commissioner Felix Schnyder prepared a report on 'Military attacks on refugee camps and settlements in Southern Africa and elsewhere'. The report concluded that UNHCR's mandatory function of international protection did not involve the provision of physical protection to refugees, as this task was the primary responsibility of host states. However, the report also concluded that UNHCR had a role to play in promoting conditions which ensure that refugees are not exposed to danger. This position was broadly reflected in Excom conclusion no. 48 ('Military or armed attacks on refugee camps and settlements') which affirms (in para. 4) that the protection of camps is a shared responsibility, involving refugees themselves, countries of asylum, other states, UNHCR and other organs of United Nations.

dangerous experience than working in the war-torn states of West Africa and the Great Lakes region.<sup>37</sup> Similarly, as one UNHCR report observes:

Staff are exposed to security risks and are subject to compliance of stringent security requirements on a daily basis. The threat of bandit attacks and hijackings pose a continuous threat to staff and curtail activities and freedom to a great extent. Travel from one camp to another or place has to be escorted by a police patrol and in a convoy. Staff are confined to a compound and other forms of distraction are severely limited. Facilities are poor and lifestyles subject to stress.<sup>38</sup>

Confronted with such difficulties, humanitarian personnel are not only unable to function effectively, but are also inclined to become habituated to high levels of violence and insecurity. This syndrome is exemplified by a UNHCR report on Hagadera camp in Dadaab, which observes that the security situation had been “fairly good,” with “no major incidents reported.” It then goes on to explain that the five armed robberies, two rapes and one attempted rape had taken place during the previous month.<sup>39</sup>

Fourth and finally, whatever the earlier failings of the humanitarian agencies, recent years have witnessed a concerted effort on the part of UNHCR and its partners to address both the causes and consequences of insecurity in Kakuma and Dadaab. Indeed, a notable feature of the current UNHCR programmes in both areas is the extent to which they seek to address the problem of violence in an integrated manner, combining key functions such as protection, assistance, camp management, education and community services. Some of the most important components of this integrated approach are summarized in the following paragraphs.

*Support to the police.* A principal UNHCR objective in northern Kenya has been to reinforce the capacity and efficacy of the local security services, particularly the police force. In an attempt to meet this objective, the organization has provided the police with vehicles, as well as spare parts and fuel. UNHCR has installed a radio network, linking the police in Dadaab to their colleagues in Garissa and Liboi. Police stations, which are manned around the clock and which provide a base for night-time patrols, have also been constructed in all of the camps with UNHCR assistance. The organization supplements the wages of police who are based in the refugee camps and also pays them bonuses for escort and food distribution duties. In addition, UNHCR’s field and protection officers have been involved in the training of police officers, military personnel and government officials, so as to ensure that they are familiar with the principles of international refugee law.

*Camp security arrangements.* As well as supporting the local police in Kakuma and Dadaab, UNHCR has attempted to establish better security arrangements within the camps. A senior security officer has been appointed to the branch office in Nairobi.

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<sup>37</sup> Interview, Dadaab, August 1999.

<sup>38</sup> UNHCR, 16 June 1997.

<sup>39</sup> UNHCR, December 1998, no date specified.

Former Kenyan army officers have been recruited to serve as security coordinators in the two camps. Their responsibilities include advising other staff members and NGO personnel on security issues, compiling security reports, gathering intelligence on potential security problems, liaising with the police, as well as the military and local government authorities. In Kakuma, the security arrangements established in the camp include the creation of a 120-strong force of local guards, drawn from both the refugee and local populations. Employed by the Lutheran World Federation, the NGO which is responsible for camp management, the guards have also been provided with equipment such as bicycles, radio handsets and uniforms.

*Community organization.* The principle of community self-management, which according to a UNHCR staff member is designed “to empower the refugees and to boost their involvement in camp life” has become a central feature of the UNHCR programmes in Kakuma and Dadaab.<sup>40</sup> One result of this approach is a proliferation of bodies intended to facilitate the involvement of refugees in the maintenance of law and order. As well as women’s committees, they include ‘security committees’, ‘security and justice committees’, ‘anti-violence committees’ and ‘anti-rape committees’. Increased efforts have also been made to promote a dialogue on security problems between refugee and local community leaders, as well as the security services, district administration officials and humanitarian agencies.

*Improved site planning.* In recent years, UNHCR and the German agency GTZ have assisted the refugees in Dadaab to plant more than 150 kilometres of live (and supposedly impenetrable) thornbush fencing around the blocks which make up the three refugee camps in the area. In addition, each block has been provided with heavy doors and padlocks, so as to prevent intruders from entering the camps at night. In Kakuma, a brick-making project has recently been introduced, which promises to provide the refugees with more secure accommodation than their existing dwellings, which are flimsily constructed from wood, mud and plastic sheeting. Steps have also been taken in Kakuma to physically separate groups of refugees such as the Sudanese Dinka and Nuer, who have clashed with each other in the past.

*Preventive action.* A variety of steps have been taken to avert the violence and criminal activities which plague Kakuma and Dadaab.<sup>41</sup> During the past year, for example, UNHCR and the US government have established a \$1.5 million project to provide the refugees in Dadaab with part of their firewood needs, thereby limiting the need for women and girls to venture into the bush. Trials also have been undertaken with alternative energy sources such as kerosene, solar power and coffee briquettes, all of which would further reduce the need for firewood collection. In addition, funding provided to the UN by Ted Turner, the founder of CNN, is being used to support a ‘prevention of sexual violence’ project, a principal objective of which is to enhance

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<sup>40</sup> Interview, Dadaab, August 1999.

<sup>41</sup> For a review of the efforts made in relation to sexual violence, see Courtney O’Connor, *op cit*, and Alfred Orono, ‘UNHCR’s fight against sexual violence in Dadaab’s camps, October 1993- January 1999: an overview’, UNHCR, Dadaab, 1999.

awareness of the problem amongst refugees, community leaders, the security services and humanitarian personnel.

*Assistance to local populations.* ‘Refugee-affected area’ programmes have been established in both Kakuma and Dadaab, their purpose being to ensure that local people derive some tangible benefits from the presence of so many refugees. In Kakuma, for example, UNHCR and its partners have built water catchments for local livestock herders, a number of primary school classrooms and a ‘friendship hall’ that can be used for public meetings. In addition, UNHCR pumps water to Kakuma town and subsidises the local hospital through the elevated fees which it pays on behalf of refugee patients. In Dadaab, UNHCR has funded the drilling of 25 boreholes for the local population, constructed a 60-bed health centre, built secondary school classrooms and provided the town with anti-banditry fencing similar to that which has been planted round the camps. In both areas, local people have guaranteed access to the health services, schools, training facilities and employment opportunities available in the camps.

*Education and recreation.* A variety of different initiatives have been taken to provide the refugees - especially children and adolescents - with programmes that might reduce their propensity to become involved in crime and violence. In addition to regular schooling facilities, UNHCR and the US government have launched an innovative ‘peace education’ programme in Kakuma and Dadaab, designed to encourage understanding, tolerance and a commitment to peaceful co-existence amongst the refugees. In Kakuma, young people can enrol in a vocational training programme implemented by the NGO Don Bosco, which also administers a credit scheme for trainees who wish to make practical use of the skills they have acquired. The Kakuma area also has an extensive youth, sport and culture programme, supported in part by the international and Dutch olympic committees.

### **Sources of insecurity**

A very clear paradox emerges from the analysis provided in preceding sections of this paper. On one hand, the paper has suggested that the level of violence in refugee-populated areas of Kenya is unacceptably high, and that the problem may actually be getting worse. On the other hand, it has argued that in recent years, increasingly systematic efforts have been made by UNHCR and its partners to resolve the problem of insecurity in refugee-populated areas of Kenya. Why then have these initiatives failed to have their intended effect? The following section of the paper seeks to answer that question by focusing on the deeply rooted nature of the violence that affects Kakuma and Dadaab. More specifically, the section explores three principal and closely connected themes: the political economy of the Kenyan state, the nature of its refugee policy, and the circumstances of its principal refugee populations.

### *The state and refugee policy*

Security has been a central concern of Kenyan refugee policy since the colonial period. But that concern has derived from a preoccupation with the security of the state, and the perception that state security is jeopardized by the presence of refugees.

As Peter Kagwanja has explained, Kenya's longstanding apprehension with regard to large refugee influxes is the result of several factors: a chronic shortage of arable land, which comprises only three per cent of the country's territory; a particular fear of ethnic Somalis, who in the 1960s fought for the north-east of the country to be incorporated into a greater Somali state; and a more general concern that the arrival of refugees will lead to the spread of firearms, increased levels of crime and social unrest. As a result of these concerns, Kagwanja argues, the colonial and post-colonial Kenyan states have sought to limit the number of refugees on the country's territory and have consistently rejected any suggestion that exiled populations be given land and allowed to settle in the country on a long-term basis.<sup>42</sup>

During the 1970s and 1980s, the refugee problem in Kenya was not particularly acute. The country's official refugee population was small (less than 15,000 at the end of that period) and was largely composed of Ugandans, who were generally absorbed into the country's labour market and commercial sector. According to Kagwanja, "most of them acquired Kenya government identity cards and gained relative access to social services such as education, health and housing."<sup>43</sup>

The situation changed dramatically in the early 1990s, when armed conflicts and human rights violations in the neighbouring states of Ethiopia, Somalia and Sudan prompted large numbers of people to cross the border into Kenya. By 1992, their number had reached some 420,000, the vast majority of them Somalis. Kenya was obliged to admit the new arrivals for a number of reasons: because of its status as a signatory to the UN and OAU refugee conventions; because it had no real means of physically preventing the influx; and because of the need to prove its commitment to human rights and democracy, thereby ensuring a resumption of foreign aid from donors who had questioned the country's commitment to such values.

Having allowed the refugees into the country, the Kenyan authorities made it clear that their presence was not particularly welcome. In December 1992, the government announced that the refugees would have to return to Somalia, prompting UNHCR to initiate a 'cross-border assistance operation' into Somalia, which was intended to promote a process of voluntary repatriation and to avert new refugee influxes.<sup>44</sup>

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<sup>42</sup> Peter Mwangi Kagwanja, 'Challenges and prospects for building local relief capacity in Kenya: reflections on humanitarian intervention', paper prepared for a workshop on 'Humanitarian assistance and conflict: the Nordic-African Dialogue', Nairobi, August, 1999.

<sup>43</sup> *ibid*, p. 5.

<sup>44</sup> See Constantin Sokoloff, 'Review of UNHCR's Kenya-Somalia cross-border operation', UNHCR, Geneva, 1994.

While repatriation did indeed take place (by 1996, the number of Somali and Sudanese refugees in Kenya had declined to around 200,000) other concerns had come to the fore. As Verdirame has explained, many refugees had been placed in coastal camps, which soon became important centres of economic activity - partially because transactions completed in the camps was not subject to taxation. Other refugees were able to establish businesses in urban areas along the coast, including Kenya's second city of Mombasa. As a result, states Verdirame, "powerful segments of the Mombasa business community put pressure on the government to order the closure of the camps."<sup>45</sup>

Taking up the story, Kagwanja writes that "by 1997, refugee camps that had mushroomed along the Kenya coast... were closed down at the government's behest, and refugees, mostly Somalis, were transferred to camps near the borders with Sudan and Somalia."<sup>46</sup> Responsibility for administering the camps was placed in the hands of UNHCR and its international NGO partners, while the refugees were confined in Kakuma and Dadaab. While never imposed with total success, this policy was reinforced by periodic demands for the refugees to repatriate, coupled with occasional police swoops on refugees living in 'down country' locations such as Nairobi, Mombasa and Eldoret.<sup>47</sup>

Kenyan refugee policy in the 1990s can thus be said to rest on a number of basic principles: first, a general recognition of the principles of asylum and *non-refoulement*; second, a determination to resist the integration of refugees into the economic and social life of the country; third, the maintenance of large refugee camps in remote areas, close to the refugees' countries of origin; and fourth, that an assumption that pending their repatriation, responsibility for the refugees will be fully assumed by UNHCR and other members of the international community.

This policy framework has had a number of important consequences. Despite the longstanding presence of refugees in Kenya, the country has no refugee legislation. The refugees themselves lack a clear legal status and do not have identity cards.<sup>48</sup> Officials and official bodies tend to have a limited interest in the situation of refugees, believing them to be 'UNHCR's problem'. Politicians, the media and the public are largely hostile towards the presence of refugees, failing to recognize that in Kakuma and Dadaab, their presence has had a very positive impact on the local economy. Needless to say, these circumstances do not provide a very conducive environment for the protection and security of refugees.

Domestically, it should be noted, such circumstances have not aroused a great deal of attention or concern. For while Kenya has a lively human rights movement, it has been

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<sup>45</sup> Guglielmo Verdirame, op cit, p. 69.

<sup>46</sup> Peter Kagwanja, op cit, p. 6.

<sup>47</sup> The US Committee for Refugees observed in 1998 that there were "virtually annual crackdowns to apprehend refugees and others found in urban areas." US Committee for Refugees, *World Refugee Survey 1998*, p. 73, Washington DC, 1998.

<sup>48</sup> For more on the legal status of refugees in Kenya, see Jennifer Hyndman and Bo Viktor Nylund, 'UNHCR and the status of *prima facie* refugees in Kenya', *International Journal of Refugee Law*, vol. 10, no. 1/2, 1998.

largely preoccupied with ‘domestic’ issues and has therefore not become substantially involved in refugee-related questions.

### *The location of Kenya’s refugee camps*

According to one UNHCR official in Kenya, “you cannot create island of security in a sea of insecurity.”<sup>49</sup> It is a statement that neatly encapsulates the difficulties experienced by UNHCR and other humanitarian organizations working in the country’s refugee camps.

Kakuma and Dadaab are both located in remote and semi-arid areas, sparsely populated by desperately poor nomadic pastoralists. They are almost totally devoid of any investment or development activity, whether by the Kenyan authorities, private enterprise or international agencies. In both areas, refugees easily outnumber the indigenous population. In the Kakuma area, for example, Kenyan citizens represent well under half of the total population. And contrary to the situation in Dadaab, the Turkana have no ethnic or cultural links with the residents of the camp.

There is a general recognition in Kakuma and Dadaab that the refugees enjoy a standard of living which is equal to if not better than many local people. According to aid agency workers, the level of malnutrition amongst the Turkana is higher than it is amongst the refugees in Kakuma. Some of the Turkana are even employed as domestic and manual labour by the more prosperous refugees! While local people have been given access to many of the camp’s facilities, and although UNHCR has established its ‘refugee-affected area’ programme, the Turkana do not receive the food ration which is given to the refugees - an important consideration in a subsistence economy. Not surprisingly, in the words of one NGO staff member, “the locals feel that the refugees are getting all the goodies.”<sup>50</sup>

Additional resentment comes from Kenyan traders, who find it difficult to compete with their Somali and Ethiopian competitors, as the latter are not subject to taxation by the Kenyan authorities. As indicated earlier, the potential for conflict between refugees and locals is exacerbated by the fact that the refugee population is growing, obliging UNHCR to seek additional land in an area which provides prime grazing land for the Turkana.

The poverty of Kakuma and Dadaab is closely related to their instability. The border areas of north-west and north-east Kenya have always been insecure and weakly governed, characterized by banditry, cattle rustling and insurgency, as well as violent clashes between the Kenyan army and local armed groups. As a result of conflicts taking place in neighbouring countries - Ethiopia, Somalia, southern Sudan and northern Uganda - the area has been flooded with small arms and automatic weapons. Some militia groups from Somalia are also known to have taken up residence in north-east Kenya. Indeed, some of the first attacks on refugee camps in the area took place in the

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<sup>49</sup> Interview, Kakuma, August 1999.

<sup>50</sup> Interview, Kakuma, August 1999.

early 1990s, when the multinational forces of Operation Restore Hope drove a number of militiamen and bandits across the border into Kenya.

While the areas of Kakuma and Dadaab have traditionally experienced high levels of insecurity, the establishment of the two refugee camps appears to have led to a geographical concentration of the violence. There are simply more items to steal, more people to rob and more women to rape in and around the camps than in other parts of the two provinces.

The presence of the refugee camps has also been destabilizing in political terms. The resentment of local people towards refugees in Kakuma, for example, has been mobilized and exploited by local politicians, seeking to strengthen their popular support. The fact that UNHCR and other agencies provide almost the only source of employment and business in the area leads to intense competition for jobs, contracts and access to the various resources of the refugee assistance programme. Although 85 per cent of jobs in the camp are supposedly reserved for local people, few of the Turkana are sufficiently qualified for the better paid posts. Those who do have the necessary qualifications also tend to be highly politicized, something which has contributed to regular disputes over issues such as recruitment, dismissals and promotions. As a result of these factors, Kakuma has become a hotbed of intrigue, where discontented individuals and groups of people have an interest in fomenting unrest.

### *The problem of impunity*

Another root cause of the insecurity in Kakuma and Dadaab is to be found in the problem of impunity. For in both parts of the country, the rule of law is weak and the perpetrators of violence are rarely held accountable for their actions. As this section suggests, such impunity derives from a number of related issues: the social organization and culture of the refugee and local populations; the limited capacity of the local security services; and the weakness of the judicial system

The social organization and culture of the communities living in Kakuma and Dadaab undoubtedly contributes to the violence which affects both areas. Aid agency staff acknowledge that residents of the camps have a tendency to feel that they are above the law because of their refugee status (even if that status is not recognized in Kenyan law). One UNHCR report on security problems, for example, refers to “the need to introduce regulations which lifts the immunity many refugees believe they enjoy. It will also be necessary to enforce the notion that action contrary to the order and security of the camp will no longer be allowed to continue with impunity, but that a high degree of accountability on the part of the elders and the perpetrators will be introduced.”<sup>51</sup>

As a result of social and cultural factors, refugees are often unwilling to give evidence against suspected criminals. First, bandits and other wrongdoers tend to be protected by other members of the same clan or community. Second, as mentioned earlier, the notion

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<sup>51</sup> UNHCR, 12 March 1999.

of *mashalah* or 'blood money' is a central feature of Somali culture, allowing individuals to buy exemption from criminal acts. And third, the criminals and their clansmen often use violence and the threat of violence to intimidate potential witnesses. In August 1999, for example, a UNHCR staff member reported that the family of someone who was suspected of an armed robbery in Dadaab "threatened members of the block with dire consequences if their relative was convicted."<sup>52</sup> As a result of such intimidation, coupled with the absence of effective witness protection procedures, many refugees are reluctant even to enter a police station.

On those occasions when a suspect is apprehended and detained, he may well exact his revenge on another person or clan when he is released. According to one report from Dadaab, "the Somalis are always moving round with a knife. For any small quarrel they stab their antagonist. If arrested and handed over to the police, they are released the same day, and come back to the camp, more threatening than before."<sup>53</sup> More generally, the imprisonment of criminals may actually contribute to an ultimate increase in the level of banditry and crime. According to another report, "refugees who have been jailed learn more criminality in prison, and when released back into the refugee community often behave worse than before they went to prison. It is also reported that local criminals and refugee criminals who meet in prison cooperate upon release and form criminal groups."<sup>54</sup>

The growing confidence of such groups in committing violent crimes is a common theme of recent reports from Dadaab. "There is a general concern," says one, "that the bandits have become more daring and/or desperate and do not shy away from firing directly at convoys. More than before they have been engaged in firing at regular convoys between the camps. They may feel that they have the upper hand against the police force and are capitalizing on it."<sup>55</sup> "Bandits have solidified their position in the area", says a second report. "Bandits outnumber the police or are more skilled. They now have the courage to fight instead of running away when police escorts arrive on the scene."<sup>56</sup>

As these quotations suggest, the efforts which UNHCR has made to strengthen the capacity of the police force in Kakuma and Dadaab do not appear to have met with a great deal of success. Which begs the question why.

First, the police force in Kakuma and Dadaab is too small in relation to the number of people living in both locations and the severity of the security problems affecting them. In Dadaab, for example, 30 policemen are supposed to be posted at each of the three camps. But the actual complement frequently stands at between 10 and 20 - smaller than the bandit groups which they are supposed to apprehend.

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<sup>52</sup> UNHCR, 25 August 1999.

<sup>53</sup> UNHCR, 14 September 1998

<sup>54</sup> UNHCR, no date specified.

<sup>55</sup> UNHCR, 3 October 1998.

<sup>56</sup> UNHCR, 6 October 1998.

Second, the morale of the police force is low. The policemen (there are no female officers) who are posted to Kakuma and Dadaab normally come from other parts of the country, meaning that they are obliged to leave their families behind and to cater for themselves. Few if any volunteer to work in the camps, and there is, according to one UNHCR staff member, a “sense of punishment” in being sent there.<sup>57</sup> Because of the unpopularity of the two areas, those policemen who are deployed in the camps are often young and inexperienced.

Third, the level of training and professionalism amongst the police could be substantially improved. According to informants in Kakuma and Dadaab, the police in both areas are not always present when and where they should be. The vehicles provided to them have been misused and are frequently out of service. As a result, they are unable to respond sufficiently quickly when security incidents take place. Given the number of policemen who have been attacked and killed in recent years, it is not too surprising that some have become reluctant to engage with the bandits and that they frequently arrive at the scene of a crime after the suspects have fled. There have also been persistent allegations from human rights organizations that the police have themselves been involved in regular acts of violence and abuse against refugees.<sup>58</sup>

Fourth, the investigative capacity of the security services in the two refugee-populated areas would appear to be very limited. In general, as mentioned earlier, suspects seem either to get away from the scene of a crime or, less frequently, to be shot and killed by the police. As a result, little intelligence is collected about the identity or activities of the bandit groups. In any case, investigations rarely lead to arrests and convictions, while those suspects who are handed over to the police are often released shortly afterwards. Such difficulties play an evident part in undermining the rule of law. In the words of one report, “laxity in police investigations has apparently encouraged the bandits to continue with what they are doing... Refugees are losing confidence in the police and have become increasingly reluctant to report incidents as they do not see any results of investigations.”<sup>59</sup>

A final factor which contributes to the culture of impunity in Kakuma and Dadaab is the weakness of the judicial system. Between 1997 and 1999, for example, only five people were convicted for rapes committed in Dadaab. And the sentences imposed on them varied substantially - from a fine to 10 years imprisonment.

Bringing suspects to trial (especially in cases of sexual violence) is hindered by a number of different factors in the Dadaab area: an absence of effective witness protection arrangements; the fear of revenge attacks; the shame experienced by victims of rape; and the reluctance of women to travel to and give evidence in Garissa, where the nearest courtroom is located. For other actors involved in the prosecution process, the absence of a court in Dadaab also proved very problematic. As a UNHCR protection officer has explained in a recent paper:

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<sup>57</sup> Interview, Dadaab, August 1999.

<sup>58</sup> See above, n. 32.

<sup>59</sup> UNHCR, December 1998, no date specified.

The tracing and ferrying of witnesses from the vast Dadaab camps to Garissa was costly and cumbersome in terms of time and resources. UNHCR had to pay for the travel and subsistence of refugees while outside the designated camps. In light of the high insecurity in the North-Eastern Province, and the government policy requiring armed police escort and convoy vehicles, the travel itself to the provincial headquarters, Garissa, was very restrictive.<sup>60</sup>

In an attempt to address these problems, in 1993, UNHCR and the Kenyan authorities began to discuss the establishment of a 'mobile court', which would bring justice closer to the community in and around the camps of Dadaab. And eventually, in 1998, the mobile court came into being. Unfortunately, however, this interesting and potentially valuable experiment in the administration of justice has encountered a number of problems: the absence of a suitable location for the court to sit in Dadaab; the minimal number of arrests made in the area, and hence the absence of people to prosecute; a fear that security incidents might occur as a result of high-profile criminal cases; and the constant intimidation of potential witnesses. In an ironic conclusion to her analysis, UNHCR's protection officer concludes that "the high insecurity in Dadaab region and its environs remains a major stumbling block to the functioning of the court."<sup>61</sup>

#### *Connections with countries of origin*

The OAU Refugee Convention states that "for reasons of security, countries of asylum shall, as far as possible, settle refugees at a reasonable distance from the frontier of their country of origin." While the notion of a 'reasonable distance' has never been formally defined, 50 kilometres has generally been accepted as a useful rule-of-thumb. Both Kakuma and Dadaab fulfil this criterion, the former being located some 125 kilometres from the Sudanese border, while the latter is to be found around 100 kilometres from the frontier with Somalia. And yet life in both camps is very directly affected by the events which take place in the refugees' countries of origin.

The latter assertion is demonstrated most clearly in relation to Kakuma. While the camp is not a militarized one, it is, as indicated earlier, strongly influenced by the SPLA. The SPLA plays an important role in the selection of community leaders and hence the administration of the camp. Kakuma provides recruits (and possibly conscripts) for the rebel forces. It acts as a safe refuge for the wives and children of men who are fighting in southern Sudan. It is visited on a regular basis by SPLA commanders. And the regular arrival of new refugees from southern Sudan (around 1,000 a month during the first half of 1999) means that the residents of Kakuma are kept well informed about developments in their homeland.

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<sup>60</sup> UNHCR, 1 August 1999.

<sup>61</sup> UNHCR, 1 August 1999.

Given these connections, it is not surprising that security incidents in Kakuma often follow hard on the heels of security incidents in Sudan. The violent clashes which took place between the Dinka and Didinga in January 1999, for example, erupted after the killing of a celebrated Dinka commander in an ambush at Chukudum in Sudan, about 12 kilometres from the Kenya border. Several months later, it was observed that “according to reports received from southern Sudan, 26 individuals were killed in the ongoing Dinka-Didinga clashes near Chukudum. Therefore the tension between the two communities in Kakuma is very high.”<sup>62</sup>

In the camp itself, such conflicts have led to the progressive fragmentation of what had previously seemed to be a united refugee community. As a report on the January disturbances observed, “there is a very serious socio-political problem between the Equatorians [a group that includes the Didingas] and Dinkas. In fact, what the Equatorians are telling is simple: Dinka Sudanese should change their attitude. They should not consider that they are born to rule over others. While Equatorians are fighting for the liberation of southern Sudan, Dinkas are appointing their community members as commanders. Power should be shared among all southern Sudanese and it should not be retained only by Dinkas.” “As you see”, the report concludes, “everything is linked to the country of origin.”<sup>63</sup> Another report makes the same point even more explicitly. “Insecurity issues in Kakuma,” it states, “are above all political. The recent fighting is another example, demonstrating that the root cause of the problems go back to southern Sudan. It is linked to the very fragmented political situation there.”<sup>64</sup> Thus as well as acting as a *refuge from conflict*, Kakuma also acts as an *arena for conflict*.

Dadaab provides further evidence in support of the latter statement. A February 1999 report from Hagadera, for example, observed that “three Auliyahan bandits were planning to attack the Abduwak clan in revenge for a recent fight in Somalia, around Kismayu. The bandits are reported to be mixed, locals and refugees together.”<sup>65</sup> “If two clans fight in Somalia or elsewhere in Kenya,” states another report, “tension will build up between members of the same clans in the refugee camps.”<sup>66</sup>

### *Refugees under pressure*

It is impossible to understand the level and nature of the violence which takes place in Kakuma and Dadaab with examining the circumstances of the refugees themselves. In logistical terms, both camps can be considered as relatively functional entities: the food pipeline is very rarely interrupted; malnutrition rates are low; each refugee has access to up to 20 litres of water a day; and the hospitals and health centres are reasonably well equipped. In social and psychological terms, however, Kakuma and Dadaab must be considered as highly dysfunctional entities, populated by people who are obliged to live

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<sup>62</sup> UNHCR, 9 May 1999.

<sup>63</sup> UNHCR, 1 February 1999.

<sup>64</sup> UNHCR, 4 February 1999.

<sup>65</sup> UNHCR, 14 February 1999.

<sup>66</sup> UNHCR, August 1999, no date specified.

in extremely trying circumstances. Reports from medical and social services workers in the camps, for example, make frequent reference to the “nervous depression and dependency” of the refugees, describing them as “traumatized,” “aggressive,” “highly stressed,” and as suffering from “emotional and behavioural problems.” This section examines the origins of such problems..

First and most obviously, the refugees in Kakuma and Dadaab are with few exceptions the victims of protracted and brutal conflicts in their countries of origin - conflicts in which civilian populations have been systematically targeted by the belligerents. They are also people who, in the words of one policeman in Dadaab, “have been brought up without justice and under the rule of the gun.”<sup>67</sup> While the camps in Kenya may well offer a greater degree of security than is available in Somalia or southern Sudan, Kakuma and Dadaab hardly provide the kind of safe refuge implied by the notion of ‘asylum’. In this respect, the insecurity that exists in both areas is self-perpetuating: because people constantly feel nervous, threatened and unsafe, they are more prone to act in a violent and unpredictable manner, thereby adding to the volatile atmosphere which prevails in the camps.

Second, a large proportion of the refugees have been living in Kenya for considerable periods of time (the whole of their lives in the case of many children) and have seen their social structures and cultural norms steadily eroded by the experience of exile. The growth of illicit breweries, and the presence of video parlours showing pornographic films, provide some tangible evidence of these trends.

Alfred Orono, a former refugee in Dadaab, provides an interesting insight into the changes which have taken place in the Somalis way of life:

The civil war in Somalia led to the break down of the traditional institution of crime control. The protection normally accorded by the parameters of one’s village and kin was destroyed. And we now have a situation where people of different clans are confined in one area, thereby inhibiting the application of their traditional means of social control... It should be noted that most of the elders and people who had the authority back in Somalia have now lost their powers. The population has lost confidence in their leadership and views them with suspicion; after all, they were not able to halt the killings and rapes back in Somalia. It should not come as a surprise either that women have now taken over leadership roles...<sup>68</sup>

As the preceding quotation suggests, the respective roles of men and women have been subject to particular changes, a factor which may help to explain the high levels of domestic and sexual violence in the camps. For on one hand, men have been deprived of those functions which gave them authority and status in their countries of origin. And on

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<sup>67</sup> Interview, Dadaab, August 1999.

<sup>68</sup> Alfred Orono, ‘Analysis of 1993-1998 rape statistics for Dadaab refugee camps’, op cit, pp. 25-26.

the other hand, women have not only retained their traditional functions, but have also been given extra recognition and status by UNHCR its partners.

As one report observes, “ever since the camps were established, UNHCR and its implementing partners were and are promoting the empowerment of women and their active participation in the decision-making process.. This, however, was not well received by the religious leaders and the male block leaders.”<sup>69</sup> Discussing this issue, one (female) UNHCR staff member pointed out that Sudanese refugee women are subject to significantly more domestic abuse in the camps than is normally the case within southern Sudan. The men, however, deny this to be so, and have ‘invented’ a number of cultural traditions to explain and legitimize their violent behaviour in Kenya.

The frustration experienced by some young Sudanese men in Kenya also derives from the fact that they are deprived of the opportunity to be initiated into adulthood - an important *rite de passage* which, according to community tradition, can only be performed in their place of origin. Moreover, some young Sudanese men argue that even if they were to be initiated, they would not be able to marry because they would lack any means to pay the usual brideprice.<sup>70</sup>

A third issue which places the refugees under enormous pressure is the absence of any real hope that they will find a speedy solution to their plight. As indicated earlier, the refugees have no prospect of being allowed to remain and settle in Kenya. And yet the prospects for a lasting peace in Somalia and Sudan are so poor that voluntary repatriation seems to be ruled out for the foreseeable future. As a result of these circumstances, the refugees have effectively been ‘warehoused’ in Kakuma and Dadaab, with all of the negative social and psychological consequences implied by that phrase.

With local integration and voluntary repatriation ruled out, the only real way for refugees to get out of the camps and to rebuild their lives is by seeking resettlement to countries such as the USA, Australia, Canada and New Zealand. Not surprisingly, given the high stakes involved, the competition for resettlement places is intense. “Even though the proportion of resettlement cases processed through UNHCR is less than five per cent of the total refugee population,” one report states, “almost all refugees hope for resettlement.” And as another report explains, one of the reasons why so many refugees hope to be resettled is to escape from the violence that takes place in Kakuma and Dadaab. “Because of increased insecurity in the camp, as well as the resettlement interviews conducted this month, complaints and resettlement requests from the camps increased significantly.”<sup>71</sup>

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<sup>69</sup> UNHCR, August 1999, no date specified. For an analysis of similar issues in Tanzania, see Simon Turner, ‘Angry young men in camps: gender, age and class relations among Burundian refugees in Tanzania’, *New Issues in Refugee Research*, working paper no. 9, UNHCR, Geneva, 1999.

<sup>70</sup> See ‘Kenya’s *aged-out* boys’, ‘Information Bulletin: Kenya-Somalia Programme’, UNHCR, Nairobi, July 1998, p. 7; and Refugees International, ‘The lost boys of the Sudan’, <<http://www.refintl.org/>>, 9 September 1998.

<sup>71</sup> UNHCR, 7 November 1998.

Sadly, the competition amongst refugees to find a solution to their plight has itself become an additional source of violence and insecurity. In Dadaab, for example, considerable conflict has arisen over the resettlement opportunities granted by the USA to the ‘Somali-Sudanese’, the descendants of people who were taken from Sudan to Somalia by the British colonial authorities, and who now claim to be subject to discrimination because of their minority status:

On 30 June 1998, all the Sudanese communities in the three camps came to the UN residential compound in Dadaab. They blocked the road, shouting slogans and displayed placards with various inscriptions. They were protesting against the ongoing resettlement programme for Somali-Sudanese... They remained noisy with clubs and sticks at hand for the next two hours, but gradually dispersed to their respective camps.<sup>72</sup>

A subsequent UNHCR report explained that “the resettlement process for Somali-Sudanese has created a lot of bad blood, misunderstanding and false expectations amongst the refugee population. These reactions are neither a surprise, nor difficult to comprehend... Many fail to understand how this group was selected for group resettlement.” The report continues:

They believe that this group has the least right for consideration as they spent only a little time in Dadaab... The rest of the community is restricted to the option of individual screening, which is a slow process and benefits a few. We have started receiving many letters from different communities in the refugee camp, including some groups of whom nobody has ever heard, claiming persecution and hoping for consideration for group resettlement. As the chances for individual resettlement remain slim, the Dadaab refugee community is now betting on the ‘vulnerable group’ element.<sup>73</sup>

Not surprisingly, given the problems which it has created, UNHCR staff have serious reservations about the resettlement programme for the Somali-Sudanese. “Although the Somali-Sudanese have faced problems,” one writes, “presently it is not of such a nature that mere membership of the Somali-Sudanese community warrants resettlement. Our attempts to develop the resettlement referral system at the camp level into a credible and transparent procedure are jeopardized by these disruptive initiatives.”<sup>74</sup>

A fourth source of frustration for those refugees (the vast majority) who lack any prospect of resettlement is the very limited freedom of movement available to them. Many of them nomadic pastoralists by background, the refugees find themselves living in what is described by one NGO worker as “an open jail.” A Sudanese refugee in Kakuma uses similar language to describe his situation. “After 20 years we will have many mad

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<sup>72</sup> UNHCR, 5 July 1998.

<sup>73</sup> *ibid.*

<sup>74</sup> UNHCR, March 1998, no date specified.

people here. There is a lot of frustration. It is like being in a prison. If we were free, we would go to Nairobi.”<sup>75</sup>

While they are normally barred from leaving Kakuma and Dadaab, some refugees make their way out of the camps, often bribing their way through any checkpoints that stand in their way<sup>76</sup> But as one UNHCR report explains, this exposes them to additional danger. “Refugees cannot travel out of their camps without UNHCR/GOK [Government of Kenya] travel letters. The travel letters are only given for medical reasons, resettlement interviews and pressing humanitarian reasons. This has compelled refugees to travel to places like Garissa and Nairobi without travel documents. They normally get off the bus some distance before checkpoints and walk through the bush, outflanking the checkpoints, during which they are attacked by bandits.”<sup>77</sup>

A fifth and final pressure placed upon many refugees is to be found in the absence of any real opportunities during their protracted period of residence in Kakuma and Dadaab. Whether they are pastoralists or agriculturists by background, the refugees are generally unable to pursue their usual economic activities. Some, in Dadaab, keep livestock, while others engage in petty trade or find work with a humanitarian agency. But only 15 per cent of the refugees are thought to have a regular source of income apart from the assistance they receive.

For younger refugees, the absence of opportunity is a particular concern. In Dadaab, secondary schooling was abolished altogether as a result of budget cuts which were introduced in 1997. In Kakuma, only a small proportion of primary school graduates are able to go on to the camp’s secondary school facilities. And while the skills-training programme in Kakuma is of a very high technical quality, refugees who complete the course are not always able to make productive use of the skills they have acquired.

The outcome of this situation is all too predictable. According to an NGO worker in Dadaab, the lack of education, training, recreational and work opportunities in the camps is “a very good way of making more bandits.”<sup>78</sup> UNHCR staff members arrive at similar conclusions. “Robbery occurs in the camp, perpetrated by young Sudanese school leavers, 500 of whom finish school each year with little prospect of useful employment and who basically drop out and turn to crime.”<sup>79</sup> “Vocational training and education programmes... have been successful in reaching large numbers, but the monotony of refugee life has resulted in occasional outbreaks of violence.”<sup>80</sup>

In addition to such violence, some of the refugees seem prone to a disturbing degree of indolence. In Dadaab, for example, Ethiopian, Sudanese and Ugandan men have all

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<sup>75</sup> Interview, Kakuma, August 1999.

<sup>76</sup> For additional information on the movement of refugees out of the camps, see Jennifer Hyndman, ‘Geographies of displacement: gender, culture and power in UNHCR refugee camps, Kenya’, PhD thesis, University of British Columbia, 1996, pp. 268-273.

<sup>77</sup> UNHCR, August 1999, date not specified.

<sup>78</sup> Interview, Dadaab, August 1999.

<sup>79</sup> UNHCR, 19 November 1998.

<sup>80</sup> ‘1999 Global Appeal’, UNHCR, <<http://www.unhcr.org>>.

managed to establish their own security patrols. They have also have agreed to collect firewood for their families or at least to escort and protect the women who undertake this task. Somali men, however, generally refuse to follow this example, claiming that they would be attacked and murdered if they ventured into the bush - and that the women would still be raped. Given the clan-based nature of the violence that affects the Dadaab area, and the fact that non-Somali refugees remain outside of the local clan system, there may even be an element of truth in this suggestion.

One reason why the Somali men seem unwilling to protect Somali women, and one reason why the level of domestic violence is so high amongst the Somali refugees, is to be found in the problem of substance abuse. As a UNHCR evaluation report explains:

Many refugees in Dadaab cited abuse of the psychoactive substance, *chat* or *miraa*, as the catalyst for much of the domestic and community violence against women and girls. As in other refugee camps in the region, refugee men, bored and frustrated by extended periods of inactivity and confinement, chew the mildly narcotic substance and become aggressive as the effects wear off. Furthermore, refugee women report that domestic violence is often sparked off by arguments over the fact that men sell off basic food rations to finance their substance abuse.”<sup>81</sup>

As this quotation suggests, while the notion of individual accountability must not be discarded in the Kenyan context, violence (and the failure to prevent violence when such action is possible) must also be regarded as social phenomena, rooted in the conditions of life experienced by the refugees and other people concerned. In the industrialized states, it is taken for granted that inner-city areas with large numbers of poor and unemployed people will have higher levels of crime than the prosperous and leafy suburbs. Similarly, it should come as no surprise that when large numbers of people are obliged to live under the conditions which prevail in Kakuma and Dadaab, then peace and security will prove difficult to maintain.

#### *The composition and size of camps*

As an earlier section of the paper explained, the level of violence found in Kakuma and Dadaab is closely associated with their location in impoverished and insecure parts of the country. Similarly, there is evidence to suggest that the problem of insecurity also derives from the fact a number of different refugee communities have been placed together in two very large camps.

With regard to the composition of the camps, there are some evident risks in the establishment of a camp such as Kakuma, where refugees from around ten different countries and 20 ethnic groups are obliged to live together - especially when those refugees are members of communities which have good reason to distrust or even despise

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<sup>81</sup> Courtney O'Connor, op cit.

each other: Hutus and Tutsis; Amharas, Eritreans and Oromos; Sudanese Christians and Somali Muslims. While it would be wrong to suggest that such divisions have been a regular source of violence, they have certainly (as the following UNHCR report suggests) contributed to the climate of insecurity which prevails in the camps:

The Sudanese accused the Somalis of having a very bad habit that frustrates them. The Somalis do not shake hands with the Sudanese because they consider them as Satan (*haram*). Even when shopping, they will be in trouble if it happens that their hand touches the cashier's finger... At the water point, a Somali will wash the tap first if it is a Sudanese who fetched water before him. When a Sudanese slaughters an animal, a Somali will never buy the meat. With such behaviour, they don't think they can continue to cohabit with the Somalis. They ran away from their country to escape religious persecution. They will never face the same while in exile. They request UNHCR to separate physically the two communities.<sup>82</sup>

A final issue to be considered in seeking to explain the level of violence in Kenya's refugee camps concerns the sheer size of those settlements. According to UNHCR's Emergency Handbook, "camps of over 20,000 people should be avoided."<sup>83</sup> And while the handbook does not give any reason for this recommendation, there is a general understanding within the organization that larger camps have several disadvantages: their environmental impact is greater than that of smaller camps; they impinge to a larger degree on the local population; they provide a less familiar and comfortable way of life for refugees, most of whom are of rural origin; they are consequently more prone to social unrest, are simultaneously more difficult to police.

While few of these assumptions have been tested in a systematic manner, Kakuma and Dadaab (with populations of 75,000 and 110,000 respectively) would appear to provide some evidence of the relationship between size and insecurity. In Kakuma, for example, the long distance between the camp's central facilities and its more distant residential areas exposes refugees to unnecessary danger when walking from one part of the camp to another. And in Dadaab, where the three camps are scattered across an area of 50 square kilometres, refugees have to cover substantial distances on foot, whether to collect wood from the outlying bush, or simply to visit friends, relatives and markets. They are consequently more vulnerable to rape and armed robbery.

The US-funded firewood distribution project mentioned earlier in the paper represents a worthy effort to address this problem, and one which appears to have had some success in reducing the number of rapes taking place in the Dadaab area. But it clearly does not represent any kind of a solution to that problem. As one technical report on the project has explained, 36 per cent of all journeys which women and children make to the bush are for the purpose of collecting construction and fencing materials. Consequently, "great care should be taken in equating any reduction in the number of trips outside the

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<sup>82</sup> UNHCR, 14 September 1999.

<sup>83</sup> UNHCR, *Handbook for Emergencies*, Geneva, 1999, p. 137.

camps for firewood with an equivalent decline in female risk.” Moreover, refugees in Dadaab are provided with only one third of their total firewood needs, meaning that they are still obliged to collect or buy significant quantities of the material. The idea of providing the refugees with all of their firewood needs is not regarded as financially feasible. “To match current levels of consumption with external supply would cost \$8 million per year in firewood procurement costs alone,” states the same technical report. “The funding issue highlights the pitfalls of trying to address the social problem of refugee insecurity through large-scale cash injections.”<sup>84</sup>

If there is no alternative to the establishment of large camps, then it is essential that they be planned and designed in a manner that is conducive to the maintenance of peace and security. In Kakuma and Dadaab, that does not appear to be the case. In her analysis of the two camps, Jennifer Hyndman points out that their layout “is secure for UN, NGO and other relief staff, but extremely insecure for many refugees.”<sup>85</sup> Similarly, in response to a recent proposal for the expansion of Kakuma, one UNHCR staff member observed that such an initiative would provide “an ideal opportunity to ensure that the camp is built with security in mind, rather than as an afterthought.”<sup>86</sup>

According to UNHCR’s senior security officer in Kenya, the large and sprawling nature of the camps in Kenya means that they fail to provide refugees with a “defensible space.”<sup>87</sup> While the thornbush fences which have been planted in Dadaab are supposedly ‘impenetrable’, in practice they are not; a shortage of funds has made it impossible to renew and repair the fencing with the degree of regularity required. Moreover, while the fencing of Dadaab has certainly helped to curtail the level of violence in the immediate vicinity of the camps, it has also prompted the bandits and criminals to operate along the roads and in outlying areas, where refugees and others continue to be vulnerable to attack. Because the camps are so large and the distances from one point to another so great, police patrols are rarely able to reach the scene of a crime before the perpetrators have fled.

## Conclusion

As this paper has sought to explain, the insecurity which affects refugees in northern Kenya is deeply rooted in nature. It derives to a large extent from the political economy of the Kenyan state, the way in which the state and other actors have sought to manage the country’s refugee problem, as well as the characteristics and circumstances of the refugees themselves. However well intentioned, and irrespective of their technical proficiency, the security measures introduced by UNHCR and its partners cannot be expected to resolve the problem of violence in Kakuma and Dadaab. At best, those

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<sup>84</sup> Matthew Owen, ‘Energy management and environmental rehabilitation project: baseline data collection and project planning’, GTZ Dadaab, December 1998, p. 39.

<sup>85</sup> Jennifer Hyndman, op cit, p. 201.

<sup>86</sup> UNHCR, 19 November 1999.

<sup>87</sup> This phrase (kindly brought to the author’s attention by Jim Vale) was coined by urban sociologist Oscar Newman. See Oscar Newman, *Creating Defensible Space*, Diane Publishing, 1997.

measures can only help to mitigate the security situation, preventing it from becoming more serious than it otherwise might be.

Relocating the refugees to smaller camps in more secure areas of the country (or disbanding the camps altogether and giving the refugees the right to settle where they choose) represents an obvious means of responding to this situation. Obvious but essentially unrealistic. Financially and logistically, such proposals are confronted with some overwhelming obstacles. And even if UNHCR were to launch a vigorous advocacy campaign in support of such proposals, it seems highly unlikely that they would be accepted by the government. If that is indeed the case, what other measures might be taken to contain the level of violence, in and around the camps?

In the short term, it seems clear that steps should be taken to fill the vacuum of authority which exists in and around the camps, especially Dadaab. One relatively straightforward means of addressing this issue would be the permanent deployment of the Kenyan army or Anti-Banditry Unit in the vicinity of the camps. For recent experience has demonstrated that the level of banditry drops significantly when such forces are present in the area.

In addition, and on the basis of suggestions provided by refugees, aid agency workers, policemen and government officials in Kakuma and Dadaab, the following measures might be considered:

- regularly repairing and replacing of the live fencing that surrounds the camps;
- installing lighting at key points in and around the camps;
- providing additional security training to UN and NGO staff;
- making enhanced efforts to improve police standards through training, monitoring and supervision, possibly through the deployment of international security personnel;
- improving water supply systems, given the frequency with which violence breaks out when large numbers of people are crowded together at water collection points;
- deploying female police officers in both Kakuma and Dadaab;
- providing better equipment (including radios, whistles, torches, uniforms and sirens) to camp security guards;
- encouraging development organizations to establish projects and programmes in the areas of Kakuma and Dadaab;
- involving 'ordinary' refugees (as opposed to their customary elders and leaders) more fully in the management of camps and the establishment of security arrangements;

- making legal representation available to the victims of sexual and other forms of violence.
- expanding the educational and training opportunities available in the camps, as well as the ‘peace education’ programme.

Two observations are required in relation to these proposals. First, it must be emphasized that most if not all of them are essentially designed to address the consequences, rather than the causes of violence. As suggested at the beginning of the paper, peaceful communities are normally characterized by a high degree of social cohesion and the effective exercise of state authority. The measures proposed above will clearly not provide an effective substitute for the absence of such attributes in Kakuma and Dadaab.

Second, if they are to be implemented and to have a positive impact, then the modest and essentially palliative measures proposed above must have the political and financial support of both the national authorities and the international community. On that score, there are some grounds for cautious optimism.

In recent months, UNHCR has become increasingly concerned about the issue of refugee security, particularly in Africa. As a result, the organization is now making a determined effort to develop more effective policies and programmes in this area.<sup>88</sup> This emphasis on the physical security of refugees was welcomed by many governments at the October 1999 session of UNHCR’s Executive Committee, most notably by the agency’s largest donor, the USA. As Assistant Secretary of State Julia Taft remarked in her presentation to the meeting, “I believe Excom should go on record in support of greater efforts to address threats to the security of refugees and refugee camps.”

As far as the support of the national authorities is concerned, some potentially significant developments have also been taking in Kenya. In the absence of any further mass influxes from Somalia or Sudan, the country now appears less panic-stricken by the presence of refugees. And with some encouragement from donor states, it now seems ready to revise its approach to the refugee issue. Thus at the October 1999 Executive Committee meeting, the Kenyan representative acknowledged that his country had “operated for a long time without domestic refugee legislation, and, despite the fact that we have an open door policy for refugees, it has not been easy to implement the same without this instrument.” To remedy this situation, a Refugee Bill has been drafted and discussed with key stakeholders, including UNHCR. Steps are also being taken to issue

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<sup>88</sup> See ‘Security and the civilian and humanitarian character of refugee camps and settlements’, UNHCR document EC/49/SC/INF.2. See also a July 1998 UNHCR paper, ‘Ensuring the civilian and neutral character of refugee-populated areas: the ladder of options’, an August 1998 paper, ‘Addressing the security implications of the size and location of refugee camps’, and a January 1999 paper, ‘Addressing problems related to security and neutrality in refugee operations: report of a workshop held in Geneva, 30 November - December 1998’.

refugees in Kenya with identify cards, and, for the first time, to deploy members of Kenya's National Refugee Secretariat to Kakuma and Dadaab.

These measures will certainly not bring an end to the violence which takes place in and around the camps. Nevertheless, they constitute a tangible demonstration of the principle of state responsibility in the domain of refugee protection. And it is that principle which must form the basis of any serious and sustainable attempt to address the problem of insecurity in refugee-populated areas - not only in Kenya, but also in other parts of the world.