



DEVELOPMENT OF GOVERNMENT POLICIES AND THEIR IMPLICATIONS ON REFUGEE PROTECTION IN KENYA, 1964 – 2016

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ABSTRACT

This journal article reviews Kenya's refugee policy from 1964 to 2016. Since independence, Kenya has accommodated refugees from neighbouring East African countries due to its perceived political stability, except for the 2007 - 2008 post-election violence. Since 1964, Kenya has developed a number of refugee policies in order to address the changing nature of refugee problems in the country. This paper looks at the formulation, articulation, implementation, and impact of diverse refugee policies in Kenya. The paper used a descriptive literature review to gather, collate, analyse, and present data. The paper demonstrates that, during the first two decades of independence, Kenya's tiny refugee population was manageable on a reasonable basis. The country's social, economic, and political stability was unaffected by this small number of asylum seekers. However, the number of migrants applying for asylum in Kenya has significantly increased since 1991. The increase in refugees has been linked to terrorism and the increase in unlawful weapons in the country, both of which have compromised national security and peace. Furthermore, refugees have been accused of distorting the feeble economy through engaging in illicit business activities. Therefore, the government of Kenya has developed policies and legislation to regulate refugees in the country. The paper contends that the diverse policies and legislations have significantly adversely impacted refugees in the country.

Keywords: Encampment policy, Human rights abuse, Insecurity, Protection of the refugees, Refugee camps, Xenophobia.

INTRODUCTION

Since the ancient period, people have been displaced from their settlements due to internal and external strife, leading to refugees in various parts of the world. The refugee problem became widespread universally after the Second World War. The postwar period witnessed a concerted effort by international bodies to curb the refugee crisis. The United Nations (UN) in 1951 enacted international laws and protocols to facilitate the proper management of refugees globally. The United High Commission for Refugees (UNHCR) was therefore created as an organ with the UN to specifically coordinate humanitarian services internationally. As an auxiliary body within the UN, the UNHCR is directly answerable to the General Assembly, which has the authority to amend its mandate (UNHCR, Global Report, 2016:2.)

According to the UN 1951 Convention, a refugee is an individual who, due to a substantiated trepidation of being mistreated on the grounds of race, religious faith, citizenship, affiliation to a given social entity or political views, is forced out of his state of citizenship and is not capable or,

due to that kind of apprehension, feels insecure in that country (UNHCR, Global Report 2016:2). In accordance with 1951 UN Convention, the African Union (AU) defines a refugee as an individual who, due to external hostility, livelihood, foreign occupation or issues that undermine public peace and order in either some sections or entire nation of citizenship, is forced to exit his usual residence in pursuit of asylum in another location beyond his country of citizenship (OAU Convention, 1969: 3). From the preceding definitions, it is evident that every individual is legible to seek asylum within the member countries of the UN. In this case, member states cannot forcefully repatriate refugees to their countries of origin. However, some member countries of the UN and AU have violated the above asylum policy through forceful repatriation of refugees.

Globally, the number of refugees has increased remarkably since the end of the Cold War due to conflicts and political instability in various countries. By 2016, the global population of refugees was estimated at 65.6 million people, with most cases recorded in developing countries in Asia, Africa and South America (UNHCR, Global Report 2016:7). The living conditions of most host countries have remained grim due to poor humanitarian services. Most refugees, according to the UNHCR reports, face serious human rights abuses, such as lack of freedom of movement and association, gender-based violence and limited access to food, shelter among others, in the host countries (UNHCR, Global Report 2016:7). As a member state of the 1951 Convention and the African Union, Kenya has been offering asylum services based on its refugees' policies. Due to the challenges associated with hosting refugees, the government of Kenya has periodically amended its refugee policies to maintain a balance between its internal social, economic and political stability and humanitarian services. Therefore, the aim of this article is to examine the strategies that Kenya's government has developed to deal with the significant refugee population living there.

Owing to widespread political instability and civil wars, there has been a significant increase in the number of refugees in Africa since the continent's independence. This is especially true for Kenya. Most countries in Africa have experienced some form of political turmoil at some point since independence due to dictatorship, weak democratic institutions, terrorism, and cross-border conflicts. In East Africa, Uganda, Somalia, Rwanda, Burundi, Sudan and the DRC have been severely affected by conflicts, which have increased the statistics of refugees. Kenya has been hosting refugees from the countries mentioned above due to its comparatively stable political status. Over the years, Kenya has earned an international reputation for its humanitarian support, as evidenced by its accommodation of many UN offices in Nairobi.

In the last three decades, the social, economic and political stability of Kenya has been grossly affected by hosting refugees of diverse nationalities. The government has partly blamed refugees for the heightened terrorist attacks since 2000 and the escalation of economic crimes like smuggling of contraband goods, narcotics and illegal arms. The malpractices mentioned above have dented the image of refugees in Kenya to the extent that they have been deemed criminals rather than vulnerable people in need of humanitarian support. For example, due to terrorism, there have been reported cases of xenophobic attacks, especially on Somali refugees, by both the host communities and law enforcement officers.

To address the attendant challenges of hosting refugees, the government of Kenya has enacted legislations to regulate its humanitarian programs. In 2006, the government passed a comprehensive Refugee Act, which spelt out the rights and responsibilities of refugees. The rights of refugees are also anchored in Chapter IV of the Constitution of Kenya. Even more importantly, Kenya is a signatory to all international humanitarian laws. However, effective implementation of refugee laws has remained a challenge over the years. For example, humanitarian organisations in

the country have reported abuse of refugee rights. This study, therefore, analyses the implications of the changing refugee policies and laws on refugee protection in Kenya. In this way, the study contributes to the existing literature on the protection of refugees in the world in general and Kenya in particular. Indeed, the study documents the obstacles Kenya has encountered in accommodating refugees and the adverse consequences of Kenya's refugee policy.

LITERATURE REVIEW

There are several written materials available on the general refugee policy and refugee protection in Kenya. Nganga's (2016) study examines refugee protection in Kenya. The work addresses implementation gaps in Kenya's refugee protection law. The thesis concludes that Kenya's restrictions on refugee movement violate international obligations. Abdinoor's (2019) examination of the safety of Somali refugees in Kenya demonstrates that the country has significantly enhanced its policies for refugee protection despite lacking substantial evidence.

Bashir (2018) examines the protection challenges facing refugees at the Daadab Camp, with a special emphasis on women refugees. The outcomes of her investigation demonstrate the numerous violations of human rights endured by female refugees in the camp. Abdiwahab (2010) has arrived at a comparable conclusion. Abdiwahab contends that Somali refugees in Kenya face a number of human rights violence, including denial of work permit. Therefore, the majority of refugees in Kenya do not have a source of livelihood. Ikanda (2008) argues in the same vein. Ikanda argues that living conditions in Daadab Refugee have been deteriorating since its establishment in 1991. Nyongesa attributes the poor living conditions of the camp to a number of factors. These reasons include violence by the host communities against refugees.

On the question of refugees and national security in Kenya, Kitur (2016) argues that Kenya has in some cases violated the principle of *non-refoulement* on the grounds that refugees are responsible for the acts of security in the country. Other works dealing with refugee protection in Kenya include Verdirame (1999), Kiswii (2013), and Ranja (2015)

METHODOLOGY

A descriptive research method was used in this investigation. Descriptive research is characterised by Calderon (2006) as a purposeful process that involves the collection, analysis, classification, and tabulation of data regarding current conditions, practices, processes, trends, and cause-and-effect linkages, followed by the provision of a sufficient and precise interpretation of the data. This method provided a qualitative assessment of the general characteristics of the refugee crisis in Kenya by assessing the facts as they existed in the group under study.

In this paper, a descriptive research design was employed to gather written data on refugees in Kenya. Books, journal articles and dissertations were reviewed to have a broad understanding of the refugee problem in the world. Reports by the UNO and other non-governmental organisations, accessed online, provided information on the plight of refugees in the country. The Kenya Refugee Act of 2006, The Constitution of Kenya 2010, and the International Humanitarian Laws were also analysed to understand the legal frameworks governing refugees in Kenya. The objective of the data collection was to provide a comprehensive and accurate picture of the refugee problem in Kenya and to analyse relationships, patterns, and trends that exist within the data. The findings derived from descriptive research provided valuable insights to draw inferences.

This paper uses the compliance-based theory to frame its analysis. It should be noted that the United Nations recognizes the importance of conformity with the principles of international law as a precondition for sustainable peace. Consequently, the UN has often encouraged states to

respect the principles of international law. However, one of the challenges facing the international community is the need for states' commitment to comply with international law.

According to Aldrich (1993), many states have performed poorly in implementing international law because they need the proper mechanisms for ensuring compliance. Aldrich argues that a lack of conformity with international law makes the law less effective. Aldrich points out three causes of states' non-compliance with universal law. First, some states breach international law due to narrow-mindedness. Secondly, cynicism stemming from the belief that compliance with international law cannot be sufficiently upheld and violations cannot be suitably punished. Third, there needs to be greater scrutiny and reporting of states compliance with international law (Aldrich, 1993: 3).

Guzman (2002) believes that states are conscious of the influence of international law on their actions. He maintains that by signing international treaties, a state proffers its reputation as a guarantee; therefore, there must be proper ways of penalising states for non-compliance with international law. This is why states sometimes comply with international law and contradict it in some cases. Guzman argues that states should fulfil their obligations in international treaties to avoid tarnishing their international reputation and influencing their future engagements (Guzman 2002: 1823). These arguments have a profound influence on states' compliance with international laws and refugee rights. This study thus applies the compliance-based theory to examine the extent to which the government of Kenya has complied with the provisions of international law in its formulation and implementation of refugee policies and legislation.

DATA ANALYSIS AND DISCUSSION

As previously mentioned, Kenya has implemented numerous refugee policies since 1964 in order to address the evolving nature of refugee concerns within the country. This section examines the altering nature of refugee policy in Kenya.

Kenya Refugee Policy Framework, 1963 to 1991

Kenya became a signatory to the UN Convention on Refugees on 16 May 1966. Still, this law could not be directly applied to refugees in Kenya since the constitution needed a provision for automatic implementation of international laws, conventions and treaties. Therefore, before 1967, no law formally regulated the status of refugees in Kenya. The Kenya Immigration Act of 1967 was slightly amended by adding a Class M entry permit, which defined a refugee in line with the 1951 Refugee Convention. However, the Class M permit was abstracted due to the following ambiguities: First, it needed to provide guidelines on handling the mass entry of refugees into the country. Second, it did not define the rights and responsibilities of asylum seekers. Lastly, it did not highlight the responsibilities of the state in handling refugees (Abuya. 2004: 12).

In 1973, the Parliament of Kenya enacted the Aliens Restriction Act to limit the activities of foreigners in the country and provided guidelines for executing such restrictions. As opposed to the Immigration Act, the concept of refugee was not clearly defined in the Aliens Restriction Act. Based on this omission, it was therefore assumed that an alien was any non-Kenya citizen in the country, whether refugee or not (Anjichi, 2010: 61). Refugees were thus torn between adhering to the provisions of the Immigration Act, which needed them to have permits to live in Kenya, or the Aliens Restriction Act that required them to live in camps. The Aliens Act, however, needed more guidelines for granting an individual refugee permit; therefore, it needed to be more effective in regulating refugee status in Kenya.

From the preceding discussion, the Refugee Status Determination in Kenya before 1991 was not based on well-defined legal instruments; instead, it was conducted on an ad hoc basis. By the early 1990s, the total number of refugees in Kenya was 12000. Due to the relatively low number of refugees in Kenya before 1991, the government easily weaved them into the social and economic fabric of the nation. It offered them great humanitarian support (Campbell, 2006: 400).

The Encampment Policy of 1991

Due to the seemingly hospitable reception in Kenya, there was an influx of refugees between 1991 and 1992. According to the available statistics, a total of 400000 refugees had been formally enlisted by the government by the end of 1992. The steep change in the number of refugees in Kenya was a result of the escalation of civil wars in the neighbouring countries, such as Sudan, Somalia and Ethiopia. To control the mass entry of refugees in Kenya, the government introduced the encampment policy in 1991 and relinquished its management of refugees to the UNHCR. The implementation of the encampment policy concluded the *paxa sinica* period of refugees in Kenya (Loescher & Milner, 2005: 4).

The encampment policy was meant to restrict the movement of refugees within the residential camps. The encamped refugees had to seek permits to leave the camps. The stringent implementation of the encampment policy thus truncated the movement of refugees in the Dadaab and Kakuma camps. Beginning in the mid-1990s, refugees in various urban centres in Kenya were forcefully moved to the camps as part of implementing the new policy. However, given the harsh living conditions in most refugee camps, particularly Daadab, some refugees sneaked back to the urban centres in pursuit of better social amenities and livelihoods (Milner, 2009: 33).

The Kenya Refugee Act of 2006

On 30 December 2006, the government of Kenya enacted the Refugee Act, which provided clear guidelines for managing refugee affairs in the country. The Refugee Act was meant to ensure refugees are treated as a special category of immigrants with unique rights and obligations. The Act defined the status of refugees in Kenya in line with Article 1(A) (2) of the 1951 Convention and Article 1 of the 1969 OAU Convention. The 2006 Refugee Act provided guidelines for granting an immigrant refugee status and terminating the same. It also highlighted the category of immigrants not admissible as refugees. The Act also recommended the creation of Refugee regulatory bodies, which included the Refugee Appeals Board, Department of Refugee Affairs, and Refugee Affairs Committee, in addition to the office of the Commissioner for Refugee Affairs (Nanima, 2017: 1-2). Each of the institutions mentioned above was allocated specific roles in the management and coordination of refugee affairs in the country.

Protection of the Refugee Rights in the Constitution of Kenya

Kenya is party to the Universal Declaration of Human Rights, the Global Accord on Economic, Social, and Cultural Rights, and the Universal Convention on Civil and Political Rights, three of the most important universal laws. Articles 2(5) and (6) of the Kenya's Constitution obligates that all ratified international laws are applied as parts of the local legislation. The national principles and norms of governance, including as human dignity, social justice, inclusivity, parity, human rights, fairness, and protection of the marginalised, are outlined in Article 10 of the Kenya's Constitution. These rules apply to all public entities and residents. All citizens of Kenya, regardless of citizenship status, are guaranteed their fundamental freedoms and rights under the Bill of Human Rights, which is found in Chapter 4 of the Kenyan Constitution.

Government Directives on Refugees Since 2010

Analysis of available data show that since the new constitution was adopted in 2010, Kenya's government has issued a number of instructions pertaining to refugees living in Kenya. These guidelines were issued in response to an increase in acts of terrorism and other forms of insecurity in the nation, which have been linked to a significant influx of refugees and illegal immigrants. Nevertheless, a number of these orders violate international law regarding refugee protection, which has a detrimental effect on the refugee.

The Kenya refugee directive of 2012

In December 2012, the government proscribed the registration of new refugees in urban centres in Kenya and ordered the non-renewal of expired permits. According to this directive, registration of refugees was only allowed at the border points and not in urban centres. This directive was implemented through the conducting of regular police swoops in urban residential areas that accommodated many refugees, and those found without proper documents were harassed, arrested and/or deported (Norwegian Refugee Council, 2017: 41).

Refugee repatriation agreement of 2013

On November 10, 2013, the governments of Kenya, Somalia, and the UNHCR signed a tripartite agreement with the primary objective of formalizing the voluntary repatriation of Somali refugees in Kenya. The repatriation accord was intended to provide a lasting solution for Somali refugees. The repatriation procedure was to be guided by various provisions in the tripartite agreement. It was only possible to return refugees to Somalia if their safety from potential maltreatment was guaranteed in their country. Hence, the unconditional repatriation and the right to return to Kenya were the hallmarks of the tripartite accord of 2013. The accord further obligated the Kenyan government to maintain protection and provide humanitarian assistance to the refugees who chose to remain within the country.

The 2014 directive on refugees in Kenya

Following a spate of insecurity in the country, on March 26, 2014, Kenya's government issued new guidelines on the status of refugees. It amended the Refugee Act of 2006 in December of that year. According to the new directive, the government has closed all refugee registration offices in urban areas and ordered all refugees to return to their camps. According to the new guidelines, the movement of encamped refugees was restricted to a maximum distance of 40 kilometers. Kenya's actions were informed by the alleged involvement of Somali refugees in the execution of terrorist attacks in urban centers. The strict implementation of the encampment policy targeted Somali refugees in urban areas. In Nairobi, for example, thousands of Somali refugees were arrested and charged with illegally entering the city. The detained refugees were given the option of either moving back to the camps or returning to Somalia. Furthermore, the directive capped the number of refugees in Kenya at a maximum of fifty thousand. This provision required Kenya to repatriate at least 338,415 refugees (Norwegian Refugee Council, 2017: 41).

Attempted shut down of refugee camps

The terrorist attack on Garrissa University on 2 April 2015, allegedly perpetrated by the *Al Shabaab* terrorist organization, resulted in the deaths of approximately 150 students and faculty members. This incident was, without a doubt, one of the most severe terrorist incidents in the country in recent years. The government was criticised for its failure to protect the country and its

citizens. Consequently, in response to this attack, the government implemented comprehensive remedial measures to prevent terrorism in the country. One such measure was to eradicate the perceived terror cells in the country. Consequently, the government has decreed the prompt closure of the Dadaab and Kakuma refugee camps, which predominantly accommodated Somali refugees. According to the government, its decision was informed by the fact that these two refugee camps were key breeding grounds for terrorists. However, the Kenyan government has yet to close the camps mentioned above due to pressure from the international community (Norwegian Refugee Council, 2017: 25).

STUDY FINDINGS

The study found out that refugees in Kenya have experienced various social and economic challenges due to the periodic amendment of policies in Kenya needing proper reference to international humanitarian laws. The liberty of refugees has been compromised by the stringent implementation of the encampment policy, which forbids them from moving out of the camps without valid reasons. The encampment policy contravenes the universal human freedom of association and movement. The quarantine nature of the refugee camps in Kenya has limited the chances of refugees scaling the social and economic ladder since they lack the freedom to explore financial opportunities in various parts of the country. The economic productivity of refugees, therefore, needs to be more utilised, yet they need more resources in the country.

The unethical manner in which the encampment policy has been enforced within and beyond the asylum camps has further undermined the rights of the refugees. For example, police officers have been accused of extorting money from refugees during routine security patrols and threatening to arrest them if they do not yield to their demands. The relationship between refugees and their host communities has been further strained by the government's blanket condemnation of refugees as a security risk. As such, refugees have been discriminated against, especially concerning accessing both public and private services.

Some clauses of the encampment policy are punitive rather than corrective. For instance, the encampment policy has a provision that recommends the prosecution of refugees in the Kenyan court system if they commit an offence outside the camp. If a refugee is found guilty of such an offence, they are fined twenty thousand Kenya shillings (Ksh. 20,000) or jailed for six months. Unfortunately, some refugees have been locked up in Kenyan prisons for petty offences, for instance, loitering, since they cannot raise the court fine (Human Rights Watch. 2010: 73). Although most of the refugee camps in Kenya are located in remote areas with minimal access to basic social services, encamped refugees are not allowed to seek alternative health and education services in other parts of the country. Most refugees in the marginalised camps mainly rely on food rations, which are not only inadequate but also less nutritious. Cases of child malnutrition are widespread in most of the refugee camps due to poor diet. Poor sanitation and congestion in the refugee camps have also contributed to the spread of infectious diseases. A combination of poor diet and sanitation has led to high rates of child mortality in the camps. Refugees are not able to find alternative sources of income since the Encampment Act has curtailed their mobility. Consequently, there are high levels of dependency and crime within the camps (Abdi. 2005:21).

The high levels of dependency and desperation in the Kenyan refugee camps correspond with increasing cases of crime among refugees. For example, in recent years, there has been a spike in the number of reported criminal cases in the overly populated Kakuma and Dadaab camps. Some of the rampant criminal cases in the refugee camps include, but are not limited to, sexual offences, robbery, gender-based violence, inter-nationality violence and intra-nationality violence,

fight between refugees and host communities and brutality of law enforcement officers. Victims of criminal activities in these camps fail to access proper justice due to the myriad challenges they face whenever they report offences. Most women refugees who have been sexually abused have often avoided reporting the offenders due to a lack of confidence in the legal justice system and societal pressure to solve the disputes amicably. Some victims of sexual abuse also feared they could be potentially stigmatised if their rape cases were brought to the limelight through court proceedings. Women refugees have also accused police officers of sexually abusing rather than protecting them (Human Rights Watch, 2010: 52). The difficulties associated with accessing justice in the camps have led to the embracement of *ad hoc* arbitration measures among refugees, which sometimes are not commensurate. As a result, only a few victims pursue judicial conflict resolution.

In response to a wave of grenade attacks by the *Al-Shabaab* terrorist group, the government implemented the encampment policy in December 2012 by forcing Somali refugees in various urban areas in Kenya to move to camps. For example, on 21 January 2013, approximately 18000 refugees were arrested and temporarily locked up at the Kasarani Stadium as arrangements were made to transfer them to the Dadaab and Kakuma camps. The government also planned to eventually repatriate all refugees to their countries of origin (Norwegian Refugee Council, 2017: 26). In addition to being discriminatory, the Kenyan government's selective implementation of the encampment policy—which predominantly targeted refugees from Somalia—violated international human rights standards. During the implementation of the encampment policy, the government violated several international instruments, including Kenya's *non-refoulement* obligations, Article 11(1) of the 1966 International Covenant on Economic, Social, and Cultural Rights, and Articles 3 and 26 of the 1951 Convention Concerning the Status of Refugees. (Human Rights Watch, 2010: 52).

Police officers who enforced the encampment policy were accused of violating the rights of refugees during the raids in the residential areas. Some of the reported abuses meted on refugees by police officers who raided Eastleigh in Nairobi included rape, theft, torture and detention in prison-like conditions (Norwegian Refugee Council, 2017: 26). There were also reports of police asking refugees to pay huge amounts of money in exchange for their freedom and those who failed to comply were bundled on trucks and transferred to Dadaab Refugee camps. The ruthless implementation of the Tripartite Agreement of 2013 further violated the rights of refugees in Kenya. Several refugees in the Dadaab Refugee Camp had expressed their unwillingness to go back to Somalia due to the precarious security situation, especially in South and central regions of Somalia, where widespread conflict had led to severe humanitarian crises (Norwegian Refugee Council, 2017: 27).

In April 2014, the government launched a security programme called Operation *Usalama* (peace) Watch, in which it conducted mass raids in Somalia settlements in urban areas to disrupt terror cells. The operation was also meant to arrest and prosecute illegal immigrants in the country. Essentially, the operation was meant to smoke out terrorists masquerading as Somali refugees. The *Usalama* operation was mainly conducted by the massive deployment of police officers in residential areas in both Nairobi and Mombasa, deemed breeding grounds for terrorists. In Mombasa, the operation was particularly conducted in Majengo and Old Town estates. At the same time, in Nairobi, it was carried mainly in Eastleigh estate, predominantly inhabited by Muslims of Somali descent. Both local and international media widely criticised the impulsive and brutal nature of this operation. The UNHCR estimated that about 4000 people, including refugees, were arbitrarily arrested and detained during the *Usalama* Operation. The conditions in the detention

camps were deplorable and unfit for human occupation. In the first week of the *Usalama* Operation, 82 of the arrested and detained Somalis were repatriated and 225 in the second week. These forceful deportations violated the Tripartite Agreement and the principle of non-*refoulement* (Norwegian Refugee Council, 2017: 28).

In April 2016, the government once more announced its intent to deny Somali refugees access to the country and, the following month instructed the Department of Refugee Affairs to discontinue registration of refugees and not to issue travel permits for those in camps. The government also made arrangements to close the Dadaab Refugee Camp and repatriate Somali refugees to their countries. The government averred that the Dadaab Refugee Camp was being used to carry out dangerous activities which threatened the national security and economic stability of the nation. For instance, it was alleged that Dadaab Refugee Camp harboured many terror cells and illegal arms, which could only be cleaned up effectively through its closure and repatriation of refugees. The government, however, failed to substantiate these claims (Norwegian Refugee Council, 2017: 28).

CONCLUSION

This study has examined how the challenges associated with accommodating refugees have informed the formulation and implementation of Refugee Policies in Kenya since independence. According to this study, there is a correlation between the influx of refugees and the escalation of insecurity in Kenya. It is also evident that refugees have distorted the social and economic stability of Kenya. Moreover, the poor living conditions of encamped refugees have compelled them to engage in malpractices such as violence, theft, illegal business, and terrorism, among others.

In some ways, the government of Kenya has violated international law by abusing the rights of refugees in Kenya. For example, the government's blanket condemnation of all Somali refugees as terrorists following attacks between 2013 and 2015 was not the right action. Furthermore, the government's efforts to prevent terrorist attacks through forceful repatriation of all refugees were contrary to universal refugee laws. The government has the ability to mitigate the associated challenges of accommodating refugees through the formulation and implementation of efficient policies that are guided by universal laws. Lastly, the government should be optimistic about finding solutions to the refugee problem in Africa, rather than simply hosting refugees

STUDY IMPLICATION AND RECOMMENDATION

This study's main goal was to investigate how Kenya's refugee policy affected the country's ability to safeguard refugees between 1964 and 2016. According to the report, Kenya's refugee issue from 1991 to 2016 led to the enactment of laws that violated the country's constitution and negatively impacted the rights of refugees living there. The study has demonstrated that, in order to handle the refugee crisis, the Kenyan government has put in place a number of refugee policies and directives. Nevertheless, the study has shown how Kenya's refugee policy's creation and execution have facilitated the country's violations of refugees' rights. Accordingly, further research is needed to determine the best way to solve the refugee problem in the country. The study also recommends that Kenya develop a refugee policy that addresses the correlation between insecurity in the country and asylum seekers, while also guaranteeing the rights of refugees as enshrined in international norms.

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