

Dadaab Refugee Camps: The 20 Year Dilemma

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Abstract

According to a UNHCR Fact Sheet, Somalia generates the third highest number of refugees in the world, after Afghanistan and Iraq. Faced with one of the worst humanitarian crisis today, one in three Somalis is in “urgent need of humanitarian assistance.” (UNHCR, 2012) The world’s majority of Somali refugees currently reside in the Dadaab Refugee Camps in Kenya. Dadaab is technically the third largest city in Kenya and is now home to the largest refugee camp cluster in the world. Comprised of three individual camps, Dadaab was originally built as a temporary home for the refugees fleeing Somalia during the 1991 civil war. More than twenty years later, it has grown at an alarming rate from its intended capacity of 90,000 inhabitants to almost 500,000 people, the majority of which are Somali refugees. Years of civil conflict, drought and famine have left the Somali people homeless, starving and beyond desperate. Most make the journey across the Somali-Kenyan border by foot, facing death and physical threat for weeks at a time. The 20th anniversary of Dadaab’s opening is anything but celebratory. Instead, it calls for a major analysis of what has been done and what needs to be done to ensure that fourth and fifth generations of Somalis are not born in Dadaab. The purpose of this paper is to shed light on the humanitarian crisis in Dadaab and outline the steps that need to be taken by the international community to mitigate the situation.

Introduction

The year 2012 marks the 20th anniversary of the Dadaab Refugee Camp in northeast Kenya. While most anniversaries call for celebration, recognizing Dadaab's 20th year in existence is anything but a celebratory experience. Its growing presence is a reminder of the seemingly endless state of unrest that has characterized Somalia for decades. And with every year that Dadaab remains open, the worse its condition becomes. What is to be done with a city comprised almost entirely of second and third-generation Somali refugees with no prospect of returning home? How has a once-temporary camp become a permanent residence for so many desperate people? UNHCR spokesman Andrej Mahecic stated that upon its anniversary, UNHCR is renewing its appeal to the international community to ensure continued support to the refugees of Somalia and to Kenya and other host countries. (Dadaab- World's biggest refugee camp 20 years old, 2012)

Since the collapse of the central government in 1991, the Somali people have lived in a state that has been described as “ungovernable”. (Frost, 2012) The unbearable nature of the Somali state has resulted in an unprecedented number of refugees and internally displaced peoples. This paper will begin by analyzing the forces that have historically driven the Somali people from their homeland, with a narrower focus on the most recent wave of refugees in the past three (TBD) years. I will then discuss the impact that the influx of asylum seekers has had on the Dadaab Refugee Camp, which was originally created to temporarily house a fifth of its current population. Issues to be addressed include deteriorating security within the camp, disease and malnutrition, lack of humanitarian aid and livelihood, as well as the external impact on the surrounding Kenyan population and landscape. After reviewing the literature on the current situation in both Somalia and Dadaab, I will make my hypothesis on what needs to happen at the

hands of the International Community to see that Dabaab's population will not continue to swell and its current refugees may be able to return home or resettle to a third country. I will also highlight the steps that are being taken currently to mitigate the instability in Somalia. This will include the February UK Somalia conference which has been described as the "latest in a long line of international conferences to help Somalia rid its status as a failed state." (Tran, 2012)

Background and Broader Context

Brief Historical Background of Somalia

Somalia became independent in 1960 when the colonies of British Somaliland and Italian Somalia merged into one. Because of the preexisting practice of clan rivalries, a multi-party democracy was unsuccessful. (Smyser, 2003) On October 21, 1969, military leader Mohamed Siad Barre staged a military coup, resulting in his ultimate rule of the country until January 1991. His time in power was marked with both Soviet and United States alliances, domestic brutality and corruption. In the late 1970s, Siad Barre sought to reunite all of the ethnic Somali groups that had been living in outlying colonies in Djibouti, Kenya and Ethiopia. In 1979, he invaded the Ogaden desert, an Ethiopian-territory which was home to hundreds of thousands of Somalis. Backed by Soviet and Cuban forces, Ethiopia defeated Somalia, resulting in the displacement of the ethnic Somalis that once inhabited the desert. The United States and UNHCR provided millions of dollars to aid the Somali refugees, but unfortunately their plight would only get worse. (Smyser, 2003)

Siad Barre fled Somalia in 1991 and was succeeded by two leaders, Ali Mahdi and Mohammed Aideed. Under Mahdi and Aideed, lawlessness festered and the country fell into a state of anarchy. Fighting between rival gangs and clans intensified and food and international aid was often used as a bargaining chip while many civilians starved.

Over the course of the next three years, the United Nations with the support of Congress and President George Bush, launched series of operations in Somalia that would ultimately have a mix of positive and negative impacts. The U.N. Operation in Somalia (UNOSOM 1) was crafted to deliver food to the starving civilians being affected by the conditions in Somalia. Despite the efforts of the operation, almost 500,000 Somalis died of starvation and as a result of

conflict by the close of 1992. (Smyser, 2003) In December 1992, the United Nations Interim Task Force (UNITAF) was launched by the Security Council and proved to be a successful vehicle for providing humanitarian aid. When President Clinton came into office, he was instrumental in the creation of UNOSOM II, the successor to UNOSOM I and UNITAF. The new operation was tasked by Madeline Albright as “an unprecedented enterprise aimed at nothing less than the restoration of an entire country.” (Smyser, 2003) Admiral Jonathan Howe was sent to Somalia to command UNOSOM II and it became his goal to restore order in Somalia, particularly by taking down Mohammed Aideed. On October 3, 1993, everything came to a fatal end, when Somali forces shot down two Blackhawk helicopters, killing 18 U.S. soldiers and injuring 78 others. (Smyser, 2003)

UNOSOM II formally left Somalia in 1994, leaving behind an unstable country. The country split into three parts, northern Somalia and a divided south. It made a serious impact on the foreign, particularly American, outlook on intervention. This reluctance to get involved would be devastatingly evident later in the case of Rwanda. It also created a new wave of desperate refugees who fled to neighboring Kenya and Ethiopia. (Smyser, 2003) Between the years of 1991 and 2007, 17 reconciliation conferences have been held to try and mitigate the opposition fighting in Somalia. Many African countries have taken a vested interest in hosting these conferences including Djibouti, Kenya, Ethiopia and Egypt. According to Somali author Afyare Abdi Elmi, it was primarily warlords that were invited to the conferences, a poor representation of the civilian population. (Elmi, 2010) After five major conferences, a peace accord was finally signed which implemented a transitional government in Somalia. However, a legitimate, functioning government was not created. In September 2012 the first president to be elected on home soil in decades was sworn into office in Mogadishu. Hassan Sheikh Mohamud,

activist and founder of the Institute for Global Citizenship at Macalester College in Minnesota, is an acting member of parliament and his election is a monumental event for the country. Somali professor Ahmed Ismail Samatar noted that Mohamud faces “heavy challenges that need to be lifted.” (Ellis, 2012) Indeed, the new president has a daunting task ahead of him as Somalia is still in a state of crisis.

The situation in Somalia today is nothing if not worse. According to the *Foreign Policy* magazine/Fund for Peace “Failed State Index,” Somalia has been the number one “failed state” since 2009. (Failed States) Several factors are to blame for the failed status of Somalia. The themes of identity and clanism have carried through throughout the years and now matched with religious conflict with the intensification of political Islam. Somali piracy activity has also become a headlining issue in the past few years. The Somali pirates stalk key areas of the Indian Ocean and the Gulf of Aden, seizing everything from sailboats to international cargo ships for ransom. According to Elmi, Somali pirates have collected \$80-\$150 million in ransom and have notoriously hijacked ships carrying aid and food to desperate Somali people, causing domestic food prices to increase exponentially. They are a threat to both the international community and the Somali people themselves. (Elmi, 2010)

The Effects of Drought and Famine

It’s impossible to forget the images of emaciated men, women and children dying of starvation and malnutrition that came out of Somalia in the early 1990s. In mid-1992 drought and famine of “biblical scale” plagued approximately 4.5 million Somalis who were known for their farming and herding. The United Nations estimated that close to 300,000 Somalis had died as a result of these conditions. (Department of Public Information, Somalia - UNOSOM I, 1997) The United Nations and United States played an integral part in ending this famine. However, in

2011, Somalia was struck with yet another drought, particularly in the southern and south-central regions. As recent as March 2012, officials in northwestern Somalia, Somaliland, appealed for food and water aid as thousands of families are suffering because of the drought. (Somalia: Drought affecting thousands in Somaliland, 2012) Families lost all of their livestock and were relying on donations from the UN World Food Programme as well as money sent from Somalis living abroad. In February 2012, 150,000 people in Somaliland alone received aid from the WFP. Although rains in the northern Somalia began in mid-October 2011, the season was inconsistent and ended prematurely.

A major hindrance with helping the people of Somalia is the politicization of aid. According to the humanitarian news site, AlertNet, aid agencies say that they must be allowed to negotiate with the warring parties in Somalia to reach the areas being crushed by famine and war. (Batha, 2012) The fighting between al-Shabaab and the government-backed forces has prevented aid from reaching those who desperately need it. While conferences have been held to discuss the future of Somalia, aid agencies have held their own “Humanitarianism before Politics” conferences. (Batha, 2012) An anonymous participant of the conference stated: “Aid agencies cannot sit down with al-Shabaab to discuss how humanitarian aid can be delivered – so how will these people be helped? Aid agencies want the right to negotiate with al-Shabaab for access.” These agencies are hesitant to do so, for fear of being accused of supporting the extremist group. (Batha, 2012) Ibrahim Ali Hussein of Organization of Islamic Cooperation added that “the humanitarian agenda should be kept separate from the military and political agenda.” (Batha, 2012) He encourages the international community to pressure the governments involved to comply with international humanitarian law. Hussein also said that there is concern around the impact of counter-terrorism laws on aid work, as there is a list of measures that must

be taken to “offset the possibility of aid ending up in the wrong hands.” (Batha, 2012) There are strict regulations and sanctions in place and significant pressure on aid organization to ensure that al-Shabaab does not get a hold of the aid supplies. The Office of Foreign Assets Control (OFAC) mandates that every gram of food contributed by the United States must be accounted for. Mothers are made to return empty packages of food supplements for their children, to prove that they are being used appropriately. Tony Burns, the Director of Operations of the aid group SAACID, says that his organization may have to walk away during the famine due to the legal and financial ramifications. (AlJazeeraEnglish, 2011)

Brief Background of al-Shabaab

Somalia has been a country rife with corruption, poverty and lawlessness since the collapse of its state government in 1991 when warlords overthrew military dictator Mohamed Siad Barre. The conditions in Somalia have allowed for the emergence and strengthening of Islamist insurgent group, The Harakat Shabaab al-Mujahidin, also known as al-Shabaab, or “the youth” began as a military offshoot of the Somali Council of Islamic Courts. Today, they number between 7,000 and 9,000 fighters. They gained significant control of Southern and South-Central Somalia in late 2006 when they successfully pushed U.S.-backed warlords out of Mogadishu, allowing them to rule for six months until Somali and Ethiopian forces beat them. With links to al-Qaeda, al-Shabaab bases its rule on Wahhabi Islam, enforcing Sharia law on its subjects. In the past, al-Shabaab has issued statements of praise for Osama bin Laden. (Al-Shabaab) Like many terrorist organizations, it draws its members in from disparate clans. Al-Shabaab is known to operate terrorist training camps in an attempt to strengthen its fight against the UN-backed Transitional Federal Government (TFG) and the African Union Mission in Somalia (AMISOM). (Kahan, 2011) To date, at least two major al-Qaeda commanders have received asylum in

Somalia from al-Shabaab; Fazul Abdullah Mohammed and Saleh Ali Saleh Nabhan. It is speculated that al-Shabaab is working with al-Qaeda in the Arabian Peninsula, which is based in Yemen. It has also been speculated that al-Shabaab is loosely linked to Nigeria's Islamist group, Boko Haram. (Kahan, 2011)

In August of 2009, Secretary of State Hillary Clinton met with Sharif Sheikh Ahmed, the former leader of Somalia's fundamentalist Islamic Courts Union (ICU) who later was named the head of the Transitional Federal Government (TFG). Clinton highlighted al-Shabaab for its "disregard for human rights, for women's rights, for education and health care." (Eichstaedt, 2012) While in Kenya, al-Shabaab fighters plotted a bomb attack against Clinton and were later arrested by Kenyan forces. The group is most-known for claiming responsibility of the twin bombings in Uganda during the 2010 World Cup that killed 76 people. After the attack, Sheik Ali Mohamud Rage, a spokesman for the group, claimed: "we warned Uganda not to deploy troops to Somalia; they ignored us...The explosions in Kampala were only a minor message to them..." (Delany & Straziuso, 2010)

Shukri Abdulkadir of Africa Portal notes that achieving peace in Somalia would require "stemming the tide of al-Shabaab's recruitment of disillusioned youth with humanitarian or state-led provision of services such as education, recreational facilities and jobs." (Abdulkadir, 2012) The situation looked hopeful in August 2011, when al-Shabaab rebels removed most of their forces out of Mogadishu. Amidst signs of hope, they struck the capital in October 2011 with a truck-bomb, killing over 70 people. (Reuters, 2012) In February 2012, Al Qaeda announced that al-Shabaab is collaborating with them in an effort to "boost morale diminished by months of setbacks including the loss of founder Osama bin Laden." (Reuters, 2012) On April 4, 2012, al-Shabaab rebels bombed a national theatre in Mogadishu, killing at least six people. (Reuters,

2012) The organization is a growing threat, especially as it strengthens its ties with extremist groups such as al Qaeda, and Kenya is continues to be a target. At the time of writing this paper (April 2012), the U.S. Embassy in Nairobi warned of a potential terrorist attack by al-Shabaab which was believed to be in the final planning stages. (Staff, 2012)

With the border of Dadaab being so close to militant-occupied Somalia, al-Shabaab is a continuous threat to the camps. In her book, *Dangerous Sanctuaries*, Sarah Kenyon Lischer describes how refugee camps are ripe with opportunities for militants to intercept food and aid. It is also a place to recruit desperate and vulnerable refugees to join their fight. Al-Shabaab has found ways to infiltrate the refugee camps in Kenya. Refugees and aid workers live in fear following attacks at the camp and worker kidnappings. (Has al Shabaab Infiltrated Dadaab Refugee Camp?, 2012) Based on Lischer's analysis, it is essential to separate the militants from the civilians, even more so when encouraging them to organize themselves. While the cost and time of identifying militants among regular refugees would be daunting, it is essential to stop the spread of arms and violence around the camp. (Lischer, 2005)

Historical Background of Dadaab

The first camps at Dadaab were built to house tens of thousands of asylum-seekers after the collapse of the central government and civil war-related humanitarian crisis in 1991. The first three camps – Ifo, Dagahaley and Hagadera were created by the United Nations High Commissioner for Refugees (UNHCR) between October 1991 and June 1992. (UN-run camps for Somalia refugees in Kenya enter 20th year of existence, N/A)

After the collapse of the Siad Barre regime in 1991, the defeated leader fled to Kenya and was subsequently followed by approximately 219,000 Somali refugees who were fleeing the violence and insecurity that ensued in their home country. (Moore, 2009) The climate of Dadaab

in the early to mid-1990s was unsafe, particularly for women and children who were often victims of rape and sexual assault, as will be addressed later in this paper.

According to Figure 1.0 in the Appendix, there were 479,000 Somalis assisted by UNHCR living in Kenya. This number is projected to increase to 769,100 by December 2013. (2012 UNHCR Country Operations Profile- Kenya)

UNHCR reports that because of overcrowding, new arrivals to Dadaab have taken to settling around the perimeter of the camp which complicates registration and deliveries. (2012 UNHCR Country Operations Profile- Kenya) Furthermore, refugees are competing for natural resources such as water and wood which is damaging the ecosystem around the camp. In addition to environmental conservation action, UNHCR notes that self-reliance and resilience need to be strengthened among the refugees and local communities. (2012 UNHCR Country Operations Profile- Kenya) UNHCR is advocating for national legislation on the reduction and prevention of statelessness, in addition to the adoption of international instruments. In the Kenya Operations Profile, UNHCR proposes several objectives for Kenya in 2012, all of which would impact the situation in Dadaab. These objectives are highlighted below.

- Favorable protection environment: develop and strengthen laws and policies to improve access to territory and decrease the risk of refoulement.
- Fair protection processes: improve the quality of registration and profiling in addition to reception conditions.
- Security from violence and exploitation: strengthen the protection of children; improve the quality of response to gender-based violence. Reinforce and expand coverage of community-based reduction and preventive systems. Continue to ensure appropriate physical, legal and psychological support for survivors of sexual violence.
- Basic needs and services: Improve the nutritional well-being of the population. Elevate the health status of the population. Improve and maintain shelters and infrastructure. Increase the supply of potable water and access to education.
- Realize the potential for resettlement to third countries. Eight percent of individuals submitted for resettlement depart for third countries.

There are tensions in the camps that relate to differences in cultural practices, state sovereignty and human rights. In his piece, “Conflict Resolution in Refugee Camps: Traditional Dispute Resolution and Formal Justice in Dadaab, Kenya,” John Lewis Moore credits these tensions to the fact that two different world views have led to “divergent notions of how matters of injustice are best managed and resolved.” There is the overwhelming presence of UNHCR, which advocated for a judicial system that protects human rights, particularly of women and children. This view is often challenged by that of traditional Somali culture which often revolves around “intergroup power dynamics and social harmony,” which often has a negative impact on the female and child population. (Moore, 2009)

Current Climate of Dadaab

There are approximately 974,000 registered Somali refugees today. (Somali Registered Refugee Population, 2012) According to UNHCR, in the first half of 2011, over 83,000 Somalis sought refuge in Kenya and over 54,000 in Ethiopia. The largest and most-commonly sought-after refugee camp for Somalis is Dadaab, in north-east Kenya, approximately 300 miles from Nairobi. Located in the desert, the terrain of Dadaab is dry, arid and inhabited by scrub brush, camels and antelopes. It is 50 miles from Kenya’s 400-mile border with Somalia. The Dadaab complex was opened between October 1991 and June 1992. Initially, it was built for the refugees seeking asylum after the central government of Somalia was overthrown in 1991. Three camps were opened- Ifo, Dagahaley and Hagadera- designed to house up to 90,000 people. As of mid-February, 2012, Dadaab’s facilities were housing more than 463,000; the majority of them displaced Somalis. Three additional facilities have been built; Ifo 2 East, Ifo 2 West and Camp Kambioos. Approximately 10,000 of the inhabitants are third-generation refugees born in Dadaab. (Dadaab- World’s biggest refugee camp 20 years old, 2012) At the height of the famine

in Somalia, it was not uncommon for more than 1,000 people to arrive in Dadaab each day. There is little regulation for who arrives and leaves the camp. (Eichstaedt, 2012)

Dadaab is officially run by UNHCR but could not function without the assistance of almost 25 different NGOs and agencies. These agencies include CARE, UNICEF, WFP, IRC and OXFAM, each of which is responsible for a different sector of camp life (child protection, Education, Food, and HIV/AIDS). (See Figure 2.0 in the Appendix for a list of agencies and respective sectors).

Issues inside the Camp

In his paper, John Lewis Moore sites the following quote which describes the level of violence and instability in the mid-1990s:

The bandit attacks usually occurred at night, sometimes involving as many as thirty men, heavily armed with AK-47s and other weapons. The armed attackers would loot the refugee dwellings, taking money and other possessions and generally terrorising the population. Sexual assaults of women were common during such night attacks, often perpetrated at gun point and in front of family members and neighbours. Sometimes women were abducted and some men were killed whilst trying to prevent the rape or abduction of their wives and kinswomen.

Sexual assault was not, however, limited to the night hours. Women and girls, some as young as six and eight, were vulnerable to attack when venturing out beyond the periphery of the camps during the daytime to collect firewood or when herding goats. Assaults, whether occurring at day or night, were generally of a very violent nature, often involving - in addition to the cutting open of the genitalia of young unmarried girls - gun butting, slapping and kicking. Sometimes women were even knifed or shot.

Whilst at times implicated in the attacks themselves, the Kenyan military forces and police stationed near the camps were often also victims, with an estimated 25 police killed by bandits during a sixteen month period from late 1992. Even

at the time of writing, in the recent upsurge of violence in the vicinity of the camps, government officials continue to lose their lives in pursuit of their duties.

Such situations, where officials responsible for providing security not only to nationals and refugees, but also to UNHCR staff and other workers are themselves implicated in grave human rights abuses, present great difficulties to the Office.

UNHCR and implementing partner staff have been subject to car hijacks, shooting by bandits, and attacks on their living compound. Security concerns at times require the severe curtailment of staff movement, while at other times staff must travel to the camps, and sometimes even within them, with armed escort vehicles. (UNHCR, 1996)

In an article for the *African Affairs Journal*, Jeff Crisp who is the Head of the Evaluation and Policy Analysis Unit of UNHCR stated that is “impossible to quantify the amount of violence which takes place in and around Kenya’s refugee camps.” (Crisp, 2000) In his article titled “A State of Insecurity: The Political Economy of Violence in Kenya’s Refugee Camps,” Crisp focuses on two refugee-populated areas in Kenya: Kakuma and Dadaab. Crisp’s reports of security in the 1990s echoes the description shared by Moore. Crisp cites an October 1998 report from UNHCR, writing:

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. –Internal UNHCR document, 25 May 1999. (Crisp, 2000)

Crisp reports that the offenders of violence and banditry around Dadaab are a mixture of Somali refugees, local Kenyans and Somalia-based militia members. The dangerous climate in and

around the camps made it unsafe for UNHCR and other NGO workers to leave their compounds at night when much of the violence was occurring. Crisp notes that oftentimes, the violence inflicted on the refugees in the camps like Dadaab were done by members of their own families and community. This includes domestic violence predominantly against women, children and adolescents by the male members of the camps. Typically these occurrences are not reported to the police of the UNHCR staff as this practice has become accepted in the camps by the refugee population. (Crisp, 2000)

Rape, assault and genital mutilation are common occurrences in the camps and the perpetrators often go unpunished. The reoccurring issue of rape in the camps of Dadaab received significant attention after the Lawyers Committee for Human Rights visited the camp in April and May of 1993. They learned that “beatings of refugees as well as sexual assault and rape of refugee women were ‘daily and nightly occurrences.’” (Crisp, 2000) In the first seven months of her work as a rape counselor in Dadaab, a UNHCR employee reported 192 cases of sexual assault. The victims of these rapes almost never see justice. As aforementioned in the description of John Lewis Moore’s piece, the Somali refugee population has their own justice system and confliction resolution practices that often clash with the human rights goals and practices of the UNHCR and Kenyan government.

Another concern is around the proliferation of arms in and around the camps. In December 2006, Kenya shut down the Somali border in an attempt to mitigate the threat of al-Shabaab. Obviously this has not been effective. Police efforts on the border are insufficient due to several reasons including a harsh terrain and climate. (Kirui & Mwaruvie, 2012) Kenyan and Somali bandit gangs can easily get access to firearms and weapons via Somalia. While Kenyans blame the Somali refugees for the violence associated with the arms, refugees blame police

abuse towards them. (Kirui & Mwaruvie, 2012) According to Kirui and Mwaruvie, the reason refugees are associated with insecurity is because they are perceived as possessing firearms. The refugees may argue that they need the protection of the firearms as they feel threatened by other refugees, the police force and native Kenyans. The authors note the potential of combatants posing as refugees within the camps. These refugee insurgents threaten the actual refugee population, the locals, aid workers and Somalis residing in their country.

Conceptual Perspectives

To thoroughly understand the refugee situation in Dadaab, it is essential to outline the fundamental definition of a refugee. A refugee is defined as “a person with a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.” (Wilkinson, 2001) In 1951, delegates from 26 countries including the United States and Iraq met in Geneva to discuss the issue of the growing refugee crisis following World War II. Despite the establishment of refugee organizations in the past, legal protection and assistance was underdeveloped. On July 28th, the delegates adopted what was coined the “Magna Carta of international refugee law,” the 1951 Convention relating to the Status of Refugees. At the time, the Convention was limited to refugees in Europe who were affected by events occurring before January 1, 1951. It was thought that the refugee issue was fleeting, something that would be resolved quickly. UNHCR, which oversaw the convention, was given a three-year mandate with the notion that it would “go out of business” when the refugee problem was solved. (Wilkinson, 2001) Contrary to that plan, the issue did not go away and UNHCR did not shut down. In 1967, the Protocol to the Convention eliminated the time constraints. Around that time, many parties began to criticize the convention for being outdated and falling short of considering issues such as gender-based persecution. The definition of refugee has since expanded to address regionally specific issues. The Convention Governing the Specific Aspects of Refugee Problems in Africa has expanded the definition to include people “fleeing external aggression, internal civil strife, or events seriously disturbing public order in African countries.” (Kirui & Mwaruvie, 2012) Since its establishment in 1951, UNHCR has grown significantly in its scope of work. The budget began at \$300,000 in 1951 and was at \$3 billion in 2010. UNHCR works with over 43 million people of concern- refugees, stateless people and IDPs. (UNHCR Milestone, 2010) The issues that UNHCR thought were temporary in 1951 are only exacerbating

over the decades. Because World War Two refugees were thought to be “temporarily displaced,” they were received sympathetically by host countries. (Kirui & Mwaruvie, 2012) Today, protracted refugee situations such as that of the Somalis put host countries in a precarious position. The once sympathetic, open-armed welcome has worn off and something has to be done before a volatile situation becomes worse.

Refugee Solutions

The primary purpose of UNHCR is to protect the rights and well-being of refugees with the ultimate goal of helping them find “durable solutions” to rebuilding their lives. (Durable Solutions) UNHCR identifies three solutions to help refugees and asylum seekers. *Repatriation* is the returning of refugees to their country of origin and is the ideal choice for the majority of refugees worldwide. Voluntary repatriation requires a full commitment of the country of origin to help reintegrate returned refugees in addition to international support in post-conflict areas. UNHCR takes various measures to ensure free and voluntary repatriation. These measures include organizing “go-and-see” visits for refugees; maintaining updates, reports and information on the country of origin; engaging in peace practices; promoting housing restitution; and providing return assistance and legal aid to returning civilians. (Voluntary Repatriation) Repatriation relies most importantly on the stabilization of the country of origin.

The second durable solution put forth by UNHCR is *local integration*. This is an option for refugees when it is not possible for them to be repatriated for fear of persecution or a continuing conflict at home. Local integration is a long and complex process that requires serious commitment from the asylum seeker and receiving country. Refugees must acclimate to social, legal, economic, and cultural conditions in the new state, which can often take a lifetime.

UNHCR estimates that 1.1 million refugees have become citizens in their state of refuge in the past ten years. (Local Integration)

When repatriation or local integration is not an option, *third-country resettlement* is considered as the “only safe and viable durable solution.” (New beginning in a third country) UNHCR notes: Where local integration is not an option, and voluntary repatriation does not seem viable or feasible in the near future, resettlement may be the only durable solution available, especially in protracted refugee situations. Refugees who are resettled to a third state after living in a camp are granted permanent resident status in that new country. Approximately one percent of global refugees are submitted for resettlement which includes civil, political, economic, social and cultural rights in the new host country. Naturalization is also a possibility for resettled refugees. Resettlement is not a right of refugees and is contingent upon the new state’s willingness to allow their entrance, as they are not obligated to do so. States with longstanding resettlement programs include the United States, Australia, Canada, New Zealand, the Netherlands and the Nordic countries. The number of resettlement states has increased from just 14 in 2005 to 25 in 2010. According to UNHCR, the need for resettlement is outpacing the availability by a factor of 10 to 1. (Frequently Asked Questions about Resettlement) In a 2011 statement, the U.S. Department of State said that the government would continue to accept “selected vulnerable refugees for resettlement.” (State) The international community needs to step up and begin to allow for more refugees to resettle in their states.

Critical Analysis

This portion will present the solutions that have been proposed or could be proposed and would not be sufficient for this crisis.

Protracted refugee situations are typically viewed as burdensome for the host countries. As previously discussed, they use valuable resources; contribute to conflict with the local population and can give little back to the host country. Some people might propose that the Somali refugees integrate locally and become naturalized Kenyan citizens. If given the option, surely some of the Somalis living in Dadaab would prefer to become citizens of Kenya if it meant they could begin making a life for themselves and their families. While this may seem like a logical move, it would set a precedent for all Somali refugees that wanted to come over to Kenya whether they were political refugees or economic refugees.

Currently, the almost 500,000 Somali refugees living in Dadaab are not considered to be “integrated” locally. Instead, they are restricted by their refugee status, unable to gain official employment and limited to minimal “incentive” pay for a small number of jobs. (Teff, 2012) During the February conference on Somalia in London, Kenyan President Mwai Kibaki stated, “Kenya can no longer continue carrying the burden.” (Teff, 2012) Since Kenya invaded Somalia in October, there has been a string of attacks in Dadaab including the kidnapping and murdering of aid workers and refugees at the (speculated) hands of al Shabaab supporters.

Local integration is not viewed in a popular light by many native Kenyans. Many see the refugees as a source of instability, violence and terrorism. In an article for the *International Journal of Business and Social Science*, Peter Kirui and Dr. John Mwaruvie describe such insecurity that is created within a host state such as Kenya when refugees reside there. The overwhelming numbers of refugees in Dadaab pose a serious threat to the security of native Kenyans, Somali-Kenyans and the country as a whole. The authors cite the “spillover effect”

from Somalia as a contributing factor to the issues in Dadaab and surrounding Kenya. They quote Professor Gil Loescher and make several arguments regarding the need for attention to be called to this issue:

Too often refugees are perceived as a matter for international charity organizations, and not as a political and security problem yet refugee problems are in fact intensely political. The presence of refugees accelerates existing internal conflicts in the host countries. During the 1980's for example, the proliferation of arms following the influx of three million Afghans contributed to a resurgence of Pathan conquest in Pakistan. Elsewhere, Palestinian refugees upset delicate domestic balances in Lebanon and Jordan. (Kirui & Mwaruvie, 2012)

There is also tension between the native Kenyan Somalis and the refugees. Many Kenyans feel that the refugees are given special attention in the form of food, healthcare and education. While this is in fact the case, these Kenyans view the refugees as enemies who take from their motherland. (Kirui & Mwaruvie, 2012) By law, UNHCR is not obligated to help the host community, regardless of their needs. This has made for a hostile environment around the camps. The locals also complain that the refugees monopolize their natural resources such as grazing land and firewood.

The option of repatriating Somali refugees also presents several issues. A March 2012 Human Rights Watch report stated that Kenyan authorities should not return refugees to Somalia because of the ongoing fighting and abuses against civilians in those areas controlled by Kenyan forces and their affiliate militias. (Watch, 2012) During the early months of 2012, Kenyan officials told Somali refugees to return to Somalia. Human Rights Watch encouraged Kenyan authorities to reopen the screening center at Liboi and resume registration of new refugees to ensure they receive assistance, instead of claiming that "newly liberated areas" are safe for refugees to return to in Somalia. Africa director at HRW added, "Instead of peddling false claims that the border areas are safe, Kenya should focus on assisting and protecting refugees." (Watch,

2012) HRW reported that in December 2011, at least three women said that they were beaten by police officers who told them to “go back to Somalia.” The act of refoulement is in violation of both African regional and international law. Official registration of new arrivals in Dadaab has been suspended since October 2011. HRW is calling on Kenyan authorities to reopen registration arguing that the Kenyan concerns about the environmental and security ramifications of hosting the refugees should not result in refoulement. (Watch, 2012)

More frequently, al Shabaab has become a threat to Kenya, and many think it would be beneficial to move the Somali refugees back to Somalia to mitigate the threat of insurgents living amongst the refugees. In January 2012, the Refugee Consortium of Kenya drafted a statement to the Government of Kenya as a result of its potential plan to relocate Somalis back to their homes. The Executive Director, Lucy Kiama, expressed deep concern for the Kenyan government’s plan to move over 600,000 refugees from Dadaab to “safe havens” in Somalia as it could lead to the forced return of refugees, putting them at further risk. Kiama lauds the government for the profiling exercise used to distinguish persons living in the camps who may be a threat to the security of the country, yet she expresses concern that “the blanket condemnation” of refugees and asylum seekers as a threat could lead to heightened xenophobia towards the refugees. (Kiama, 2012) The threats that the Kenyan government is trying to protect its people from are the same ones that are driving the Somalis out of Somalia.

Kiama reminds the Government of Kenya of its obligation under the constitution which extends rights to all people living in Kenya including refugees and asylum seekers. She cites Section 18 of the Refugees Act of 2006 which specifically provides for the non-return of refugees, their families or other persons:

No person shall be refused entry into Kenya, expelled, extradited from Kenya or returned to any other country or be subjected to any similar measure if as a result of such refusal,

expulsion, return or other measure, such person is compelled to return to or remain in a country where:

- a) The person may be subject to persecution on account of race, religion, nationality, membership of a particular social group or political opinion or
- b) The person's life, physical integrity or liberty would be threatened on account of external aggression, occupation, foreign domination or events seriously affecting public order in part or the whole of that country. (Kiama, 2012)

Kiama concludes by reminding the Government of Kenya that the interests of national security do not trump the law and due process owed to every individual.

Despite concerns and claims that Somalia is unfit to welcome back refugees, people do still choose to return to their homes. A November 26, 2012 NPR story featured a Somali immigrant who spent three years living in London, running a successful café, before he decided to return to Mogadishu. The protagonist of this story was described as epitomizing “the spirit of rebirth in the city that has been brutalized by 21 years of civil war.” He describes the people of Mogadishu as resilient, despite the fact that one of his restaurants was damaged by a September suicide bomber. (Burnett, 2012)

It is not impossible to imagine that Kenya and its engaged NGOs actually need the Dadaab settlements for economic purposes. In his book, *The Road to Hell: The Ravaging Effects of Foreign Aid and International Charity*, aid professional Michael Maren argues that refugee camps have been kept open, such as in the case of Zaire, because millions of dollars were going into the NGOs to run the camps. He notes that when the camps in Goma did actually close, the refugees were able “for the most part, rescue themselves.” (Maren, 1997) Operating refugee camps requires thousands of staff members and millions of dollars in overhead costs in addition to aid. Aid work is a business and a lucrative business. This idea has a bit of a conspiracy theorist taste to it, but is a valid point and one that applies to the situation in Dadaab. A 2010 study commissioned by the Kenyan, Danish and Norwegian governments showed that Dadaab camps

bring up to \$14m into the surrounding community annually. (Teff, 2012) If these camps were disbanded, the Kenyan government would lose the foreign aid source and any economic benefits the foreign aid workers bring to the country.

Recommendations & Policy Implications

Over the past two decades, billions of dollars have been spent on trying to “fix” the problem that is Dadaab. As analyzed in this paper, there are pros and cons to each of the three standard operating procedures for refugees; repatriation, resettlement and local integration. How can the Kenyan government send the Somalis back to such an unstable country? How can they stay in Kenya without hostility and who will host them permanently if Kenya cannot? These are all questions that have been left unanswered. *As a student with limited policy expertise or first-hand knowledge of the situation, it’s difficult to imagine that I could propose something that has not been thought of before. I do believe that something needs to be done to alleviate the instability for all parties involved. The following recommendations would require extensive cutting of the legal and political “red tape” that complicates this matter today and should be read with that consideration.*

International Support for Refugee-Crisis Prevention

This is not a novel idea by any degree. Powerful countries need to invest in refugee-crisis prevention, particularly for those “failed” states prone to civil disputes such as Somalia. Rudd Lubbers, a former Dutch Prime Minister and High Commissioner, has warned that “many prosperous countries with strong economies complain about the large number of asylum seekers, but offer too little to prevent refugee crises, like investing in conflict prevention, return, reintegration.” (Wilkinson, 2001) He adds, “In Europe, it is a real problem that Europeans try to lessen obligations to refugees...In any case, no wall will be high enough to prevent people from coming.” (Wilkinson, 2001) Lubbers makes an obvious but significant point that immigrants, in the form of refugees, will find refuge when they need to and no wall will keep them out forever.

Instead of trying to ignore this, powerful states need to embrace the concept of the “global community” and step up their part in preventing refugee crises.

Kenyan President Mwai Kibaki recently stated that problems of Dadaab need to be solved within Somalia itself. (Werman, 2011) It is essential to research the factors that are driving the refugees from Somalia into Kenya, and what needs to be done to create a safe and sustainable home for Somalis. The international community is reacting to the situation in Somalia, particularly Prime Minister, David Cameron. The London Somalia Conference, which began on February 23 of this year, was developed to bring attention to the situation and create a long term solution. However, as Somali author Afyare Abdi Elmi notes in his introduction, more than 20 conferences have been held to address the issues of the Somali crisis. None of these conferences has actually turned things around in Somalia. The international community needs to know what is at stake for them if the conditions in Somalia are not fixed. I believe that the concern for the refugee situation is really an overall concern for Somalia. For repatriation to ever be an option, Somalia as a state needs to be stable enough to see that its people can return.

If international powers do not see the importance of creating a better Somalia for the sake of the refugee population, they should be concerned with the implications a deteriorating Somalia could have on their own countries. Robert Rotberg, former President emeritus of the World Peace Foundation, noted that “the existence of these kinds of countries (failed states), and the instability that they harbor, not only threatens the lives and livelihoods of their own peoples but endangers world peace.” (Elmi, 2010) Elmi dedicates a significant portion of his book to the topic of “*Why Should We Care?*” Primarily, if the United States and the international community are concerned about the rise of global terrorism, which it is, it needs to take the threat of al-Shabaab seriously. The corruption in Somalia has created a recruitment site for terrorists both in

the country and in the refugee camps. The links between al-Shabaab and al Qaeda are not a secret and pose a serious threat to the rest of the world. Furthermore, the issue of piracy has created unsafe and terrifying travel and shipping conditions in the Gulf of Aden and beyond. The Gulf, which is known as the “hunting ground” for pirates is strategically important and worth far too much to world community to cede to the bandits. (Elmi, 2010) Elmi notes that according to journalist Robert Kaplan, the Indian Ocean will be the world’s center-stage and whoever controls it will dominate the world for years, as 70% of the world’s petroleum-related products travels through this space. (Elmi, 2010) If the international community does not care about the refugees themselves, they should care about a safer Somalia for the entire globe.

Naturalization of Somali Refugees in Kenya

Earlier in this paper, I critiqued the notion of allowing Somali refugees to become naturalized citizens of Kenya. Opening this option up to all of the Somali refugees could create an ever larger mass exodus of Somalis into Kenya. However, this technique has worked in other situations. Refugee researcher Oroub El-Abed argues that refugees don’t have to be a burden on their host government. Instead, they could be allowed to work and become productive members of society. (Kirui & Mwaruvie, 2012) She gives the example of Palestinian refugees in Egypt who have been allowed to integrate with Egyptians and are no longer perceived as a threat by the locals. This would be problematic in Kenya *only if* restrictions were not put into place. If there were a strictly enforced policy for who could become a citizen, it may (idealistically) add some structure to the allowance. The Kenyan government could put a restriction on who could become a citizen. For example, only refugees who had entered the country between 1991 and 2012 would be allowed to move out of the camps and become citizens. Because of (native) Somali-Kenyan and refugee-Somali tensions, new areas would need to be carved out for the refugees to live

separately as to avoid further conflict. The Nairobi neighborhood of Eastleigh hosts a significant population of Somali immigrants, but mixing these immigrants with the refugee population could be volatile. Allowing the refugees to leave the camps legally would hopefully encourage them to move outside of the area surrounding Nairobi and Dadaab. They would then be able to contribute (formally) to Kenyan society through income tax payments. In a recent Poverty Matters blog post for The Guardian, a senior advocate for Refugees International argued that the Kenyan government should approach the refugee issue as part of its development strategy. Melanie Teff calls on the government of Kenya to change its “counterproductive encampment policy for refugees” and include Dadaab in its development plans. Essentially this would mean allowing refugees to leave the camps without a permit and enabling them to take on formal employment. Currently, neither of these things is permitted. (Teff, 2012) As mentioned in the Critical Analysis section, Teff writes that a 2010 study commissioned by the Kenyan, Danish and Norwegian governments showed that Dadaab camps bring up to \$14m into the surrounding community annually. (Teff, 2012)

Another option would be to strip Dadaab of its “refugee camp” status and allow it to function as a Kenyan economy with Kenyan citizens. While this seems radical, it also seems plausible. UNHCR and the foreign NGOs are essentially occupying the Dadaab territory as the US has occupied states in the past. If there was a plan in place that would allow UNHCR to slowly disengage from the camp, the Kenyan government could naturalize the refugees and begin taxing them. Michael Maren makes the observation that those who receive aid can basically take care of themselves and don’t always need foreign aid to survive. It could be argued that the Kenyan government would not want to see the foreign NGOs leave Dadaab as they are a

source of billions of dollars of aid money and economic stimulus for Kenya. This would have to be considered for this plan to be implemented.

Repatriation of Refugees

The final, and most challenging recommendation to argue, would be to repatriate the Somali refugees to their homeland. While forced refoulement is in violation of refugee law, this could be a potential option if both the Somali and Kenyan governments were in accordance. The international community could not enter Somalia and establish a settlement for these refugees without breaching the laws of sovereignty, but if the Somali government sought international assistance to do so, it could be plausible. With the very recent appointment of Hassan Sheikh Mohamud as president, there is much hope and anticipation that the civil conditions in Somalia will improve, thus allowing for a safe return of the refugees from Kenya.

Conclusion

The 20th anniversary of the opening of the Dadaab refugee camps is both alarming and motivating. Now more than ever, there needs to be a viable solution that will both pacify and benefit all parties involved. The people of Somalia have struggled for decades but are resilient and resourceful. Unfortunately, they are also diverse and have a history of discord amongst their clans. This, coupled with political and radical Islam creates a perfect storm of instability and many believe that reaching peace is impossible. While the objective of this paper is not to analyze how to create a stable Somalia, it does acknowledge that the international community should take more interest in seeing that this does happen, thus allowing for the refugees to return home. Furthermore, it is essential for the government of Kenya to either work with Somalia and the international community to repatriate the refugees, or allow them to become citizens of Kenya. It could be argued that the Kenyan government actually benefits from having the refugees in their country as they generates millions of U.S. dollars of revenue each year and also attract multi-million dollar foreign aid contracts (which also work to employ Kenyans). Whatever the course of action that is taken, Dadaab cannot function as a temporary refugee community forever.

Figure 2.0

The UN Refugee Agency
Dadaab - Who does What by Sector of Activity

AGENCY \ SECTOR	Child Protection	Community Services	Core Relief Items (CRIs)	Education	Food	Health	HIV/AIDS	Logistics	Nutrition	Protection	Registration	Water & Sanitation
ADEO												
AVSI												
CARE												
DRA												
DRC												
FilmAid												
GIZ												
HI												
IRC												
LWF												
MSF-Sp												
MSF-Sw												
NCCK												
NRC												
OXFAM												
Oxfam-GB												
RCK												
SCUK												
UNHCR												
UNICEF												
UNV												
WFP												
WTK												

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