REFUGEE RESETTLEMENT: THE CAPACITY CHALLENGE FROM THE EAST AND HORN OF AFRICA REGION

BY

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DECLARATION

I declare that I have researched for and written this Masters Thesis by myself. I have not used any sources without proper citation in this study. The thoughts from others are clearly referenced and credited. This thesis is not being published elsewhere at the time of submission to the school. It has not been used in the same or similar version to achieve an academic grade.

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This thesis has been presented for examination with my approval as the appointed supervisor

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Prof. Ruthie Rono
According to the United Nations High Commissioner for Refugees (UNHCR) 2015 report, 2015 experienced the highest number of refugees in history. The total number of refugees and internally displaced people hit the 50 million mark, which was the highest since the end of World War II. More interesting though, is that the refugees are hosted by developing countries, whose economic and political structures are weak compared to their developed counterparts. In Africa, regional instability in the Great Lakes region and the Horn of Africa, has resulted in forced migrations and displacement of a large number of people. This has made this region one of the refugee hotspots of the world. Ethiopia, Kenya, Uganda and Chad however have remained relatively calm over long periods of time. These countries led by Ethiopia have become some of the world’s biggest refugee host countries. But with limited resources, threats of insecurity and a host of domestic problems of their own to deal with, these countries require the support of their international counterparts to be able adequately deal with the refugee crisis facing the region. To support the host countries, third country resettlement is offered by Western Liberal Democracies (WLDs) as one of the ways of providing protection to refugees as well as sharing the physical refugee burden. Although it is only a small fraction of the refugees who finally qualify to be resettled to a third country, the question is, is the refugee burden equitably shared between the poor and the wealthy countries? The aim of this study is to establish why such low numbers of refugees get resettled annually despite the pressure that the huge refugee numbers is having on host countries in developing countries. The focus of the study shall be refugees resettled from the East and Horn of Africa Region between 2005 and 2014.
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CHAPTER ONE

Refugee Resettlement: The capacity challenge from the East and Horn of Africa Region

1.1 Background to the study

According to The United Nations High Commissioner for Refugees (The UNHCR) 2015 Global Appeal Report, there were over 50 million refugees in the world, a figure comparable only to the period after the end of World War II (WW II). This figure was inclusive of refugees, internally displaced people (IDPs) and stateless people. Refugees alone made up a figure of more than 11 million. When categorized into sub-regions of the world, The East and Horn of Africa Region hosted a figure of 2 million refugees, surpassed only by South West Asia with 2.4 million and the Middle East with 2.1 million refugees. These figures continue to rise with every fresh conflict making the issue of refugees one of the biggest crises facing the international community and the UNHCR since the end of WWII.

According to the 1951 United Nations Convention Relating to the Status of Refugees, the international community, through the UNHCR is responsible for providing refugees with durable solutions. The main purpose of the Convention is to ensure that the refugee, who has been failed by his/her state in terms of providing individual security, should be accorded protection by the international society of states. Emphasis has been put on providing durable solutions to the refugees in order to enable them to continue with a normal life as soon as possible.

There are three durable solutions according the 1951 Convention. The first one is voluntary repatriation, which is ideal especially when the conflict involved is short lived and people can quickly return to their homes. However, many conflicts do not find quick solutions and the refugee situations instead end up lasting for many years. For these refugees, the second solution
is local integration into their host it is expected that they can settle down, create a livelihood and continue with their lives as they did at home.

However, it is important to note that majority of countries that host refugees are developing countries. Most of these countries are not equipped with sufficient economic, social or political resources to accord the refugees the protection that they are seeking. Because of this, many host countries are dependent on the UNHCR and the international community to provide the assistance that the refugees require. Tanzania for a long time held an open door policy to refugees from neighboring countries, even to the extent of recently offering citizenship to nearly 200,000 Burundian refugees (Whitaker, 2009).

However this changed in the early to mid-1990s when the genocide in Rwanda saw a mass influx of refugees into the country. Things did not improve with the war in the Democratic Republic of Congo (DRC) and by 1996, Tanzania was no longer in a position to welcome the refugees whose numbers had risen to 1.3 million. International assistance was no longer enough to sustain the refugees as new emergencies which required urgent attention emerged in other parts of the world. Without financial and material assistance for the refugees from the international community, Tanzania abandoned its open door policy and even began rounding up refugees to repatriate them.

The third and last solution to the refugee problem is third country resettlement. This is the solution that seems to work for refugees who can neither return home, nor become locally integrated into the host countries. There are millions of people whose only solution is third country resettlement, but the UNHCR is only capable of resettling two percent of the total resettlement needs annually.
In the East and Horn of Africa Region, the occurrence of conflict in several countries at the same time has brought about a web of forced migration in the region. The conflict in Sudan and South Sudan has seen refugees from these countries moving to Kenya and Uganda, while majority remain internally displaced. The conflict in Eritrea has seen Eritreans move across the border to Ethiopia, which also hosts a large number of Somali refugees. Uganda plays host to refugees from DRC as a result of conflict in the North Kivu region and the Eastern region of the country.

The question is, with so many refugees in need of resettlement, why are such few numbers eventually resettled? Permanent resettlement to a third country may be the only viable solution to many refugees who are escaping war and persecution in their countries of origin. Western Liberal Democratic (WLD) states, because of their economic advancement and strong institutions of justice have worked with refugee host countries to resettle these refugees. For many years since the end of World War II, these countries have admitted refugees from all parts of the world, in keeping with the 1951 Convention on refugee protection. The rise in the number of refugees over the years has naturally translated to a rise in the number of refugees who need protection through resettlement to a third country. What one would expect to see therefore is the WLDs making way for more refugees to be admitted into their territories. Instead, in recent years, stricter measures have been put into place to prevent an influx of refugees into these states, with many of them citing global insecurity and terrorism as a cause for concern. (Dewey, 2003).

WLD states have been the leading advocates of democracy, freedom and human rights. Why then are they the same ones going to great lengths to ensure that refugees do not reach their territories where they can enjoy protection of their human rights? Gibney (2004) looks at the history of refugee admission into the US since the end of WW II. Between 1952 and 1961, a total of 125,000 Cubans were allowed into the US as refugees. This was followed by the ‘aerial
bridge’ of 1965-1973, in which the Cuba-US air space was reopened to enable more Cubans to immigrate to the US. In this period a total of 465,000 Cubans were accepted into the United States. This expansion of refugee admissions into the United States was a clear indication of political interests at the time, which was to deter the spread of communism in the world.

According to liberalism and internationalism as International Relations (IR) theories, countries have shown that they are capable of adjusting their refugee policies to achieve political and foreign policy goals. Why then does it become difficult to do the same in situations where there is no foreign policy or political interest?

It is from this viewpoint that this study seeks to address, why permanent resettlement which is the only protection tool available for a large number of refugees, has not been embraced by WLD states. According to the UNHCR, the number of refugees requiring resettlement annually is constantly 8 percent of the global refugee population. Due to the limited number of resettlement places however, permanent resettlement has only been able to absorb 2 percent of the world’s refugee population annually. This means that the refugee burden for the Least Developed Countries (LDCs) continues to be enormous and additionally, many refugees continue to without protection in the host countries. This study will focus on refugee resettlement from the East and Horn of Africa Region to WLD states between 2005 and 2014.

1.2 Problem Statement

With the steady rise of refugees in the world in the recent years, third country resettlement as a durable solution continues to be quite limited. There are more than 190 countries in the world today, but it is only about 26 which are categorized as economically advanced that have offered to take up refugees. Out of the 26 however, only 3 countries operate large resettlement programs;
the United States (US), Canada and Australia. What the resettlement countries offer however absorbs only two percent of the refugees who qualify for resettlement annually. The remaining refugee burden is left to be shouldered by the first countries of asylum.

The developing countries are weaker economically and their social, political and judicial systems are less developed when compared to their Western counterparts. So, with these resources at their disposal, why do the WLDs continue to restrict refugee admissions while their poorer counterparts continue bearing huge refugee burdens? This study shall try to establish why this is the case, through the lens of the East and Horn of Africa Region.

1.3 Purpose of the study

This study is important for the East and Horn of Africa which has hosted huge numbers of refugees over a long period of time. The findings of this study shall be useful to the refugee host countries, the UNHCR and the international community on the sharing of the physical refugee burden. For the international community, the findings of this study will bring to light the physical refugee burden on host countries in the East and Horn of Africa Region and hopefully develop more programs to help share this burden.

Global insecurity and terrorism is now being used by many WLDs as a reason to impose strict measures on immigration and refugee resettlement. This has obviously affected the process of resettlement and further complicated security situations in the host countries. Refugee host countries have become wary of hosting refugees who may also pause threats to their national security. This study shall inform both host countries and WLDs the specific challenges related to terrorism in this region and how these are affecting refugee protection. This study shall
recommend the best ways the host countries and resettlement countries can maintain their national security while still providing refugee protection through refugee resettlement.

The findings of this study shall also highlight the challenges that the UNHCR faces when processing refugees for third country resettlement. There may be a need to tackle these challenges using a different approach, such as looking at a wider number of countries that could possibly offer resettlement places.

1.4 Aims and objectives of the study

The main aim of this study is to find out why third country resettlement as a durable solution is not readily embraced by WLD states, despite the large number of people requiring it as a tool of protection.
Objectives of the study

- To establish the UNHCR’s annual resettlement capacity in the East and Horn of Africa Region and find out if this has been fully utilized over the period between 2005 and 2014.
- To find out if the refugee burden is being equitably shared by the international community.
- To determine to what extent heightened global insecurity and terrorism has impacted the number of refugees resettled from the East Africa and Horn of Africa Region.

1.5 Scope and Limitation

The scope of the study will cover refugees from the East and Horn of Africa Region who have been resettled to WLD states. For ease of gathering statistics, the study will cover the 9 countries classified by the UNCHR as the East and Horn of Africa Region which will include Chad, Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda. Although Tanzania is a part of East Africa, it is classified under a different region and therefore its statistics will not be included in this study. It will however be mentioned generally.

1.6 Literature Review

The Ethics and Politics of Asylum (2004) by Matthew Gibney, looks at the politics of asylum and how WLD states have been responding to refugees since the end of the World Wars. Beginning from the 1951 Convention on Refugees, Gibney looks at how even the definition of the term refugee has been misinterpreted over time and how this has been used as a reason to refuse entry to thousands of genuine refugees. The author goes on to classify the refugees into different categories and provides an overview of how the various categories have been handled by different Western regimes over time.
On one hand, there are those who are genuine refugees who have actually been displaced by war and are confined in a host country, unable to return home due to unfavorable political climate. Asylum seekers on the other hand are those who have taken matters into their own hands and decided to travel to their preferred countries and apply to be recognized as refugees there. A third category is the economic migrants who move to new countries to seek better opportunities. Nowhere is this clearer than the case of African refugees who risk everything to cross the Mediterranean Sea into Europe. Gibney believes that states must use moral value to guide them on how to respond to the refugees. He says it is important for the states to promote a morally defensible response to the claims of refugees.

**The International Community in civil wars**

Weissman, ed. (2004) *In the Shadow of ‘Just Wars’: Violence, Politics and Humanitarian Action*, is a collection of case studies of different wars and how they have been justified at the expense of human lives. The civil war in Angola for instance, was made worse because opposing sides of the Cold War fueled the conflict through military and financial aid. To discredit the central government, the rebels led by Jonas Savimbi controlled some regions of the country by blocking government and humanitarian access to these regions.

In retaliation, the government bombed those regions mercilessly without consideration for the civilian populations under rebel control. Without the support of the United States through the Zairian government at the time, the rebels would never have been strong enough to challenge the central government in the way that they did. But the steady stream of financial and military support made them powerful enough to keep Angola unstable for close to three decades (1975-2002).
Rwanda, in a report by an independent commission in 2008, accused France for involvement in the Rwandan genocide (BBC, 2008). The report mentioned top French politicians and the French military in aiding the training of the Hutu militias who took part in the genocide. The involvement of external powerful governments in the internal affairs of weaker countries has been a major cause of prolonged civil wars.

Despite being aware of the plight of the South Sudanese in the former Sudan, many Western countries, unwilling to lose the oil business to Chinese companies went ahead to make deals with the government in Khartoum (Weissman, 2004). The money made out of the oil business was used to build the infrastructure and develop the North, while the South, where most oil originated remained neglected and politically unrepresented.

It is clear that the very countries that have created refugee situations by fueling conflicts are the same ones that go ahead and restrict entry into their territories. This leaves the burden of hosting refugees to their poor counterparts who have no choice but to let them stay until a permanent solution is found.

**Exclusionary immigration policies**

Hamlin (2012) reviews Refugee Status Determination (RSD), to find out why, while the law on determining refugee status is universal, there are huge disparities in the eventual number of refugees who get accepted into receiving countries. A comparison of the RSD systems in the three leading countries in resettlement of refugees (The US, Canada and Australia) and an examination of their administrative and judicial systems is done to see how refugee policies are eventually executed. Hamlin further looks at the international convergence of law as well as the exclusionary convergence of states with the sovereign right to exclude whomever they please.
What has been established is that there are great disparities between international and national laws of the receiving countries. This has contributed to strict immigration policies as well as affecting the number of people getting admitted.

Franken (2003) in an article journal, “Admitting Refugees for Resettlement: A mission of Rescue”, looks at why efforts by the US to provide a durable solution to the refugee problem has not reduced the disparity between the number of refugees and those that are actually resettled. Franken points out that the US is the largest contributor to the international organizations dealing with refugees who include the UNHCR, International Migration Organization (IOM), International Rescue Committee (IRC) as well as the World Food Program (WFP). The US is also leads in the number of refugee admissions annually.

While this may sound impressive in terms of the efforts the US is making in leading other countries in the resettlement program, Franken on further investigation, finds that there is a great underutilization capacity in the US alone brought about by a lack of clear procedural guidelines. It was found that UNHCR staff is normally burdened with more urgent issues at the refugee camps such as feeding the refugees, providing medical care as well as finding sufficient shelter for them.

In light of these competing issues, resettlement matters are handled not as a matter of urgency as they should. He recommends the deployment of more resettlement officers by the UNHCR as well as strengthening the capacity of the Non-Governmental Organizations (NGOs) and resettlement experts working on resettlement. This should then serve to increase the number of referrals for resettlement countries, and increase the chances of using to capacity or even consider increasing the number of refugees admitted into receiving states.
Salehyan & Rosenblum (2008) in an article, “International Relations, Domestic Politics, and Asylum Admissions in the United States”, look at how ideally admission of refugees into receiving countries should be based on international laws which have been nationalized by the states. But further investigation shows that there are other factors such as diplomatic relations with countries of origin and economic factors that end up playing a major role in determining the approval rates.

Refugee admission is dependent upon two factors. The first one is on humanitarian grounds. This is admitting refugees in accordance with the requirement of the 1951 Convention. Most countries are signatories to this Convention and have nationalized these laws according to international standards of liberal democracies.

But it has also turned out that admission on humanitarian grounds is not the only determinant of getting refugees into receiving countries. Statistics have shown that countries have used admission of refugees for strategic interest. Looking back at the Cold War, the US and other Western European countries admitted refugees from the Eastern bloc and communist countries. This was a strategy to promote opposition activities, discredit regimes as well as drain human resources to weaken the communist regimes. Admission from friendly regimes was however discouraged on grounds that those seeking asylum may be considered dissidents by the friendly regimes and could cause friction in diplomacy between such states.

**Refugee Regime Theory**

Boswell (2000) in an article, “European Values and the Asylum Crisis”, introduces the Liberal Universalist Model (LUM). In this model derived from the main liberalism school of thought; individual freedom, human rights, and equality are emphasized. But due to increased flows of
refugees since the period after the World War II, anti-immigration sentiments have increased. The Universalist element of the model simply means that a refugee shall not be discriminated against on grounds of nationality, race or religion, according to the 1967 Protocol that extended the Convention to include other nationalities other than Europeans.

LUM as a model for refugee resettlement did work initially during the postwar period in Europe because the migrants were necessary in filling the labor deficit required for the reconstruction of Western Europe. After 1973 however, there was a global economic recession that led to high levels of unemployment in Europe. To prevent things from getting worse internally, legislation was introduced to reduce the number entrants into Western Europe. Those against the LUM argue that the individual rights system cannot continue to be used in the face of increased levels of refugees and asylum seekers.

Alternatives that are introduced to LUM are welfare based nationalism and ethnocentric nationalism. On one hand, the welfare based approach advocates for the protection of social and economic benefits of the nationals of industrialized countries. Ethno-centric nationalism on the other hand advocates for clear bias against countries with non-European populations. They emphasize political and moral relevance to a nation and to them nationality is loyalty to sovereignty.

**Refugee resettlement for refugees in the East and Horn of Africa Region**

Whitaker (2009) in her article, “Funding the International Refugee Regime”, looks at how the UNHCR is funded in a case study of Tanzania. She states that the UNHCR receives only two percent of its total funding from the UN budget. The remaining 98 percent comes from contributions and donations of industrialized states with the United States (US) and Japan giving
a share total of 94 percent. But this does not come without its conditions. The particular interests and political priorities of these countries are reflected in the operations and programs of the UNHCR.

According to Whitaker, though first countries of asylum or host countries are mostly poor, there is no international agreement that obligates the advanced countries to assist them financially or otherwise. However, the advanced countries have done this on their own initiative, but not with the intention of assisting the poor countries. This has been done as a way of preventing a mass influx of refugees into their countries. The impact of doing this is that the UNHCR operations seem to be focused more on assisting refugees with basic needs such as food, medicine, and shelter rather than on issues of resettlement. Refugee protection budget of the UNHCR therefore is only a small portion of its overall budget and as a result refugee protection and by extension refugee resettlement is not a top priority to the UNHCR.

Betts (2008), in an article, “North-South Cooperation in the Refugee Regime: The Role of Linkages” looks at how the existing North-South impasse has led to a collective failure to protect the refugees. The Global North in the refugee regime is defined as the industrialized, third country asylum states, outside the refugee regions, which apply strict border controls and guard against external influence. The Global South refers to refugee producing, transit, first asylum states within regions of origin.

The existing impasse between the North and the South in the refugee regime is a result of the South feeling that the North is not doing enough because close to 80 percent of the refugee population is in the South. Due to a lack of a legal framework on burden sharing of the refugees, the commitment of the Northern states to assist the refugees is done at their own discretion.
Priorities and political interests come into play, giving the Northern states the opportunity to allocate resources towards exclusion and deterrence rather than support refugee protection in the regions of origin. This has resulted in serious and negative consequences on refugee protection and the provision of durable solutions such as refugee resettlement.

Mogire (2009) in his article “Refugee Realities: Refugee Rights versus State Security in Kenya and Tanzania”, looks at how scholarly opinion has over time influenced opinion on refugees. At the beginning (the 1960s and 70s), scholarly opinion on refugees was about protection and assistance. However, this narrative changed when scholars and analysts began to look at the economic and social impact of refugees on states (1980s). Refugee movements were now viewed as an international problem of insecurity. Realist analysts began seeing non-military threats such as population (refugees included), environment and crime as a security threat. Refugee matters then became a matter of high international politics involving heads of states and internal security ministers. Mogire sheds light on how friendly refugee policies in Kenya and Tanzania changed with increased refugee flows.

Refugee composition is an important factor when it comes to resettlement in the East and Horn of Africa. According to Barnett (2003) The Somali Bantu were identified in 1998 as a special group that required resettlement because of the discrimination they faced in Somalia. Originally brought to Somalia through the Arab slave trade, these Bantu speaking groups from the south (Tanzania and Mozambique) have faced discrimination for over two centuries. Despite instability in Somali causing all people to flee into Kenya and neighboring countries, the Somali Bantu faced a further problem of social discrimination from fellow Somalis who viewed them as ‘slaves’. This discrimination continued even in the refugee camps, with the Somali Bantu
getting attacked. A decision was then made to separate the Somali Bantus from the other Somalis and priority was given to them for resettlement to the United States.

Refugees and insecurity

Noor (2006) in his article “Afghan Refugees after 9/11” reviews the history of the Afghan refugees. In his analysis he argues that it is because of the world’s negligence of the Afghan refugees that the terrorist attacks on New York took place. Beginning 1979, the attempt to form a socialist state led to oppressive and unacceptable reforms, leading to a mass exodus of Afghans into neighboring states.

The Soviet Union which had in 1979 intervened using its forces in Afghanistan, withdrew its forces in 1989 it broke up. This resulted in a mass return of refugees from abroad. There was also an exodus now of the Soviet regime supporters who feared repercussions from the returnees. The next phase of mass exodus came in 1994 when the Taliban group with their strict code on women, the elite and modern politicians and religious minorities took over power. This was followed years later in 2001 by the US airstrikes on the Taliban regime, that led to millions of people fleeing to escape the bombing. Afghan refugees constitute one of the highest numbers of refugees in the world and despite efforts on voluntary repatriation, civil war continues to ravage the country.

In Kenya, the infiltration of terrorists into refugee camps in the north at the border with Somalia has been a major concern. Dadaab Refugee Camp was found to have harbored people who planned and executed the West Gate Mall attack in Nairobi in September 2013. Other attacks followed later on in the North Eastern region with armed people capturing travelers in a bus and killing close to 30 people. The worst attack involved the hostage taking at Garissa University
where more than 130 students got killed by the Al-Shabaab militia operating in some areas in Northern Kenya. (*Daily Nation, 2013*)

The heightened insecurity in this region has resulted in foreign governments refusing to let their officials visit such areas because of fear of attacks. Additionally, a country such as the US which is the largest resettlement country has increased the number of security checks for people of certain nationalities (those deemed to be from terrorist hotspots). These processes which can take years have led to a delay in a large number of cases as well as reducing the numbers of those who qualify for resettlement.

**1.7 Summary of Gaps to be filled by the Study**

According to many authors of the literature reviewed, refugee resettlement presents many challenges to refugees, host countries and resettlement countries. The literature examines the origin and definition of refugees and how this definition can be discriminatory. This study will look at how African refugees have been specifically victims of this definition and how this has affected their chances of getting resettled.

The role of the international community in civil wars that lead to forced displacement of people has also been discussed. It comes as a shock therefore that those same countries turn around and impose strict immigration rules to people trying to enter their territories as refugees. If there was a way of ensuring that countries instigating civil wars are made responsible for the refugees emanating from those conflicts, the world would have fewer wars today. Although a few authors have written about the East and Horn of Africa region, the focus has been on specific countries, rather than the region.
The challenges facing the UNHCR are revealed in a case study of Tanzania. Even though Tanzania is a major host of refugees there are other major host countries in the region which need to be mentioned.

Refugee burden sharing between the wealthy and the poor countries of the world is also discussed, where the two sets of countries have resorted to a blame game. This has resulted in an impasse and therefore negative consequences on refugee protection. Regarding insecurity, one author has linked the lack of action by the international community on Afghani refugees as having resulted on the 9/11 attack in the United States.

The literature discusses general problems of refugee resettlement in different parts of the world. This study shall focus on the specific challenges that impact on resettlement of refugees who are hosted in the East and Horn of Africa Region. This is because this region is among regions with the highest number of refugees in the world. Host countries have had to deal with several protracted refugee situations such as that of Somalia and South Sudan. It is vital to focus on the unique challenges facing refugee resettlement from this region in order to develop new strategies on how to share the refugee burden more equitably and protect refugees.

1.8 Methodology and Data Collection
This study will gather data through secondary review of academic journals, news, reports, media interviews and data on refugee resettlement. Focus will be on information over the period of study (2005-2014) in the East and Horn of Africa Region. Data and literature from international organizations working in the area of refugee resettlement will be reviewed and comparative studies done to establish the facts and figures. Government policies and reports of resettlement countries will be selected and analyzed. Academic journals whose focus is on refugees shall be
used to provide background information and offer in-depth analysis on resettlement of refugees. Newspaper reports and news websites will be reviewed to collect information, data and general opinions on matters of refugee resettlement.

The library will also be an important source of information for this study. Books, periodicals, journals, e-books and theses on international relations and refugee resettlement will be used.
Refugee Resettlement: The capacity challenge in the East and Horn of Africa Region.

UNHCR's capacity in the East and Horn of Africa region 2005-2014

The role of the international community in refugee burden sharing

The impact of global insecurity and terrorism on the resettlement figures

Figure 1 Conceptual Framework

Figure 1

Source: Researcher (2016)
CHAPTER TWO

Historical Development of the Refugee Regime

2.1 Origin and definition of a refugee

Many authors and commentators in the refugee regime tend to focus on issues affecting refugees from the period after the end of the WWII. However, there were many conflicts at the end of the 19th and beginning of the 20th centuries which generated a great deal of refugees. The Balkan Wars of 1912, the Russian revolution of 1917, and the Greco-Turkish war of 1922 all resulted in the uprooting and displacement of a great deal of people. Together with WWI which took place between 1914 and 1918, refugee movements especially in Europe were huge. (Vanheule, 1995)

In the 1930s, the situation for refugees in Europe was not bad because the post-war construction demanded a labor supply, a gap which was quickly filled by arriving refugees. However, only a decade later Europe underwent an economic depression leading to unemployment. The tough economic conditions prompted restrictions to be put on admitting refugees so as not to worsen the situation.

After the Second World War, the UN statute establishing the Office of the UNHCR was formed in 1950. In 1951, it was followed by the Geneva Convention Relating to the Status of the Refugees. This was important in defining response of the international community to the global phenomenon of population movement and more especially those subject to forced displacement. (Zetter, 1998)

For the first time, there would be a ‘universal’, legal definition of a refugee. According to article 1 of the 1951 Convention, the term refugee refers to ‘any person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular
social group or political opinion, is outside his country of nationality and is unable....or unwilling to avail himself of the protection of that country’. The convention in article 33 also outlines the responsibilities of the host countries in protecting a refugee from forcible repatriation through the principle of non-refoulment. This convention remains the reference point for refugee definition to this day, though critics have pointed out the narrowness of this legal definition which has excluded millions of refugees claiming status on humanitarian rather than legal grounds.

The 1951 Convention is a reflection of the aftermath in Europe after the WW II. (Zetter, 1998) It was a reaction of the failure of the Allied Powers to prevent the persecution of the Jews in Germany. The countries were dealing with the challenge of repatriating and resettling 11 million Europeans displaced by war and outside their countries of origin. The Convention also encompasses the East-West relations during the Cold War and the concern of accommodating those fleeing communism in the East. None of the communist countries therefore was a signatory to the Convention.

2.3 The Cold War and Refugee Definition

The end of the Second WW II and the onset of the Cold War represented an important period in the refugee regime. Hitherto, large flows of refugees displaced from the ‘national self-determination’ that was taking place in Europe had resulted in states viewing refugees as a security threat and a burden. The Nazi regime had taken negative nationalism to an unexpected level and citizens who did not fit a certain description became not only unwanted, but were actively persecuted by those expected to protect them. (Haddad, 2008)
As a result, the previous emphasis by the international community on state protection had to change and now emphasis was directed towards individual protection. Failure to protect millions of Jews and other ethnic groups and races in Europe forced the international community to think again, and the solution was to offer protection to individuals whose states had failed to protect them. This was solidified by the adoption of the Universal Declaration of Human Rights in 1948.

But concern for individual human rights aside, the politics of the Cold War had a big role to play in the creation and implementation of the 1951 Convention. The ideological tug of war between the capitalist West and the communist East, had each side using every trick in the book to ensure the other one did not spread beyond where it had taken root. The 1951 Convention therefore became a strategic conceptualization by the West to cater to refugees fleeing the Eastern bloc, rather than applying to refugees in general. The Convention was created between 1948 and 1951, with its main emphasis being ‘individuals fearing persecution’ in their countries of origin. Simple translation for this became, people fleeing communism in the East.

According to Haddad (1998), persecution standards were qualified by emphasizing reasons of civil and political rights. Hence persecution on grounds of ‘race, religion, nationality, membership of a particular social group or political opinion’ became mandatory in determining refugee status, where as other categories such social-economic, environmental or even fleeing drought and starvation as happened in some parts of the world, failed to qualify one as a refugee.

The narrowing of the refugee definition to act as a tool for undermining the Eastern bloc as abusers of human rights may have worked for a few individuals. But it failed to cater to other categories of refugees in other parts of the world. The East reacted by tightening borders and ensuring that few if any refugees were able to escape to the West. This was after realizing that
the strategy was to drain them of human resources because the West was offering refuge to skilled workers, such as doctors, engineers and other professionals. The situation got so bad, that ordinary borders were insufficient to curb this movement. The intensity of the matter even led to the building of the Berlin Wall between East and West Germany to prevent the mass East to West movement.

Insistence on individuals proving their cases of persecution back in their countries of origin was just as well because restricted movement made it possible for only a few individuals to cross the borders. But when it came to large influxes of refugees, again Cold War politics played a big role as was the case in the 1948 Czechoslovakian coup and the Hungarian revolution in 1956 (Haddad, 2008). Although in both cases not all the refugees fulfilled the description of individuals fleeing persecution, they were given group eligibility and were put under the care of the UNHCR. Turning away the refugees would have meant providing material for communist propaganda and the West had to quickly save face by considering most of them for resettlement.

The role of the Cold War in the refugee regime therefore was mainly developing the meaning of a refugee to fit the requirements of the West in their fight against the spread of communism. The definition became Eurocentric and excluded refugees of non-European origin. It was believed they were of no consequence and as such did not require protection to be extended to them.

The Convention however did not apply to every European and excluded people who are believed to have taken part in war crimes, crimes against humanity or serious non-political crimes. The Convention also excluded anyone who was not under the UNHCR protection and is the reason why millions of Palestinian refugees are not considered under this Convention. The 3.8 million Palestinians who were displaced when Israel was formed in 1948 were under the United Nations
Relief and Works Agency of Palestinian Refugees in the Near East (UNRWA) and as a result could not benefit from international protection accorded to European refugees (Convention and Protocol Relating to the Refugee Status, 1951). The refugee claim also only applies to individual claims to a well-founded fear of persecution, again a Eurocentric view which fails to recognize victims of ethnic conflict, political oppression, and human rights abuses. Failure to meet an individual claim of persecution or to have been displaced across an international border has been a reason to deny people a refugee claim when they actually suffer the same fate as recognized refugees.

The narrow Eurocentric interpretation of the Convention confined its application to Europe, but events of the following years forced this to change. Increased flows of refugees around the world beyond European soil demanded different responses than those outlined in the 1951 Convention. In 1967, a Protocol was added to the Convention to include refugees outside Europe and those that became refugees after January 1, 1951.

However, non-European refugees continued to be kept outside the refugee regime during the Cold War years. According to Haddad (2008) admission of refugees into the United Kingdom (UK) between 1939 and 1980 shows an outright bias against African refugees. During this period, there were 250,000 refugees from Poland, 50,000 from Eastern Europe, 17,000 from Hungary and 5,000 from Czech Republic. African refugees were almost non-existent in these resettlement programs even though decolonization in Africa meant instability and displacement of thousands of people.

In Africa, the war in Rwanda in 1962 led to the displacement of about 150,000 Tutsi refugees, 80,000 Zaireans were displaced by 1966, 170,000 Sudanese by 1972. In total, there were several
million refugees in Africa, south of the Sahara by the end of 1970s. But they were described by the Western states as ‘national problems’ outside the scope of the ‘international’. The meaning of this was that African refugees could not benefit from the heavily European refugee protection regime. Focus was more on rescuing victims of communism in the East as opposed to masses of forcefully displaced persons in Africa.

In reaction to this attitude by Western states, African leaders, through the Organization of African Unity (OAU) came up with a definition that encompassed the victims of wars of independence against colonialism. The OAU in 1969 broadened the meaning of a refugee to include those people who fall victim to foreign domination and those who became stateless as a result of new state formations that were going on. According to the OAU definition a refugee is ‘every person who owing to external aggression, domination, foreign occupation or events seriously disturbing order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence and in order to seek refuge outside his country of origin or nationality’. The recognition of the OAU definition of a refugee was a big step in removing the focus from the continued Eurocentric refugee definition and to boost the activities of nationalists fighting for the independence of their countries in Africa.

In the 1940s-1980s, many African countries were sympathetic to refugees, with most applying an open door policy. In Tanzania for example, the Refugees Control Act of 1966 accorded refugees a group determination of status. Refugees in Tanzania at the time were also allocated free land to farm, had permanent schools and hospitals built for them as well as the right to seek naturalization (Kamanga, 2005).
Years later however, from the 1990s onwards, Africa, and East Africa in particular, which is a major flashpoint of forced migration began to apply more restrictive policies against refugees. There are various factors that led to this change of heart; high population growth, unemployment, high national debts and Structural Adjustment Programs (SAPs) to control mismanagement of resources. Host countries in the East and Horn of Africa Region could no longer afford an open door policy because of these conditions.

An increase in the number of conflicts led to an increased flow of refugees, which if not controlled could lead to problems of insecurity, destruction of the environment and a strain on the existing infrastructure. In Tanzania, the policy of allocating free land to refugees was seen by local politicians as a deterrent to refugees returning home, and some of them even feared that this could create conditions for refugees to run for office and take over government like the Banyamulenge (Rwandese) in DRC. (Kamanga, 2005)

Kenya is another country that has been struggling with large numbers of refugees in its northern region coming in from South Sudan and Somalia. The collapse of the Somalia government in 1991 saw a huge influx of refugees flow south into north eastern Kenya and the coastal region. This mass influx of refugees presented a security problem for Kenya, as some of those escaping had weapons. The problem of small arms proliferation was soon evident, when the North Eastern Province became a battle ground with armed bandits hijacking public transport vehicles and attacking towns.

Other problems that led Kenya to become stricter towards refugees were the shortage of arable land, insufficient social services in urban areas, and a high rate of unemployment (Kagwanja, 2002). Recently, the issue of national security has been at the forefront in Kenya’s refugee
agenda. Porous borders and a corrupt police system have been cited as some of the reasons why many refugees have found their way into urban areas. Among these refugees are members of the Al-Shabaab group who have successfully planned and executed attacks in various parts in both Kenya and Uganda.

2.4 Refugee movements in the East and Horn of Africa Region

Forced migration in the East and Horn of Africa may be attributed to several factors, key among them environmental, social and increase in population (Ager, 1998). But, it was in the early 1960s, when most African countries were fighting wars of independence against colonialism that mass movements of people across Africa began to be of concern. The occupation of Africa by foreign powers had been heightened at the Berlin Conference of 1884, when boundaries were drawn that divided up the continent. This was done on a map with the only guide being the lines forming latitudes and longitudes but no consideration was made for the existing ethnic, religious linguistic or national groupings on the continent.

At independence, most African countries inherited the colonial boundaries, which divided ethnic communities into the different territories while placing together communities which had nothing in common in the same territories. Somalia is an interesting example of this phenomenon. During the pre-colonial period, beginning from 1936 in the buildup to the WW II, Mussolini took over Italian Somaliland, Eritrea and Ethiopia to form the Italian Empire in Africa. British Somaliland was occupied by the British and the two foreign powers were in charge of administration and development of their territories. The level of development in Italian Somaliland was higher than the British Somaliland which was mainly neglected. This became a problem later on when the regions were merged at independence. (Laitin, 1977)
At the end of the Second World War, Britain, which was under pressure from its war allies, gave up the territory of Haud and Ogaden which were under its protection, to Emperor Menelik of Ethiopia as a reward for his support against the French. Despite the British promising that the Somalis in those territories would remain autonomous, Ethiopia immediately imposed sovereignty over them. The British also gave Kenyan nationalists the Northern Frontier District (North Eastern Province) whose occupants were mainly Somalis. In Djibouti, the vote to join the Somali Republic in 1960 was defeated and the Somalis there could not rejoin their fellows in Somalia. This situation already had the stage set for conflict in the Horn of Africa, with Somalia going to war in later years with Djibouti and Ethiopia (in 1977-78) in a bid to recover the ‘lost’ territories.

Ethiopia’s ‘colonization’ of Eritrea was encouraged by superpower geopolitics of the Cold War period, whose main interest was the control of the Port of Massawa because of its proximity to the Middle East. The struggle of Eritrea to gain independence began in the 1960s when separatists’ rebellion began resistance against the Ethiopian authorities. Ethiopia reacted by air bombing Eritrean villages and curbing the spread of nationalism among the Eritreans.

In the years following independence, a feature in many African countries was authoritarian leaders. These leaders, though lacking in reputation when it came to human rights, were political strongmen who were capable of keeping their countries united. Mobutu Sese Seko of Zaire ruled for 30 years, during which there was some semblance of peace in his country. But since his overthrow in 1997, the country has known neither peace nor unity and instead a degeneration into a state of instability that has displaced a large number of people.
In Ethiopia, strongman Haile Selassie of the Amharic aristocracy ruled Ethiopia in relative peace, until his overthrow in 1974 by Mengistu Haile Mariam. But Mengistu’s efforts to turn the country communist were also met with resistance from various groups. Siad Barre of Somalia managed to keep the country together for more than 20 years. At the end of the Cold War however, he had to flee his country when the tide turned against his dictatorship and Somalia has never known peace since his exit in 1991.

The fall of communism and the end of the Cold War presented Africa with fresh challenges. Many regimes that were previously supported by the opposing sides of the Cold war were dropped and many countries were thrown into chaos and civil wars leading to increased refugee numbers.

2.5 Modern day movements

The East and Horn of Africa Region continues to be characterized by internal conflicts and cross border movements of people seeking to find peace. The civil war in Burundi and Rwanda in 1993 and the 1994 genocide led to the huge population displacements to neighboring Tanzania. Some 300 thousand Burundians arrived in Tanzania in 1993, followed only six months later by half a million Rwandese escaping the 1994 genocide (Whitaker, 2008). Conflict in Congo in 1996 raised the numbers to 1.3 million refugees and Tanzania despite its open door policy found it hard to cope with the increased numbers.

The prolonged conflict in Sudan between the North and the South went on for more than three decades with the eventual break up and the formation of the new Republic of South Sudan in July, 2011. But it was not long before the North was engaged with the South in a conflict over contentious oil wells. Things looked grim for the new nation when factions fighting for power
caused a civil war soon after in December, 2013. South Sudanese who had been refugees for most of their lives found themselves once again displaced across their new nation’s borders.

The situation was not any better for the black Sudanese in the Darfur region of Sudan who were being persecuted by government supported militia. Sudan consists of people of Arab origin as well as African tribes, most of whom are found in the Darfur region in the West of the country. The attacks and killings of the black Sudanese by the Arab militia known as the Janjaweed has been termed by the international community as genocide. The burning of villages and raping of women in the Darfur region has led to the displacement of many refugees to neighboring Chad. (The UNHCR)

Historically, The East and Horn of Africa Region has been prone to varying degrees of internal conflicts, making the region one of the leading refugee producing regions in the world. According to the UNHCR, there are over 2 million refugees in this region, which consists of a cluster of poor developing countries most of which have been classified by the UN as Least Developed Countries (LDCs). However, regional instability has forced many of them to host a huge number of refugees even though they have inadequate resources to do so. The role of the international community is to help in providing durable solutions especially for protracted refugee situations, which have featured in this region since the 1960s. One of the ways in which the international community of states can do this is by lessening the burden on the LDCs by encouraging and increasing the refugee resettlement programs from this region.

A study of the past 10 years in resettlement beginning from 2005 has revealed that the East and Horn of Africa region has featured prominently in the resettlement statistics (UNHCR 2015) Out of the thirteen top countries of origin for third country resettlement, 4 (Somalia, Eritrea, Ethiopia...
and Sudan) are from the Horn of Africa. Somalia is the leading in the region and 4\textsuperscript{th} worldwide with 12\% (106,600) of the 920,700 submitted for resettlement in the last 10 years by the UNHCR. It is followed by Eritrea 3\%, and Sudan and Ethiopia 2\% each. Together, resettlement from the East and Horn of Africa accounts for about a quarter of the total figures submitted for resettlement worldwide.

Despite facing huge challenges, the of resettlement refugees from Africa has shown great improvement over the years. The US, which is the leading country in offering resettlement places in the world, offers the highest number of resettlement places to refugees from the East and Horn of Africa Region. But this was not always the case. So how did resettlement countries increase the capacity of refugees from Africa, from less than one thousand in the early 1980s, to more than 20,000 in present day?
2.6 The Role of Civil Rights Movement and the Congressional Black Caucus (CBC) in the resettlement of African Refugees to the US

Historically the first immigration of Africans to the US occurred during the slave trade period that began in the 17th century. Africans were forcefully captured and shipped across the Atlantic to the New World, where at first they were indentured servants who could obtain their freedom after completing a period of servitude. This changed however in the 1660s in the South when slavery began to be codified into law with certain crimes getting punished by a lifetime of slavery. White people who committed the same crime were however not subject these laws. Interracial relationships that resulted in children were common, but to ensure that Africans remained enslaved for life, these children were also considered Black.

Centuries later, the slave trade was abolished under the 13th amendment of 1865, which was one of the amendments known as Reconstruction amendments. The former slaves were granted citizenship, equal protection under the law and due process under the 14th amendment of 1868. Black men were given the right to vote under the 15th amendment of 1870. Five years later in 1875, the Civil Rights Act was passed by Congress, which granted equal and full enjoyment of public facilities to all people residing in the US, regardless of their race.

However, the Supreme Court made a ruling in 1883 that declared the 1875 Civil Rights Act unconstitutional and handed over the power of providing equal protection of Black people under the law to the States and local governments. This declaration simply reversed the freedoms set out in the Reconstruction amendments and to make matters worse, the African people were placed right back into the hands of racists working in various local government positions. The
law that banned meetings of the racist Ku Klux Clan was also reversed, leaving the newly freed slaves at the mercy of this racist group that was famous for the lynching of Black people.

With the new power handed over to them, the Southern states used all means possible to prevent Blacks from enjoying the freedoms of the Reconstruction Amendments. By using literacy tests, citizenship tests, the grandfather clause and poll taxes to determine who would be eligible to vote, black people were disenfranchised. The grandfather clause was introduced in some Southern States where in order to ensure that poor and illiterate Whites who failed the literacy tests could still vote, it was declared that one could vote if their father or grandfather was able to vote before 1867. This disenfranchized the Black people as the 15th Amendment (the right for Black men to vote) was passed in 1868.

Open racial segregation was codified into law in the South through what was known as the ‘Jim Crow’ laws, which was an apartheid system that undermined blacks by barring them from enjoying equal privileges as their white counterparts. One of these laws required Black and White people to drink from separate fountains. Once again, the Supreme Court in the ruling of Plessy v. Ferguson institutionalized racial segregation when it decreed that legislation of two separate societies, one White and the other Black was permitted as long as the two were equal. Though this system was dominant in the Southern states, Black people in other parts of the US suffered the same fate as their Southern counterparts. For example, the Zoot suit riots of Los Angeles in 1942 were clashes between army servicemen and young people of color who did not adhere to the silent rules of white supremacy. These youths wore Zuit suits (narrow waist and wide bottomed suits, normally accompanied with a swagger). On one occasion there was a confrontation between a group of servicemen and a group of young Mexican men in Zuit suits.
The servicemen retaliated by roaming the streets and attacking young people in Zoot suits who were mostly Mexican and Black.

The marginalization of Africans in the US who later came to be known as African Americans went on for a century. Beginning the 1950s, Black people began to make organized protests against this kind of discrimination through the Civil Rights movement. The Civil Rights Movement fought for equal rights with the Whites through the use of coalitions, petitions, legislation, and non-violent acts.

Finally in 1957 a civil rights section was established in the Justice Department and a Commission was set up to investigate the claims of discrimination. In 1960, registration of Black voters began, although it was not until 1965 that the Voting Rights bill was passed. At the height of civil unrest in the US, President J. F. Kennedy proposed a very comprehensive Civil Rights legislation. And although he was assassinated before it was passed, in 1964, the Civil Rights Act was passed through congress despite sabotage and resistance by Southern states.

Among famous African Americans in the Civil Rights Movement were Martin Luther King, Rosa Parks, Fannie Lou Hamer, John Lewis, James Forman, JoAnn Robinson, Medgar Evers and Jesse Jackson. The passing of the bill marked the end of institutionalized discrimination against black people and other minority races living in the US, except the discrimination did not end because Black people continued to be discriminated against in employment, housing and education.

According to Spector (2010), an interesting aspect of the US-Africa relations was the growing awareness and sense of relationship between continental Africans and the Africans living in the diaspora during the Civil Rights Movement Many African people were not aware of the
discrimination in the US against Black people. The Civil Rights Movement in the US coincided with the time when African countries were fighting against imperial occupation and colonialism by European states. The activities of the Civil Rights Movement brought to light the injustices suffered by people of color, thus creating a common bond between African people in the two continents.

With independence, many African countries sent their students to the West for higher education in order to fill the gaps left by European professionals. According to Scott and Getahun (2013), Ethiopia was one of the countries that sent students abroad to study and return home to take up various professional positions in government. However in 1974, Emperor Haile Selassie’s aristocracy was overthrown by the communist regime of Mengistu Haile Mariam. Huge changes occurred in Ethiopia: with many people losing their land and property to the state.

There was a witch hunt for former supporters of Emperor Selassie which saw many government officials and businessmen getting robbed of their wealth and businesses. Many of the people who would send school fees and remittances to their children abroad, could no longer afford to support them. Many students were unable to continue their education and at the same time they could not return home for fear of persecution or imprisonment. These students were in the US on student visas which expired and forced many of them to go underground to dodge the authorities or risk getting deported back to Ethiopia.

Despite what was happening at home, the Ethiopian students became illegal immigrants who lived under the threat of deportation for being in the US illegally. It was pressure by Black groups in the US that finally forced the authorities to do something about the plight of the Ethiopian and other African students living in limbo in the US. The US Congressional Black
Caucus (CBC) was instrumental in pressuring President Jimmy Carter’s administration to resettle the stranded students as well as millions of African refugees who had been ignored by previous regimes. With the help of the media which highlighted the plight of the stranded students, pressure from the CBC led to the granting of temporary residency to the African students. It was through the efforts of the CBC that Africans and asylees were eventually included in the 1980 Refugee Act which created a program that would admit refugees for resettlement in the US.

The growing link between African Americans and continental Africans spread awareness that eventually led to the US taking part in the anti-apartheid struggle in South Africa. However, in as much as the US takes credit for this struggle, it was the influence of Black groups and the Civil Rights Movement that put pressure on the US government to cut ties with apartheid South Africa. These groups equated the discrimination that they were facing at home with what the Black South Africans were going through. There were similarities between the tactics used in the Civil Rights Movement and the anti-apartheid movement in South Africa, such as the use of non-violence, sit-ins, and protest marches. One of the organizations that were key in this fight was Randall Robinson’s TransAfrica, an organization he formed in 1977 to force attention to issues affecting Africa and the Caribbean. Together with the African Methodist Episcopal Church, the National Association for the Advancement of Colored People (NAACP) and CBC, these groups fought for the end of apartheid in South Africa. (Ebony, 1994)
In 1984, Robinson with colleagues Walter Fountroy, Richard Hatcher and Mary Frances Berry, took part in a sit-in in the South African embassy in Washington, demanding the end of apartheid. This outraged the embassy officials who ordered for their arrest, provoking even further anger from African Americans. More than 5,000 African Americans were arrested for protesting in front of South African embassies, but this move only served to highlight the evils of the apartheid system in South Africa. The Anti-Apartheid Act was passed in 1986, triggering trade sanctions against the South African regime by several powerful countries. Reverend Jesse Jackson was at the forefront in boycotts and divestment campaigns against South Africa. In 1990, Nelson Mandela was freed from prison and South Africa became independent in 1994.

8882.7 African refugee resettlement to Australia and Canada

According to Konadu-Agyemang (2006), Canada which runs a large resettlement program is not known to have any large resettlement schemes for African refugees and neither does it have regional offices in Africa to help in refugee processing. Statistics between 1980-1987 show that there were 2 million African refugees of which Canada resettled 5,700. In comparison with refugees from other regions who got resettled at the time, Eastern Europeans numbered 23,700 while South East Asians were 28,000.

The dismal number of African refugees resettled was in sharp contrast with other regions and can only be attributed to the continued marginalization of African refugees. Western perceptions during this period put emphasis on local integration and repatriation as solutions to the African refugee problem.

Australia abandoned its White Australia policy and began resettling refugees from Africa in 1984. Even though many African refugees needed resettlement, very small quotas were allocated
for them with only 481 of the 75,000 resettled between 1982 and 1987 being African. Canada began with 500 places in 1981 and rose to 1000 in 1983.

2.8 Why Refugee Resettlement

According to the UNHCR, there are four reasons for resettlement. Firstly, resettlement is a vital method of protection for those refugees whose lives are threatened in their country of origin. These groups include women who have faced gender based violence and people who face the danger of violence and arbitrary detention because of their ethnic, religious or social backgrounds.

Secondly, resettlement is done in order to address special humanitarian needs which cannot be handled in the host countries. These needs may include serious medical conditions, serious injuries, mental problems, disability, victims of torture and rape, traumatized refugees and as a means of reunifying families torn apart by war.

Thirdly, resettlement is considered for those refugees who find themselves in protracted refugee situations and without the prospects of local integration and who are unlikely to return home in the foreseeable future.

Lastly, it has been established that the majority of the world’s refugees emanate from the poorest regions of the world. This means that they seek first asylum in the neighboring countries which are equally poor. As a result, the refugee burden is heavy on these poor countries due to insufficient resources to assist the large number of refugees. Refugee resettlement is one of the ways in which the wealthy countries are able to participate in the exercise of burden sharing with their poor counterparts.
The efforts of the international community in assisting the countries in the East and Horn of Africa region to deal with the refugee burden, though commendable, have been channeled to refugee emergency assistance as opposed to providing durable solutions. This region continues to receive tens of thousands of new refugees from the recent conflict in South Sudan. These fresh refugees add to the already protracted refugee situation of Somali refugees and refugees from Burundi and DRC, who are seeking refuge in Uganda.

Increased refugee flows in this region have seen calls for the international community to do more through resettling refugees. Despite such calls, the number of refugees being resettled is not meeting the resettlement needs of this region. This means that even though it is only a small fraction of refugees who eventually qualify for resettlement, many of those who qualify are have to compete for the few chances available and eventually the largest burden still ends up remaining with the host countries.

2.9 Modern refugee policy and resettlement

The end of the Cold War came with a lot of territorial changes and the creation of new independent states. This resulted in the mass influx of refugees from the communist East wanting to get into Western countries. But instead of the warm welcome, the refugees were slapped with strict immigration, visa and passport controls to reduce the number of entrants (Crisp, 2003). The war in Kosovo in 1999 that led to the ethnic cleansing of Albanians resulted in the uprooting of a large number of people who tried to cross to Western Europe to escape persecution. But instead of being let in, the borders were closed on them and instead the European Union chose to create ‘safe areas’ in their regions of origin. This was the beginning of the modern refugee policy of externalization or the Protection in the Regions of Origin. (Haddad, 2008)
In the European Council of 2003 in Thessaloniki, Greece, a communication of the externalization policy was given but with emphasis on the protection and provision of durable solutions to refugees. This was done to draw attention away from the plan to impose strict immigration measures to prevent the mass entries of refugees into the European Union. According to the communication, there was a collective duty of the broader community of states, to equip states receiving or likely to receive asylum seekers with the means to live up to international standards in their treatment of refugees.

And with that, the Western countries managed to shift the refugee burden almost entirely to the poor countries in the areas of origin rather than offering to share the burden equitably. Proposals were made for the creation of Regional Protection Programs (RPPs) that would be tailor made to improve protection capacity of the host countries to be able to provide one of the three durable solutions. In essence, the main aim of the RPPs was to prevent refugees from arriving in Western countries’ territories.

But while stricter immigration policy against refugees was upheld in the West which helped in reducing the number of refugees and asylum seekers entering Western countries, it also led to the development of underground channels of human trafficking. In October 2003, a meeting of the Executive Committee of the UNHCR discussed the concept of Refugee Protection in the Regions of Origin. The idea was to deal with the issue of human trafficking and the protection of the refugees. According to this meeting, the implementation of such a project would ensure fewer asylum applications and hence save on the high costs of processing the applications, maintaining border controls, and providing social welfare. (Crisp, 2003)
According to the UNHCR, contemporary refugee policies tend to emphasize concepts such as prevention, containment, speedy repatriation, and asylum in the regions of origin. The fact that resettlement is also considered a last resort only if the other solutions are not available has made it possible for those with the means to provide spaces for resettlement to become more reluctant about offering this as a solution.
CHAPTER THREE

3.1 Theories in the refugee regime

According to John Ruggel who first introduced the concept of international regimes in international politics, a regime is a set of mutual expectations, rules and regulations, plans, organizational energies and financial commitments, which have been accepted by states (Genest, 2004). In a newer definition however, a regime refers to sets of implicit or explicit principles, norms, rules and decision-making procedures around which actors’ expectations converge in a given area of international relations. This study is about refugees hence we shall be referring to the refugee regime in International Relations.

Theories in the refugee regime may be divided into two categories. There are those that support free movement of people across the globe, especially if those who are moving are doing so to find protection. A firm belief in universal human rights, equality and the rule of law are the guiding principle of these theories. As such, a refugee is first a human being, before considering other things about her such as nationality, race or culture. Liberalism and the theories associated with it such as globalization, internationalism and the English School can be associated with support of freedom of movement and equality of all human beings.

However, there are those who feel that if free movement of people across borders is not restrained, it can interfere with not only the culture, language and national composition of a state, but even more seriously, it can threaten the national security of a state. Realism and those theories associated with it are still strong supporters of sovereignty and the state system and as such encourage restrictions when it comes to admitting non-citizens into their territories. This tug
of war has seen the refugee regime gain and lose at different periods in history as new developments in world politics lead to new refugee policies.

Calier & Vanhuele (eds.) (1997) examines the evolution of migration from the pre-modern period and how things have changed to what we have today. Before the rise of the national governments that we see today, there was free movement of people, with nomadic people wandering from one territory to another in hunting patterns and following the migration of herds. The only inhibition of people at the time was the lack of food or possible conflict with other tribes using the same territory.

With the establishment of agriculture and growing of crops however, territory ownership came about and there arose a need to protect the land so that it is not taken away by outsiders. This is how central authority began to develop as one that was capable of protecting people and their property from outside invasion hence the formation of states and borders. But with the current development of telecommunication and technology, governments are no longer capable of controlling everything that happens within their states.

China and the US have had strained relations because of cyber-attacks by Chinese companies on American companies, with the latter accusing the former of stealing company and military secrets. Despite warnings by the US to stop these attacks by threatening to apply trade sanctions on China, this has not taken place. The implication of doing such a thing would be counterproductive because of the level of interdependence in trade of the two countries. Because of the significance of the internet in modern trade and business operations, there is no option but to find ways to cooperate internationally. According to President Obama, the US is committed to
engaging with international partners in promoting internet freedom and building support for an open, interoperable, secure and reliable cyberspace. (US State, 2015)

In order to understand the current situation and the political decisions surrounding the refugee regime in the international system, it necessary to look at the contending international theories and their relation to the refugee regime.

3.2 Realism and Externalization

Realism is the oldest international theory. This theory focuses on what is real as opposed to what should be. Realism uses simple, straightforward and practical guiding principles on how to behave when it comes to international relations (Genet, 2004). Realists rely on past events and examples to help them arrive at solutions to current problems in international relations. As a result, this theory has been referred to as traditional.

3.3 Main assumptions of realism

In explaining a state’s behavior in international relations, realists are pessimistic. They assume that humans are aggressive and selfish by nature and as such, there is the danger of harming others. British politician and Philosopher Thomas Hobbes said, ‘In a state of nature there is nothing to regulate people’s behavior; no consequences for uncivilized behavior towards others.’ Therefore, humans need to be prepared to defend themselves and to be able to survive in such a system, or risk being overpowered. Realists also assume that states are the central actors in the international system. (Daddow, 2009)

Realism has its foundations in the social philosophy, where citizens give up their individual sovereignty to the state to receive security in return. Because of this, realists take the role of the state (which is acting on behalf of its citizens) seriously. According to realist Hans Morgenthau,
states are rational actors and will pursue goals that are realistically achievable by their own means. (Genet, 2004)

Realists believe that international relations is about the struggle for power and security among competing states. Therefore, when making decisions, states should be guided by considerations of power and security as opposed to morality and ideals.

Kenneth Waltz, another realist argues that anarchy is key in understanding international relations. With no overarching world authority to take care of everyone, states resort to self-help through arming themselves ready for defense. But the more states arm themselves, the more relations become tense between them and the more likely a conflict or a war will occur.

According to classical realist Niccolo Machiavelli, the inherently evil nature of humans makes it necessary for states to regard military power and national security as very important. Failure to be militarily prepared for any eventuality is threatening national security.

### 3.4 Realism on immigration

A summary of the realists’ main assumptions reveals that realism is conservative and is unlikely to try something new unless it has been tested before in history and proved to work. Realists are guided by self-interest and not moral action. The debate on open borders as liberalists have been advocating is one which the realists find too risky to undertake. According to Moses (2006), realists such as former US President Ronald Reagan believe that survival of the state depends upon the control of its borders. Britain’s former Prime Minister Margaret Thatcher expressed fears that if immigration was not controlled, Britain would get ‘swamped by people of a different culture’. Realists in defense of state sovereignty continue to believe that without border controls states cannot legitimately claim nationhood.
The counter argument however is that contemporary sovereignty is characterized by free flow of goods and services across national borders and it makes little sense why states and citizens continue to exercise exclusion when it comes to immigration. Moses (2006), questions why states continue to support an outdated concept of sovereignty, in an era when people are aware that race or ethnic superiority do not determine human qualities. Modern application of these concepts is a show of support for the racist mindset in which they were created.

3.5 Realism in the refugee regime

According to Haddad (2009), the modern state system, with its emphasis on sovereignty and borders, is the main reason behind the production of refugees. The realist belief that states are central actors in the international system has made millions of refugees in the world outsiders, because they are not accepted in their own states, or they have found themselves without nationalities with new international political developments. It is clear therefore that the principles of realism, which emphasize the role of military strength and conflict as a way of solving problems of international relations, has been a major contributor to the past and contemporary refugee crises. Some of the greatest refugee flows took place during and after the two world wars, and at the end of the political impasse of the Cold War.

Realists do not concern themselves with what happens within a state’s borders and consider it to be domestic issues and prefer not to interfere. But looking at the nature of conflict in the African continent shows that majority of refugees move not because of interstate, but because of internal conflict. The modern state system is a West-centric concept that was forced on Africa, without taking into consideration how ethnic and cultural relations will be affected by the new states. Despite emphasis on Western democratic political systems, ethnic, religious and cultural issues
continue to be dominant in African politics, creating deep divisions within states and eventually leading to civil wars.

When it comes to refugee resettlement, the flow of refugees is South-North. The South being conflict prone is responsible for producing refugees, while the North, with its strong economic, legal and political systems is the preferred destination for refugees seeking protection. Admission into third countries for resettlement however is not a must, and will depend on the discretion of the admitting state. The number of refugees who require durable solutions in form of resettlement is high; however the places for resettlement are few. An analysis of realist assumptions shows that states are self-interested and in international relations, are only concerned with things that are directly beneficial to them. This has been clearly illuminated by the evolution of refugee policy of the Cold War years, and the current refugee policy.

During the Cold War, the West was out to undermine the efforts of the East to promote global communism. Due to animosities between the two blocs, movement between these two regions was minimal and the refugees few, despite the open door refugee policy in the West at the time. The Hungarian revolution of 1956 led to the displacement of 250,000 people who fled across the border to Western Europe (Haddad, 2009) and presented for the first time a big challenge in terms of providing durable solutions to such a large number of refugees.

The challenge lay in the fact that the refugees who fled did not all fit the Convention’s definition of a refugee and therefore did not qualify to be given refugee status. Returning them home however after they had escaped would undermine the West in international eyes. To overcome this obstacle, amendments were made in the refugee definition that introduced group eligibility as opposed to the narrow individual persecution stories that qualified people to become refugees.
Over 200,000 refugees qualified to be permanently resettled within a period of two years. The introduction of a new refugee definition was made to serve specific ideological, political and foreign policy objectives.

African refugees, unlike Hungarian refugees suffered from territorial insignificance. They were non-Europeans, far away from European borders and therefore did not matter. The 1960s presented the period in Africa when most countries were fighting for self-determination and liberation from Western rule. As more and more countries became independent and joined the United Nations, the UNHCR, had no choice but to cater for African refugees as well. This expansion into Africa was not taken kindly by some Western states which were losing their colonies in Africa.

France, which was one of the biggest colonialists in Africa was among those states that objected to the expansion of the UNCHR activities into Africa. Algeria was one of the French colonies in Africa and was fighting for independence from France. Many Algerians were displaced by this conflict and fled to Tunisia where there were 85,000 Algerian refugees by 1957 (Haddad, 2009). The proposal by the UNHCR to assist the refugees was opposed by France and was supported by its Western allies. The UNHCR saw this as discrimination because the same countries had mandated it to act in Hungary. The UNHCR persisted with its proposal and it eventually assisted over 180,000 Algerians.

Modern refugee policy is a reflection of realist thinking in many ways; restrictive and externalist. It puts the interests of the state and its citizens first before accepting to be involved in what is happening outside its borders. Trends in refugee resettlement have shown that admission does not depend on resettlement needs but on other factors such as national and strategic
interests of admitting countries. According to the UNHCR (1998), the US adopted an open door refugee policy towards Cuban refugees and asylum seekers throughout the Cold War period from 1959-1994. Cubans were granted automatic visa entries into the US because of the hostility of the US towards Fidel Castro’s communist regime.

Haitian refugees on the contrary did not enjoy the same treatment as the Cubans. The Haitian government was a supporter of the US and its foreign policy and was a deterrent of Cuban communism. Many of the people who tried to escape and gain entry into the US were intercepted at the sea and forcefully returned. Of the 25,551 Haitians that had been intercepted between 1981 and 1991, only 28 individuals were eventually admitted into the US. Even after the military coup of 1991 and reports of human rights abuses in Haiti, thousands of refugees escaping by boat were intercepted and detained at Guantanamo Bay.

By 1994, about 34,000 Haitians were being held at Guantanamo Bay and of this number only 10,500 were admitted to the US after a temporary restraint on repatriation (UNHCR, 1998). It took a military intervention by the US in 1994 to restore President Aristide who was in exile to deal with the issue of Haitian refugees. This demonstrates that countries would go to great lengths to pursue national interest and to preserve strategic interests through supporting friendly regimes, but at the expense of vulnerable people such as refugees.

3.6 Liberalism

Liberalists are generally optimistic about life when compared to realists. On human nature, liberalists believe that humans are inherently good, capable of reasoning and have the power to realize their inner potential. Humans are also progressive as has been seen in scientific and technological evolutions that have taken place over time. On war, liberalism has no faith in
conflict but in peace as being the natural condition of things in international relations. National interests of states can therefore be achieved through non-military means. (Daddow, 2009)

On governance, liberalism advocates for freedom and democracy as an environment that allows human beings to develop. Liberalists do not believe that humans are the main actors in the international stage and neither are states unitary actors in international relations. Liberalists emphasize interdependence of states in international relations. International order rather than international anarchy achieved through global institutions and international law have made cooperation possible.

According to realist scholar Joseph Nye, expansion of global trade and investment has blurred the distinction between domestic economies of individual states and the international economy. Nye acknowledges the inequality of states and the fact that developing states are weaker and find it hard to compete in the global economy. However, he argues that no single country no matter how powerful is capable of self-sustenance in terms of economic prosperity and national security. There are many issues and many actors involved in international cooperation, and therefore the issue of hierarchy does not come up. (Genest, 2004)
3.7 Liberalists and Refugee resettlement

The 28th US President Woodrow Wilson (1913-1921), is known as the father of modern Liberalism. Wilson, in his 14 point speech in Paris at the end of WW I, advocated for countries to ditch secret alliances for open diplomacy and for greater international cooperation. He was a key player in the establishment of the League of Nations and believed that in spite of lack of harmony among the interests of states, formation of international organizations would help in promoting diplomacy, cooperation, and the rule of law. (Daddow, 2009)

Many saw Wilson as a Utopian, especially when in 1939, WW II broke out. Some leaders such as Adolf Hitler of Germany and Mussolini of Italy had taken advantage of the soft stance of liberalism to take part in territorial aggression on their neighbors. The League ceased to exist for failing to prevent WW II and in its place, the United Nations was formed on 24 Oct 1945. Liberal institutionalism or creation of international institutions was done by states to promote greater cooperation internationally. The UNHCR is one of the UN bodies mandated with the duty of assisting and protecting refugees.

Hugo Grotius, also known as the father of liberalism wrote in 1625 about Natural Law and that humans have basic, inalienable rights which include the right to life and liberty. He said these are universal rules transcending states boundaries and could be used to determine states behavior in war. This became the basis of international law and the universality of human rights.

3.8 Liberalism International Cooperation

According to liberalists, realists with their emphasis on sovereignty, borders and state authorities are the reason behind the current global refugee crisis. Haddad (2008) argues that the modern political borders will continue to ensure the constant creation of refugees. She goes further to add
that modern mass refugee movements are a result of social and political changes that affect the whole international system of states, rather than individual countries. The refugees are outside their countries borders and are not accepted in host countries and so an international solution is necessary in ensuring they don’t remain in this situation.

To solve this problem, liberalism through promoting international cooperation is behind the formation of various international organizations, Inter-governmental organizations and Non-Governmental organizations that cater for refugee needs.

International Organization for Migration (IOM) is an inter-governmental agency that was established in 1951 in Brussels Belgium to facilitate migration from Europe. The purpose of the organization is to enhance the understanding of migration issues through collecting, analyzing and disseminating information on migrant rights, welfare and providing a forum for practical solutions to migration issues. (Lansford, 2014)IOM cooperates with the UNHCR in matters of logistics such as planning for the travel of refugees who have been resettled in a third country and the facilitation of repatriation convoys.

Despite the gains in international cooperation made through liberalist thought, critics point out that states cannot be expected to pursue collective goals on a consistent basis. (Genest, 2006) State cooperation in international relations depends on relative gain of a state, where less gain means more control or self-reliance, rather than blind generalization of cooperation as put forth by liberal institutionalism. Goals and priorities of states do change with new political developments and technological developments and states may find it unnecessary to continue being part of such institutions. This is true in the refugee regime, where the US and its Western allies once encouraged and supported immigration of refugees to the West.
However political changes leading to the disintegration of the USSR in 1991 saw many nations formally under the Union become independent and with it a huge number of forced displaced people. But the huge outflows of refugees began being viewed as a problem and Western countries instead of offering asylum, began looking at the options of protecting refugees in the regions of origin. The Cold War was over and the US was a global hegemony. There no longer was any need for encouraging refugee outflows from these countries.

3.9 Class System Theory

The increased outflows of refugees and the displacement of people is not by mistake. Dependency theorists explain the historical and existing political and economic inequalities between the rich countries of the North and the poor countries of the South. According to Moses (2006), the push for market liberalization by the rich countries while creating fortunes for the rich countries, has destroyed local economies of poor countries. This is because the rich countries impose unfair terms of trade on poor countries, through buying very cheaply their raw materials such as coffee, tea, sisal, and petroleum and in return, offering these same countries finished products at exorbitant prices. As a result, the poor countries cannot afford to purchase these finished goods and are left with no choice but to borrow money from the international monetary institutions for their economies to be able to survive.

When referring to the refugee regime, this unequal relationship has been seen in the asymmetrical relationship between the rich North and the poor South in carrying the refugee burden. The poor countries take more than 80% of the total refugee burden while the wealthy countries are at liberty to choose how much they should help. This kind of imbalance is in perfect harmony with the class system line of thinking where the relationship between wealthy and poor countries is one where the former exploits the latter for their own gain. While the
wealthy countries are unwilling to equitably share the economic and social burden of the millions of refugees in poor countries, the class system theory seems to be gaining ground with its predictions that a revolution is necessary for change to occur.

3.10 Class System Theory and Refugee Resettlement

The ongoing refugee crisis in Europe involving Syrian refugees which began with an internal uprising in March, 2011 is a classic example of how restrictive policies against refugees can turn chaotic. There are more than 4.5 million people who have fled Syria to the neighboring countries of Lebanon, Jordan and Turkey since the conflict began. (BBC, 2015) More than one million refugees crossed into Europe in 2015, despite efforts by European countries to stem the influx. The European states have always guarded their borders fiercely, not only against illegal immigrants but against admission of refugees as well. The slow pace of processing the refugees combined with congestion in the refugee camps forced many of the refugees to risk their lives in order to illegally cross the Mediterranean into Europe. According to IOM, 3770 refugees died on their journeys across the Mediterranean, in an effort to reach European soil.

The arrival of the refugees in Europe has been in the full glare of the world media and is no longer a hidden affair in remote refugee camps. It is happening at the heart of Europe and these refugees are sending a message that their exclusion is no longer acceptable. If they are not offered protection, they will risk everything to come and find it on their own.

Afraid of being portrayed negatively as rejecting destitute refugees in need of protection, European countries began to offer to resettle the refugees. Germany offered to take 20,000 and Britain, with all its economic prosperity and political prominence offered a paltry 4,000 places over a period of 5 years. British Prime Minister David Cameron later announced an upward
adjustment of this number to 20,000 people in 5 years. Meanwhile, Greece, Hungary, Italy and Turkey continue to carry a disproportionate portion of the refugee burden because of geographical reasons. Greece, a member of the EU has been harshly criticized by other EU members for being unable to control its borders and causing this crisis in the first place.

Encouraged by the ‘temporary welcome’ that the Syrian refugees were offered in Europe, more Syrians have been crossing the sea to reach Europe. Hungary which is a major and most direct crossing point for the refugees has been pressured to close its borders to stop further arrivals. Any refugees arriving currently have to go through Croatia which said it will let the Syrians pass through as they try to reach Germany, and other countries which are willing to offer them asylum. Exclusion can longer be the solution if people are willing to risk whatever it takes for them to reach a safe destination.

Because of the position of Germany in offering places to the Syrian refugees, there were rumors that German Chancellor Angela Merkel was under consideration for the Nobel Peace Prize. The Turkish President Recep Tayyip Erdogan wondered how offering 20,000 places would qualify one for the Nobel Peace Prize, while his own country was hosting about 2.5 million Syrian refugees and no one was talking about it. (The Telegraph, 2015)

In terms of refugee resettlement, the great imbalance in bearing the refugee burden where the rich countries continue to ignore the huge burden borne by the poor countries can result in a crisis like the one that European countries are experiencing at the moment. It would have been easier for the Western countries to offer resettlement places instead of letting the refugees pile up and only accepting to resettle them once they reached Europe. Restrictive refugee and
immigration policies, instead of stemming flows have led to uncontrolled entry, and an even bigger problem of insecurity across Europe.
CHAPTER FOUR

4.1 UNHCR and the capacity challenge

4.2 History of UNHCR

The UNHCR was formed in 1951, with the mandate of providing solutions to refugee problems and to protect them. But at its formation, there was no goodwill on the part of the states in providing the necessary financial support to the organization. According to Loescher (2008) the intention of the states was to limit the powers of the UNHCR as well as restrict their own obligation to costly refugee resettlements. The United States was one of the countries that was of the opinion that refugee policy was too important to be left entirely to the UN. As a result, the US created rival refugee agencies and NGOs which not only did the same work as the UNHCR, but also received huge amounts in terms of funding.

Legally, the UNHCR was restricted to provide assistance to people who were refugees before January 1951. Protection was to be accorded not only to those fleeing persecution but to those who had managed to cross an international border. Geographical restrictions also made it impossible for the UNHCR to concern itself with what was going on outside European soil. Central to international relations and world politics at the time was emphasis on sovereignty of states and the policy of non-interference in the domestic affairs of another state. Because of this, the UNHCR had to tread carefully in order not to be seen as meddling in internal politics of states and only got involved once people fled across their countries’ borders into another state.

The UNHCR therefore was an organization that was doomed to fail from its inception because the most powerful states in the world feared that allowing independence of such an organization would control their actions especially regarding refugees. This is reflected in the 1951
Convention where the plan to starve the organization of funds seems to have been hatched. According to the statute, no expenditure other than administrative expenditure relating to the office of the High Commissioner should be borne on the budget of the UN, and all other expenditures relating to the activities of the High Commissioner shall be financed by voluntary contributions. (Loescher, 2008)

For the first few years from its inception, the organization was not only financially crippled; it also had to overcome its legal and geographical limitations in order to remain relevant. However with time, the UNHCR was able to overcome its legal and geographical limitations. In the 1960s, decolonization was taking place in many countries in Africa and Asia. Many Western powers were against the idea of assisting refugees emanating from these regions and refused to offer them assistance. But persistence and the increased number of independent countries that became members of the UN saw growing support for the organization and what they were doing. The UNHCR was thus able to expand its activities to Africa and Asia.

The Cold War between the US and the Soviet Union saw the shifting of proxy wars to Africa. The West realized that their actions in other parts especially the Third World could be used by the Eastern bloc to gain ground against capitalism. This became a turning point in the way the West viewed the UNHCR and the global refugee crisis. The organization began to receive financial and political assistance from the same countries that initially tried to ensure it did not take off.

At the end of the Cold war in the 1990s, there was no longer the danger of communism taking over the world. This resulted in a change in refugee policy from that of welcoming refugees with open arms to application of strict migration rules that would stem flows of refugees into the
West. The collapse of the Soviet Union saw the independence and the creation of many new states in the Eastern bloc, and the displacement of a lot of people who did not fit into the new states. To prevent mass influxes of refugees into the West, the refugee policy evolved from open borders to protection in the areas of origin.

4.3 UNHCR’s financial capacity

When UNHCR was created in the early 1950s, the focus was the European refugees displaced during WW II. Movement of many from the East to escape the political and economic problems made the Eastern bloc restrict movement and only a handful were able to leave. Because the number of escapees was minimal, the UNHCR had no problem with operating on a low budget. But with the expansion into other regions away from Europe, UNHCR’s budget grew extensively. Since UNHCR receives only 3 percent of its funding from the UN budget, the organization is almost entirely dependent of donor states to enable the running of its programs and operations. (Loescher, et al 2008)

Every year, UNHCR identifies programs and projects and makes a global appeal to fund its annual budget. Once the Executive Committee approves the budget, the Annual Pledging conference is organized where donors commit to funding activities. This trend has been the reason why the organization is unable to plan for long term projects that run for more than one year. Such programs include repatriation and development related plans for prolonged refugee situations.

According to Loescher (2008), there is a small fraction of states that provide about 75 percent of its total funding. This group of states consists of the top ten industrialized states in the world. In order to encourage donors to contribute, the UNHCR allows for states to ‘earmark’ or choose
projects that they would like their contribution to support. This practice allows for donors to contribute partly for self-interested reasons.

The UNHCR 2013 Global Report gives an analysis of its donor trends beginning 2009-2013. A quick survey of the top 10 donors during this period shows most states as having restricted their funding to certain countries and specific projects. The US which is the top donor of the UNHCR in 2013 contributed over 1 billion USD (US Dollars) to the UNHCR. This amount however was restricted with 60 percent earmarked to do projects in certain countries while 36 percent was earmarked for regional and sub-regional funding. Japan, which was ranked second globally, contributed approximately 253 million USD of which 91 percent was restricted. Germany, a top funder of the UNHCR, contributed approximately 117 million USD and restricted 90 percent of its contributions. Australia, another top donor for the UNHCR had consistently restricted more than 60 percent of its contributions between 2009 and 2013.

Although the Scandinavian countries feature among the top 10 donors, their contributions are less restrictive. Sweden which was ranked 5th in contributions in the 2013 survey, was the top donor in terms of unrestricted contributions. Of the 129 million USD donated 68 percent was unrestricted, while 17 percent was country restricted and 12 percent was regional and sub-regional specific. Norway was second with 66 percent in unrestricted contributions while Netherlands, another of the top 10 donors left 58 percent of its donations unrestricted.

The Russian Federation, though ranked 18th globally was a significant contributor with 12 million USD in 2013. However, contributions between 2009 and 2013 display a trend of strict earmarking of donations with over 80 percent being restricted.
Earmarking for the UNHCR, while working well in terms of increased funding has its disadvantages however, because states especially the big donors are highly selective in terms of meeting the states’ needs as opposed to caring about refugee needs. Projects that are seen as important to a state’s strategic interest are most favored and receive more funds and support when compared to those projects that do not. In contrast private sector’s donations from these same countries are mainly unrestricted, though the contributions are much smaller than those of states and do not therefore have as great an impact as the state donations. The private sector in Japan for example, has shown a trend of unrestricted donations to the UNHCR beginning with 50 percent in 2009 and climbing to 75 percent in 2013, in unrestricted contributions. The trend is the same for Germany where private sector contributions have been unrestricted during the survey period. (The UNHCR)

Earmarking by states interferes with the independence of the UNHCR as an organization because the states determine which projects they will support. The reasons for their support are not dependent on refugee needs but are more closely related to the interests of the states sponsoring the projects. The continuous use of earmarking as a method of encouraging funding for the UNHCR has resulted in an imbalance in the world refugee regime as some projects get more funding than others.

It therefore comes as no surprise that despite the increased refugee flows, countries that fund the UNHCR are not keen on offering resettlement as a solution for the world refugee crisis and would rather fund projects in refugee host countries to confine the refugees to these regions. Strict immigration practices of many developed countries and the prolonged procedures involved in the processing of refugees for resettlement, acts more as a deterrent to refugees, rather than a solution to the refugee problem.
4.4 UNHCR in the East and Horn of Africa

According to the UNHCR Refugee Resettlement Facts (2015), the number of submissions for resettlement in Africa has grown from 10,000 in 2005 to 35,000 in 2014. While this may look like a reason to celebrate, these figures do not match the resettlement needs for this region. According to the global annual projections of the last few years, the need for resettlement continues to outweigh the numbers that are finally resettled. Recent statistics from The UNHCR Global Projections needs for 2016 show that there are 391,939 individuals in Africa who are in need of resettlement. Of this number, the UNHCR’s target is to submit only 46,519 of that figure for resettlement.

But according to the capacity of the UNHCR core staff, the organization can only manage a figure of 17,570, which is about 4.5 percent of the number of people who need resettlement as a durable solution. In the previous year 2015; 278,756 individuals needed to be resettled. Though the UNHCR projected that it would submit 45,287 individuals for resettlement (16 percent), staff capacity only managed to submit 19,848 (7 percent) individuals to be considered by resettlement states.

4.5 UNHCR Capacity challenges in the East and Horn of Africa Region

4.6 Lack of sufficient staff

As already discussed, the UNHCR’s roles are continually increasing. Other than attending to emergency relief and protection of the displaced during emergencies, the organization is now responsible for a greater number of people. Once not recognized as refugees, Internally Displaced People (IDPs) were not a part of the UNHCR’s responsibility. But a few years back, the problem of IDPs became so pronounced that the UNHCR was forced to expand its
operations to include this group, as the IDPs faced the same problems as refugees only that they were not outside their countries’ borders.

In order for the UNHCR to be able to submit enough refugees to be considered for resettlement, it is important for it to have the staff capacity to be able to do so. It is disheartening to see that despite the high number of people who need to be resettled, the staff capacity is not able to submit even ten percent of the target refugee population. But even with increased capacity of its staff, the UNHCR must work with the resettlement quotas provided by resettlement countries in executing its duties. Expansion of the UNHCR staff capacity can only work if the resettlement quotas are raised by the resettlement countries.

4.7 The UNHCR and the resettlement of African refugees

According to Sandvic (2010), over the past 50 years, millions of people have been accorded opportunities to better themselves through resettlement. However of these millions, few Africans had an opportunity in such programs until the 1980s. Countries with large resettlement programs such as Canada, the US and Australia did not resettle African refugees due to various factors. According to the resettlement countries, the African refugee problem was ‘internal’ and ‘temporary’ and as a result there was no need for them to be considered for resettlement.

At the same time, it was not until 1961 that UNHCR began operations in Africa with great opposition from former colonial countries such as France. Due to this friction, international protection of African refugees became a sensitive matter and the UNHCR tried to concentrate on material relief and zonal development.
Due to the difficult circumstances of the African refugees, many of them fled from their rural homes to neighboring countries which were equally poor with little infrastructure. As a result, the first priority of UNHCR was to cater for their immediate needs of food and shelter as opposed to responding to their human right needs. The resettlement countries then began to use this as an excuse not to resettle African refugees and instead provided funding for UNHCR activities whose focus was to give material support to the refugees living in camps in Africa.

The African refugee was also branded ‘rural’ with claims that it would be too difficult and costly to integrate them into ‘modern’ society through resettlement. Other reasons were that they were too many and too dispersed to be considered for individual assessment to establish their eligibility. The African refugee was made to look different when compared to refugees from other parts of the world, while really what was going on was discrimination against African refugees.

The influence of the attitudes of resettlement countries on UNHCR activities became clear with the formation of Bureau of the Placement and Education of African Refugees (BPEAR) in 1968. According to Sandvic, this project’s focus was on urban elite refugees who were the first African refugees to be considered for resettlement. The project also tried to invent ways of dealing with the African refugee ‘problems’ such polygamy and large families by attempting to resettle them within Africa, as they were ‘unacceptable’ in Western society. But the project was a flop as those refugees resettled in Benin and Burkina Faso faced dire poverty and war while refugees from these two countries got resettled abroad.

According to Konadu-Agyemang, (2006), Canada which runs a large resettlement program is not known to have any large resettlement schemes for African refugees and neither does it have
regional offices in Africa to help in refugee processing. Statistics between 1980-1987 show that there were 2 million African refugees of which Canada resettled 5,700. In comparison with refugees from other regions who got resettled at the time, Eastern Europeans numbered 23,700 while South East Asians were 28,000. The dismal number of African refugees resettled was in sharp contrast with other regions and can only be attributed to the continued marginalization of African refugees. Western perceptions during this period put emphasis on local integration and repatriation as solutions to the African refugee problem.

In the 1960s and 70s, the challenge lay in the marginalization of resettlement countries of the African refugees. At the same time, African states did not encourage resettlement due to the fear of losing skilled people to Western states. This fear was real though because ‘rural’ refugees were found to be unsuitable for resettlement or even assessment to determine their individual status. The urban elite were preferred but even those were few. According to Kyoso (2010) the issue of an African brain drain continues to date. According to the US Census Bureau of 2000, African immigrants in the US were the most educated among all immigrants, with a similar scenario having been determined in the UK in the late 1990s.

The UNHCR as an organization has faced criticism for not doing enough to help African refugees. However, the organization faced unique challenges in trying to overcome the many problems the African refugee was facing. After going through the hurdles of establishing a base in Africa, second came the problem of moulding the African refugee to fit into the European biased Convention. The resettlement procedures at the time naturally barred many African refugees from qualifying for resettlement.
One of the things that the UNHCR had to change when major resettlement countries decided to increase quotas for African refugees was to improve its system so that it could process the refugees who had previously been ignored. According to Sandvic (2013), the UNHCR had to reform its system and create procedures that were consistent throughout the world. Regulatory mechanisms were created, based on legalization, standardization and evaluation of its activities.

The resettlement handbook was also created, complete with country chapters that would be used as a reference by the UNHCR personnel all over the globe. The new regime was favorable to the African refugee candidate because it considered personal circumstances and individual characteristics, which made it easier to identify individuals in need of resettlement.

At the same time, the incorporation of human rights as a basis for providing protection to refugees enabled the expansion of individual categories of refugees. New categories of refugees, specific to the African refugees were identified and these included, single women, unaccompanied minors, the elderly, victims of torture as well as refugees in protracted refugee situations. The widening of categories has enabled more people to be identified for resettlement from the African continent.

The steady rise of resettlement figures of refugees from Africa was however interrupted after the 9/11 terrorist attack in the US. The attack led to an introduction of new refugee and immigrant legislation in the resettlement countries which once again led to the marginalization of African refugees. The introduction of Security Advisory Opinion (SAO) background checks of male applicants of certain nationalities which the US considers to be a security threat, has led to delays as well as denials for many African refugees in the process of resettlement. Even though the US does not publish the list of nationalities involved, there is no question that there are a number of African countries on that list. All refugees are subject to thorough medical examinations before
they are cleared to travel and this has been another reason to deny refugees resettlement. Temporary camp shelters and poor living conditions have created a breeding ground for cases of tuberculosis, leading to a delay of many cases of refugees who must clear the TB treatment before travelling.

Terrorist attacks in other Western European countries have only added fuel to the fire with even more strict immigration measures being put into place to restrict entry of refugees and other immigrants seeking to enter Western countries.

The African refugee has come a long way in the journey of third country resettlement. Beginning with exclusion from the 1951 Convention, to later on being considered too rural to integrate, the African refugee has overcome many hurdles in resettlement. Though many policies have changed to enable the inclusion of the African refugee, the disparity between the need for protection and the number of resettlement places continues to grow each year. It is clear therefore, that no matter the amount of improvement the UNCHR makes on its policies and procedures of resettlement, it will require more effort from the resettlement countries to close this gap.

4.8 Refugee resettlement quotas in receiving countries

In the ten years beginning 2005-2014, global annual departures to resettlement countries have consistently shown figures of less than 70,000 individuals. It was only in 2009 that the departures surpassed the 80,000 mark. But once again in 2010 the figure took a nose dive and only 70,000 individuals were departed. The annual resettlement places in 2012 and 2013 were approximately 86,000 and 85,000 respectively, but final departures indicate that less than 80,000 refugees were able to depart.
According to the UNHCR statistics over the last 10 years, there is a clear indication of the need for resettlement countries to increase the number of places they offer for refugee resettlement. In Africa, great improvements in departures only began to show in the last five years of the survey period. In 2010, 14,865 people departed from Africa. This figure was lowered in 2011 to 10,431, which increased again in 2012 to 11,342. In 2013, annual departures from Africa were at 14,858 and the figure rose to 19,199 in 2014.

The consistency of the global resettlement quotas in the last 10 years is an indication that there is an attempt by the resettlement countries to control the number of refugees resettled among them. Even though slight adjustments seem to have been made at the peak of refugee crises to accommodate more refugees in resettlement, it is still evident that the greatest burden was left for the host countries to bear. While the resettlement countries may claim that they do not have sufficient resources such as housing to take up more refugees, the situation in the host countries is even worse. “Interestingly the donors restrict resettlement for much the same reason the hosts are hesitant about settlement; concerns over cost in times of economic difficulty, doubts about assimilating those so culturally different, and belief that the numbers are too great to absorb. The donors, however, see no inconsistency in paying the hosts to keep the refugees and in urging them to find the political will to accept unpleasant solutions.” (Stein, 1986)

Prior to 1965, US immigration policies supported quotas based on nationality. These policies naturally favored Western Europeans and very few Africans were known to have immigrated to the US at the time. The 1965 Immigration Act phased out the national origins quotas and instead introduced 4 new categories for admission into the US, one of which was Refugees for Political or Humanitarian reasons. However it was much later in 1980 that the Refugee Act was introduced. The Act saw more African refugees gain entry into the US. According to Ross-
Sheriff and Moss-Knight (2013) the 1980 Refugee Act was created to provide systematic procedures to admit to the US people with special humanitarian concerns and to provide for their support into the American Society.

Australia which has been resettling refugees for decades has been operating the same number of places (12,000-13,000 annually) since 1977. Even during crisis times when there were more refugees and countries were offering ad hoc programs to resettle more, Australia did not increase their quotas. Instead they included the emergency cases in their annual quotas. During the Fiscal Year 2012-13, it was finally decided to raise the quota to 20,000 per year.

Even though this change may continue to reflect positively on the number of departures from Africa in general and the East and Horn of Africa in particular, the number of places being offered will never match up to the needs of refugees requiring to be resettled. The recent migrant crisis saw more than 1 million people cross into Europe beginning September, 2015. Germany in particular, received more than 476,000 asylum applications in 2015 (BBC, 2015).

Although there were protests by a section of Germans against the plan to resettle these refugees, the willingness of the German Chancellor Angela Merkel to resettle them is a clear indication that Germany has the resources to handle this large group of refugees. This number of asylum applications is almost seven times more than the average annual resettlement capacity of 70,000 (globally) in the last 10 years. The figure of one million refugees who managed to cross into Europe is an equivalent of global refugee departures over a period of 14 years. It is therefore a matter of the resettlement countries to decide if it is better to increase their quotas as well as the capacity of the UNHCR to resettle more refugees or to wait and face a migrant crisis like the one of the Syrian refugees in 2015.
4.9 Individual Persecution claim

According to Franke (2009), the 1951 Convention definition of a refugee is discriminatory as it narrows the definition to suit some refugees while rejecting others. While the basic international law on refugees is supposed to protect rights of all humans especially during displacement, the Convention definition has led to a rejection of many refugee claims. The interpretation of a refugee claim may become distorted by various degrees of stress, intimidation, translations as well as cultural misunderstandings. One of the conditions for getting considered for resettlement is being able to make an individual persecution claim.

While this may have worked during the period of the formation of the Convention, the nature of conflict has changed and many are those who find themselves moving not necessarily because they were individually threatened. In the East and Horn of Africa Region, many displaced populations have crossed into neighboring countries because of general conditions of war that they felt threatened them. Such refugees who cannot prove an individual persecution claim are not considered for resettlement.

Group eligibility is one of the ways that is being used now to address this challenge. The UNHCR has been working to identify groups of refugees that share a similar persecution story, who are then granted group eligibility for resettlement. This method which uses a simplified Resettlement Referral Form (RRF) has enabled a large number of refugees to be resettled within a short period of time.

One of the beneficiaries of group eligibility is the Congolese group of refugees living in camps in Uganda, Rwanda, Burundi and Tanzania. According to the UNHCR, a multi-year plan to resettle 50,000 Congolese refugees by 2017 was started in 2012. Group eligibility has also been
identified for the Congolese Tutsis displaced from Eastern Congo and currently residing in East and Central African countries. This plan will have a positive impact on refugee departures from the East and Horn of Africa region.

The challenge however remains identifying groups of refugees for group submissions. There have been very few groups of refugees who have been identified for group resettlement since 2005. The Lost Boys of Sudan was one of the groups that was identified by the UNHCR for group resettlement. According to the International Rescue Committee (IRC) the group of about 20,000 Sudanese boys most of them less than 10 years, walked for over a thousand kilometers to reach Ethiopia to escape death or induction into the army. In 2001, about four thousand were resettled mostly to the US while smaller numbers continue to be considered when they are identified.

4.10 Submission Categories

For a refugee to be considered for resettlement they must fall under one of the seven categories of the UNHCR and resettlement must be the only appropriate solution. These categories include: Legal and physical protection needs, survivors of torture and violence, medical needs, women and girls at risk, family reunification, children and adolescents at risk and lack of foreseeable alternative durable solutions. Under these categories, the legal and physical protection needs is the most utilized.

According to the 2013 statistics, 37 percent of all refugees who were resettled fell under the legal and physical protection category. Lack of foreseeable alternative durable solutions followed with 31 percent, survivors of torture and violence 16 percent, women and girls at risk 10 percent while the rest of the categories were all below three percent. While the RSD continues to heavily rely
on the 1951 convention to determine who qualifies to be a refugee, the same Convention
discriminates against a large number of refugees.

Although it is impossible to resettle all refugees because they are in millions, other alternatives
such as local integration are out of question in majority of countries in the East and Horn of
Africa Region. This is the reason why some refugees have lived in the camps for as long as 20
years and more. It is important to continue identifying other categories of refugees to be resettled
so that more refugees can gain international protection. Poor countries are in no position to
shoulder the huge responsibilities of integration, and while it may be more expensive to resettle
refugees, developed countries have better opportunities to offer these refugees. Otherwise, majority of them end up languishing in camps for generations.

It is therefore clear that the 1951 Convention is outdated and no longer helps to address
contemporary refugee problems. Trying to solve today’s problems using a narrative of 65 years
ago is simply an indication of a lack of willingness by states to do more in tackling the global
refugee crisis. States are already aware of the huge burden of responsibility awaiting them if any
amendments are made to the Convention that would tip the scale in favor of the refugees.

Refugees requiring physical and legal protection are definitely a priority to the international
community but this does not mean that the remaining refugees are any less in need of durable
solutions. Furthermore, the international community of states needs to do more to ensure that the
refugees who are at risk do actually find a durable solution in terms of resettlement. Failure to do
this makes the whole exercise of resettlement futile as it discriminates by resettling some
refugees while leaving many others who also qualify with no solution. After everything that a
refugee has gone through to reach the country of asylum, it is very disheartening to be put
through the resettlement process only to be rejected. Others who qualify do not even get to be identified for resettlement at all because of the capacity challenges of the UNHCR.
CHAPTER FIVE

5.1 Burden sharing in the international refugee regime

Available literature on burden-sharing in the international refugee regime seems to be split in opinion. There seems to be a general consensus though that the refugee burden is disproportionately distributed within the international system of states. Who carries the bigger burden among the states however, is a source of a heated debate. To make matters worse, there is no legal institutional framework to support equitable burden-sharing and some states only share at their own discretion and not according to the refugee protection needs. In order to explain imbalances in burden sharing in the international system, various models have been developed which attempt to explain what influences states to contribute to common public goods.

Fang & Ramsay (2010) introduce the Economic Theory of burden-sharing to explain the behavior of states in burden sharing within non-binding alliances. Alliances are formed for a purpose or a common collective good such as peacekeeping or protection of members from aggression. The North Atlantic Treaty Organization (NATO) is an illustration of responsibility sharing among the member states of the military alliance.

According to the collective action theory, states will contribute to the collective good depending on the size of the member. The larger, wealthier states must contribute more in comparison to their smaller, poorer counterparts. According to the model, it is the bigger and wealthier members of an alliance who initiate a political policy and attempt to find ad-hoc states to partner with them for the pure public good. In the case of NATO, defense is a common good for all countries involved, with non-rivalry and non-excludable characteristics. Because of this,
contribution amounts are dependent on the economic strength of the member states. This model seems to have worked well during the Cold War era when the international system was bipolar.

However due to the non-binding nature of alliances, states can either choose to work within them or quit. For this reason, the bigger countries agree to carry a bigger burden, because they need the smaller countries to work with them. The smaller countries on their part choose what amount they will contribute or if they will contribute anything at all. This is known as the theory of exploitation hypothesis. According to Roper & Barria (2010), new security threats emanating after the Cold War have forced the wealthier states to engage in greater burden-sharing while the smaller countries ‘free ride’ on the bigger states.

When it comes to refugee burden sharing, the same theory seems to apply. The most powerful Western states seem to be shouldering the refugee resettlement burden, whereas the smaller states seem to be moving along without great commitment. The US, Canada and Australia are the leaders in refugee resettlement programs and though these countries are territorially larger and more powerful economically, this is no reason for their European counterparts to refuse to take in more refugees.

5.2 Is burden-sharing in the refugee regime equitable?

As already noted by many writers and commentators in the refugee regime, the globe is divided into two parts. The Global South consists of LDCs with weak political and economic structures and is therefore prone to conflict. As a result, majority of the refugees in the world are located in these parts of the world. The Global North consists of a handful of highly industrialized countries with strong judicial and economic systems, and these are the states where refugees seek protection from their countries of origin.
More than 80% of the total refugee population in the world today is to be found in poor countries in Africa, Asia and the Middle East (The UNHCR). While the North shoulders the financial burden of protecting the refugees, it is the South that bears the actual burden of a huge presence of refugees. The North has the pleasure to choose when and how to help, but the South is stuck with the refugees and has no option but to accept whatever the North offers it. But, what is the reason for this inequitable burden-sharing in the refugee regime?

5.3 Why the imbalance in refugee burden sharing

(i) Lack of a legal binding institutional framework for burden sharing

In total, 141 countries are signatories to the 1951 Convention and statute on the Status of the Refugee (The UNHCR). Though all these countries have committed to help provide refugee protection to those in need, only a handful have been actively engaged in the exercise of providing durable solutions to refugee problems. There are huge disparities in the economic, social and judicial capabilities among the states in the international system. According to Moses (2006), 80% of the world’s wealth is concentrated in less than 20 of the world’s wealthiest states. That means majority of states in the world have no financial capability to give large contributions to go towards refugee protection.

The rich states have the financial muscle to tackle refugee problems while the poor states are stuck with the refugees. With no existing legal binding institutional framework to ensure the rich states share in the physical burden of the poor countries, a great imbalance between the two regions will continue to exist. Having noted the disadvantages of committing to such a responsibility, it is less likely that such a co-operation can be negotiated among states at the
moment. Some countries such as the UK have been trying to back out of 1951 Convention because of their lack of willingness to share the international refugee burden.

(ii) Clash of interests between Refugee and State Interests

A survey of the leading refugee resettlement countries shows a consistency over the years on annual refugee quotas. There is no denying that quotas have been increased from time to time but a closer look at why the quotas are increased reveals that it is not in the interest of the refugees, rather it done for national or self-interest. For example, Australia has maintained its refugee quotas at not more than 13,000 per annum since the 1980s. The quota was recently raised to 20,000 in 2014, according to the Refugee Council of Australia.

Some of the reasons given for this change were enhancing cooperation with regional partners on asylum issues such as moving regional processing of refugees outside Australia. Australia works with regional partners to conduct regional resettlement in Cambodia and Papua New Guinea. Majority of those resettled however are not from the East and Horn of Africa Region but from Afghanistan, Malaysia and other countries nearer Australia.

Biondi (2015) argues that states and refugees have conflicting interests in terms of security, protection, interests and rights. While refugees are in need of protection because their security is threatened, states are concerned about allowing huge influxes of refugees into their territories as this can result in a security threat. National security however has been overrated and used as an excuse by countries to restrict entry of refugees and foreigners. When powerful states have strategic, political, trade and foreign relations interests that they would like to further in other states, they will engage in activities that further these interests. When it comes to refugee resettlement however, the same states quickly retreat and impose barriers on why they cannot
take up more refugees. This can be illustrated by an overview of relations between the US and Africa over the last 50 years.

(iii) US-Africa Relations and refugee resettlement

According to Nyang (2006) US-Africa relations have been dynamic over the last century. During the 1950s US relations with Africa were characterized by its support of European countries with colonies in Africa, because these countries were important in the NATO military alliance. However, the advent of the Cold War and the spread of the war to Africa created a sudden geo-strategic interest in Africa. This came after the communist bloc began to support nationalist movements that were fighting for independence from the European colonists.

At the fall of the Soviet Union, US interest shifted once again from Africa to the Eastern Europe. Spector (2010) points out that there was clear evidence of a lack of commitment of the US in intervening in the conflict in Somalia after some American soldiers got killed there, as well choosing not to interfere in the Rwandan Genocide in 1994 that led to the killing of nearly 1 million people. These two conflicts led to some of the greatest forced displacements in the history of Africa. Somalia became a failed state and its people today continue to seek refuge in foreign countries due to the continued insecurity there.

Meanwhile, US interest in Africa as a source of raw materials for its industries has been consistent over the years. Geo-political interests in the region have increased with the building of a military base in Djibouti. WLDs need to have a strong motivation to resettle more refugees from the East and Horn of Africa.
(iv) Conditionality in funding the refugee regime

There are various reasons why states make contributions to support the refugee regime, through the UNHCR. While support of refugee protection is a common international good, state contribution patterns show that this is not always done for pure public good. Roper & Barria (2010) look at burden-sharing in the funding of the UNHCR. The organization which relies entirely on independent contributions for its operations, finds it difficult to budget for the refugees due to the unpredictable nature of international war and displacement of populations. Most of the UNHCR’s contributions come from donor governments and there is increased international debate on whether the UNHCR, like other international organizations is a tool of its major donors or an autonomous organization.

So, what motivates states to contribute to the UNHCR? States contribute to the UNHCR for impure public good or for private benefit. According to Roper & Barria (2010) states agree to fund refugee protection programs because of a number of private interests, some of which have got nothing to do with benefiting the refugees.

The UNHCR system of funding allows for countries to ‘earmark’ their contributions to go to certain projects. Major contributors such as the US ‘tight earmark’ their projects, meaning the funds provided must go to specific states and activities.

Some contributing states however either “light earmark” for specific regions, or choose not to restrict their contributions at all. The European Union ‘earmarking’ system generally reflects security concerns and historical linkages to their former colonies. France for instance would typically fund activities in its former colonial regions, while the United Kingdom would support the Commonwealth countries.
The second reason why states contribute to the UNHCR, is because of the operating system of organization. The UNHCR works with many NGOs to carry out its work. Since these NGOs are associated with countries of origin, many states require that their nationals are placed in key positions or that their NGOs are allowed to carry out specific projects. This means that the states contribute as a way of gaining visibility at the home front in the work they are doing.

(v) Geographical removal from Refugee Regions of Origin

Northern states have the advantage of turning a blind eye to the refugee crisis because of geographical advantage. Refugees are far away in the Southern states, separated by great distances and barriers such as oceans and seas whose crossing is life-threatening to the refugees. According to Biondi (2015), wealthy states are not only unwilling to share the refugee burden, but they have found a way of transferring the refugee burden to the poor states.

European states have changed their stance in the refugee regime and now prefer to apply international humanitarian law and external forms of burden sharing as opposed to refugee law and asylum. The promotion by these countries of in-country or in-region solutions is a way of escaping direct responsibility and avoiding territorial asylum as a solution to the refugee problem.

While emphasizing human security and the right to remain in the regions of origin, the real intention of these states is to contain the refugee populations to their regions of origin. Human security is against threats to civil, political, economic and social rights of the individual person. It is being used by states that try to mitigate their obligations by interpreting its contents and doctrine in a state-centric and responsibility-sharing fashion (Biondi, 2015). This narrow interpretation is for the purpose of justifying closing of borders and exclusion of refugees. The
poor countries are therefore left with no option but to stay with the refugees, with the wealthy states dictating how much they will take, which is a very small fraction of the people who need resettlement as a tool of protection. While wealthy states strive to keep their territories safe from large refugee influxes, poor countries have to deal with consequences of hosting such large refugee numbers.

In conclusion, the huge inequalities between the North and the South continue to be a big challenge to providing refugee protection. While it is impossible to balance the weight borne by the two opposing sides, the UNHCR has been striving to create linkages that would bring the two sides in working together to share the global refugee burden. According to Betts (2008), one of the efforts by the UNHCR in the area of linkages is that of the Convention Plus initiative (2003-2005). In this initiative, the UNHCR acted as negotiator that would bring together the interests of the two sides (the North and the South) for the benefit of the refugees. Three agreements were made to supplement the 1951 Convention in the main areas of Strategic use of resettlement, Targeting of Development Assistance and Irregular Secondary Movements.

The aim of the Northern states was to manage migration through controlling secondary movements from the first countries of asylum and in return, the Southern states would get developmental assistance. The Southern states were made to believe that it was in their best interest to integrate the refugees in exchange for humanitarian and developmental assistance. The Southern states however saw this move as the shifting of the refugee burden to them, and as a result the initiative did not enjoy much success.

The refugee burden is not proportionally distributed. Those with the least means carry the heaviest burdens. It is pretentious of the WLDs to make it look like they cannot do more to
increase the resettlement quotas. The WLDs have made their wealth through imperialism, exploitation of poor countries’ resources as well as dominating LDCs with their Multinational Corporations (MNCs). Refusal to do more in terms of resettling refugees is not because there is no capability to do so; rather it is because there is nothing to compel them to do so.
CHAPTER SIX

6.1 The Impact of Insecurity and Terrorism on resettlement capacity from this region

The East and Horn of Africa region has been plagued by a long history of political violence (Alem, 2007). The civil wars in Somalia, Uganda, Sudan, Ethiopia; as well as conflicts between Eritrea and Ethiopia, Somalia and Ethiopia among others made the region volatile from the early 1960s. Long before the world’s attention was brought to the problem of terrorism by the 9/11 attacks in the US in 2001, this region had already suffered attacks of terrorism. The most prominent attacks were the 1998 bombings of the United States embassies in Kenya and Tanzania which left many civilians dead and property destroyed.

In the aftermath to the terrorist attacks on the US, the US classified East Africa and the Horn of Africa as the region in Sub-Saharan Africa that is most threatened by indigenous and international terrorism (Shin, 2003). Here the definition of indigenous terrorism includes internal insurgent groups opposing their own central governments as well as such groups operating from the neighboring countries against their governments. Due to the history of interstate conflict and tensions in this region, many governments have been known to support and assist militia groups against regimes of their neighbors. Eritrea and Ethiopia which have long had frosty relations because of the latter’s ‘colonization’ of the former, have been known to support the operations of each other’s opponents and militia groups. Eritrea has supported the Oromo Liberation Front (OLF) against the Ethiopian authorities. In retaliation, Ethiopia has been a supporter of groups opposing the repressive military regime of Eritrea.

Although indigenous terrorism does not provoke as much interest as international terrorism in the international community, classification of political rebel groups as terrorist groups has
affected refugee resettlement. Many refugees who have escaped into neighboring countries from rebel controlled regions face difficulties in getting their cases approved for resettlement. This is because any involvement with such a group whether willingly or not, may lead to disqualification for resettlement on grounds of giving material support to a terrorist group.

Material support to terrorism is a US anti-terrorism policy and has been used to disqualify a lot of refugees requiring resettlement as a protection tool. Material support involves contribution of money, food, clothing, shelter and other services to terrorist groups and automatically disqualifies an individual for supporting a terrorist organization (Sridharan, 2008). This is done without considering the context of the support. Situations in rebel controlled regions can dictate that one either obeys the rebels or risks facing serious consequences. In order to survive, many have been forced to supply food, water, shelter and in extreme cases people have been forcefully recruited into these groups.

It is ironical therefore that when such people eventually escape to neighboring countries from these rebel territories, they get denied a chance for resettlement on grounds that they gave material support to a terrorist organization. The rebel groups have been known to use kidnapping as a tool to force people to give them assistance. Many refugees have also been denied resettlement for paying terrorist groups ransom money to secure the release of their loved ones, on grounds that they have given monetary support to a terrorist group.

International terrorism which is conducted by external groups in the region, targeting the Western countries and their allies is of the greatest interest to the international community. These external terrorist organizations are linked to radical Islamic fundamentalism, with the most threatening of all having been identified as the al-Qaeda and the Al-Shabaab groups, both of
which have their bases in the failed state of Somalia. The East and Horn of Africa region consists of a large Muslim population in most countries while in other states like Kenya, Tanzania and Uganda, Muslims consist of a significant minority (Shin, 2003). Though these Muslim populations are not radicalized, the region has become ripe ground for recruiting collaborators who are willing to support the terrorists against certain targets. This has been evident from the number of attacks especially in East Africa, where the terrorist groups have claimed involvement.

The international community’s concern for this region is huge; mainly due to its geostrategic significance in terms of security and global trade. The Horn of Africa in particular, consisting of five countries (Sudan, Ethiopia, Djibouti, Eritrea and Somalia) is important as these countries are near the major international sea trade routes. The Horn is also close to the Middle East countries which are the main suppliers of the world oil trade. It is therefore important to the international community that there is no disruption in this region as this can lead to disruption in global trade and fluctuation in commodity prices.

The significance of East Africa and Kenya became especially evident when violence broke up in early 2007 after the national elections. Kenya is the economic epicenter of the region and hosts the Nairobi Stock Exchange which is vital to the businesses in the East and Central African region. Major embassies, NGOs and the UN have their headquarters in Nairobi and any threat to this stability is an international threat. But due to a large presence of refugees in Kenya and especially those from Somalia, the threat of terrorism has led to Kenya changing its stance on refugees. According to Burns (2009), the laissez faire attitude of Kenya towards the refugees since the early 1990s changed when large refugee inflows began to threaten the internal security of Kenya. Later on, the 1998 US embassy bombing and the attack of Paradise Hotel in Mombasa
led to the policy of containing the refugees in the two camps near the borders in the north. To avoid the threat of the instability in Somali spreading to Kenya in 2006 Kenya closed its border with Somalia. However, corruption of Kenyan officers continued the flow of refugees from Somalia into Kenya, with some of them suspected to be members of the Union of Islamic Courts which later became the Al Shabaab militia group.

The vulnerability of Kenya to acts of terror has led to a dilemma where on the one hand it has the responsibility of offering asylum to refugees and on the other hand its national security is threatened by terror groups in the region. When it became evident that the Al Shabaab group was recruiting refugees to join the group in the fighting in Somalia, Kenya was accused of using the same tactics by recruiting Somali refugees to go back to Somalia to fight against the Al Shabaab group (Burns, 2009). This is a clear violation of international law on refugee protection and a clear indication of how far a country like Kenya is willing to go in order to protect its borders against external security threats. Such acts are a big challenge to identifying refugees who require protection and resettlement as some are not even able to access asylum in neighboring countries because they are deemed a security threat.

**6.2 Piracy, Insecurity and Human Trafficking in the Horn of Africa**

Somali pirates began operating in the Gulf of Aden a short time after the collapse of the central government in Mogadishu in 1991. The first incidents of piracy were reported in 1994 and by 2005, there had been a total of 151 incidents. In 2005 alone there were 35 attacks of which 15 hijackings were successful (Portgieter & Schofield, 2010). The numbers continued to go up every year especially when the pirates discovered that capturing a ship and taking hostage of crew was a lucrative means of earning money, through demanding for ransom. There was no political or
terrorist motive, only the ransom payments and the hostages would be released without being harmed.

Controlling piracy off the Gulf of Aden has proved to be something of a challenge to the neighboring countries as well as the international community. The disintegration of the Somali state meant that there were no security institutions in the country to keep law and order. Secondly, Somalia has the longest coastline of the countries in this region, of over 3,000 km. Even with the deployment of a coastguard to patrol the region, it is difficult to cover such a vast region, considering the high traffic of vessels plying this area (22,000-33,000 ships annually). (Portgieter & Schofied, 2010)

Other than pirates operating here, other kinds of organized crime have thrived in this part of the Indian Ocean. Smuggling of weapons from the Middle East into Somalia as well as neighboring countries is a big challenge to the stability of this region. The state of Yemen, which is across the coasts of the countries of the Horn is said to be a source of illegal weapons. These weapons are readily available to those interested at a price and the corruption of customs officials of various countries has enabled the distribution of these weapons across the region.

Refugee and human smuggling across this region to a number of countries in the Middle East has been made possible because of the lawlessness of this section of the sea. Due to political instability in several countries in the region and the state of war in Somalia, a great number of refugees have been smuggled from Eastern Africa. According to UNHCR (2013), since 2006, more than half-a-million asylum-seekers, refugees and migrants have made unauthorized crossings across the Gulf of Aden or Red Sea from Eastern Africa to Yemen, including some 107,000 in 2012. Thousands of people have died in their attempt to make the crossing, most from
drowning, because of the inferior and dangerous vessels used, as well as the harsh reception by the Yemeni authorities who have sometimes shot at the refugees to prevent them from entering Yemen.

Most of these refugees are escaping life threatening situations in their countries of origin and would like to find safety, security and economic opportunities in a new land. Their readiness to risk everything to migrate has made many of them victims of smugglers who exploit them. Women and children have been smuggled for sexual exploitation and forced labor to countries in the Middle East, Europe and Africa. (Potgieter & Schofied, 2010)

Due to the lawlessness and insecurity both on land and the sea in this region, there has been continuous displacement of refugees especially from Somalia. The influx of Somali refugees into neighboring countries to escape the war has continued for many years. Although many Somalis have been resettled to many countries in the world, many of them continue to live in camps as there is still no total security back home for them.

The continued lack of security in Somalia is a big challenge for resettlement because of the large number of displaced persons who are in need of protection. With additional fresh conflicts from other countries in the region whose refugees end up in the East and Horn of Africa region, the number of refugees requiring resettlement far outnumbers the number of available places.
6.3 Location of Refugees

Movement of displaced people across borders has always posed the danger of such populations containing militia elements some of whom may be in possession of weapons. Host countries are obliged to offer asylum to those seeking it but at times this is done at the risk their own internal security. As a result, many countries have planned for the refugee camps to be located in remote regions, close to the borders to prevent mass inflows and the entry of people with arms who can threaten not only the internal security but the central authority of the host country as well.

In Kenya, the Dadaab Refugee Complex in North Eastern Province of Kenya consisting of Dagahaley, Ifo and Hagadera refugee camps, was created in 1991 by the Government of Kenya. The purpose was to prevent the influx of refugees who were feared to be carrying arms from infiltrating the local population (Kirui&Mwaruvie, 2012). But the insecurity in the North Eastern Province at around that time was so high, with bandits taking charge of highways, robbing, shooting and raping. This meant that a good number of refugees had managed to cross the border with weapons into Kenya. By 1996, the Kenyan Government ordered for the closure of Utange Refugee Camp in the coastal region, due to the danger it posed by its close proximity to the coastal urban areas.

In 2006, further insecurity, caused by the ousting of the Islamic Courts Union (IOU) in Somalia by Ethiopian forces, forced massive displacements from Somalia. There was a huge influx into Dadaab with the UNHCR statistics showing that refugee numbers went up to 470,000 by 2012.

Due to the high insecurity levels in the Dadaab complex and the North Eastern region in general, many agencies have become reluctant to send their staff to the region, except to deliver basic humanitarian supplies. One of the refugee areas affected by this insecurity is processing refugees
for resettlement. The UNHCR needs to conduct interviews with the refugees to establish if they qualify for resettlement, and if they do, their details are forwarded to resettlement countries for consideration. If the UNHCR is unable to reach these refugees due to insecurity fears, it means that there will be fewer submissions and hence fewer refugees will be processed out of this region.

The US Department of Homeland Security (DHS) conducts interviews with refugees to determine if they are admissible into the US. The US resettles the highest number of refugees in the world (85,000 in 2015). With these security fears, the US Customs and Immigration Section (USCIS) officials are given security advisories not to travel to such regions, and instead conduct interviews from a transit center at KakumaRefugee Camp, which is a long way off. The exercise of transporting the refugees from Dadaab to Kakuma, is both expensive and time consuming. According to the UNHCR, the issue of insecurity in Dadaab and the extra security clearances required for refugees from this region has lowered the number of submissions and as a consequence, departures from the East and Horn of Africa region.

In September 2013, the West Gate Mall in the capital Nairobi was attacked, and investigations revealed that the perpetrators planned the attack from within the Dadaab refugee camp (Daily Nation, 2013). The revelation sent shock waves both locally and internationally, that an operation that resulted in deaths of 68 people was planned and executed by some refugees being hosted in Kenya. After this attack, the Kenyan government threatened to close down the camps and forcefully send the refugees back to Somalia. There was an operation to flush out refugees illegally residing in the urban areas who were then transported back to the camps.
The West Gate attack and the killing of foreign nationals saw many of them leave the country, while many organizations worked with minimal international staff. An attack in a big city like Nairobi where it is believed to be safe could lead to many international organizations and NGOs considering alternative operation offices in the region. Refugee resettlement involves many local and international organizations working together and if the safety of staff working for these organizations is not guaranteed, then the work of resettlement stands jeopardized.

The disbanding of the Department of Refugee Affairs in Kenya and the plan to close the Dadaab Refugee Camp has been blamed on insecurity caused by refugees in this camp. Many resettlement operations that were taking place in this camp will now have to be discontinued and this will lower further the number of resettlement cases from this region. The closure will also force refugees to seek shelter elsewhere in the region.

6.4 Religious extremism and radicalization of the youth in Eastern Africa

According to Shinn (2003), East and Horn of Africa region consists of a large Muslim population. Sudan has a population of between 60-70% Muslim. Ethiopia which is largely believed to be a Christian state has a 45% Muslim population, Eritrea 50%, Somalia 99%, Kenya 10-30%, Tanzania 35% and Zanzibar 99%. Although the majority of Muslims here do not practice extreme Islam, extremists have used existing conditions in this region to target youth and radicalize them.

According to Botha (2013), although Somalia has been seen as the main source of extremism in this region, the spread of extremism has been gradual. Globally it began with the overthrow of the Shah of Iran, a supporter of the West. The Islamic Revolution (Shia Muslims) took over power and there was fear in the West that the influence of the revolution would spread
throughout the Muslim world. To counter this, the US approached Saudi Arabia’s leadership (Sunni faithful) to help contain the spread of extremist ideals. What was happening in the Middle East spread to East Africa, with some students getting scholarships to go and study religion in Saudi Arabia. On return, they taught Madrassa classes and in local mosques.

At the same time, Muslims from other countries in South Asia came to Kenya and taught different forms of Islam some of which were extremist in belief. With time, other events such as the Soviet invasion of Afghanistan and the emergence of Osama Bin Laden, who later on came to be influential in Eastern Africa emerged. Sudan, which in 1989 saw the rise to power of an Islamic regime was once host of extremist Osama Bin Laden. Islamist extremists began preaching about events such as the attacks of US in Afghanistan and Iraq as an attempt by the West to weaken Islam (IRIN, 2013).

There are various reasons that the preaching of the extremists took root in this region. In those countries with Muslim minorities, there was a sense of political and economic marginalization of the Muslim populations. A lack of job opportunities, extreme poverty, and political marginalization have been key in driving the youth to become radicalized. Other reasons include the American ‘global war on terror’ which has been translated by many as a war against Islam. The measures taken by East African countries, led by Kenya to counter terrorism have been discriminatory and heavy handed. Mass raids targeting specific people and locations may have pushed some youths to join the terrorists as a way of retaliation for inhumane treatment by their governments. Extra-judicial killings have also targeted Muslim preachers believed to be spreading extremist ideologies (Botha, 2013).
A summary glance of terrorist activities in the East and Horn of Africa Region shows that the youth in Eastern Africa are vulnerable to radicalization. Since the deployment of the Kenyan forces in Somalia, incidents of terrorism increased, with the perpetrators being Kenyan, Tanzanian and Ugandan nationals. Many of the grenade attacks in Nairobi and other urban areas as well as the Kampala attacks in 2010 were carried out by Kenyans. Terrorist have been recruiting youth from urban areas, indoctrinating them and deploying them to carry out attacks.

A list of the names of youth suspected to have left the country to join Al Shabaab from Kenya shows that some of them were recent converts with newly acquired Muslim names (Botha, 2013). They were mostly lured to join the terrorists with promises to pay them a lot of money if they agreed to be trained and more money when they carried out extremist attacks.

### 6.5 Terrorism, radicalization and refugee resettlement

The 9/11 terrorist attacks on the US changed the way many resettlement countries handled the processing of refugees. The fact that terrorists had conducted one of the biggest attacks on US soil forced the US and other major resettlement countries to change many of their immigration laws as well as rules regarding the admission of refugees. Since this could be one of the avenues used by potential terrorists to get access into a third country, Western countries led by the US quickly put into place anti-terrorism and immigration related laws that would deter potential terrorists from entering these states.

The USA Patriot Act of 2001 is a comprehensive set of laws that were specifically created to deter any potential threat from acts of terrorism in the US. According to Section 403 of this Act, the Federal Bureau of Investigation (FBI) can access a wanted person’s file to check the criminal history of a visa applicant to the US. Section 411 allows the exclusion of terrorists and aliens who are believed to have ties to terrorist organizations. This exclusion is extended to the spouses.
and children of the alien who is believed to have committed acts linking them to terrorist organizations (Jenks, 2001). It does not help that the definition of terrorism and terrorist groups was widened to include groups that were fighting repressive regimes for democracy in many African and Asian countries.

Section 413 of the US Act authorizes the Secretary of State to share information in the State’s visa lookout database, to ascertain information on individual aliens with foreign governments as a way of combating terrorism, trafficking of substances, persons and weapons. The widening of the terrorism net to include more categories of individuals who previously may not have been considered a danger has completely changed the processing of refugees.

The spread of radical Islam and increased support for terrorist networks in the East and Horn of Africa region has therefore become one of the greatest deterrents to successful refugee resettlement to a third country. Major resettlement countries are very cautious about who is entering their countries and conduct rigorous security checks on applicants, some of which take a long time to clear.

A refugee entering the US will go through security clearance which will involve one of these many security checks: National Counterterrorism Center, the FBI, Department of Homeland Security and State Department. The US also conducts additional security checks for Muslim youth of certain nationalities, whose countries have been categorized as being terrorist hotspots. This security check is known as Security Advisory Opinion (SAO) and involves getting clearance from a number of US law enforcement and intelligence agencies. (IRC, 2015)

As a result, the processing period for these refugees is longer, as they have to wait to be cleared by several agencies. This has generally slowed down the process in this region because the
populations are either predominantly Muslim or have a significant percentage of Muslims, hence the high chances of encountering radicalized youth among them.

A lot has been done to improve the process through the introduction of a smoother working process between different agencies for the US, but the process still takes a long time to clear. Security clearance for suspected terrorists also holds up relatives and family members. Women and children who are mostly not suspects find themselves held up for long periods awaiting clearance of one individual on the their cases. If denied, the spouse and children are included and do not get admission as a result, even though they are not guilty of any crime.

Canada, another major resettlement country also applies a list of criteria to persons it admits as refugees or asylum seekers. According to Section 19(1) of Canada’s Immigration Act, a person’s application may be refused if he /she is suspected to have committed acts of terrorism directly or through membership or association with an organization that has engaged in terrorist or espionage activities. If the government of Canada suspects that a refugee could be a security threat, the Canadian Security Intelligence Service (CSIS) conducts interviews with the applicant and forwards its findings to the Department of Citizenship and Immigration Canada (CIC).

Though resettlement numbers may continue to reflect positively on the East and Horn of Africa Region, one factor to consider is that there is a multi-year plan to resettle 50,000 DRC refugees that began in 2012 and is expected to be complete by 2017. Unlike refugees from the countries of East and Horn of Africa, the Muslim population among the Congolese refugees is minimal and would not be under scrutiny for having any connections to extremism or terrorist activities. This means that this category of refugees is more likely to pass through processing much more quickly as there is no extra security clearance for them. There are large groups of refugees from
Congo in the East African countries of Kenya and Uganda. Secondly, this program has identified groups of Congolese refugees who are to be resettled on group priority and do not have to prove their individual cases to the UNHCR for their eligibility to be determined.

6.6 Conclusion

A significant number of refugees from this region will continue to face challenges accessing asylum in host countries as countries get more concerned about their own national security. Increased insecurity and huge inflows of refugees have led to countries becoming more cautious about admitting refugees with some such as Kenya closing their borders and refugee camps. This is a challenge to refugee protection as refugees cannot access a peace haven away from the conflict at home. Terrorist activities and other forms of insecurity in the region will continue to be a deterrent to refugee resettlement as a durable solution to the refugee crisis in the region. The closure of borders and encampment of refugees in remote locations close to the border to the countries they are escaping has made it possible for insurgents and soldiers to follow the refugees into the camps (Burns, 2010). Lack of accessibility to these camps due to insecurity and the threat of terrorist infiltration have threatened the work of the UNHCR and other organizations in such regions hence the number of refugees who can get a durable solution such as resettlement.

Rebel insurgencies, weapon smuggling, human trafficking, drug trafficking, piracy and other crimes are some of the major security issues that are likely to affect admissibility of an individual into a resettlement country. Prolonged refugee situations, combined with hard socioeconomic conditions in the region make it difficult for refugees to remain ‘clean’ as some may find themselves entangled in illegal activities because of lack of opportunities. Some youths have been lured to join rebel groups or terrorist groups with the promise of getting ‘big’ money if they
carry out acts of terrorism. Some have been forcefully recruited and made to serve these groups against their will.

Therefore, the refugee resettlement capacity from this region will continue to remain a challenge, considering the global and regional insecurity. The focus of the global media and especially the WLDs has mainly been on the issue of terrorism. This has created a perception that terrorists are from certain parts of the world, which has led to anti-refugee sentiments from the local communities in the receiving countries.
CHAPTER SEVEN

Research Methodology, Research findings and Recommendations

7.1 Research Design

Refugee resettlement is one of the methods that have been used to provide durable solutions to refugees. The East and Horn of Africa Region where this study focuses is a region that has been constantly marred by conflict over a long period of time. Millions of refugees have been generated in this region over this period, with many requiring resettlement as a durable solution.

The focus of this study is to find out first of all if the UNHCR, the body mandated with providing durable solutions for refugees has the capacity to deal with these large numbers of refugees. Secondly, is the refugee burden in this region being equitably shared by the international community? Lastly, how has the issue of global terrorism affected the number of refugees being resettled from this region. The scope of the study is the East and Horn of Africa Region which consists of nine countries (Chad, Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda) and the time frame is 10 years (2005-2014). This classification is not the East and Horn of Africa as it is known, rather it is the UNHCR’s way of categorizing the countries in this region and it will be used in this study as well for purposes of easing the collection of data. Chad is included while Tanzania is excluded.

7.2 Data Collection

Data for this study was collected through secondary review of data for the survey period of 2005-2014. The UNHCR data on resettlement was key in this study as this is the main organization that is mandated with handling refugees not only in this region but worldwide. Several other organizations were critical in providing data on refugee resettlement as well as several
government websites with information on refugee processing. Many journal articles and books with information on refugee resettlement were analyzed. Other sources included news websites, international television news and television interviews on matters of resettlement.

7.3 Research Findings
These are findings from the secondary data review on the East and Horn of Africa Region for the period between 2005 and 2014.
7.3.1 Comparing resettlement needs, resettlement submissions and departures from the East and Horn of Africa 2005-2014

*The global resettlement needs for 2010 were 203,000, but the regional figures for that year were not published

Source: UNHCR
Overall UNHCR statistics between 2005 and 2014 show a great improvement in the number of submissions during this period. In the East and Horn of Africa Region, 2005 saw 8,888 submissions with the number rising to 14,592 in 2014, an increase of 61%. According to UNHCR (2014), increased submissions were as a result of a combination of factors. More refugees from priority categories and protracted refugee situations were submitted, to include refugees from Eritrea, Somalia and DRC. There was also increased funding from resettlement countries as well as the introduction of simplified Resettlement Referral Forms (RRF) to process group resettlement.

The years 2009 and 2010 saw the highest submissions in the region with 22,979 and 20,809 submitted respectively for resettlement consideration. The rise in resettlement needs during this period was mainly as a result of the withdrawal of Ethiopian forces from Somalia to pave way for African Mission for Somalia (AMISOM) forces. Many Somalis fled to neighboring countries to avoid the wrath of the newly formed Al-Shabaab militia group. According to the World Bank report on the Horn of Africa, 2011 and 2012 saw more displacement of Somali refugees following drought, famine and violence in Somalia.

The period just before the independence of South Sudan in 2011 saw a rise in tension between the North and the South over oil resources, border demarcations and property ownership across the borders. After independence, the conflict turned into a civil war in 2013 which saw the displacement of 2 million people. A combination of these conflicts led to a sharp rise in the number of refugees in need of resettlement between 2011 and 2013.

However, a decision was made by the UNHCR to keep the numbers low as the high submissions could not keep pace with the resettlement countries’ capacity to process them. From 2011, the
submissions reduced considerably with the final figure coming down to 14,592 in 2014. The decision to limit the number of submissions despite the high demand for resettlement as a durable solution, as can be seen from the resettlement needs (96,125 in 2009) is a clear indication of the complexity of the exercise of resettlement. The UNHCR made changes to improve and increase its capacity and succeeded to do so in the 5 year period between 2005 and 2009. However, increased capacity did not match the resettlement places available. 2009 saw a departure of only 8,691 (from the 22,979 submissions) despite close to 100,000 people requiring resettlement as a solution. Beginning 2009, some resettlement states also introduced additional security clearances which refugees had to go through before getting admission into those states. Somali refugees especially have been affected by these security clearances.

A total of 159,125 submissions were made during the survey period, from which there were 92,517 departures. Of the 300,000 people who were in need of resettlement, only a third of the number made it to a third country for resettlement. This means that more than 200,000 people were left without a durable solution.
7.3.2 Top resettlement destinations from the East and Horn of Africa Region 2005-2014

Figure 3 - Top resettlement destinations from the East and Horn of Africa Region 2005-2014

Source: Refworld

The fact that the US operates the largest resettlement program is evident in the resettlement trends of the last ten years. A total of 60,900 refugees being hosted in the East and Horn of
Africa Region were resettled to the US in the period between 2005 and 2014, meaning 6,000 refugees on average every year. All the other resettlement states made up the remaining 32 percent. The US is also the leading contributor to the UNHCR in terms of USD. The question is, why does a country such as the US seem to be doing a lot more than the other countries which are considered to be at the same level of economic and political development?

It may be argued that during the bipolar system when there was a power struggle between the US and the Soviet Union, there was a scramble by the two powers for geostrategic locations to safeguard themselves against attacks. The two countries looked for allies in all corners of the globe as a way of ensuring that smaller countries were not used by the opposing side to spread the ideologies of the enemy. However the collapse of the Soviet Union and the emergence of the unipolar system with the US as a global hegemony brought about a new dynamic. The US was left with no choice but to continue safeguarding its global interests. One of the ways of doing this is through participation and contribution to international organizations.

A scrutiny of the other countries that offer resettlement shows that they are mainly allies of the US. Canada, Australia and the UK are major US allies. Since the US is the one with the greatest interest in these alliances, it’s left with no choice but to carry the heaviest burden but with no way of coercing the smaller allies to do more. Other countries such as Sweden, Norway and Netherlands are geographically small and may find it more difficult to take in a large number of refugees in their resettlement programs. However, the UK has been criticized for being unwilling to resettle more refugees especially during the 2015 Syrian refugee crisis in Europe.

For this region to be able to benefit from more resettlement spaces for refugees who need it, it will be necessary for the resettlement countries to increase their annual quotas. During crisis
times like in 2009 when the number of resettlement needs shot up to over 96,000, resettlement countries needed to create ad hoc programs to absorb a greater number of refugees as opposed to maintaining the same quotas that only seem to be catering for a third of all resettlement needs.

7.3.3 Host country departures from the East and Horn of Africa Region 2005-2014

![Graph showing host country departures from the East and Horn of Africa Region 2005-2014](image)

**Figure 4 - Host country departures from the East and Horn of Africa Region 2005-2014**

**Source: UNHCR**

A survey of host countries in the East and Horn of Africa Region reveals that certain countries bear bigger refugee burdens than others. The size of the refugee population in a host country is dependent upon its proximity to the conflict zones in the surrounding countries. For instance, Kenya and Ethiopia both had a significant proportion of refugees over the ten year period mainly as a result of long term conflicts in Somalia and South Sudan. Uganda is mainly a host to
Congolese refugees as well as South Sudanese who have been fleeing repeated outbreaks of conflict in their countries.

The UNHCR and the international community have played a significant role in terms of providing emergency relief as well as durable solutions to the refugees. But in terms of relieving these countries of the physical burden of refugees, Kenya, Ethiopia and Uganda continue to carry a heavy burden. The Dadaab Refugee Complex in the North of Kenya is host to half a million refugees, despite continued efforts to resettle Somali refugees. A lack of a stable government in Somalia over the last 3 decades has made the inflows of refugees constant with every new conflict.
7.3.4 Comparing the physical refugee burden versus resettlement figures in the East and Horn of Africa Region

Figure 5 - Comparing the physical refugee burden versus resettlement figures in the East and Horn of Africa Region

Source: Refworld

The question of whether burden sharing in the refugee regime has been equitably shared has been variously debated. The majority of refugees are concentrated in host countries in developing countries. The East and Horn of Africa Region is one such place. An analysis of the refugee statistics in the region between 2005 and 2014 indicates that there have been more than 11 million refugees hosted in various countries in the region. Though many countries provide
donations and funds for humanitarian assistance to these refugees, few countries are willing to help the host countries to carry the physical refugee burden. Of the 11 million, the number of refugees resettled fall short of a hundred thousand (92,517), which is 0.8 percent of the total refugee population over the 10 year period.

Though many refugees do not qualify for resettlement into a third country, many continue living in the host countries for long periods of time. Local integration in host countries is minimal as these countries do not have sufficient infrastructure and resources to accommodate the large number of refugees. Many refugees are skeptical about returning home and end up staying on in refugee camps or urban areas for many years.

According to Camarota (2015), it costs $12,874 per year to resettle one refugee in the US, while it would cost the UNHCR $1,057 per year to keep the same refugee in the host country near their home. This was a reaction to the proposal by the US to resettle 39,000 Syrian refugees during the European Refugee Crisis in the last quarter of 2015. Camarota suggests that instead the US should use these funds to assist 4 million refugees in regions near Syria through providing humanitarian assistance. While this may be the case, it is important to put into consideration the plight of the refugees being assisted and their living conditions in the host country regions.

The UNHCR assisted refugees in camps often live in temporary shelters in remote places far away from proper amenities of life such as schools and hospitals. In many countries in the East and Horn of Africa, refugees in the camps are not allowed out of the camps; they cannot look for work and rely on food rations, free medical assistance and temporary shelters for their children’s schools. Despite the humanitarian assistance they receive, the living conditions for these refugees are often difficult.
7.3.5 Children from Pugnido Refugee Camp in Western Ethiopia

Picture 1 - Children from Pugnido Refugee Camp in Western Ethiopia

(Photo Courtesy of Vaughan, C.)

Supporting refugees in their regions of origin may sound like the cheaper option for most states which would rather offer financial assistance than resettle refugees. Refugees like these refugee children in Ethiopia are often under humanitarian assistance. The UNHCR is responsible for giving them only the basic necessities and this may not include things such as clothes and shoes or even a decent shelter. Resettlement, though an expensive affair is often the only option for many refugees. Many states however continue to maintain small quotas for refugees over the years and many do not have resettlement programs at all despite the high numbers of refugees being generated annually.
Somali nationals were the leading in resettlement figures during the ten year period up to 2014. A total of 61,686 Somali nationals were resettled in third countries and despite the introduction of new security clearances in 2009. These clearances seem to have affected the resettlement figures up to 2011, but in 2012 the numbers began to rise again with a final figure of 9,926 being resettled in 2014.
The DRC, though not in the East and Horn of Africa Region, has its refugees in Uganda and other parts of Central and Great Lakes Region. The introduction of a multi-year group resettlement project (2012-2017) to resettle 50,000 refugees from the DRC has seen the numbers begin to rise significantly from 2013. The year 2014 saw 6,245 Congolese depart with the numbers expected to continue rising in the following years. This project is likely to see the number of resettlement places from the East and Horn of Africa Region rise, because of the presence of Congolese refugees in Uganda.

7.4 Conclusion

Third country resettlement is an important protection tool for many refugees. Even though majority of refugees do not qualify for resettlement to a third country, not all those who are submitted get resettled, narrowing the chances further to a 'lucky few’. This has turned the whole exercise of resettlement into something of a lottery, where getting resettled is more a matter of luck than of need.

The question of whether or not the UNHCR is submitting enough cases to resettlement countries for processing does not arise as these countries have continued to work with the same refugee admission quotas over the years. The UNHCR as an organization has definitely had to deal with a rising number of cases of refugees requiring resettlement as a protection tool, with every new conflict in the region. The issue however is not the capacity of the organization to submit more refugees for processing; rather it is that there are no places for these refugees to go. Therefore the number of refugees being submitted for resettlement consideration is not likely to rise dramatically if the UNHCR increases its staff capacity. This will depend entirely on whether or not the WLDs are willing to cede ground and offer more places for refugees who need them.
What are the chances that resettlement countries might consider increasing places to absorb more refugees? Not many since historically, many countries have maintained the same quotas over the years, meaning that admission of refugees rarely has to do with refugee crises. Quotas do increase in times of crisis like during the 2015 Syrian refugee crisis but even that is met with a lot of domestic resistance in the countries of resettlement. There were protests in Germany when Chancellor Merkel offered to resettle a large number of Syrians during the crisis.

The East and Horn of Africa Region is considered a refugee hotspot. Approximately 11 million refugees have been hosted in this region over the ten year survey period (2005-2014), in countries which are neither economically nor socially advanced. The host countries already face huge problems in sustaining their own populations. To have to cater for a huge number of refugee inflows is a big strain on the already scarce resources of land, employment, schools and housing. Resettlement countries may have succeeded in the past to convince host countries to keep the refugees in exchange for various forms of assistance. However, insecurity has become a serious concern for these countries some of which like Kenya have surprised the world by deciding to permanently close a camp that hosts about half a million refugees.

The 2015 Syrian refugee crisis should be a wake-up call to the resettlement countries that if more is not done to improve security in all regions of the world, refugees will use any means possible to reach safe ground. Although it is not likely that the situation in resettlement countries will turn around soon to start admitting more refugees, it is time that the WLDs began to realize that territorial distance from the host regions can no longer shield them from the reality of the world refugee crisis.
7.5 Recommendations

Refugee resettlement though not expected to solve the world refugee crisis is a key tool in protection as well as sharing the refugee burden with poor host countries. However, due to lack of a legal framework on how to share the refugee burden, many resettlement countries with the economic, social and legal muscle to offer this protection only offer a small fraction of the required resettlement places.

To create more equitable distribution of the refugee burden, it is necessary for resettlement countries to consider increasing their responsibility, not on the funding front but on carrying the physical refugee burden. Years of funding refugee programs have not reduced the refugee burden, if anything the number of refugees requiring resettlement continues to rise. These refugees cannot continue to be confined in camps for indefinite periods of time. Kenya has chosen its national security over playing host to refugees from Somalia. If this trend is to be repeated by a few more countries in the East and Horn of Africa Region, the refugees will face huge problems in seeking protection.

However, it is not likely that all countries in this region will come together to put pressure on the receiving countries to do more about the refugees. According to the Woldemariam (2015), Ethiopia’s aggression towards Eritrea and its intervention in Somalia are some of the reasons for forced migration in the region. However, the US because of its geostrategic interests in Ethiopia where it has a military camp, continues to support Ethiopia.

There are other WLD states with various interests in the East and Horn of Africa Region which they would like to further. This means developing good relations with the African countries in order to maximize their interests. International relations is a delicate matter and must be handled
carefully or both sides stand to lose one thing or the other. Because of the nature of interdependence between the WLDs and the LDCs, it becomes difficult for the LDCs to engage in strong opposition against their wealthy counterparts. If they do, chances are the WLDs can threaten to withdraw whatever support they are offering anyway as no binding agreement exists that would compel them to do more than they are already doing.

For as long as the WLDs continue to manipulate the countries in this region for their own interests, the issue of refugee protection will continue to be a hypocritical debate. The situation is far too complex with many players involved and finding a single and simple solution is still a farfetched dream.
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