



University of Nairobi

DEPARTMENT OF DIPLOMACY AND INTERNATIONAL STUDIES
THE IMPACT OF NATIONAL INTERESTS OF HOST STATES ON REFUGEE
RIGHTS: A CASE STUDY OF KENYA

BY
TIMOTHY NGAO
R50/13809/2018

A RESEARCH THESIS, SUBMITTED IN PARTIAL FULFILMENT OF THE
REQUIREMENT FOR THE DEGREE OF MASTER IN INTERNATIONAL
STUDIES, UNIVERSITY OF NAIROBI

DECEMBER, 2021

DECLARATION

I declare that this Master Thesis is my original work and has not been presented for another academic award in any other University or Institution.

Sign.....*Ngao*.....

Date..... 29/Nov/2021.....

TIMOTHY ILU NGAO

R50/13809/2018

This project has been submitted with my approval as the appointed University supervisor.

Sign.....*Maria Nzomo*.....

PROF. AMB. MARIA NZOMO

PROJECT SUPERVISOR



DEDICATION

I dedicate this project to my father, Robert Ngao for his endless support and constant inspiration throughout my education. I also dedicate it to my fellow student and friend Mary Mugi who has been of continuous help during my M.A. Degree program. May God bless them abundantly.

ACKNOWLEDGEMENT

First and foremost, I am thankful to Prof. Maria Nzomo, my supervisor, for her unwavering support, patience, and invaluable advice during my Master's degree in International Studies. Her vast expertise and experience have served as a compass for me during my Master's program. I would also like to express my gratitude to the Institute of Diplomacy and International Studies lecturers for their technical assistance with my research. I would like to express my gratitude to all members of the Institute of Diplomacy and International Studies. Their encouragement and support have made my stay at the University of Nairobi a joyful and intellectually rewarding experience. Finally, I would like to thank my parents and friends for their support. It would have been difficult for me to finish my studies without their tremendous understanding and support throughout the last several years.

ABBREVIATIONS

UN	-	United Nations
UNHCR	-	United Nations High Commissioner for Refugees
OAU	-	Organization of African Unity
UNRC	-	United Nations Refugee Convention
DRA	-	Department of Refugee Affairs
RSD	-	Refugees' Status Determination
U.K	-	United Kingdom
PDU	-	Protection Delivery Unit
IDPs	-	Internally Displaced People
I.R	-	International Relations
RSD	-	Refugee Status Determination
IDEA	-	International Democracy and Electoral Assistance
PEV	-	Post Election Violence
NACOSTI	-	National Commission of Science and Technology
UDHR	-	Universal Declaration of Human Rights

ABSTRACT

All the existing measures which have been taken to promote the fundamental rights of asylum seekers and refugees by local, national, regional to global communities seems to be unsuccessful. Refugees and asylum seekers remain one of the fundamental issues affecting the world in the 21st Century. While refugee numbers continue to grow in different parts of the world, the existing literature has not quite explained how their rights can be upheld and also fails to focus on all their rights collectively. My study will therefore increase knowledge and help in filling the gap on this issue. This study focuses on how different states national interests have made international refugee rights succumb at the expense of the refugee population. The main objective of the study is to identify the impact of national interests of host states on refugee rights with a keen interest in Kenya. The research employs a mixed-methodology of qualitative and quantitative data collection methods at Dadaab refugee camp in Kenya. The findings of the study indicate that the host state should instead look for ways of absorbing the refugees and making them part of its citizens, which will add a larger workforce and result in a better economic position for the nation. Additionally, the state should enforce security in the camps to ensure that the refugees are protected from harm. The state should also ensure more programs are introduced to ensure that the refugees are free to access certain services such as educational scholarships within the state, documentation that allows them to travel and distribute camps within the country. Additionally, further research on the effects of migrations on the refugees themselves and how they have handled the new world they find themselves in would give the state an insight into the perspective of the refugees with regards to the repatriation program.

TABLE OF CONTENTS

DECLARATION	ii
DEDICATION	iii
ACKNOWLEDGEMENT	iv
ABBREVIATIONS	v
ABSTRACT	vi
LIST OF TABLES	xi
LIST OF FIGURES	xii
DEFINITION OF TERMS	xiii
CHAPTER ONE: BACKGROUND OF THE STUDY	1
1.1 Background to the Problem.....	1
1.2 Statement of the Research Problem.....	6
1.3 Research Questions.....	7
1.4 Objectives of the Study.....	7
1.4.1 Specific Objectives.....	7
1.5 Literature Review.....	7
1.5.1. Empirical Review.....	7
1.5.2. Refugee Rights.....	8
1.5.3 The Right to Non-Refoulement.....	9
1.5.4. Definition of the Principle of Non-Refoulement.....	9
1.5.5 The Right to Liberty and Security.....	11
1.5.6 The Non-Discrimination Right of Refugees.....	12
1.5.7 Other Rights.....	13
1.5.8. The Role of Host States.....	14
1.5.9 Refugees Rights.....	14

1.6.0 Kenya National Interests concerning its Refugees	20
1.6 Justification of the Study	28
1.6.1 Academic Justification	28
1.6.2 Policy Recommendations.....	28
1.7 Theoretical Framework.....	29
1.8 Hypotheses	29
1.9 Methodology	30
1.9.1 Overview	30
1.9.2 Study Area.....	30
1.9.3 Research Design.....	31
1.9.4 Target Population.....	32
1.9.5. Sampling Design and Procedure	32
1.9.6 Data Collection.....	35
1.9.7 Research Instruments	35
1.9.8 Validity And Reliability Of Data	35
1.9.9. Data Analysis	36
1.9.10 Ethical Considerations	37
1.10 Scope of the Study and Limitations of the Study	37
1.11 Chapters Outline	38
CHAPTER TWO: THE IMPACTS OF HOST COUNTRIES NATIONAL INTERESTS ON THE NON-REFOULEMENT RIGHT OF REFUGEES.....	40
2.0 Introduction.....	40
2.1 Non-Refoulement Right.....	48
2.2 Chapter Conclusion.....	51
CHAPTER THREE: THE EFFECTS OF HOST STATES NATIONAL INTERESTS ON THE HUMAN RIGHTS AND SAFETY OF THE REFUGEES .	52

3.0 Introduction.....	52
3.1. Safety and Security	55
3.2 Chapter Conclusion.....	57
CHAPTER FOUR: THE EFFECT THAT HOST STATES NATIONAL INTERESTS HAVE ON THE FREEDOM OF MOVEMENT RIGHTS OF THE REFUGEE RIGHTS.....	59
4.0 Introduction.....	59
4.1. Freedom of Movement.....	62
4.2 Chapter Conclusion.....	65
CHAPTER FIVE: RESEARCH FINDINGS AND DISCUSSION	66
5.0 Introduction.....	66
5.1 Response rate	66
5.1.1 Demographic Information.....	66
5.1.2 National State Interests.....	70
5.2. Reliability analysis.....	74
5.2.1. Regression results.....	74
5.2.2. ANOVA Model.....	74
5.3. Summary of findings.....	75
5.3.1. The Impact of National interests of host states on the non-refoulement rights of refugees.	75
5.3.2. The Impact of National interests of hosts states on safety and security of refugees	76
5.3.3. The impact of national interests of host states on the freedom of movement of refugees.	76
5.4. Conclusion	77

CHAPTER SIX: CONCLUSIONS AND RECOMMENDATIONS	78
6.0 Introduction.....	78
6.1. Further Research Recommendations	79
REFERENCES.....	80
APPENDICES.....	85
Appendix 1: Questionnaire	85
Appendix II: NACOSTI letter.....	89
Appendix III: Plagiarism Report.....	91

LIST OF TABLES

Table 1: Target Population.....	32
Table 2: Sampling distribution.....	34
Table 3: Non Refoulment Right.....	50
Table 5: Safety and security.....	57
Table 6: Freedom Of Movement.....	64
Table 7: Demographic Information.....	69
Table 8: Impact of national interests of hosts' states.....	73
Table 9: Regression analysis.....	74
Table 10: ANOVA MODEL.....	75
Table 11: Coefficients of estimates.....	75

LIST OF FIGURES

Figure 5.1: Demographic Information	67
Figure 5.2: Respondents	67
Figure 5.3: Education Level.....	68
Figure 5.4: Number of Years Spent in Camp	69

DEFINITION OF TERMS

Asylum: -The grant, by a State, of protection on its territory to persons outside their country of nationality or habitual residence, who are fleeing persecution or serious harm or for other reasons. Asylum encompasses a variety of elements, including non-refoulement, permission to remain on the territory of the asylum country, humane standards of treatment and eventually a durable solution¹.

Border control point/crossing point:-A place authorized by the competent authorities to cross the border (for persons or goods), or a place officially designated by the legal framework of the State as an official entry to /exit from the State².

Border Governance: The legislation, policies, plans, strategies, action plans and activities related to the entry into and exit of persons from the territory of the State, comprising detection, rescue, interception, screening, interviewing, identification, reception, referral, detention, removal or return, as well as related activities such as training, technical, financial and other assistance, including that provided to other States.

Boundary: An imaginary line that determines the territorial limits of a State.

Country of origin: In the migration context, a country of nationality or of former habitual residence of a person or group of persons who have migrated abroad, irrespective of whether they migrate regularly or irregularly.

¹ United Nations High Commissioner for Refugees, Resettlement Handbook (2011) p. 407.

² Adapted from Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) [2006] OJ L 105/1, Art. 2(8).

CHAPTER ONE

BACKGROUND OF THE STUDY

1.1 Background to the Study

In many parts of the world, refugees remain one of the human barometers for justice, a factor of social order and political stability. They are the essential evidence of political success or failure in human society today. Many refugees living in a particular place often point to the dissolution of the administration in their country of origin and demonstrate that their government has abused people. Their existence also shows an absence of an outside aggressor or no coherent administration³.

The world has increasingly witnessed the most significant movement of people across the national border to save their lives from conflicts since the Second World War. In total, they account for every 1 in every 113 people on the planet⁴. If they come together as one nation, it would be the world's twenty-first largest population, almost comparable to the United Kingdom's size (U.K.). Many refugees originate from South Sudanese, fleeing violence in the world's newest nation to find safety across Uganda's border. Others from Syrians seeking respite in Jordan from the bombings in their country, while many more from Nigeria seeking protection from the terrorist group Boko Haram to mention a few. The scale of forced displacement is both a symptom and a cause for a world in disarray⁵. These refugees and displaced people are fleeing war within states. In the 1980s, following the culmination of the cold war, the count of civil wars has risen tenfold between 1816 and 1989.

³ R. Winter. 1993. "The Year in Review" In 1993: World Refugee Survey Report (New York: N.Y Us Committee for Refugees, 1994) 2.

⁴ UNHCR. 2016. Global trends: forced displacement in 2016. UNHCR

⁵ Hass, Richard. 2017. A world in Disarrays: American Foreign Policy and the Crisis of the Old Order. New York: Penguin.

The UNHCR in the year 2014⁶ reported over 14 million persons displaced in armed conflicts worldwide, mainly from the nations of Syria, Iraq, and Afghanistan, which are the most affected and are categorized as developing nations. By the end of 2018, the figure skyrocketed to 70.8 million, with 13.6 million newly displaced people. In Syria, half of the nation's population, a whopping 11 million people, were displaced by war, making them internally displaced persons or refugees. Between January and April of 2015, over 700,000 Syrians run away to nearby nations, which remains the highest displacement ever witnessed in the world resulting from the conflict. This large number of refugees acted as a threat to the receiving or host states as they now had the burden of caring and protecting the refugees. By January 2018, over 1.3 million Syrians had faced displacement from their homes.

The neighboring nations had to host the refugees, and the figures were staggering. Turkey had over 2.5 million, while Lebanon had over 1.3 million, and Jordan over 750,000⁷. Finding the kind of life in the camps to be extremely hard, these refugees strike out on their own to find greener pastures. By 2014, Iran, Pakistan, and Turkey had received over 5 million refugees from Afghanistan and were now trying to send them back to their homes as they could not handle the weight and the extra burden of feeding these groups. By the end of 2016⁸ many of these displaced populations joined the Syrians in a bid to enter European nations in search of a peaceful life than the ones they had.

The Refugee Convention, also called the UN Refugee Convention, founded in 1951, is a global agreement that was drafted after the end of the Second World War,

⁶ UNHCR. 2014. Kenya Comprehensive Refugee Programme 2014.

⁷ UNHCR. 2018. Update of UNHCR's Operations in Africa UNHCR, March 13, 2018, <http://www.unhcr.org/5a9fdc2d7.pdf>.

⁸ UNHCR. 2016. Global trends: forced displacement in 2016. UNHCR.

addressing millions of asylum seekers lives across Europe. It was initially developed for people displaced before January 1, 1951, due to activities before this specific date. Countries took advantage and restricted the use of the convention to the refugees, who had been displaced to the events in Europe. Today, the Refugee Convention works for all refugees worldwide. It follows from the 1967 Protocol. The Convention, which correlates to refugees' status, eliminated time restrictions and geographic convention temporarily. The Protocol stipulates that countries that approve (become parties) agree to accede to the Refugee Convention.

Treaties are part of international law. They are agreements between countries (known as states in international law). A state's decision to be bound by a treaty is purely voluntary. It means that Kenya's protocols and obligations under the refugee convention are not forced upon us but are acknowledged willingly by our regime. Kenya acceded to the 1951 pact and the 1967 contract on May 16, 1966, and November 13, 1981, respectively, and ratified the 1969 OAU treaty on June 23, 1992. The Kenyan parliament later domesticated this instrument through the refugee's Act, 2006. Today, 149 states are signatories to the Convention and adhere to its protocols⁹ (McAdam 2019).

When a nation assents or ratifies refugee conventions and or protocols, it hints at its pledge to handling refugees in agreement with global legal and humanitarian principles and its readiness to share world obligations to protect runaway populations. The country must adhere to rules and responsibilities, including the policy of non-refoulement- that is necessary not to send asylum seekers to a place where they worry about persecution or to a country that can send them to such unwanted regions. These give refugees some legal

⁹ McAdam, Fiona Chong and Jane. 2019. Refugee Rights and Policy Wrongs: A Frank, Up-to-date Guide by Experts. New South Books.

status, including access to jobs, social security, or education, and not warrant punishments for illegal entry -with no visa or passport¹⁰.

However, a question remains whether 65 years between 1951 and the present is a departure or whether it can demonstrate the idea of treating foreigners as brothers. Refugees are victims of terrorism and not the terrorists themselves. Their condition is not so severe that no one can improve it. If this is not resolved, it means unhappiness to them and shame and anger to us.

For the recipient countries, the scale and the complexity of international mobility make refugee migration one of the most difficult political issues and one of the most politically charged.

In the past, questions about refugee rights have received little attention compared to ordinary people's problems. Global refugee trends indicate the growing global situation of refugees, most of them in Africa. Efforts to control and save this situation are still directly linked to the countries that must defend refugees' rights and obligations¹¹.

As a result, countries such as Australia have decided not to support many refugee policies. In 2014, they passed a law according to which anyone arriving illegally after January 1, 2014, will be taken to either Papua New Guinea and Nauru for treatment and resettlement; and cannot apply for an Australian visa. Vessels that regularly enter the Australian border are sometimes returned to intercontinental waters. Approximately 30,500 asylum seekers arriving in Australia before January 1, 2014, are currently invited to apply for temporary protection and or refugee visa, which is generally binding for

¹⁰ McAdam, Fiona Chong and Jane. 2019. Refugee Rights and Policy Wrongs: A Frank, Up-to-date Guide by Experts. New South Books.

¹¹ Kerubo, Nyambane A. 2013. "Refugees' Rights Vs. Responsibilities: An Analysis Of Kenya's Refugee Encampment Policy."

three to five years. People who have permissions cannot sponsor their family members. Moreover, only those who qualify for working and living criteria in the Australian region have a permanent residence path to the country¹².

Middle Eastern countries such as Israel have also developed policies that are not favorable to refugees. Israel is a Jewish homeland open to immigration of Jews worldwide and signed the 1951 and 1967 refugee protocol. It has always welcomed many Jewish refugees from Europe, the Middle East, and Africa. Israel has essentially allowed Eritrean and Sudanese nationals illegally admitted and already residing in the country but has not allowed them to become permanent residents or citizens. Israel has also erected a fence along the Egyptian border to prevent a new influx of African migrants. It is also currently building a wall along the Jordanian border to accommodate more than 600,000 Syrian refugees¹³.

In Africa, Kenya's refugee policy has had to adapt to changing regional patterns of forced migration. Since independence, Kenya has welcomed refugees fleeing neighboring countries such as Burundi, Sudan, Eritrea, Uganda, Rwanda, Somalia, Zaire, and Ethiopia, mainly because of political crisis, civil wars, and unrest. Recent terrorist attacks have reportedly prompted Kenya to change its refugee policy¹⁴. After a major shift in Kenyan legislation, all refugees and asylum seekers in metropolitan areas were obliged to migrate to designated camps. The freedom of refugees to travel across the nation is being severely restricted as a result of camp restrictions, which formerly permitted them to engage in informal jobs. In addition, only a few refugees are granted work visas.

¹² Congress, Library of. 2016. Library of Congress. 06 21. Accessed June 23, 2020. <https://www.loc.gov/law/help/refugee-law/australia.php>.

¹³ Ibid

¹⁴ Kerubo, Nyambane A. 2013. "Refugees' Rights Vs. Responsibilities: An Analysis Of Kenya's Refugee Encampment Policy."

Refugees have the legal right to seek citizenship after a certain period. Although, in practice, Kenya does not naturalize refugees if they meet specific requirements that may not seem cumbersome. An asylum seeker receives an asylum seeker identity card replaced by a refugee identity card when the application is filed. All asylum seekers and refugees must live in designated refugee camps and need a passport to travel to other regions out of camp.

1.2 Statement of the Research Problem

Over many decades, since the Westphalian Decree of 1648, states have been legally obliged to protect and promote their citizens' human rights. The U.N. Convention on the Status of Refugees and Asylum Seekers (1951) states that refugees have the right to non-discrimination, right of religion, work, and housing. Second,¹⁵ points out that host countries perceive refugees as a threat and adopt measures whose primary goal is to control and reduce refugees to protect their national interests rather than protect the refugees.

International security, including terrorism, has led Kenya to change its refugee policy through camp policies that force all asylum seekers and urban refugees to move to designated camps, making it more difficult for refugees to find work. Refugee rights include the right to non-refoulement, free movement, economic and social rights, and family life following 1951¹⁶.

However, minimal scholarly work exists on the impact of national interests of host states on Refugee rights. This thesis will contribute to the investigation of how refugee rights

¹⁵ Mogire, Edward. 2009. "Refugee Realities." *Refugee Rights versus State Security in Kenya and Tanzania* 1-40.

¹⁶ Weis, Dr Paul. 1951. *UNCHR Convention (International Covenant On The Citizens' Rights, Articles 12 To 1951)*.

succumb to states' national and increasingly instrumental interests at the expense of the refugee population. Hence, this study will inform academia, policy makers, humanitarian actors and governments.

1.3 Research Questions

- i. Do the policies of host states impact the non-refoulement right of refugees?
- ii. Do the policies of host states affect the right to liberty and security of the refugees?
- iii. Do the state's policies infringe on the right to freedom of movement on refugees?

1.4 Objectives of the Study

This study's main objective is to identify the impact of national interests of host states on refugee rights with a keen interest in Kenya.

1.4.1 Specific Objectives

- i. To analyze the impacts of host countries on the non-refoulement right of refugees.
- ii. To establish the effects of host states on the human rights and safety of the refugees.
- iii. To assess the effect that host states have on the freedom of movement rights of the refugee rights.

1.5 Literature Review

1.5.1. Empirical Review

This is an exploratory research whose main aim is to identify some research gap in the literature on refugee rights in the republic of Kenya. It will encompass the various ways

host states affect refugee rights, as seen by multiple researchers worldwide. It captures the various studies and their results in alignment with the variables under convection.

1.5.2. Refugee Rights

A refugee is defined as an involuntary individual made to run away from their home country because of various forms of oppression like race, political standing, nationality, religion, or membership in a given social formation¹⁷; ¹⁸. Refugees in this research is a term that will be used to describe persons who have escaped their areas of comfort or homes as a result of one reason or another and relocates to another region, be within the country or outside. While this definition is quite basic, two types of refugees are internally displaced refugees and external refugees. The difference in the two types lies with the borders; if the refugees are within the borders of the country of origin, they are referred to as internally displaced persons. The UNHCR has defined the term refugees the 1951 United Nations Convention as an individual who, "owing to a well-founded fear of persecution for reasons of race, nationality, religion, membership to a particular social group or political opinion is outside the country of his nationality and is unable or unwilling to avail himself of the protection of the country" (UNHCR, United Nations Refugee Agency). Following this definition, any internally displaced persons (IDPs) are not recognized as refugees and will be treated as non-refugees in this study. The refugees have the following rights, which are in the UNHCR charter of conducts.

¹⁷ Kerwin, D. 2012. "The faltering U.S. refugee protection system: Legal and policy responses to refugees, asylum-seekers, and others in need of protection. ." *Refugee Survey Quarterly*, 31(1) 1-33.

¹⁸ McBrien, J. L. 2017. "Refugees, asylum seekers, and other immigrants." *Social Studies Research and Practice*.

1.5.3 The Right to Non-Refoulement.

The campaigning from the Kenyan government to close Dadaab refugee camp and repatriate all refugees to their respective countries has been encountered by several resistance and discussions.

The old principle of non-refoulement in the refugee law is not new to the republic of Kenya and its neighboring countries as they have come up with an agreement to wind-up the refugee camp indefinitely. Such moves have created lots of discussions among the refugee bodies and scholars worldwide.

1.5.4. Definition of the Principle of Non-Refoulement

Before providing the legal interpretation of the principle of non-refoulement, it would be convenient to always provide the definition of a refugee. The Refugee Act No. 13 of 2006 under section 3 states as follows: -

1. For this Act, someone is a statutory refugee if: -
 - a) They are outside their nation of citizenship because to a well-founded danger that they will be targeted with regards to their political opinion, membership in a special political group, nationality, sex, religion, and race and are unable or unwilling to use that country's protection.
 - b) A person unwilling or unable to return to his nation of origin due to a well-founded fear of persecution for any of the grounds listed above but does not have a nationality.
2. Persons are prima facie refugees for the Act if they are forced to flee their countries of birth or nationality because of foreign domination,

occupation, external aggression, or events that seriously disrupt normal civil order in any aspect of the entirety of their nationality or country of origin.

3. The Minister may proclaim a class of people as prima facie asylum seekers and alter or withdraw such proclamation at any time if they are prima facie refugees as described in paragraph (2).

Suppose the Minister specifically exempts or excludes any individual from a declaration that a class of people to whom it belongs is a refugee under paragraph (3). In that case, the exclusion or exemption does not prevent that person from seeking under subsection (2) for acknowledgment of their asylum status.

The following is mentioned in Article 18 of the 2006 Refugee Act:

The concept of non-refoulement, or the refusal to repatriate refugees, their families, or other individuals. No individual shall be denied entry into Kenya, ousted, deported back from Kenya, brought back to any other nation, or forced to submit to any other comparable measure. If as a consequence of such return, expulsion, and refusal, or other measures, such individual is compelled to return to or continue to stay in a country where they may face violence because of:

- a) Political opinion, social group membership, nationality, religion, race; or
- b) The person's life, bodily integrity, or liberty will be jeopardized due to external assault, occupation, foreign dominance, or circumstances that would substantially disrupt public order in parts or all of that nation.

According to Article 33(1) of the 1951 United Nations Convention on the Status of Refugees¹⁹:- No Contracting Nation shall return (refouler) or expel a refugee in any way to the borders of territories where his living or liberty would be challenged because of his racial group, religious doctrine, national origin, or member-status in a specific social group²⁰. The convention refers to this situation as well-founded fear, which means, the fear must be credible which is tested in the pre-screening interviews.

Refoulement is the forceful repatriation of refugees or asylum seekers to nations likely to experience maltreatment²¹. That means that the host nation of the refugees does not and should not return the refugees to the "frontiers of territories where their lives could be threatened on account of religion, race, nationality membership to a particular political opinion or social group." 1951 convention on the status of refugees. This rule has exceptions where a host country may return a refugee to their home country if they are a danger to the host nation or have been convicted of a serious crime, which will be a danger to the host community and nation.

1.5.5 The Right to Liberty and Security

The Human rights act (2019) advocates for this right among the refugees in any host country. According to this right, refugees have the freedom from arbitrary arrests and detentions within their host nations. Besides, the Act states that they must be informed why they are under arrest or detention when the arrest of any persons or

¹⁹ Assembly, UN General. 2015. "Convention Relating to the Status of Refugees, 28 July 1951, United Nations, Treaty Series, Vol. 189", Retrieved April, 20." 137.

²⁰ Nations, United. 2020. "United Nations High Commissioner for Refugees." Retrieved August 19 2020 from <https://www.impactpool.org/organizations/unhcr-united-nations-high-commissioner-for-refugees>.

²¹ Mongare, A. B. 2018. "When the Victim Stings the Good Samaritan: Legal Implication on Refoulement of Refugees, a Kenyan Perspective. ." International Journal of Current Innovations in Advanced Research, 1(6), 67-83.

refugees. They ought to be told if any proceedings will follow after the arrest. The Act also advocates that the persons who have been arrested should be brought up to court and have a trial without unreasonable delays. It adds that a person does not have to be detained in custody while awaiting trial but can attend the court proceedings while commuting from home. Therefore, the host nation has to ensure that this right to liberty and security of the refugees is considered.

1.5.6 The Non-Discrimination Right of Refugees

Article 2 of the universal declaration of human rights restricts refugees' discrimination on these grounds: color, sex, religion, race, Political status, language, cultural origin, birth, and property. It specifies that citizens of the host country should be able to travel freely inside the country. According to Article 26 of the 1951 agreement, refugees can select where they wish to live and move about freely inside the host country. Article 28 of the same statutes requests host nations to issue the refugees with travel documents allowing said refugees to move outside the state. While this is a fundamental right for refugees, there are times where it becomes challenging to allow the refugees free access to the whole nation. Such cases include the ones where a country may find itself hosting many refugees and may refer to refugee warehousing. These situations are visible in Kenya and Ethiopia, which have pretty many refugees placed in camps, thereby reducing their access to employment, education, and other social amenities.

Right to liberty and security of the person. These rights cover the treatment of the refugees in their host countries. The host nation has to ensure that the refugees are treated with the local communities' fairness while ensuring that their security is proper. They should ensure that wherever they relocate, the refugees are in a safe region and free of

any adverse factors that would plague them. On the same line, other rights such as property rights and wage-earning employment allow refugees to be provided equal treatment as foreign nationals. Nevertheless, despite the fundamental rights of refugees being stated and protected by the 1951 Convention under human rights' agreements, many nations do not receive uniform or equal legal protection of their fundamental freedoms.

The right to family life. This right covers the state of the family of the asylum seeker. The host nation has to ensure that any dependents of the refugee are taken together with the refugee and placed in one area to ensure the family life continuity. That also applies to the termination of refugee status; if it is terminated, the dependent relatives will and should also be terminated. (refugees act, 2014, cap 173, Kenya). At the same time, this right tries to look at the refugee family, trying to identify who exactly fits the description of a dependent relative. Each country acting as a host state has a definition of such terms.

The right to seek and enjoy asylum in other countries. This is a right adopted in 1948 (universal declaration of human rights, article 14 (1)). This right allows persons who are displaced from other countries to move and seek shelter in any country of their choosing, provided they live up to the state's legislations.

1.5.7 Other Rights

Many rights pertain to the refugees, according to the UNHCR charter. They include the right to education, access to justice, employment, and many other freedoms covered in the international treaties, including rights to freedom of conscience, thought, and worship, including the right to express themselves and hold opinions. Similarly, refugees

must enjoy the benefit of the right of a peaceful assembly, including freedom of association and that of assembly.

1.5.8. The Role of Host States

A host state or community refers to the nation of asylum, including the local, national, and authority socioeconomic system or structures within the refugees' jurisdiction (UNHCR). With over 135 member states, the UNHCR has developed a close relationship with any countries currently acting as host nations to improve the lives of the refugees. With the number of refugees at an all-time high, these countries have played quite a part in the refugee crisis over the past 20 years. They include Turkey, Lebanon, Jordan, the USA, Ethiopia, Kenya, Uganda, Chad, Sudan, and Canada. These countries have held the highest burden when it comes to the refugees as they are the most loaded with them.

1.5.9 Refugees Rights

The UNHCR, as a body, is working around the clock to protect refugees' rights by giving them assistance and protection in the host country. Protection is popularly described as "all actions projected at procuring complete respect for the rights of a person in accord with the document and spirit of the appropriate structures of law, specifically human rights law, bodies of law, refugee laws, and the international law²². Hence, it's critical to realize that the protection of rights encompasses complete actions and projects formulated by the various agents operating with refugees. It does not entail legal protection like giving out refugees' documents but all other activities surrounding

²² Harvey, C. 2015. "Time for reform? Refugees, asylum-seekers, and protection under International Human Rights Law." *Refugee Survey Quarterly*, 34(1), 43-60.

refugees. The legal protection of refugees and asylums does not begin when the escapees receive refugees' legal status. It starts from the time the person reaches the boundary of the possible nation of refuge. The first move is to protect them from forceful repatriation.

One leading factor forcing refugees from their home countries is the unobserved human rights they seek in their host countries. The UNHCR ensure refugees are not put in refoulement as one way of ensuring their human rights.

All refugees should be guaranteed fundamental human rights, and the UNHCR is determined about refugees' status. People who run away from their home countries to look for protection in other nations do so because their fundamental human rights are under abuse in their land. Discovering that a person has a well-validated fear of mistreatment is enough to show that one or more of that person's human rights are not given any respect²³; ²⁴. Equally, to conclude that a group of people running from war or life-threatening disturbance of the public order reflects that refugees in many situations are casualties of humanitarian laws or human rights violations. The freedom to hold and express opinions, religious freedoms, and the right to plan and get involved in public gatherings are some of the leading essential civil liberties. Also, the rights are protected by the central global and regional human rights tools.

In the past years, refugees who have returned to their home countries have been slaughtered, tortured, indiscriminately detained, or forced to dwell in conditions of extreme suffering and insecurity. Non-refoulement is one effective and sometimes the only way of averting human rights abuses. As a refugee host nation, Kenya must observe non-refoulement as one fundamental principle of refugee laws. The law has been

²³ Edwards, A. 2005. "Human rights, refugees, and the right 'to enjoy' asylum." *International Journal of Refugee Law*, 17(2) 293-330.

²⁴ Ibid

universally recognized as human rights and mentioned in several many human rights conventions. The concept of non-refoulement forbids the removal of people and the mass dismissal of refugees²⁵. However, it is a freedom that the host nation can restrict with a reasonable ground for identifying a refugee as a threat to the receiving nation's national security. According to²⁶, this can also happen where a refugee has a history of severe crime. In this scenario, the national interests are forefront and can disobey this non-refoulement as a human right. Refugees and asylum seekers should have all other human rights since, under the international human rights policy, not even a single right is unlimited to both citizens and foreigners. All other forms of human rights, including freedom of movement, the right to family life, and the right to security and liberty, must be guaranteed at all times for refugees in the host country.

Further, the 1951 Convention defends other refugees' rights like the right to access to justice, education, employment, among other essential privileges and freedoms correspondingly enshrined in regional and international human rights agreements. In the gratification of some liberties, like access to courts, refugees and asylum seekers must be given similar treatment as nationals. Refugees have the right to be granted equitable access to courts. On the same line, other rights such as property rights and wage-earning employment allow refugees to be provided equal treatment as foreign nationals. Nevertheless, despite the fundamental rights of refugees being stated and protected by the 1951 Convention under human rights' agreements, many nations do not receive uniform or equal legal protection of their fundamental freedoms.

²⁵ Mongare, A. B. 2018. "When the Victim Stings the Good Samaritan: Legal Implication on Refoulement of Refugees, a Kenyan Perspective. ." *International Journal of Current Innovations in Advanced Research*, 1(6), 67-83.

²⁶ Ibid

The national interests of host states have massive consequences on the fundamental rights of refugees, including Kenya, as an equal destination for asylum seekers.

The maltreatment of refugees may encompass threats, harassment, torture, or abduction²⁷. Usually, a refugee is provided with some lawful security either by the United Nations High Commissioner for Refugees (UNHCR), the destination country's government, or both. Though many people use asylum seekers to mean refugees, the two are different. The former is a person who has escaped persecution in the home nation and is looking for a safe place to stay in a foreign country before attaining legal status or acknowledgement^{28, 29}. In many nations, asylum seekers are put in detention, waiting for their case to be approved. The paper uses both refugees and asylum seekers as a general term to mean people who have escaped their home to live in a foreign country due to persecution related incidents. Mostly, refugees cannot travel back to their home countries or are frightened to move. Refugees' population and operations are continuously being marked by humanitarian and political development conditions in the region. Its leading refugees' people come from South Sudan and Somalia.

About 24.2 million people require humanitarian support in the Sub-Saharan region, which projects the continuous flow of refugees and asylum seekers into Kenyan boundaries, according to the report by the³⁰. The largest number of refugees in the country originates from Somali, accounting for 53.7 percent, followed by South Sudan 24.7 percent. At the moment, Kenya is Africa's second-largest refugee host country,

²⁷ Nations, United. 2020. "United Nations High Commissioner for Refugees." Retrieved August 19 2020 from <https://www.impactpool.org/organizations/unhcr-united-nations-high-commissioner-for-refugees>.

²⁸ Phillips, J. 2013. "Asylum seekers and refugees: what are the facts?" Canberra: Department of Parliamentary Services, Parliament of Australia.

²⁹ Kerwin, D. 2012. "The faltering U.S. refugee protection system: Legal and policy responses to refugees, asylum-seekers, and others in need of protection. ." *Refugee Survey Quarterly*, 31(1) 1-33.

³⁰ Nations, United. 2020. "United Nations High Commissioner for Refugees." Retrieved August 19 2020 from <https://www.impactpool.org/organizations/unhcr-united-nations-high-commissioner-for-refugees>.

immediately after Ethiopia³¹. The majority of its refugees live in Kakuma camp in northern Kenya and Dadaab camp located in Garissa County. According to the Kenyan government, registered asylum-seekers and refugees stood at 494,921 people, with 217,516, which count for 44 percent of refugees staying in Dadaab, 196,645 in Kakuma, translating to 40 percent and another 80,760 accounting for 16 percent staying in its urban centers, majorly Nairobi. Divisions of these refugees' figures point that 84 percent of Kenya refugees and asylum seekers live in identified legal refugees' camps. Apart from Somali and South Sudan, a significant number comes from Ethiopia, Sudan, Burundi, Uganda, Rwanda, and Eritrea³². Kenya has 90 percent refugees and 10 percent asylum seekers, with women and children forming 77 percent of the population³³. The high number of women and children is recognizable because men mostly remain in the home country, participating in the conflict or caring for family property. Due to the UNHCR's constant interventions on behalf of nationless people, Kenya continues to register more refugees every year. With its second position as the second home of refugees and asylum seekers in Africa, Kenya has vital national interests that control and impact its refugees' rights.

Kenya has been an OAU (Organization of African Unity) Convention of 1969 that concerns refugees' status. Kenya being a relatively peaceful country with porous borders and economic resilience in a region popular with lengthened conflicts means that it has been hosting refugees beginning the 1960s. Since the 1990s, refugee laws are suitable for

³¹ Package, Kenya Statistics. 2020. "Refugees and Asylum Seekers in Kenya. Retrieved August 19 2020, from <https://www.unhcr.org/ke/wp-content/uploads/sites/2/2020/05/Kenya-Statistics-Package-30-April-2020.pdf>."

³² J., Walker, S., Bartlett, A., Onder, H., & Sanghi, A. 2018. "Alix-Garcia, (2018). Do refugee camps help or hurt hosts? ." The case of Kakuma, Kenya. *Journal of Development Economics*, 130, 66-83.

³³ Pavanello, S., Elhawary, S., & Pantuliano, S. 2010. "Hidden and exposed." *Urban refugees in Nairobi, Kenya*. London: Overseas Development Institute.

local integration³⁴. National refugee laws rely on the Geneva Convention, the central international framework for the party nations. The Convention, established in 1951, clearly defines people who can have an identity as refugees and the proper protection they are entitled to and social rights and other aids they can receive from the host country.

Additionally, the Convention explains a refugee's responsibility to the host state and specific groupings or individuals, like war criminals who award refugee identity. Originally the Convention was solely meant for protecting purely European asylum seekers following World War II ³⁵. Later the 1967 Protocol, a supplementary document, was introduced to widen the provision Convention as the challenges of displacement increase worldwide ³⁶. Kenya is a party to this Convention cum the additional Protocol must ensure the safety of their refugees at all times. In consideration of the guiding Convention, Protocol, and the national laws, the literature review highlights the impact of host states' national interests on refugee rights with a particularly keen interest in Kenya.

Refoulement is the forceful repatriation of refugees or asylum seekers to nations that are likely to experience maltreatment³⁷. As mentioned by the UNHCR, refugees have rights to freedom of conscience, worship and thought, including the right to express themselves and hold opinions. Similarly, refugees must enjoy the benefit of the right of a peaceful assembly, including freedom of association and that of assembly.

³⁴ Sharpe, M. 2012. " Organization of African Unity and African Union Engagement with Refugee Protection: 1963–2011. ." *African Journal of International and Comparative Law*, 21(1) 50-94.

³⁵ Peter Gatrell, Refugees—What's Wrong with History? *Journal of Refugee Studies*, Volume 30, Issue 2, June 2017, Pages 170–189

³⁶ Ibid

³⁷ Mongare, A. B. 2018. "When the Victim Stings the Good Samaritan: Legal Implication on Refoulement of Refugees, a Kenyan Perspective. ." *International Journal of Current Innovations in Advanced Research*, 1(6), 67-83.

1.6.0 Kenya National Interests concerning its Refugees

The international subject of refugees and asylum seekers directly relates to national interests, which is among International Relations (I.R.s) ideologies. All the countries, including Kenya, are involved in securing or achieving their national interests' goals. Kenya's foreign policies, which include acceptance of refugees and asylum seekers, are established on the foundation of its national interests and are always aimed at securing its goals. No matter the existing refugee treaties and protocols, there are still universal rights for each nation to safeguard its national interests. A country's behavior is governed and conditioned by its national interests; thus, it is crucial to expand on national interests to learn how it affects refugees and asylum seekers in Kenya. Morgenthau put national interests in existence or survival, encompassing the protection of physical, cultural identity and political against infringements by other federal governments³⁸. The term national interest is ambiguous and vague. Mostly, its meaning depends on the contexts in which it is being applied. Usually, policymakers and statesmen mention a national interest as a friendly term to them and their objectives to the reason for their nations' engagements. However, the standing universal meaning is "The combined, endless purpose and long-term which a given government, nation, or state all view themselves as providing" Charles Lerche and Abdul³⁹. On the other hand, Bookings describes national interest as a feeling of a country that is crucial for its well-being and security, projecting the endless and joint for which a country acts. As a sovereign

³⁸ Rafshoon, E. G. 2001. " A Realist's Moral Opposition to War: Han J. Morgenthau and Vietnam. ." *Peace & Change*, 26(1) 55-77.

³⁹ Yanakiev, Y. 2019. "The Process of Evaluation of National Interests." *As The Basis For Security Policy-Making And Strategy Development*. 36vol. Xix.

country, Kenya has its national interests that dictate its foreign relations with other countries.

In Kenya, its national interests align with economic, security, and political agendas to ensure the utmost safety, peace, and prosperity. The country is a signatory to many world treaties applicable to runaway people looking for asylum and protection. For example, on May 16, 1966, it accented to the 1951 U.N. Convention, which relates to refugees' status, and in 1981, it accented its 1967 Protocol. Additionally, Kenya is a national member of the 1969 African Union⁴⁰. Formerly referred to as the Organization of African to Unity (OAU), the formation established in September 1969 and sanctioned in June 1992 monitors the particular factors of Refugee Problems in the African continent⁴¹.

Furthermore, in 1997, Kenya accented to the 1984 Convention contradicting torture and other harsh, feral, or degrading handling or sentence. Of important appropriateness to refugees' activities is a provision in the international policy on non-refoulement. Acceptance of refugees within its borders is one of such foreign relationships. The country is an independent nation that only allows asylum seekers to enter through its limits and protect them if it does not interfere with its national interests. However, despite all these treaties, like any other country, Kenya has national interests that guide its foreign policy involvement⁴². To achieve this, it has formulated its specific national legal standards in its interaction with refugees. However, it supports its national interests, mostly in line with its economic, political, and security aspects. On this basis, all its refugees and asylum seekers' involvements tend to reflect on these factors.

⁴⁰ Sharpe, M. 2012. " Organization of African Unity and African Union Engagement with Refugee Protection: 1963–2011. ." African Journal of International and Comparative Law, 21(1) 50-94.

⁴¹ Ibid

⁴² Ibid

Intending to stand for its national interests, Kenya, in the recent past, initiated a legal framework to govern refugees' matters and, in the process, adopted a fractional role for the operation of refugees' status determination (RSD). The country conducted this when it took a move to implement its constitution in accordance to the international policies by establishing the Refugees Act in 2006 and another subsidiary law in 2009 known as the Refugees (Reception, Registration, and Adjudication), inclusively identified as Refugees Regulations⁴³. Among other activities concerning refugees within Kenya, the Act created the Department of Refugee Affairs (DRA), whose obligations include receiving and processing submissions for acquiring the status of refugees. In the past, before the creation of these new refugees Acts in Kenya, matters about this subject were controlled by Alien Restriction Act, Immigration Act, and the RSDs, along with other management activities left for the UNHCR. It continued long following 2006 until 2014 when DRA took control of some RSD responsibilities. Many RSD roles have been transferred to DRA by UNHCR⁴⁴. Multiple other legal improvements relevant to refugees and asylum seekers management have been adopted, and all respond to the country's national interests. These adoptions are aimed at achieving national interests and showing respect to refugees' fundamental rights.

Since late 2013, Kenya's security condition has been detrimentally impacted by various terrorist attacks for which the Al-Shabab terror group of Somali reported responsibility. The occurrence has been against its national interests. It led to a conference in Brussels in 2015 October to support Somali refugees' non-compulsory deportation and subsequent reintegration into their home country. The meeting agreed

⁴³ Sharpe, M. 2012. " Organization of African Unity and African Union Engagement with Refugee Protection: 1963–2011. ." African Journal of International and Comparative Law, 21(1) 50-94.

⁴⁴ Ibid

that more should be performed in Somali to ensure sustainable voluntary repatriation. Because of this, between 2014 and 2019, a total of 85,067 refugees had been helped by the UNHCR and agencies to travel back to Somali willingly and 87 Ethiopians to return home⁴⁵. The voluntary transportation of refugees to Somali and other nationalities must continue if the terrorist attacks continue in Kenya and the situation permits in home countries. Even though voluntarily repatriating Somali and Ethiopian refugees' homes is interfering with non-refoulement rights. The verification for this return exercise was finalized in Kakuma, Dadaab, Nairobi, and other towns. The government also conducted the exercise to allow the government to record the correct number of refugee populations and increase protection and plans for the solution of terrorism suspects. While this intense move aims to protect citizens from terrorist acts, they also ensure that refugees human rights cum infringing them by returning them to their specific countries, even if the conflicts that threatened their lives to run away remain.

Since 2012, many refugees and asylum seekers have been removed from towns to designated camps (Kakuma and Dadaab) in reaction to increased insecurity from terrorists, thus deserting the primary official policy stand of 2011, which was to give these aliens freedom to live in their choice towns. The new move reached the High Court of Kenya in 2013. It entails a violation of fundamental and constitutional human rights of movement and the principle of non-refoulement, which is protected by the Refugees Act 2006⁴⁶. The court ruling led to some amendments to the rule, consequently consolidating the policy of encampment. Explicitly, the policy changes in line with the bill stated that

⁴⁵ Omata, N. 2020. " Refugee Livelihoods: ." A Comparative Analysis of Nairobi and Kakuma Camp in Kenya. Disasters.

⁴⁶ Abdullahi, Y. A. 2019. " Reconciling National Security and Protection of Refugees:" The Case of Somali Refugees in Kenya (Doctoral dissertation, United States International University-Africa).

"every refugee or asylum seeker must only leave the refugee camp with the permission of the controlling officers.

Equally, the new changes established a cap dictating the total count of refugees and asylum seekers that should be in Kenya at any given moment. Due to these Refugees Act amendments, the forced return of refugees was introduced, which led to the dismissal of over 3,000 refugees⁴⁷. Even with ensued court battles, it infringed on the expelled refugees and asylum seekers' fundamental rights and blocked other conflict escapees from entering Kenya. Apart from interfering with refugees and asylum seekers' freedoms of movement, these new legal changes further spread to exposing them to harmful conditions. The conditions directly impact the right to life, freedom of conscience, thought, and worship, including the right to express themselves and hold opinions. However, this came due to Kenyan concern about its national interest in a security for its people, specifically to counteract increasing Al-Shabab terror groups. Even though the court ruled that forceful repatriation is unconstitutional, null and void, it did lead to voluntary return. However, this was still a compromise of refugees and asylum seekers since it never considered the condition back at home, further throwing those repatriated to inhumane actions.

The introduction of the RSD process for refugee matters led to the establishment of DRA to conduct reception and processing of the application for being a refugee and adding more restrictions on the lives of the refugees. While UNHCR's responsibility is to decide who is a refugee, Kenya took over the new provisions. Although this was seen as a positive change to respect refugees towards ensuring the county's national interests, many

⁴⁷ Omata, N. 2020. " Refugee Livelihoods:." A Comparative Analysis of Nairobi and Kakuma Camp in Kenya. Disasters.

respondents reported increased prohibitions on movements within the camp and urban areas. They, refugees, and asylum seekers likewise reported increased harassment by security officials and reduced security in the refugee camps. In Kenya, it turned out that refugees are not given a chance to move without a travel document. Equally, the refugees were denied the right to public schools when in the country, and if they do, they pay for it. Refugees residing in Nairobi, the capital city of Kenya, have limited employment opportunities. For obeying human rights, the government of Kenya should allow refugees to attend public schools without pay. They should have the freedom to move to any part of the country without any restrictions. Moreover, the government should give them the same identity papers as Kenyans. However, the Kenyan government is not ready to do this in the name of security for its people, which are its top priority national interests as concern about its international relation as peaceful countries for refugees and asylum seekers.

The way Kenya is handling its refugees at the moment does conform even to oppose its constitution. As stated in the 2010 Constitution, in Article 15, "any individual who has been legally staying in Kenya for a consecutive time of not less than seven years, and who fulfils additional conditions described in the appropriate legislation may be absorbed as a citizen."

Further, the country 2011 Citizenship and Immigration Act in Article 13 demands that for a person to qualify for citizenship or naturalization, they must have "enough understanding of Kenya"⁴⁸ . Also, knowledge about citizens' rights and duties, learn

⁴⁸ McBrien J.L. (2016) Refugees, Asylum Seekers and Education for Citizenship and Social Justice. In: Peterson A., Hattam R., Zembylas M., Arthur J. (eds) *The Palgrave International Handbook of Education for Citizenship and Social Justice*. Palgrave Macmillan, London. https://doi.org/10.1057/978-1-137-51507-0_7

Kiswahili or local language and participate in Kenya's national development. This line indicates economic interest that a refugee must be able to contribute towards Kenyan economic development. Nevertheless, in practice, naturalization is not given to refugees, and according to the UNHCR, there is no significant interest on the part of many escapees becoming citizens of Kenya. In 2015, a handful of refugees applied to be accepted as citizens but are still awaiting decisions concerning their applications. No data to indicate the number of South Sudanese and Somali refugees who have gotten citizenship. The process has been made difficult by the citation of the Citizen and Immigration Act. It states that for any refugee to be a citizen of Kenya, the status must move from being a refugee to a "non-Kenyan person" first. The result is continuous restrictions on refugees' movements and other freedoms with removal threats, thus continually interfering with their rights. Factually, Kenya's national interests impact refugees and asylum seekers.

According to International Democracy and Electoral Assistance (IDEA), political participation is also a fundamental right in many countries, and Kenya is included (2020). It means people living in these countries, encompassing asylum seekers and refugees. However, in Kenya, not even a single refugee has voting rights in national or county elections. Many refugees have stated that since they were not citizens, they could not participate in the host country's political agendas. It makes them view their status as non-permanent members. They mention that survival is given priority when waiting for repatriation or resettlement. Another challenge for political participation rights is that almost all refugees and asylum seekers have the unpleasant experience of political wars

in their home nations⁴⁹ (Assistance., 2020). It usually leads to fear and worry about political stigmatization and not urges them to be involved in the host country's politics. On the same note, the current encampment policy is seen as discouraging and intimidating the creation of political groups in Kenya by the refugees and asylum seekers. Even though free elections are conducted in the refugees' camps to choose representatives and leaders within, the participation level is minimal.

Many other refugees and asylum seekers feel that they should not participate in the host nation's political matters due to limited rights. The research portrays refugees as having no understanding of their political freedoms since the country fails to push for their citizenship rights. The government has not provided them with voting identity cards, allowing them to have the same rights as other Kenyans. Given that refugees and asylum seekers undergo similar legal restrictions on political parties' membership as involvement in national elections. Since 2007 post-election violence (PEV), nearly all Kenyan elections have been marred by intense campaigns and rigged results, something that even makes refugees stay far from these elections. Politics in Kenya is one tool towards establishing and preserving its national interests, and its success depends on election outcomes on the side of the government or people in power⁵⁰. The participation of refugees in Kenya elections is likely to dictate the issue. If the result is unwanted, the same refugees are likely to face the consequences, one being a denial of citizenship and backflow, all of which are detrimental to their human rights.

⁴⁹ Assistance., International IDEA International Democracy and Electrol. 2020. "Political Participation of Refugees." The Case of Somali and South Sudanese Refugees in Kenya | International IDEA. Retrieved , from <https://www.idea.int/publications>.

⁵⁰ Assistance., International IDEA International Democracy and Electrol. 2020. "Political Participation of Refugees." The Case of Somali and South Sudanese Refugees in Kenya | International IDEA. Retrieved , from <https://www.idea.int/publications>.

1.6 Justification of the Study

Not so much has been written about the impact of national interests of host states on refugee rights with regard to the situation of refugees and asylum seekers in Kenya especially centering on Daadab refugee camp. The concerns of the governments are weighty while the mandate of the UNHCR is equally valid and convincing. The people who need a valid answer to this problem are the victims and academic researchers involved with such topics.

I am certain that this issue is relevant and has arrived at the perfect moment when government decision-makers and policymakers are dedicated to finding a long-term solution to the question of whether or not to close the refugee encampment.

1.6.1 Academic Justification

Findings from this study will seek to enhance the already available ongoing academic discourse on the impact that states national interest have on refugee rights.

The research will add knowledge on the different aspects of states national interests on refugee rights. My research will appeal to academicians particularly those in immigration studies, ministries of education, ministry of foreign affairs, economic studies, TVET institutions etc.

The results of this research also add to current knowledge, which will aid academics and institutions of higher learning by allowing them to use the data as a starting point for future research.

1.6.2 Policy Recommendations

This study is important to stakeholders especially federal governments, state governments, humanitarian actors, donor agencies and international community. For

example, this research will help the Nonprofit and government sectors recognize the obstacles they have in implementing strategies and, as a result, design strategies to address them.

The results will also benefit donors and policymakers, who may use them to build recommendations to address particular problems in advancing refugee rights. Donors, governments, and non-governmental organizations will also be informed about possible possibilities to support refugee rights.

1.7 Theoretical Framework

My study will focus on the realism theory of how states conduct international interactions. Realism theory proposes that nations should always watch out for their welfares as a priority. Classical realists explain that it is fundamental human nature. By nature, humans are, at some level, selfish and tend to feel insecure with a particular manner of behavior. The theory supposes that nations are out for themselves first and foremost before the interests of others. Therefore, the world is a treacherous home, and each state has to care for itself. Further, it explains why states have policies that conflict with international relations policies to protect their rights. The theory indicates that international relations are motivated by a rivalry between countries; hence states are always trying to further their agendas and interests.

1.8 Hypotheses

H0: The national interest of host states has no impact on the international refugee rights

H1: The national interest of host states has impact on the international refugee rights

1.9 Methodology

1.9.1 Overview

This will focus on the study area, target population, research design, sampling design, sample size, data type source and collection instrument, measurement of variables, validity and reliability of research instruments, data collection techniques, data analyses, and ethical considerations and limitations of the study.

1.9.2 Study Area

This study will be conducted in the North-Eastern region of Kenya, in the Dadaab refugee camp. This camp is located in the Kenyan region of Garissa County and lies between 00003'11N and 40018'31E. The camp contains three individual camps, Dagalahey and Ifo, located in Hagadera, Dadaab district, and Hagadera camp located in Fafi district. The total number of refugees, according to UNHCR, is 217,511 as of March 2020. These camps are run by the UNHCR and are funded by foreign donors. The Hagadera camp is the largest, and the Ifo camp is the smallest by the number of households located in these camps. The population comprises a registered 95% Muslim from Somalia, 80% are women and children, and 95% are Somali nationals. The most common economic activities are pastoralism, and since it was meant to be a transition zone, the houses are semi-permanent. Some of the houses are built from twigs cut from surrounding shrubs, while some lucky ones have tin roofs, and some have pieces of canvas to cover their heads from the scorching sun⁵¹.

⁵¹ Wesangula, Daniel. 2017. "[https://www.theguardian.com/.](https://www.theguardian.com/)" Dadaab: the city you cannot leave. October 16. <https://www.theguardian.com/global-development-professionals-network/2016/feb/01/dadaab-somalia-home-cannot-leave-refugees>.

1.9.3 Research Design

Research design has been defined as the arrangements of conditions for collecting and analyzing data to combine relevance to the research purpose with economy in the procedure⁵². The current study will employ a mixed-method methodology as it will include the collection of quantitative and qualitative data from the respondents⁵³. The Convergent Parallel Research Design comprises the collection of qualitative and quantitative data. Qualitative research will help us understand the migrant's behaviour, explain their acts, and longitudinally study their settlements and integration process. A quantitative study will be required to investigate demographic concerns, define migration and choices, compute the repercussions of all such changes, and assess the impacts of migration on both the receiving countries and the individuals who lose their lives.

The data will then be analyzed separately, and the results compared to see if the findings confirm or disagree with each other. It is important to note that this design comprises quantitative and qualitative data, which provides various types of information, for example, detailed views and opinions of the respondents qualitatively and scores on instruments quantitatively. This design requires that the researcher collect both data forms using the same or parallel variables or concepts. The same questions may be asked during the qualitative data collecting phase on concepts such as migration, for instance. Another aspect that the researcher should note is that the qualitative data collection data will be smaller than that of the quantitative data collection.

⁵² Kothari, C.R. 2008. research methodology. methods and techniques, second editionj. New Age International Publishers.

⁵³ Selcuk Besir Demir, Nuray Pismek. 2017. "A Convergent Parallel Mixed-Methods Study of Controversial Issues in Social Studies Classes:A Clash of Ideologies."

1.9.4 Target Population

A population is a group of people or objects that share a set of traits⁵⁴. On the other hand, the Target population has been defined as a population in which the researcher wants to generalize the results of a study⁵⁵. Therefore, the unit of analysis in this research will be centered on the refugees who have settled in the Dadaab refugee camp. Dadaab refugee camp has 220,519 refugees as of August 2020⁵⁶. This total number is divided among the three sub-camps: Ifo, Dagalahey, and Hagadera.

Table 1: Target Population

	Camp	Number of refugees
1	Hagadera	106,926
2	Ifo	64,525
3	Dagalahey	40,068
	Total	220,519

1.9.5. Sampling Design and Procedure

The sampling procedure is the process of deriving a sample from a given population. It will be done with a profound appreciation of the population's characteristics, including size, distribution, and other features that distinguish the population's elements to ensure all aspects of a population captured in the sample.

Further, the sampling design that will be used for this research will be stratified random sampling. The respondents will be divided into the three different strata that are the

⁵⁴ Mugenda, A.G. 2018. "Social science research, theory and principles. Nairobi." Applied Research & Training Services (Arts Press).

⁵⁵ Mugenda, O. & Mugenda, A. 2012. "Research methods dictionary. Nairobi." Applied Research & Training Services (Arts Press).

⁵⁶ —. 2020. "Dadaab Refugee Complex." <https://www.unhcr.org/ke>. April 15. <https://www.unhcr.org/ke/dadaab-refugee-complex>.

camps. The respondents will then be divided into two distinct groups per strata: male and female respondents.

1.9.5.1. Sample Size Determination

Sampling is the process of selecting a subset of the population for use in a research study⁵⁷. According to ⁵⁸, sampling is the method of choosing those people to represent the whole group from which they are drawn when a group of people is chosen for an experiment. In most surveys, the author asserts that a standard error range from $2\% \leq e \leq 5\%$ and a coefficient of variation in $21\% \leq C \leq 30\%$ is usually acceptable. As a result, this research will use a standard error of 2% and a coefficient variation of 30%. In order to assure low sample size variability and lower error degree, such values are chosen as a higher limit for a coefficient of variation and standard error. The formula, as per Naissuma, is:

$$n = \frac{Nc^2}{c^2} + (N - 1)e^2$$

Where N=Sample Size

N= Population

C=Covariance

E=Standard Error.

As Mentioned Earlier, The Sample Size Will Be Calculated for Each Camp Separately

Hagadera Camp

$$n = \frac{Nc^2}{c^2} + (N - 1)e^2$$

⁵⁷ Sekaran, U., & Bougie, R. 2010. Research methods for business A skill-building approach.5th ed. Haddington John Wiley & Sons.

⁵⁸ Naissuma, D. K. (2000). Survey Sampling: Theory and methods. Nairobi: University of Nairobi Press.

$$n = \frac{106,926(0.3)^2}{0.3^2 + (106,926 - 1)0.02^2}$$

N=225 respondents

Ifo Camp

$$= \frac{Nc^2}{c^2} + (N - 1)e^2$$

$$n = \frac{64,525(0.3)^2}{0.3^2 + (64,525 - 1)0.02^2}$$

n=224 respondents

Dagalahey Camp

40,068

$$n = \frac{40068(0.3)^2}{0.3^2} + (40068 - 1)0.02^2$$

n=187 respondents

Table 2: Sampling distribution

	Camp	Number of refugees	Sample
1	Hagadera	106,926	225
2	Ifo	64,525	224
3	Dagalahey	40,068	187
	Total	220,519	636

Simple random sampling will then be done to cover all the respondents and give them a fair selection chance. The researcher will assign random numbers from 1-n to the respondents in every stratum.

1.9.6 Data Collection

The study used primary data as the source of information. Primary data refers to information a researcher obtains from the field, from the subjects in the sample collected ⁵⁹(Nassiuma, 2000).

Both the in-depth interviews and field surveys will be carried out simultaneously. In-depth interviews are the best method for gathering as much information as possible on a subject matter (Neuman 2002). Firstly, an interview guide will help ensure that the in-depth interviews are well structured to collect data for qualitative design, and themes will be drawn from it. Secondly, the interview guide's questions will still be used to advise on the focus group discussion questions, and this will be used to gain an in-depth understanding of the respondent's social issues, which will be a selected group of individuals.

1.9.7 Research Instruments

The research used structured questionnaires as instruments for data collection. According to⁶⁰, the items in a questionnaire are meant to elicit an answer from the person who receives them, generally in writing. The questionnaires used in this research will be in Likert scale format and divided into different sections. It will further be pre-tested before the full-scale survey.

1.9.8 Validity And Reliability Of Data

When it comes to validity, researchers look at whether or not the study measures what it claims to measure and the degree to which data analysis findings reflect the

⁵⁹ Naissuma, D. K. (2000). Survey Sampling: Theory and methods. Nairobi: University of Nairobi Press

⁶⁰ Kothari, C.R. 2008. research methodology. methods and techniques, second edition. New Age International Publishers.

phenomena being studied⁶¹. The supervisors' help will be requested to evaluate and enhance the validity of the questionnaires. As a result, the final questionnaire may be developed to collect the necessary data.

The extent to which a research instrument produces consistent outcomes or data after several trials is known as reliability. Researchers assess test validity by how well it measures what researchers want to measure. The precision and accuracy of a measuring process have anything to do with reliability.

Cronbach's Alpha will be used to assess reliability, with a 0.7 per cent confidence threshold. Cronbach's Alpha has a consensus lower limit of ≥ 0.70 , according to Hair et al⁶². However, in explanatory research, it may fall to ≥ 0.60 , while in studies needing more dependability, it may rise to 0.80. A pilot test will be done in the Kakuma refugee camp to test the data collection instruments' content validity. This camp was selected as it is the second-largest refugee camp in the nation, and it would have similar demography of respondents who would be perfect for the instrument testing.

1.9.9. Data Analysis

The data collected will be analyzed, cleaned, and coded using a computer. Statistical Package for Social Sciences (SPSS version 25.0) will be used to process and analyze the collected data using descriptive and inferential statistical methods. Multiple regressions will be used in the data analysis, and the model to be used will be:

$$y = \alpha + \beta_1 x_1 + \beta_2 x_2 + \beta_3 x_3 + \varepsilon$$

⁶¹ Mugenda, O. & Mugenda, A. 2012. "Research methods dictionary. Nairobi." Applied Research & Training Services (Arts Press).

⁶² Hair J. F., Anderson R. E., Tatham R. L., Black W. C. Multivariate data analysis with readings 4th edn. Prentice-Hall International, New Jersey 1995

Where y = refugee rights

α = constant

β_1 - β_3 = coefficients of independent variables X_1 X_3

χ_1 - non refoulement right

χ_2 - right to freedom and safety of refugees

χ_3 - freedom of movement of refugees

ϵ - error term

1.9.10 Ethical Considerations

The study will follow the ethics that are expected to govern it. First, permission will be sought regarding a permit application from the national commission of science and technology innovation (NACOSTI). The researcher will also get permission from the relevant authorities who will be in charge of handling the refugees in the camps. The author will assure the respondents of their confidentiality and that this paper will only be used for educational purposes. Finally, all cited works will be duly acknowledged.

1.10 Scope of the Study and Limitations of the Study

The study will focus on the impact of the national interests of host states on refugee rights. The study will be conducted in Kenya. This investigation aims to establish the relationship between refugee non-refoulement rights, right to liberty and security, freedom of movement, and the national interests of host states. Moreover, the study will be undertaken in the Dadaab refugee camps of Ifo, Dagahaley, and Hagadera. The method of data collection will be the use of questionnaires and structured questions. The research will target various refugee community members, and it will take three months, starting August 2020 to November 2020.

The study is probable to some limitations. The first one is the fear by the respondents to freely and willingly share their information with the researcher, which may affect the validity of the result. However, the research will employ confidentiality in handling and using all data gathered from participants. During the data collection process, the investigators will communicate the confidentiality factor of the research to allow interviewees to share information freely and without any doubt.

1.11 Chapters Outline

CHAPTER ONE:

Introduction: This chapter shall cover the background study, statement of the problem, the research objective, purpose and Aim, the methodology, limitations.

CHAPTER TWO:

This consists of presentation and analysis of data collected that respond to the first objective one of the study which is to analyze the impacts of host countries on the non-refoulement right of refugees.

CHAPTER THREE:

This consists of presentation and analysis of data collected that respond to the second objective one of the study which is to establish the effects of host states on the human rights and safety of the refugees.

CHAPTER FOUR:

This consists of presentation and analysis of data collected that respond to the third objective of the study which is to assess the effect that host states have on the freedom of movement rights of the refugee rights.

CHAPTER FIVE:

Consists of presentation of data gathered throughout the study, as well as analysis of the same data

CHAPTER SIX:

The overarching conclusions combine data results and analysis and specific suggestions directed at certain academic and governmental players who should take action.

CONSOLIDATED BIBLIOGRAPHICAL REFERENCES,

APPENDICES

CHAPTER TWO

THE IMPACTS OF HOST COUNTRIES NATIONAL INTERESTS ON THE NON-REFOULEMENT RIGHT OF REFUGEES

2.0 Introduction

Countries have been protecting groups and individuals who have escaped persecution and other calamities over many centuries. In any case, the current wave of refugees is almost entirely the result of events that occurred in the second part of the twentieth century. The existing refugee legislation has its roots in World War II, much like worldwide human rights standards. (Freudenthaler 2012). The 1948 Universal Declaration of Human Rights (UDHR), Article 14(1), assures the right to seek and adore asylum in foreign nations. Additionally, other regional human rights tools have expounded on these rights, guaranteeing the right to search and being privileged asylum in a different country as per the legislations of the international and national treaties⁶³. While conventions are solid to protect refugees' non-refoulement rights across the globe, particular national interests of host countries impact the right. The principle of non-refoulement is an idea that bans nations from returning asylum seekers or refugees to boundaries where there is a risk for their life or infringement of their freedom on religion, race, nationality, membership of a political or social group.

States are required to take all reasonable protective steps to safeguard life and prevent excessive violence, and have committed to collaborate internationally to save lives and prevent migrant deaths and injuries, in accordance with international law. The bad outcome of States progressively depending on military, transboundary border control,

⁶³ Ranja, Titus W. 2015. "The kenyan law on refugees and its compliance with the principle of non refoulement."

and deterrent to prevent migration is the lives lost at state borders. State neglect leading to deprivation of access to medical assistance, water, food and basic means of survival for migrants may amount to torture and becomes a threat to the right to life. Delays in searching for and rescuing migrants in anguish on land and at sea, as well as in designating safe ports for disembarkation, may also amount to torture or ill-treatment and undermine the right to life.

States often respond to migration movements by creating and progressively increasing barriers (1/2020 n.d.). Pushbacks by states are often carried out as a measure of deterrence, punishment, or targeting migrants as part of wider strategies by states. The pushback policies and practices, have led to the deployment of physical barriers and advanced surveillance and deterrence equipment at borders, carry life-threatening risks for migrants. Thousands of refugee migrants tragically die every year while trying to cross international land and sea borders; the use of force by border authorities during interception and summary returns has a major impact on migrants' health and safety in transit.

Over the past year's states pushbacks have been reported along most migration routes from all regions of the world experiencing mixed movements of migrants. States' legitimate interests in governing borders have in some cases turned into mass apprehension and return of migrants without individual assessment of vulnerabilities and protection needs. The militarization of border patrols has mainstreamed a security-focused approach that increases the risk of human rights violations⁶⁴.

⁶⁴ Patrol, Greek Border. 2019. "Pushbacks to North Macedonia and Bulgaria have reportedly been carried out by Serbian police in a similar way; see the submission by KlikAktiv. ."

For example, numerous submissions have raised concerns regarding Greece's border governance at both its land and sea borders with Turkey. Greece which is situated on the Eastern Mediterranean migration route, deploys border and coastguard patrol teams as part of national and joint European Union border operations, in cooperation with the European Border and Coast Guard Agency (Frontex). Since March 2020, Greece has strengthened the militarization of the Evros land border area, successfully prohibiting entrance and resulting in the arbitrary and collective deportation of thousands and thousands of asylum seekers and migrants. Refoulement across the land border is also allegedly conducted out from urban locations, notably detention and reception institutions, according to the Special Rapporteur. An increase in pushbacks in the Aegean Sea, from Greek territorial waters, as well as from the islands of Rhodes, Samos and Symi, has also been documented, with one stakeholder recording 321 incidents involving 9,798 migrants between March and December 2020.

On the other hand, Croatia has reportedly deployed a large number of police officers as well as technical devices for radar and optical monitoring of the borders with Bosnia and Herzegovina and Serbia, as a measure of deterrence. Nevertheless, allegations of unlawful and violent pushbacks have been reported in connection with operations at borders and with removals from deep inside Croatian territory, and as part of chain pushbacks from Italy to Bosnia and Herzegovina. Between May 2019 and November 2020, it was recorded that 22,500 pushbacks to Bosnia and Herzegovina, along with numerous reports by migrants of theft, extortion or destruction of property, abusive or degrading treatment, physical abuse or assault, including of children, and arbitrary arrest or detention, during those operations. A civil society organization based

in Croatia has recorded instances of violent pushbacks against migrant children. Croatian authorities have repeatedly prevented public scrutiny of border operations.

In Cyprus, pushbacks of migrants and refugees to Lebanon and Turkey were reported, including those of Lebanese, Palestinian and Syrian origin, without an individualized assessment of their protection needs or of the risks to them upon return. Since March 2020, Cypriot coastguard forces are said to have summarily pushed back, abandoned, expelled or returned more than 200 people at sea arriving from Lebanon. Syrian refugees returned by the Turkish Cypriot administration to Turkey were particularly at risk of chain refoulement to the Syrian Arab Republic.

Migrants travelling in "caravans" from Honduras to Mexico and Guatemala have apparently been apprehended and repatriated without being given accessibility to personalized processes. In Guatemala, reports indicate that "caravans" faced discriminatory and stigmatizing attitudes. In September 2020 and January 2021, the Government of Guatemala declared a state of alarm (estado de prevención) across several departments, effectively authorizing the use of force to dissolve assemblies, linking migrants in "caravans" to the spread of COVID-19

Report of large-scale pushbacks of migrants from Algeria to the Niger since 2014 have been reported, which amount to collective expulsions. These pushbacks are allegedly carried out both through "official" repatriation convoys of Nigerien migrants by Algerian law enforcement authorities, as well as through unannounced collective expulsions, close to the border with the Niger, of non-Nigerien migrants, the majority of whom are from the Economic Community of West African States region, leaving hundreds stranded in a desert environment. Algeria has reportedly unlawfully expelled

migrants of at least 20 nationalities to Niger, including many women and children, as well as asylum seekers from African and Middle Eastern countries; in some cases, security personnel have reportedly separated children from their families during mass arrests, and stripped migrants of their belongings.

In 2020, a score of migrants were expelled collectively from Libya and most of them were sent to Chad, Egypt and the Sudan. These were persons apprehended near the border area, as well as those detained in urban areas throughout the country and held in detention centers prior to removal, which occurred with no access to asylum or individualized procedures, often involving dangerous transport through the desert in unsafe vehicles, and has included nationals of third world countries in conditions that create risks of chain refoulement.

Kenya as a nation has various national interests that impact the non-refoulement rights of the refugees it is hosting. Kenya has been a destination for many refugees since 1991⁶⁵. Refugee operations in Kenya remain marked by the humanitarian conditions and political developments, centrally in its two central refugee-producing states of South Sudan and Somalia. Fifty-four percent of the refugees in Kenya are from Somali and South Sudan, 24.6 percent. Ethiopia and Congo refugees in Kenya counts for 9.0 and 5.8 percent, respectively. Other refugees originate from Eritrea, Uganda, Sudan, Burundi, and Rwanda and make 6.8 percent of Kenyan refugees. Somali refugees started crossing into Kenya following the county's civil conflicts, leading to 285,000 refugees moving to Kenya, a number that nearly tripled in 2006. An estimated 150,000 refugees from Somalia arrived in Kenya after escaping feminine, finding their way into Dadaab Refugees Camp. Since then, Kenya has reported increased cases of terrorists attacks and

⁶⁵ Freudenthaler, E. 2012. " Refugee rights in Kenya between theory and practice."

insecurity, leading to the debate between keeping the Somali refugee's non-refoulement rights over national security as one of interest of the refugees. Forty-four percent of refugees in Kenya live in Dadaab, 40 percent Kakuma, and 16 percent in urban centers, with other 18,500 considered stateless refugees⁶⁶ (Ranja 2015).

On the provision of non-refoulement of refugees in Kenya, Section 18 of the Kenya Refugees Act states that; *“no person shall be refused entry into Kenya, expelled, extradited from Kenya or returned to any other country or to subjected any similar measure if, as a result of such refusal, expulsion, return or other measure, such person is compelled to return to or remain in a country where,*

- a) *People may be targeted because of their political beliefs, participation in a specific social group, nationality, religion, or race; and*
- b) *The person's liberty or physical integrity would be in danger due to external assault, occupation, foreign domination or circumstances that gravely disrupted civil order in that nation or its parts.*

The non-refoulement rule shows that the lawyers who made the law were influenced by the phrasing of Article 33 of the Convention Relating to the Status of Refugees. The article does not utilize the term non-refoulement but referred it as “Non-return” of refugees, their families, and other individuals⁶⁷. Therefore, it does not leave room for vagueness as to its meaning and aim, which is to illegalize the refoulement of a person where they are possible to experience oppression or other inhumane acts⁶⁸ (Ranja

⁶⁶ Ranja, Titus W. 2015. "The Kenyan law on refugees and its compliance with the principle of non refoulement."

⁶⁷ Murati, A. 2012. "Legal Rights and Obligations of States with Regard to Interception at Sea: ." Extraterritorial Application of the Principle of Non-refoulement.

⁶⁸ Ranja, Titus W. 2015. "The kenyan law on refugees and its compliance with the principle of non refoulement."

2015). This section and other provisions in the Kenyan constitution also bans the refoulement of individuals, though they do not directly mention refoulement. For example, Section 12(1) states that; *“Notwithstanding the provisions of any other Law, any person who has applied under section 11191 for recognition of his status as a refugee and every member of his family, may remain in Kenya. (a) Until such person has been recognized as a refugee in terms of that section; (b) In the event of the application of such person being rejected, until such person has had an opportunity to exhaust his right of appeal; (c) Where such person has appealed and the appeal has been unsuccessful, he shall be allowed reasonable time, not exceeding ninety days, to seek admission to a country of his choice.”*

The Section points that the principle of non-refoulement can be indirect from the wording. It is because it evident that when the refugee identity of the person is being considered, the person whose identity is being considered is allowed to stay within Kenya awaiting their status verification. Section 12(1) moreover gives further protection to refugees by indicating that when the government rejects the individual refugees appeal it is not entitled to force them to vacate the country quickly but instead give them 90 days within which to search for permission in the country of choice^{69,70}. The government does not coerce a person into a nation where they fear torture or persecution regardless of whether they have refugee status or not, demonstrating the value Kenya gives to the principle of non-refoulement. In this way, Kenya protects refugee rights and not only that but strengthens such laws constitutionally. The Kenyan law of non-refoulement gives

⁶⁹ Ranja, Titus W. 2015. "The kenyan law on refugees and its compliance with the principle of non refoulement."

⁷⁰ Murati, A.. 2012. "Legal Rights and Obligations of States with Regard to Interception at Sea: ." Extraterritorial Application of the Principle of Non-refoulement.

Kenya a good picture in the global arena, enhancing its interaction with many other countries. This country values human life and ready to assist in the case of runaways.

However, in 2015, Kenya threatened to close refugee camp of Dadaab. On 11th April 2015, the Kenyan government in a speech given by President William Ruto, gave UNHRC three months to shut down Dadaab camp and make substitutional arrangements for its citizens, failure to which Kenya would remove them if the direction was disobeyed. Any move by the government to return the refugees would be equivalent to refouling refugees and infringing the principle of non-refoulement rights. It is because Kenya is not sure where the refugees are returned to is safe for their survival⁷¹.

Exceptions of non-refoulement considerations are also mandated under the principle under certain conditions. For a refugee return to occur, it must be in line with the Refugee Act of 2006, borrowed from the CRSR51. The Act states that;

“After consulting with the Minister in charge of immigration and internal security, the Minister could order the deportation from Kenya of any refugee or member of his family if he judges the removal to be essential for national security or civil order reasons. The Minister must follow due procedure before ordering the deportation from Kenya of any immigrant or member of his family under paragraph (1) of this section.”

National security is the primary reason for Kenya to return its refugees or any other person in its border urgently; thus going against the non-refoulement provisions⁷² (Ranja 2015). It should be done within the laws. The move was due to national security, as the government has sworn to protect its citizens at whatever cost. The matter was national

⁷¹ Ibid

⁷² Ranja, Titus W. 2015. "The Kenyan law on refugees and its compliance with the principle of non refoulement."

security, and like any other country, it was trying to avoid increasing terrorist attacks in the interest of its economic development and the benefit of its citizens. Countries with continuous reports of terrorists primarily report fewer foreign investors due to fear of attack and economic downfall. They also fear for the life of their employees, who might face attacks while undertaking their business in the country. Nonetheless, Kenya remains to value non-refoulement principles constitutionally.

2.1 Non-Refoulement Right

The first objective of the study sought to establish the impacts of national interests of hosts' states on the non-refoulement right of refugees. The results were as presented in Table 2.1 below. The study sought to find out if the respondents had the freedom to stay in the country for as long as they wanted. From the findings, 0.9% strongly agreed, 6.0% agreed, 25.0% were neutral, 19% disagreed, and 9.3% strongly disagreed. The mean value of 2.51 indicated that there was a need to be more specific on the right to stay or leave for the refugees.

The study further sought to find out if the refugees had received any threats to force them back to their countries of origin. The results revealed that 7.9% of the respondents strongly agreed, 25% agreed, 15.7% were neutral, 6.9% disagreed, while 4.6 % strongly disagreed. The mean for this item was 3.41, and the standard deviation was 1.098. This indicated that there are some threats to the refugees, which tried to force them back to their homes.

On the question of whether there are incentives done in a bid to get refugees to go back to their home countries, the response was 11.1% strongly agreed, 21.3% agreed, 15.7% were neutral, 8.3% disagreed, and 3.2% strongly disagreed. The standard

deviation for this item was 1.112, and the mean was 3.48. This indicated that some incentives were given to the refugees in a bid to coerce them to relocate to their home countries.

The study also sought to identify if there is any discrimination among the refugees based on their nationality. The results of the finding indicated that 6.9% strongly agreed, 13.4% agreed, 20.8% neutral, 13.9%, and 4.6% strongly disagreed. The mean for this item was 3.47, and the standard deviation was 4.687. This is an indication of biasness in the camps based on nationality.

Additionally, the study also tried to understand if there have been plans to expel the refugees from the camps. The findings were 14.8% strongly agreed, 24.1% agreed, 12.0% were neutral, 6.0% disagreed, and 3.2% strongly disagreed. The mean for the variable was 3.68 and the standard deviation 1.114. This indicated that the plans to expel the refugees are visible to the refugees in the camps.

Further, the study sought to find out if there have been refugees forced to go back to their countries of origin despite their unwillingness. The response rate was 6.9% strongly agreed, 17.1% agreed, 20.8% were neutral, 12.5% disagreed, and 2.8% strongly disagreed. The mean was 3.22, while the standard deviation was 1.049. This indicates that the refugees were undivided on the forced movements back to their countries.

Finally, the study investigated if there is documentation allowing refugees to stay in the country. The response was 13.4% strongly agreed, 21.8% agreed, 13.4% neutral, 6.4% disagreed, and 4.6% strongly disagreed. The mean was 3.55 and the standard deviation 1.179. The results indicate that the documentation process that allows refugees to stay within the country needs to be improved.

Table 3: Non Refoulment Right

	SA	A	N	D	SD	M	SD	Skewness
I have freedom to stay in the country for as long as possible	.9	6.0	25.0	19.0	9.3	2.51	.925	.067
I have not received any threats trying to get me back home	7.9	25.0	15.7	6.9	4.6	3.41	1.098	-.619
There are payments done in a bid to get refugees to go back to their home countries	11.1	21.3	15.7	8.3	3.2	3.48	1.112	-4.53
There is discrimination among the refugees based on their nationality	6.9	13.4	20.8	13.9	4.6	3.47	4.687	10.446
There have been plans to expel the refugees from the camps	14.8	24.1	12.0	6.0	3.2	3.68	1.114	-.749
There have been refugees forced to go back to their countries of origin despite their unwillingness	6.9	17.1	20.8	12.5	2.8	3.22	1.049	-.075
There is documentation allowing refugees to stay in the country.	13.4	21.8	13.4	6.5	4.6	3.55	1.179	-.631

2.2 Chapter Conclusion

The non-refoulement right is a primary refugee right for every refugee in the world. Therefore, the host nations need to ensure that they do not force the refugees to go back to their home countries where their life is at risk. According to the realism theory that was adopted for this study, which proposes that nations should always watch out for their welfares as a priority, the study has found out that there are some threats to the refugees to force them back to their countries of origin. The government has also given out some incentives to the refugees in a bid to coerce them to relocate back to their home countries. The respondents have also highlighted that there is discrimination among the refugees based on their nationality an indication of biasness in the camps. Additionally, the study also tried to understand if there have been plans to expel the refugees from the camps, which the respondents have clearly highlighted that there are plans to expel the refugees are visible to the refugees in the camps. The host state should instead look for ways of absorbing the refugees and making them part of its citizens, which will add a larger workforce and result in a better economic position for the nation. The host state should instead look for ways of absorbing the refugees and making them part of its citizens, which will add a larger workforce and result in a better economic position for the nation.

CHAPTER THREE

THE EFFECTS OF HOST STATES NATIONAL INTERESTS ON THE HUMAN RIGHTS AND SAFETY OF THE REFUGEES

3.0 Introduction

Like any other person in country that is hosting them, refugees have full human rights and the right to safety. The UN states that asylum seekers and refugees are entitled to all human rights and essential freedoms mentioned in the international human rights frameworks. Thus, the protection of refugee rights must be viewed in the broader picture of the protection of human rights. Therefore, it's the responsibility of the host country to ensure that their rights are protected from any infringement. The right to security and liberty of the person is essential in how refugees and asylum seekers are treated in the host country, making them considered the most endangered category of persons in the world. Many of their fundamental human rights are unprotected upon relocation in the refugee camps in the host nation. They are at increased risk of numerous crimes that violate their basic rights. They suffer separation from their families and loss of material belongings, deprivation of employment, land, and property. Many are at risk of crimes such as rape, genocide, torture, extra-judicial execution, and forcible disappearances, among many human rights violations. Human rights laws guarantee them fundamental human rights and the right to safety. It is the role of the host state to ensure such rights are upholding at all times for their refugees.

Towards ensuring a peaceful and economic friendly environment, Kenya has adopted the international principles on freedoms and fundamental refugee rights described in the Convention and protocol relating to the status of refugees into its constitution, hence creating a respectable life for the escapees while in its land. The

Refugees Act 2006 and the international law generally highlight that refugees have equal work rights like other citizens. Section 16(4) provides for employment rights for refugees to work in Kenya to earn a living as one of their fundamental rights to good health. Nevertheless, it is the Immigration department that gives work permits to aliens in the country. The power to provide a work permit is, however, optional. This is seen as an infringement of human rights on the refugees by Kenya as a host country. Additionally, the law guarantees the right to life for refugees and protection from extermination, which is a cruel form of violation of freedom to life, yet directly necessary and far-reaching vital to refugees. While some treaties might allow penalties like a death sentence in defense of a grave offense, principally for national interest, Kenya is currently still reviewing its death penalty sentence. It ensures the fundamental right to life for those refugees who might find themselves on the wrong side of the law, hence observing their basic rights.

In safeguarding against arbitrary deprivation of life, State Parties usually take action to avert such cruel judgment to stop arbitrary murder and punish denial of life by offense acts and illegalize unexpected ending of life by the security forces. The view of the loss of life from other acts of violence and conflicts has mentioned that "countries have the supreme responsibility to stop occurrences of genocides, wars, and acts of mass violence that lead to arbitrary loss of life. It makes Kenyan refugees feel at least some safety for their lives since the non-derogable universal right to promote their wellbeing as human beings.

This protection of the human right to life confirms the 1993 Vienna Declaration and Programme of Action. The law recognizes the connection between immense violations of human rights, mainly in the form of ethnic cleansing, genocide and organized sexual

abuse in war circumstances and mass departure of refugees and displaced persons and restated the voice that such criminals be punished accordingly. Moreover, the Declaration reaffirms that it is the role of host countries, under any condition to establish investigations if there is a belief that the action happens within their borders under their jurisdiction and if accusations are inveterate, to prosecute its committers. It is also another reassurance for the refugees that the state is concerned about their fundamental human rights and right to life.

Also, human rights provisions guarantee liberty from cruelty and torture; degrading or inhumane punishment or treatment is common to refugees. Girls and women are the most vulnerable category when it comes to human rights breaches since they are more likely to be subjected to violence or lousy treatment on flights and in refugee camps. Refugees, like all citizens, need to be treated fairly and with respect for their inherent human dignity. At this point, they are either in jail or a detention facility of some kind, such as a hospital or rehabilitation centre. Under the provision of its Refugee Act and the international principles and laws, Kenya has been affording every personal protection free from cruel and torture, harsh treatment or punishment, and inhumane, whether caused by government officials acting in their capacity or private capacity. It allows refugees to ask for positive measures by authorities against unlawful operations by non-state agencies, which is seen as protecting refugees' rights and freedom to safety.

Further, Kenya is striving the protection delivery unit (PDU) in UNHCR unit, giving diverse continuum of protection services to refugees as persons of concern. Specifically, the division oversees the detention locations like prisons and police cells to ensure whether any refugee or asylum seeker is held. If they find any such status, the unit

follows up on the detention case and intervenes on charges related to staying outside the refugee camp or illegal detention. Additionally, PDU monitors the border of Kenya to make sure that asylum seekers have smooth access to the country, ensuring that their fundamental human rights are observed by the authorities immediately after they entered the country. Therefore, Kenya is massively impacting the fundamental human rights and safety of refugees it is hosting.

3.1. Safety and Security

The second objective of the study sought to establish the impacts of the national interests of hosts' states on the safety and security rights of refugees. The results were as presented in Table 3.1 below. The study sought to find out if there are proper security measures in place to ensure refugees are safe from acts of violence, robbery, and any other forms of insecurity. From the findings, 5.4% stated that there was always security, 13.1% very often, 29.2% often, 34.6% rarely, and 17.7% never. The mean was 2.54, and the standard deviation was 1.094. These findings indicate that the security measures in the camps are not well planned.

The study further sought to find out if there are no threats either from the government or the surrounding local communities. The findings indicated that 13.1% of the respondents felt there were always threats, 20.2% stated the threats happened very often, 30.4% stated that threats often occurred, 20.8% rarely, and 10.8%. The mean was 3.04, and the standard deviation was 1.171. These findings indicate threats are present to the refugees by the government or the surrounding local communities.

On the question of whether there are unwarranted detentions and arrests among the refugees in the camp, the response rate was 7.7%, always indicating, 27.7% very often,

37.7% often stated, 21.5% rarely, and 5.4% indicated it never happens. The mean for this item was 3.11, and the standard deviation was 1.006. These findings indicate that there is a large number of detentions that are wrong by the local authorities.

The study also sought to identify if there is discrimination in the camps on sex, social standing, etcetera. The results indicated that 22.3% as always, 32.3% very often, 21.5% often, and 17.7% rarely, and 6.2% never. The mean for this item was 3.47, and the standard deviation was 1.196. This is an indication of discrimination that occurs in the camps.

Additionally, the study also tried to understand if there are measures in place to ensure the health of the refugees. The results were 15.4% always, 29.2% very often, 26.9% often, 21.5% rarely, and 6.9% never. The mean for the variable was 3.25 and the standard deviation 1.162. This proves that the health measures in place need to be improved.

Further, the study sought to find out if there is an office where cases of rights and freedom infringement are sorted. The results were 7.7% always, 13.8% very often, 33.8% often, 26.9% rarely, and 17.7% never. The mean was 2.67, while the standard deviation was 1.151. This indicates that the refugees were undivided on the office in charge of rights and freedoms.

Table 4 Safety and security

	A	VO	O	R	N	M	SD	Skewness
There are proper security measures in place to ensure refugees are safe from acts of violence, robbery, etcetera.	5.4	13.1	29.2	34.6	17.7	2.54	1.094	.424
There are no threats either from the government or the surrounding local communities	13.1	20.0	35.4	20.8	10.8	3.04	1.171	.1013
There are Unwarranted detentions and arrests among the refugees in the camp	7.7	27.7	37.7	21.5	5.4	3.11	1.006	-.080
There is discrimination in the camps on sex, social standing etc	22.3	32.3	21.5	17.7	6.2	3.47	1.196	-.396
There are measures to ensure the health of the residents	15.4	29.2	26.9	21.5	6.9	3.25	1.162	-.163
There is an office where cases of rights and freedom infringement are sorted	7.7	13.8	33.8	26.9	17.7	2.67	1.151	.275

3.2 Chapter Conclusion

The second objective of the study sought to establish the impacts of the national interests of hosts' states on the safety and security rights of refugees. Realism theory holds that the government is a unified actor whose national security interests drive it to act and speak with one language, particularly in times of conflict, and that decision-makers are rational agents in the view that rational decision-making leads them to pursue the country's interests. The study sought to find out if there are proper security measures in place to

ensure refugees are safe from acts of violence, robbery, and any other forms of insecurity. These findings indicate that the security measures in the camps are not well planned.

The study further sought to find out if there are no threats either from the government or the surrounding local communities which led to indicate that threats are present to the refugees by the government or the surrounding local communities. On the question of whether there are unwarranted detentions and arrests among the refugees in the camp, these findings indicate that there is a large number of detentions that are wrong by the local authorities.

The study also sought to identify if there is discrimination in the camps on sex, social standing, etcetera. This is an indication of discrimination that occurs in the camps. Additionally, the study also tried to understand if there are measures in place to ensure the health of the refugees. This proves that the health measures in place need to be improved.

Further, the study sought to find out if there is an office where cases of rights and freedom infringement are sorted. This indicates that the refugees were undivided on the office in charge of rights and freedoms. The host nation should ensure that they keep the refugees safe and secure by improving their living conditions and ensuring that they get the amenities they require. Additionally, the state should enforce security in the camps to ensure that the refugees are protected from harm.

CHAPTER FOUR

THE EFFECT THAT HOST STATES NATIONAL INTERESTS HAVE ON THE FREEDOM OF MOVEMENT RIGHTS OF THE REFUGEE RIGHTS

4.0 Introduction

Kenya as host to thousands of refugees, the relevant international law for such persons as portrayed in the Convention relating to the Status of Refugees and its related protocol provides for freedom of movement to it. Once a person crosses a border into the country as an individual asylum seeker until becoming a refugee, his or her rights provided in the international laws do not cease. The law does not consider whether the person is located in the refugee camp, the city, or the host country. The Refugees Convention gives the right to freedom of movement, subject to any restrictions applicable to foreigners in the same way. Freedom is better described as a protective right in the ICCPR, a law corresponding to the Refugees Convention, and which Kenya has adopted as a party to it.

Freedom of movement to refugees must apply "without discrimination between citizens and the aliens," where the word "aliens" means refugees and asylum seekers. Furthermore, the law mentions that "aliens have right to security and liberty of an individual... including right to movement and liberty to choose place of residency, though with exemptions on certain cases. Kenya has keenly observed these international laws and adopted it in its Refugees Act towards ensuring that the fundamental rights of the refugees are protected. There is detention that should not be confused with confined though all affect refugee freedom of movement in Kenya as a host country. Detention is the "confinement within a narrowly restricted or bounded place, including detention

centers, closed camps, or airport transit areas, where freedom of movement is partially reduced, and where the only option to leave the place is to leave the host country. Refugees who are limited or subjected to residency or domicile are not determined to be in detention. These restrictions have some impact on the refugees that may not be good for their general well-being.

As per the definition of confinement by the UNHCR, Kenyan policies can consider it as a form of detention for the refugees. While Dadaab and Kakuma refugee camps are not fully closed, freedom of movement is largely restricted. Over the past years, the only chance to leave the camps is when the refugees are returning to their motherlands or leave the territory to another place. Nevertheless, the UNHCR does mention that a person confined in a residency is not determined to be in detention. It seems to differentiate camp from detention. Equally, the confinement policies do not mark the recurring impact of the restricted movement from the refugee camps on individuals' lives, which needs research to learn its effect on the lives of confined persons.

Compared with other nations' laws, Thailand to Côte d'Ivoire has kept many refugees in camp settings. Primarily, recognized camps of the "closed" category were established for many thousands of refugees arriving from Cambodia, who initially stayed at the country's border before crossing into Thailand in the 1970s and 1980s. Unlike Kenya, Thailand is not a party to the Refugee Convention, maintained that the camps for Cambodians should be shut. At the time, Thai ranger officers were based to monitor the movements of refugees from the camp. Moreover, internal political views kept refugees fleeing the camps. Nevertheless, permission to go out from the camp could be gained by bribery, and refugees were allowed to leave after bribing the rangers

periodically. The reasons for leaving were to search for food, visit family members living in Cambodia, and visit nearby market centers. Staying in closer Thai villages was not an option, and refugees usually had to go back to the camps. Even though bribes could be possible, leaving the camp was risky as Thai police shot and killed refugees found astray from the designated campsites.

In contrast to Thailand refugee camps, the best arrangement for camp should be "open" to enable refugees to travel in and out freely, which refugees staying in Dadaab and Kakuma are restricted from doing. For instance, Côte d'Ivoire received a massive influx of refugee populations in 450 locations in the nation's west borders, where individual refugees can decide to live in a more rural arrangement or urban area within the selected place.

In Kenya, the refugee camp rule is that they remain closed. Refugees are restricted from settling elsewhere in Kenya or even moving in and out of the camps. In reality, some refugees do move in and out of the centers but mostly experience the threat that they do not have the authorization to live or travel even temporarily to locations in Kenya. It makes them vulnerable to police harassment including arrest and deportation⁷³. Few refugees cannot convince the officer guarding the camps to give them an official grant to travel from the camp. However, as a host to these refugees, the Kenyan government is operating the camps on a closed basis due to insecurity. The government is concerned with the threat of illegal weapon infiltrations and terrorist attacks that have

⁷³ Kerwin, D. 2012. "The faltering U.S. refugee protection system: Legal and policy responses to refugees, asylum-seekers, and others in need of protection. ." *Refugee Survey Quarterly*, 31(1) 1-33.

made it infringe on the freedom of movement of its refugees in its two camps in the northern part of the country. So long as the country ascertains insecurity from Somali refugees in the camps, it contradicts the international principle of the right to freedom of movement to its refugees.

4.1. Freedom of Movement

The third objective sought to find out the impacts of national interests of host states on the freedom of movement of refugees. The results were as presented in Table 4.1 below. The study investigated if there is the freedom to leave the camp and settle elsewhere within the country. The respondents indicated 6.1% strongly agreed that there is freedom, 6.1% agreed, 6.9% were neutral, 30.5% disagreed, and 26.0% strongly disagreed. The mean was 2.33, and the standard deviation was 1.157. These findings show that there is no freedom of movement to settle elsewhere in the country.

The study further sought to show that there is a right to remain and move within in the camp for as long as one wants. The findings of this variable were 4.6% strongly agreed, 11.5% agreed, 27.5% neutral, 34.4% disagreed, and 21.4% strongly disagreed. The mean was 2.43, and the standard deviation was 1.092. These findings indicate that free movement around the camps is not allowed.

On the question of whether, in case of relocation, there is the freedom to return to the original camp and resettle there, 8.4% of the respondents strongly agreed, 30.5% agreed, 35.9% were neutral, 14.5% disagreed, and 9.9% strongly disagreed. The mean for this item was 3.13, and the standard deviation was 1.088. The implications of the findings are that one can return to a camp if things do not work out elsewhere.

The study also sought to identify if there are restrictions in place that bar movement from one part of the camp to another. The respondents indicated that 27.5% strongly agreed, 22.1% agreed, 26.7% were neutral, 12.2% disagreed, and 10.7% strongly disagreed. The mean for this item was 3.44, and the standard deviation was 1.306. These findings imply that parts of the camp are barred to some respondents

The study also sought to identify if the refugees have the freedom to move within the country without restrictions. The findings indicated that 8.4% of the respondents strongly agreed, 9.2% agreed, 20.6% were neutral, 33.6% disagreed, and 27.5% strongly disagreed. The mean for this item was 2.37, and the standard deviation was 1.221. These findings indicate that there is a lack of freedom of movement within the country by the refugees.

Finally, the study sought to identify if there is the ease of accessing means of transport from the camps to other parts of the country. The respondents indicated that 6.9% strongly agreed, 24.4% agreed, 38.2% neutral, 20.6% disagreed, and 9.2% strongly disagreed. The mean for this item was 2.99, and the standard deviation was 1.053. These findings imply that the refugees were undecided on the transportation methods available and the ease of access.

Table 5 Freedom Of Movement

	SA	A	N	D	SD	M	SD	Skewness
There is freedom to leave the camp and settle elsewhere within the country	6.1	6.9	30.5	26.0	29	2.33	1.157	.573
There is a right to remain and move within in the camp for as long as one wants	4.6	11.5	27.5	34.4	21.4	2.43	1.092	.488
In case of relocation, there is freedom to return to the original camp and resettle there	8.4	30.5	35.9	14.5	9.9	3.13	1.088	-.337
There are restrictions in place that bar movement from one part of the camp to another	27.5	22.1	26.7	12.2	10.7	3.44	1.306	-.394
There is freedom to move within the country without restrictions	8.4	9.2	20.6	33.6	27.5	2.37	1.221	.712
There is ease of accessing means of transport from the camps of other parts of the country	6.9	24.4	38.2	20.6	9.2	2.99	1.053	-.106

4.2 Chapter Conclusion

According to the realist view, all nation-states are assumed to be driven by national interests or, at most, by national interests camouflaged as moral considerations. The third goal was to determine the effect of the host country's national interests on refugees' ability to move around. These findings show that there is no freedom of movement to settle elsewhere in the country.

The study further sought to show that there is a right to remain and move within in the camp for as long as one wants. These findings indicate that free movement around the camps is not allowed. On the question of whether, in case of relocation, there is the freedom to return to the original camp and resettle there, the implications of the findings are that one can return to a camp if things do not work out elsewhere.

The study also sought to identify if there are restrictions in place that bar movement from one part of the camp to another. These findings imply that parts of the camp are barred to some respondent. The study also sought to identify if the refugees have the freedom to move within the country without restrictions. These findings indicate that there is a lack of freedom of movement within the country by the refugees.

Finally, the study sought to identify if there is the ease of accessing means of transport from the camps to other parts of the country. These findings imply that the refugees were undecided on the transportation methods available and the ease of access.

CHAPTER FIVE

RESEARCH FINDINGS AND DISCUSSION

5.0 Introduction

This chapter presents the results of the study based on the objectives presented in chapter one. Information collected is presented in tabular form. The discussions of the findings are given under each table.

5.1 Response rate

The study distributed 636 questionnaires to the three camps of Dadaab refugee camps, namely, Ifo, Dagalahey, and Hagadera. Six hundred twenty questionnaires were returned, giving a response rate of 97%. This response is excellent as it indicates that the respondents well understood all the questions. According to⁷⁴, a response rate above 70% is acceptable.

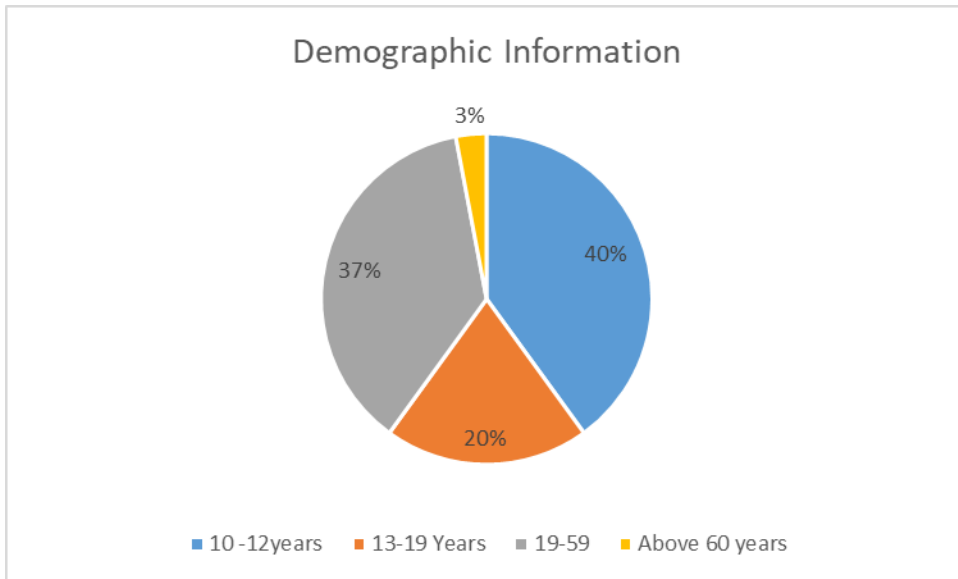
5.1.1 Demographic Information.

The study sought to identify the demography of the respondents. Among the characteristics were gender, ages, marital status, education level, how long they have been in the host country, and their origin country.

The study settled on four age groups from which the respondents were asked to identify their respective ages. These groups were 10-12 years, 13-18 years, 19-59 years, and over 60. Data collected revealed that 40% of the respondents were aged below 12 years, 20% were aged 13-19 years, 37% were aged between 19-59 years, and only 3% were aged above 60. Therefore, the respondents between 10-12 years comprised the primary age group.

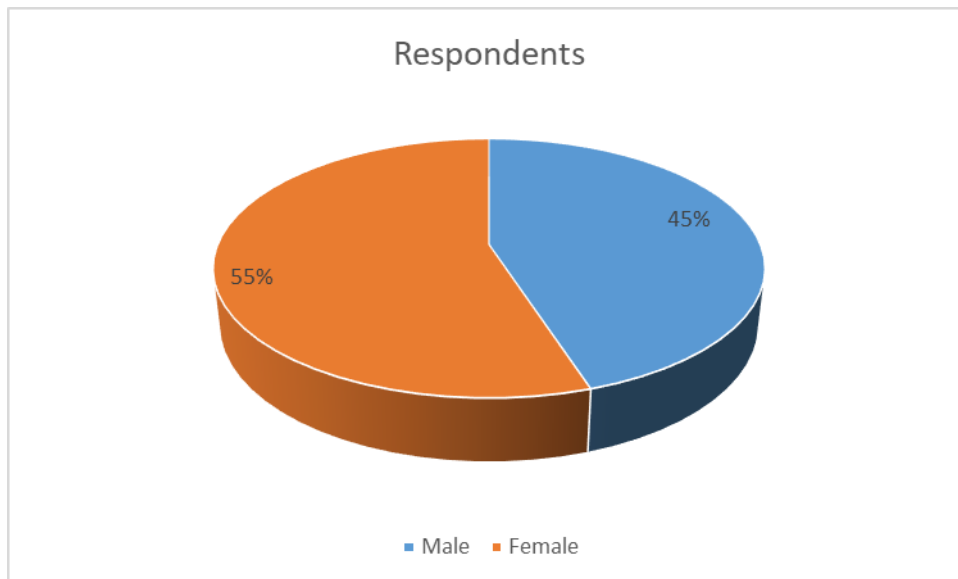
⁷⁴ Babbie, Earl. 1992. "The Practice of Social Research." Sixth Edition p.267.

Figure 5.1: Demographic Information



Based on the results on the table, the respondents were grouped as 45% being male, and 55% were female. As a result, the significant respondents were female in the Daadab refugee camp.

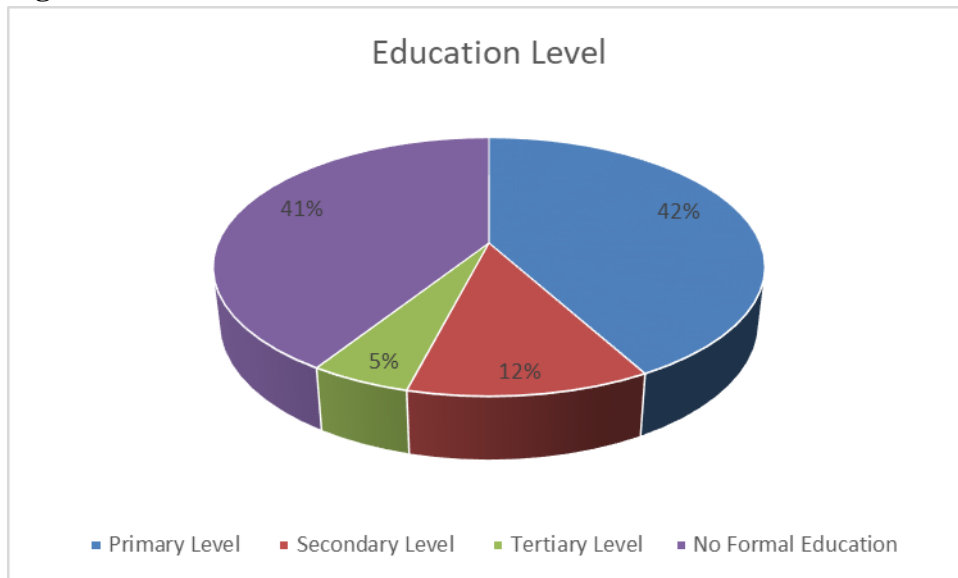
Figure 5.2: Respondents



Additionally, the study sought to establish the education levels of the respondents. This variable helped ascertain if the respondents could easily understand the topic under

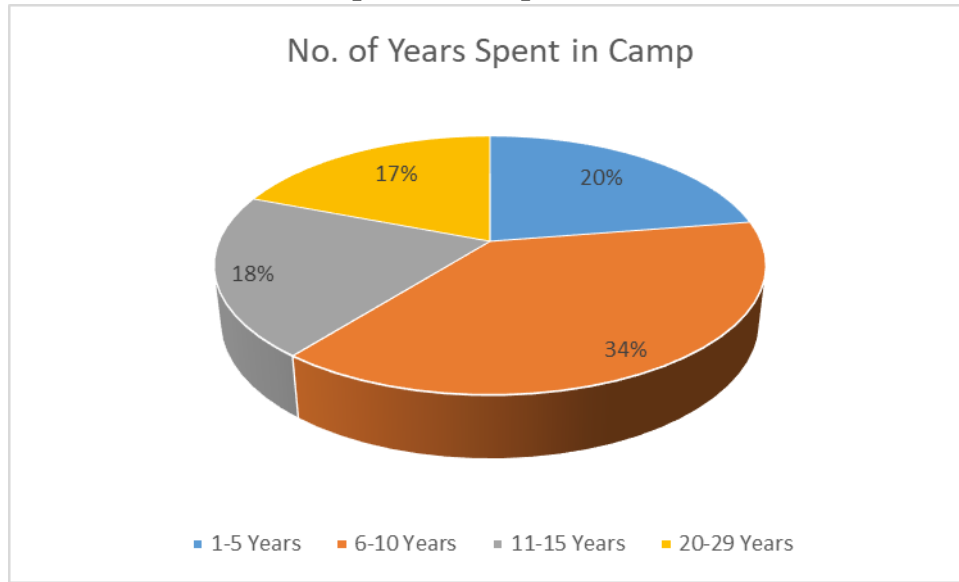
study and if they had the relevant knowledge regarding the questions or if they needed help with their questionnaires. Based on the findings, 260 (42%) had a primary level education, 74(12%) secondary level, 31(5%) has a tertiary level, and finally, 254(41%) had no formal education. These findings indicated that most of the respondents had a basic understanding of the study problem.

Figure 5.3: Education Level



Finally, with regards to the number of years spent in the camps, 20% of the respondents had stayed in the camp between 1-5 years. 34% had stayed in the camps for 6-10 years, 18% had been in the camp between 11-15, and 11% had been in the camp between 16-20 years. Those who had been in the camp for 20-29 years were made up of 17% of the respondents

Figure 5.4: Number of Years Spent in Camp



The findings are presented in Table 5.1 below.

Table 6 Demographic Information

		frequency	Percent
Age	10-12	248	40
	13-18	124	20
	19-59	229	37
	Over 60	19	3
	Total	620	100
Gender	Male	279	45
	Female	341	55
	Total	620	100
Education	Primary level	260	42
	Secondary level	74	12
	Tertiary level	31	5
	No formal education	254	41
	Total	620	100
No. of years in camp	1-5	132	20
	6-10	214	34
	11-15	109	18
	16-20	68	11
	20-29	107	17
	Total	620	100

5.1.2 National State Interests.

This section of the analysis presents the research findings that addressed the impact of host states' national interests. The findings are presented in table 5.1 below. The study results revealed that, of the total respondents, 0.6% noted an office where their grievances were sorted as very high, 3.1% high, 10.6% as neutral, 15.4% as low, and 6.7% as poor. The mean for this item was 2.32, with a standard deviation of 0.443. These figures mean that the regional offices where grievances are meant to be sorted are not clearly defined, and some of the respondents do not see the use of such an office.

Whether there is a governmental office in charge of ensuring the respondents' constitutional rights are met, 3.6% rated it as very high, 5.0% as high, 10.3 as neutral, 10,3 as low, and 7.0% rated it as poor. The item had a cumulative mean of 2.67 and a standard deviation of 1.222. The offices are therefore seen as non-effective.

The study also sought to determine if there are enough amenities such as hospitals, schools, etcetera, put up by the government to ensure the fundamental rights and freedoms are followed. From the results, 2.2% of the respondents stated that the amenities are very high, 3.4% high, 10.6% neutral, 14.2% low, and 5.9% rated it as poor. These items also had a mean of 2.50 and a standard deviation of 1.066. The amenities are therefore not enough in the camps.

Additionally, the study sought to determine if failure to uphold the refugees' rights and freedoms by the persons handling them is punishable by law. 0.3% of the respondents rated as very high, 2.0% as high, 11.2% neutral, 11.7% low, and 10.9% as poor. The mean was 2.14, and the standard deviation was 0.942. Evidently, the persons

who are in charge of upholding the rights and freedoms of the refugees are not punished accordingly if they infringe on those rights.

The study further inquired if the local government and the neighboring local communities respect the customary laws of the refugees. The respondents indicated that 4.2% as very high, 12.0% as high, 13.4% as neutral, 5.0% as low and 1.7% as poor. This item had a mean of 3.85 and a standard deviation of 1.009. This clearly indicates that the customs of the refugees in the camps were not trampled on by the authorities while also not being advocated for.

In addition, the study further sought to find out if the Non-Governmental Organizations (NGOs) are at the forefront to ensure the government upholds refugee rights and freedoms. The response was 10.6% as very high, 13.7% as high, 8.7 as neutral, 2.0% as low, and 1.1% as poor. The item has a mean of 3.85 and a standard deviation of 1.009. This indicates that the NGOs located at the camp are at the forefront of advocating for the rights and freedoms of the refugees.

The other thing the study sought to find out if there is a clear channel of communication from the government in case of any changes or amendments to the rights and freedoms. 3.4% of the respondents stipulated it as very high, 9.2 % as high, 10.9 % as neutral, 9.2% as low, and finally, 3.6% as poor. This variable had a standard deviation of 1.134 and a mean of 2.98. This indicates that there is a channel that is used to pass information to the refugees at the camp.

On the question of whether there are local elections that are free of any bias, bribes, or any other forms of coercion to ensure proper representation of the refugees, the response was 7.5% as very high, 5.6% as high, 10.6% as neutral, 8.7% as low and 3.6%

as poor. The mean was 3.13, and the standard deviation was 1.277. This shows that the elections are subject to some bias.

Additionally, the study sought to find out if proper documentation, that is, work permits, identification cards, and travel documents, are processed in due time. The response to this question was 4.2% as very high, 8.1% as high, 16.2% as neutral, 13.7% as low, and 6.7% as poor. The mean was 2.95, and the standard deviation was 2,478. These figures indicate that there is a problem in the processing of documentation for the refugees at the camp.

The study also sought to establish if there is fairness in the selection process of refugees for jobs, scholarships, etcetera. The response was 2.0% as very high, 10.6% as high, 13.7% as neutral, 8.1% as low, and 1.1% as poor. The mean was 2.81, and the standard deviation was 2.818. This indicates that while some respondents felt fairness, others were unsure, while others felt that there was unfairness in the camps.

The study also tried to find out if there is an open and fair way to allow new refugees into the camps without unnecessary complications and restrictions. From the results, 2.0% of the respondents stated that there was an open way, which they stated was very high, 10.6% as high, 13.7% as neutral, 8.1% as low, and 1.1% as poor. The mean was 3.79, and the standard deviation was 4.652. These findings indicated that there is freedom of entry and exit to the4 camps.

Finally, the respondent sought to find out if there is a fair and equal distribution of resources in the camps. The response rate was 0.8% as very high, 4.2% as high, 9.8% as neutral, 15.4% as low, and 6.1% as poor. The standard deviation was -0.977, and the

mean was -2.40. These findings indicate a lack of fairness in resource distribution in the camp.

Table 7 Impact of national interests of hosts' states.

		VH	H	N	L	P	M	SD	Skewness
There is a local or regional office where any grievances are sorted		0.6	3.1	10.6	15.4	6.7	2.32	.925	.443
There is a governmental office that liaises with the local offices to ensure constitutional rights and freedoms are upheld		3.6	5.0	10.3	10.3	7.0	2.67	1.222	.349
There are enough amenities, such as hospitals, schools, etcetra., put up by the government to ensure the fundamental rights and freedoms are followed		2.2	3.4	10.6	14.2	5.9	2.50	1.066	.605
Failure to uphold the rights and freedoms of the refugees by the persons handling them is punishable by law	0.3	2.0	11.2	11.7	10.9	2.14	.942	.334	
The local government and the neighboring local communities respect the customary laws of the refugees	4.2	12.0	13.4	5.0	1.7	3.85	1.009	-.289	
The NGOs are at the forefront to ensure the government upholds the refugee rights and freedoms	10.6	13.7	8.7	2.0	1.1	3.85	1.009	-.766	
There is a clear channel of communication from the government in case of any changes or amendments to the rights and freedoms	3.4	9.2	10.9	9.2	3.6	2.98	1.134	-.002	
There are local elections that are free of any bias, bribes, or any other forms of coercion to ensure proper representation of the refugees	7.5	5.6	10.6	8.7	3.6	3.13	1.277	.069	
Proper documentation, that is, work permits, identification cards, and travel documents, are processed in due time	4.2	8.1	16.2	13.7	6.7	2.95	2.478	9.293	
There is fairness in the selection process of refugees for jobs, scholarships etc	2.5	5.0	9.5	12.8	6.1	2.81	2.818	8.745	
There is an open and fair way to allow new refugees into the camps without unnecessary complications and restrictions	2.0	10.6	13.7	8.1	1.1	3.79	4.652	6.652	
There is fair and equal distribution of resources in the camps	0.8	4.2	9.8	15.5	6.1	-2.40	-.997	.488	

5.2. Reliability analysis

In order to have high reliability, tests must consistently provide similar findings on the same subject under the same circumstances.

5.2.1. Regression results

Regression results from the variables, independent and dependent, are indicated in Table 4.6 below. The model is a summary of multiple regression models. The results in the table indicate that all the three predictors that are non-refoulement, freedom of movement, and safety and security rights, explained an 18% variation in host state interests, which is equal to R squared =0.180, as illustrated in table 5.3.

Table 8 Regression analysis

Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.424 ^a	.180	-1.051	1.195514

5.2.2. ANOVA Model

The research findings in table 5.4 illustrate the results of the ANOVA model. From the results, the F ratio was 0.146 with a significance of 0.924. This means the model was fit to predict the role of state interests using non-refoulement rights, freedom of movement, and safety and security rights of refugees.

Table 9 ANOVA MODEL**ANOVA**

Model		Sum of Squares	Df	Mean Square	F	Sig.
1	Regression	.626	3	.209	.146	.924 ^b
	Residual	2.859	2	1.429		
	Total	3.484	5			

Table 10 Coefficients of estimates

Model	Unstandardized Coefficients		Standardized Coefficients	t	Sig.	
	B	Std. Error	Beta			
1	(Constant)	4.718	4.893		.964	.437
	Non refoulement right	-.517	2.244	-.255	-.231	.839
	Safety right	.042	2.776	.018	.015	.989
	Movement freedom	-.502	1.287	-.280	-.390	.734

SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS**5.3. Summary of findings**

This is a shortened version of the findings, which the researcher found to be accurate from the study. It covers three variables, namely, Non-refoulement rights, freedom of movement, and safety and security rights and how they relate to the host state interests.

5.3.1. The Impact of National interests of host states on the non-refoulement rights of refugees.

Based on the findings in chapter two, the non-refoulement right is being upheld in the state, which concurs with Mong'are 2018, who found out that the state is upholding

the right. Additionally, the UNHCR 2018 also concurs with the non-refoulement findings of this paper as they too indicate that repatriation is conducted voluntarily by the refugees.

5.3.2. The Impact of National interests of hosts states on safety and security of refugees

The study's findings indicate that the right to safety and security by the refugees is affected by the state. This concurs with a UNHCR report of 2017, which states that the right to security of the refugees is not upheld correctly.

In addition, according to the 1951 convention on the rights of refugees, the host state should afford the refugees the rights and freedoms which are afforded to the nation's members, which include the right to safety and security. The findings indicate that the state is not upholding its end of the bargain.

5.3.3. The impact of national interests of host states on the freedom of movement of refugees.

Freedom of movement for the refugees within the country is also limited, according to the study. Usually, it concurs with the UNHCR 2017 findings, which indicated that the movement of refugees is limited within the country. There are limitations for the refugees, which ensure that they do not get the freedom to move freely within the host country.

Additionally, article 26 of the 1951 United Nations convention states that every nation that housing refugees should afford them the freedom of movement. However, this is not the case in the country as the refugees are not free to move around the nation with rules and regulations indicating the right limitations.

5.4. Conclusion

In conclusion, the findings indicate a relationship between the state's interest and the non-refoulement right of refugees. It implies that the state has laws that ensure that the refugees are not forced back to their home nations if they are not willing to. The rules and regulations should be fair and not biased toward a particular group of persons of a particular ethnicity or nationality. They should apply to all the refugees within a state. The host country and responsible agencies should repatriate the refugees, considering the refugee status and the time they may have spent in the nation.

The safety and security right of refugees is fundamental in ensuring the security of a nation. As such, the state should ensure that they have proper security measures to protect its citizens. Additionally, they should implement measures to ensure the refugees' safety and security in the camps. The more secure the camps, the more secure the nation would be.

Finally, freedom of movement should be a basic need for all persons residing within a state. Therefore, the state must have rules and regulations to ensure that the refugees are afforded the right to move freely within the state. They should include documentation that would allow the persons to be known by name, age and place of origin. Freedom of movement is without a doubt a basic need for the refugees.

CHAPTER SIX

CONCLUSIONS AND RECOMMENDATIONS

6.0 Introduction

The non-refoulement right is a primary refugee right for every refugee in the world. Therefore, the host nations need to ensure that they do not force the refugees to go back to their home countries where their life is at risk. The host state should instead look for ways of absorbing the refugees and making them part of its citizens, which will add a larger workforce and result in a better economic position for the nation.

Safety and security right is a basic human need for every person in the world. The host nation should ensure that they keep the refugees safe and secure by improving their living conditions and ensuring that they get the amenities they require. Additionally, the state should enforce security in the camps to ensure that the refugees are protected from harm.

Finally, the research has established that refugees' freedom of movement right is not upheld in the camps. The refugees are not free to move around the nation as they would want to. This can be countered by creating absorption programs such as the offering of contract jobs to the refugees, which will allow them to move within the country under the protection of a job. Apart from that, more programs should be enforced to ensure that the refugees are free to access certain services such as educational scholarships within the state, documentation that allows them to travel and distribute camps within the country.

6.1. Further Research Recommendations

There were quite a few limitations in this study, and some directions for further research could be derived from the limitations. As this study based its findings on the perceptions of the refugees, future research should consider a longitudinal study where the government official dealing with refugees are interviewed and asked to give their opinions on the refugee issue and how it can be managed without forcing the refugees back to their homes. Such research could provide the state with better methods to absorb the refugees.

Additionally, research on the effects of migrations on the refugees themselves and how they have handled the new world they find themselves in would give the state an insight into the perspective of the refugees with regards to the repatriation program.

REFERENCES

- Abdullahi, Y. A. 2019. " Reconciling National Security and Protection of Refugees:." *The Case of Somali Refugees in Kenya (Doctoral dissertation, United States International University-Africa).*
- Amusobya, S. 2012. "Sharpe, M., &N. Refugee Status Determination and the Rights of Recognized Refugees under Uganda's Refugees Act 2006." *international Journal of Refugee law*, 24(3), 561-578.
- Assembly, UN General. 2015. "Convention Relating to the Status of Refugees, 28 July 1951, United Nations, Treaty Series, Vol. 189', Retrieved April, 20." 137.
- Assistance., International IDEA International Democracy and Electrol. 2020. "Political Participation of Refugees." *The Case of Somali and South Sudanese Refugees in Kenya / International IDEA. Retrieved , from <https://www.idea.int/publications>.*
- Babbie, Earl. 1992. "The Practice of Social Research." *Sixth Edition* p.267.
- Congress, Library of. 2016. *Library of Congress*. 06 21. Accessed June 23, 2020. <https://www.loc.gov/law/help/refugee-law/australia.php>.
- Edwards, A. 2005. "Human rights, refugees, and the right 'to enjoy' asylum." *International Journal of Refugee Law*, 17(2) 293-330.
- Freudenthaler, E. 2012. " Refugee rights in Kenya between theory and practice."
- Gatrell, Peter. n.d. "Refugees—What's Wrong with History?" *Journal of Refugee Studies*, Volume 30, Issue 2, June 2017 170-189.
- Hair J. F., Anderson R. E., Tatham R. L., Black W. C. 1995. "Multivariate data analysis with readings 4th edn. ." *Prentice-Hall International, New Jersey* .
- Harvey, C. 2015. "Time for reform? Refugees, asylum-seekers, and protection under International Human Rights Law." *Refugee Survey Quarterly*, 34(1), 43-60.
- Hass, Richard. 2017. *A world in Dissarray: American Foreign Policy and the Crisis of the Old Order*. New York : Penguin .

- 1/2020, GRC. n.d. "available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25116>, and the response by Greece, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35244>."
- Walker, J., S., Bartlett, A., Onder, H., & Sanghi, A. 2018. "Alix-Garcia, (2018). Do refugee camps help or hurt hosts? ." *The case of Kakuma, Kenya. Journal of Development Economics*, 130, 66-83.
- McBrien, J.L., 2016. "Refugees, Asylum Seekers and Education for Citizenship and Social Justice. In: Peterson A., Hattam R., Zembylas M., Arthur J. (eds) ." *The Palgrave International Handbook of Education for Citizenship and Social Justice. Palgrave Macmillan*.
- Joppke, Christian. 2005. *Selecting by Origin: Ethnic Migration in the Liberal State*. Cambridge, MA. Harvard University Press.
- Naissuma K., D. 2000. *Survey Sampling: Theory and methods*. . Njoro, Kenya: Egerton University Press.
- Kerubo, Nyambane A. 2013. "Refugees' Rights Vs. Responsibilities: An Analysis Of Kenya's Refugee Encampment Policy."
- Kerwin, D. 2012. "The faltering U.S. refugee protection system: Legal and policy responses to refugees, asylum-seekers, and others in need of protection. ." *Refugee Survey Quarterly*, 31(1) 1-33.
- King, Desmond S. 2000. *Making Americans: Immigration, Race and the Origins of the Diverse Democracy*. Cambridge, MA.: Harvard University Press.
- Kothari, C.R. 2008. *research methodology. methods and techniques, second edition*. New Age International Publishers.
- Lucassen, Leo. 2006. *The Immigrant Threat: The Integration of Old and New Migrants in Western Europe since 1850*. Champaign: . University of Illinois Press.

- McAdam, Fiona Chong and Jane. 2019. *Refugee Rights and Policy Wrongs: A Frank, Up-to-date Guide by Experts*. New South Books.
- McBrien, J. L. 2017. "Refugees, asylum seekers, and other immigrants." *Social Studies Research and Practice*.
- Mogire, Edward. 2009. "Refugee Realities." *Refugee Rights versus State Security in Kenya and Tanzania* 1-40.
- Mongare, A. B. 2018. "When the Victim Stings the Good Samaritan: Legal Implication on Refoulement of Refugees, a Kenyan Perspective. ." *International Journal of Current Innovations in Advanced Research*, 1(6), 67-83.
- Mudde, Cas. 2012. *The Relationship between Immigration and Nativism in Europe and North America*. Washington, DC. Migration Policy Institute.
- Mugenda, A.G. 2018. "Social science research, theory and principles. Nairobi." *Applied Research & Training Services (Arts Press)*.
- Mugenda, O. & Mugenda, A. 2012. "Research methods dictionary. Nairobi." *Applied Research & Training Services (Arts Press)*.
- Murati, A.. 2012. "Legal Rights and Obligations of States with Regard to Interception at Sea: ." *Extraterritorial Application of the Principle of Non-refoulement*.
- Naissuma, D. K. 2000. " Survey Sampling Theory and methods Nairobi." *University of Nairobi Press*.
- Nations, United. 2020. "United Nations High Commissioner for Refugees." Retrieved August 19 2020 from <https://www.impactpool.org/organizations/unhcr-united-nations-high-commissioner-for-refugees>.
- Neuman, B. 2002. "The Neuman systems model. In: B. Neuman & J. Fawcett (Eds), ." *The Neuman systems model (4th edn)*. Upper Saddle River, NJ: Prentice Hall. 3-33.
- Omata, N. 2020. " Refugee Livelihoods: ." *A Comparative Analysis of Nairobi and Kakuma Camp in Kenya. Disasters*.

- PACKAGE, KENYA STATISTICS. 2020. "Refugees and Asylum Seekers in Kenya." Retrieved August 19 2020, from <https://www.unhcr.org/ke/wp-content/uploads/sites/2/2020/05/Kenya-Statistics-Package-30-April-2020.pdf>."
- Palfreeman, A. C. 1967. *The Administration of the White Australia Policy*. . Melbourne University Press.
- Patrol, Greek Border. 2019. "Pushbacks to North Macedonia and Bulgaria have reportedly been carried out by Serbian police in a similar way; see the submission by KlikAktiv. ."
- Pavanello, S., Elhawary, S., & Pantuliano, S. 2010. " Hidden and exposed." *Urban refugees in Nairobi, Kenya*. London: Overseas Development Institute.
- Phillips, J. 2013. "Asylum seekers and refugees: what are the facts?" *Canberra: Department of Parliamentary Services, Parliament of Australia*.
- R. Winter. 1993. "'The Year in Review" in 1993: ." *World Refugee Survey Report (New York; N.Y US Committee for Refugees, 1994)* 2.
- Rafshoon, E. G. 2001. " A Realist's Moral Opposition to War: Han J. Morgenthau and Vietnam. ." *Peace & Change*, 26(1) 55-77.
- Rafshoon, E. G. 2001. " A Realist's Moral Opposition to War." *Han J. Morgenthau and Vietnam. Peace & Change*, 26(1), 55-77.
- Ranja, Titus W. 2015. "The kenyan law on refugees and its compliance with the principle of non refoulement."
- Refugees, United Nations High Commissioner for. 2017. "Note on Non-Refoulement (Submitted by the High Commissioner." *UNHCR* <<http://www.unhcr.org/excom/scip/3ae68ccd10/note-non-refoulement-submitted-high-commissioner.html>> [accessed 10 March 2017].
- Sekaran, U., & Bougie, R. 2010. *Research methods for business A skill-building approach.5th ed*. Haddington John Wiley & Sons.

- Selcuk Besir Demir, Nuray Pismek. 2017. "A Convergent Parallel Mixed-Methods Study of Controversial Issues in Social Studies Classes:A Clash of Ideologies."
- Sharpe, M. 2012. " Organization of African Unity and African Union Engagement with Refugee Protection: 1963–2011. ." *African Journal of International and Comparative Law*, 21(1) 50-94.
- UNHCR. 2016. *Global trends: forced displacement in 2016*. UNHCR.
- UNHCR. 2014. *Kenya comprehensive refugee programme 2014*. .
- UNHCR. 2018. *Update of UNHCR's Operations in Africa UNHCR, March 13, 2018*, <http://www.unhcr.org/5a9fdc2d7.pdf>.
- . n.d.
- . 2020. "Dadaab Refugee Complex." <https://www.unhcr.org/ke>. April 15. <https://www.unhcr.org/ke/dadaab-refugee-complex>.
- . Geneva:UNHCR, 2016. *Global Trends:Forced Dispalcement in 2015*. <http://www.unhcr.org/576408cd7.pdf>.
- . n.d. "United Nations Refugee Agency."
- WEIS, DR PAUL. 1951. *UNCHR Convention (International Covenant on the Citizens' Rights, Articles 12 to 1951)*.
- Wesangula, Daniel. 2017. "<https://www.theguardian.com/>." *Dadaab: the city you cannot leave*. October 16. <https://www.theguardian.com/global-development-professionals-network/2016/feb/01/dadaab-somalia-home-cannot-leave-refugees>.
- Yanakiev, Y. 2019. "The Process of Evaluation of National Interests ." *As The Basis For Security Policy-Making And Strategy Development*. 36vol. Xix.

APPENDICES

Appendix 1 questionnaire

Please tick or fill in the blank spaces as appropriate.

SECTION A: BIO-DATA

1. Age below 10-11yrs () 12-17 yrs () 18-59yrs () Above 60 yrs ()
2. Your Gender. Please tick. Male () Female ()
3. Marital status. Married () Single () Widowed () Divorced () Separated ()
4. Highest level of education attained

Primary () Form four () College () University ()

If College or University, Specify area of specialization_____

Country of origin

Somalia () South Sudan () DRC () Ethiopia () Burundi () Sudan ()
Uganda () Eritrea () Rwanda () other ()

If other specify _____

How long have you been residing in the camp?

Below 1yr () 1-5 yrs () 5-10yrs () 10-15 yrs () 15-20 yrs () above 20 yrs ()

SECTION A: NATIONAL INTERESTS OF HOST STATES.

Below is statement that looks at the government interests in the refugees. Please rate the following statements according to the best of your knowledge

5= very high; 4= high; 3= Neutral; 2= low; 1=poor

A 1	There is a local or regional office where any grievances are sorted	1	2	3	4	5
A 2	There is a governmental office that liaises with the local offices to ensure constitutional rights and freedoms are upheld	1	2	3	4	5
A3	There are enough amenities such as hospitals, schools, etc, put up by the government to ensure the fundamental rights and freedoms are followed	1	2	3	4	5
A4	Failure to uphold the rights and freedoms of the refugees by the persons handling them is punishable by law	1	2	3	4	5
A5	The local government and the neighboring local communities respect the customary laws of the refugees	1	2	3	4	5
A 6	The NGOs are on the forefront to ensure the government upholds the refugee rights and freedoms	1	2	3	4	5
A7	There is a clear channel of communication from the government in case of any changes or amendments to the rights and freedoms	1	2	3	4	5
A 8	There are local elections which are free of any bias, bribes or any other forms of coercion to ensure proper representation of the refugees	1	2	3	4	5
A 9	Proper documentation, that is, work permits, identification cards and travel documents are processed in due time	1	2	3	4	5
A 10	There is fairness in the selection process of refugees for jobs, scholarships etc	1	2	3	4	5
A11	There is an open and fair way to allow new refugees into the camps without unnecessary complications and restrictions	1	2	3	4	5
A12	There is fair and equal distribution of resources in the camps	1	2	3	4	5

SECTION B: NON REFOULEMENT RIGHT

In this section the study is interested in your view of non refoulement right. Read each of the statements and answer by ticking in the appropriate category that best fits your opinion. The categories are scale of 1-5 where: 5-Strongly Agree, 4- Agree, 3-Neutral, 2-Disagree, 1- Strongly Disagree

B1	I have freedom to stay in the country for as long as possible	1	2	3	4	5
B2	I have not received any threats trying to get me back home	1	2	3	4	5
B3	There are payments done in a bid to get refugees to go back to their home countries	1	2	3	4	5
B4	There is discrimination among the refugees based on their nationality	1	2	3	4	5
B5	There have been plans to expel the refugees from the camps	1	2	3	4	5
B6	There have been refugees forced to go back to their countries of origin despite their unwillingness	1	2	3	4	5
B7	There is documentation allowing refugees to stay in the country.	1	2	3	4	5

SECTION C: FREEDOM AND SAFETY

In this section the study is interested in your view of your freedoms and safety at the camps. Read each of the statements and answer by ticking in the appropriate category that best fits your opinion. The categories are scale of 1-5 where: 5-always, 4-very often, 3-often, 2-rarely, 1-never

C1	There are proper security measures in place to ensure refugees are safe from acts of violence, robbery etc	1	2	3	4	5
C2	There are no threats either from the government or the surrounding local communities	1	2	3	4	5
C3	There are Unwarranted detentions and arrests among the refugees in the camp	1	2	3	4	5
C4	There is discrimination in the camps on sex, social standing etc	1	2	3	4	5
C5	There are cleaning measures to ensure the health of the residents	1	2	3	4	5


SECTION D: FREEDOM OF MOVEMENT


In this section the study is interested in your views on the movement rights. Read each of the statements and answer by ticking in the appropriate category that best fits your

opinion. The categories are scale of 1-5 where: 5-Strongly Agree, 4- Agree, 3-Neutral, 2- Disagree, 1- Strongly Disagree

D1	There is freedom to leave the camp and settle elsewhere within the country	1	2	3	4	5
D2	There is a right to remain and move within in the camp for as long as one wants	1	2	3	4	5
D3	In case of relocation, there is freedom to return to the original camp and resettle there	1	2	3	4	5
D4	There are restrictions in place that bar movement from one part of the camp to another	1	2	3	4	5
D5	There is freedom to move within the country without restrictions	1	2	3	4	5
D6	There is freedom to walk at all times of the day or night without curfews	1	2	3	4	5
D7	There is ease of accessing means of transport from the camps to other parts of the country	1	2	3	4	5


Appendix II: NACOSTI letter


REPUBLIC OF KENYA


**NATIONAL COMMISSION FOR
SCIENCE, TECHNOLOGY & INNOVATION**

Ref No: **265906** Date of Issue: **25/November/2020**


RESEARCH LICENSE




This is to Certify that Mr. timothy Ihu Ngao of University of Nairobi, has been licensed to conduct research in Turkana on the topic: THE ROLE OF HOST STATES ON REFUGEE RIGHTS: A CASE STUDY OF KENYA. for the period ending : 25/November/2021.

License No: **NACOSTI/P/20/7618**

265906
Applicant Identification Number


Director General
**NATIONAL COMMISSION FOR
SCIENCE, TECHNOLOGY &
INNOVATION**

Verification QR Code



**NOTE: This is a computer generated License. To verify the authenticity of this document,
Scan the QR Code using QR scanner application.**

THE SCIENCE, TECHNOLOGY AND INNOVATION ACT, 2013

The Grant of Research Licenses is Guided by the Science, Technology and Innovation (Research Licensing) Regulations, 2014

CONDITIONS

1. The License is valid for the proposed research, location and specified period
2. The License any rights thereunder are non-transferable
3. The Licensee shall inform the relevant County Director of Education, County Commissioner and County Governor before commencement of the research
4. Excavation, filming and collection of specimens are subject to further necessary clearance from relevant Government Agencies
5. The License does not give authority to transfer research materials
6. NACOSTI may monitor and evaluate the licensed research project
7. The Licensee shall submit one hard copy and upload a soft copy of their final report (thesis) within one year of completion of the research
8. NACOSTI reserves the right to modify the conditions of the License including cancellation without prior notice

National Commission for Science, Technology and Innovation
off Waiyaki Way, Upper Kabete,
P. O. Box 30623, 00100 Nairobi, KENYA
Land line: 020 4007000, 020 2241349, 020 3310571, 020 8001077
Mobile: 0713 788 787 / 0735 404 245
E-mail: dg@nacosti.go.ke / registry@nacosti.go.ke
Website: www.nacosti.go.ke

Appendix III: Plagiarism Report

ORIGINALITY REPORT

12%

SIMILARITY INDEX

9%

INTERNET SOURCES

5%

PUBLICATIONS

6%

STUDENT PAPERS

PRIMARY SOURCES

1

Submitted to Mount Kenya University

Student Paper

1%

2

erepository.uonbi.ac.ke

Internet Source

1%

3

Submitted to Mancosa

Student Paper

<1%

4

erepository.uonbi.ac.ke:8080

Internet Source

<1%

5

Erepository.uonbi.ac.ke

Internet Source

<1%

6

Submitted to Kisii University

Student Paper

<1%

7

dokumen.pub

Internet Source

<1%

8

Submitted to University of Nairobi

Student Paper

<1%

9

Benson N. Leyian, Charles M. Rambo,
Angeline Mulwa. "Influence of Project Team
Knowledge Diversity on Implementation of

<1%