Too Many, Too Long:
African Refugee Crisis Revisited

Ogenga Otunnu

Africa is being annihilated by wars, gross violations of human rights, economic ruin and ecological disasters. Events in Somalia, Liberia, Mozambique, Angola, Zaire, Uganda, the Sudan, Chad, Algeria, South Africa, Malawi and Kenya demonstrate the enormity of this tragedy. Indeed, many African states are disintegrating in the wake of these problems, thus exacerbating the refugee crisis on the continent. What factors are responsible for uprooting millions of refugees and internally displaced persons from their communities? Why does the African refugee crisis persist? Why have the traditional permanent/ durable solutions of voluntary repatriation, local integration and resettlement in third countries failed to address the plights of too many refugees for too long?

The Colonial Factor

Refugees are a result of conflict and dislocation in society. They are also a result of indifference to violations of human rights. In precolonial Africa refugees were generated by political, religious and economic conflict, as well as by slave raids, the slave trade and ecological disasters. This situation was exacerbated by the European partition and occupation of the continent. Boundaries were artificially and arbitrarily drawn and redrawn with no regard to human settlements and physical geography. The aspirations, wishes and needs of the African peoples were disregarded. The boundaries sometimes divided an ethnic group into two or more countries. For example, the Somali ended up in Kenya, Ethiopia and

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Somalia; the Tulani and Bariba in Ghana and Ivory Coast; the Masai in Tanzania and Kenya; the Ntribus and Ewes in Togo and Ghana; the Manjaks in Senegal and Guinea Bisau; and the Tuarag in Mali, Niger and Algeria.[1] The creation of colonial boundaries, therefore, led to population displacement and fragmentation of social and ethnic structures. It also led to border claims and border wars. For example, the border disputes between Somalia and Ethiopia, and Kenya and Somalia are a product of the colonial experience. The conquest and subsequent colonization of the continent were carried out through wars, manipulations and coercion. Colonial labour, land and taxation policies also led to migration, conflict and flight.[2] As the struggle for political independence gained momentum in the late 1950s and early 1960s, the crisis of colonialism generated hundreds of thousands of refugees across the continent. A few examples will illustrate the point. The Algerian war of independence/liberation caused the flight of some 200,000 Algerians to Morocco and Tunisia between 1954 and 1962. Similarly, the wars of liberation against Portuguese ultracolonialism in Angola, Guinea-Bissau and Mozambique sent hundreds of thousands of refugees fleeing to Malawi, Tanzania and Zambia. The liberation war in Zimbabwe displaced an estimated half a million people.[3] Apartheid and the strategy of destabilization of southern Africa led to gross violations of human rights, internal displacement and flight.[4]

Neo-Colonial Factors: Politics

In many African countries, independence was immediately accompanied by ethnic rivalries and violence, militarism, coup d'etats,

dictatorship, corruption and gross violations of human rights. Ethnic and religious conflicts between the Hutus and Tutsis in Rwanda and Burundi, conflicts between the Khartoum government and Southern Sudanese led to large-scale refugee movements. In retrospect, Mekuria Belcha concludes:

Many of today's refugee flows in Africa have their root causes in the colonial period. Colonialism has drastically altered the basic parameters for the future development of many African societies. It has stunted socio-economic development. For a century or more, most Africans were ruled by aliens who used systems and structures that few among the indigenous populations understood or were supposed to understand. When the colonialists left, there was an institutional vacuum. The economic and political systems instituted by colonialism were not adaptable to the new situation either due to lack of people who could make them work or simply because the systems were incompatible with the conditions that evolved after independence. Because colonial rule was essentially authoritarian and oppressive, the colonial legacy to African political development was undemocratic practices and intolerance of dissident views. In other words, there were no viable political institutions that allowed democratic participation by the majority. Consequently, political and economic crises are common features of most of the postcolonial societies in Africa.[5]

Political repression is certainly one of the major factors generating refugees in Africa. However, as the state delegitimizes itself under the crisis and the state's international support withers, the struggle for democracy and justice continues to gain momentum on the continent. African states under military, one-party, all-party or no-party rule are

coming under enormous popular pressure. Across the continent African peoples are agitating for political pluralism, accountability and respect for human rights. It is common knowledge that most African rulers do not want to relinquish power. It is, however, important to point out that transition to multiparty democracy is already taking place in some parts of Africa. In Zambia, the transition to multiparty democracy was generally smooth. Kenya and Tanzania have joined the growing list of states preparing for democratic pluralism. This critical period of transition to multiparty democracy must be properly managed to avoid more conflicts on the continent. Surely, democratic pluralism will not necessarily provide shelter, put more food on the mat/table, cure disease or ensure higher prices for Africa's primary commodities; nonetheless, it is a major step in addressing the root causes of the refugee crisis.

In Liberia, the dictatorial regime of President Samuel Doe, which had enjoyed strong U.S. support for much of the decade, finally collapsed with Doe's death in early September 1990. On the eve of the total demise of the Doe regime, thousands of Liberians fled to Monrovia, thinking that the U.S. Marines stationed on ships off the coast of Liberia would protect them. The refugees were bitterly disappointed—the U.S. Marines were there to protect and evacuate only Americans and nationals of Western countries.[6] Similarly, those who expected the United Nations and the international community to intervene and stop the destruction of human lives were disappointed. Other than the Red Cross and the Belgian medical relief group, Medecins Sans Frontières (MSF), it was only the Economic Community of West African States (ECOWAS) that in August deployed a peace-keeping force, the Economic Community Monitoring Group (ECOMOG), in Monrovia. Although the mission was extremely expensive and controversial for the West African states, the presence of ECOMOG had some positive effects on the crisis. However, as the *World Refugee Survey* (1991) notes:

Liberia produced 1990's largest new outflow of refugees. More than 730,000 Liberians are now living as refugees in neighbouring countries, primarily in Guinea (325,000), Cote d'Ivoire (270,000), and Sierra Leone (125,000), with smaller numbers in Ghana (8,000), Nigeria (1,700), and other countries. At least 500,000 other Liberians are thought to be displaced within Liberia, bringing the total number of civilians uprooted by the civil war to 1.26 million, more than half the total population of Liberia. [7] Violations of human rights continue, especially against the Krahns (Doe's ethnic group) as it was previously done against the Manos and the Gios.[8]

In Somalia the autocratic regime of Mohammed Siad Barre, which had ruled

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the country for twenty-one years, crumbled in 1991. However, as in Liberia, violations of human rights and the refugee crisis continue unabated. In his work, *Somalia: At War with Itself*, R. Omaar observes that:

> Nineteen ninety-one is the year Somalia died. Since full-scale civil war broke out on November 17, at least 14,000 people have been killed and 27,000 wounded in the capital city of Mogadishu. Most of the casualties are civilians. Rivalry between the forces of two ruthless men—interim President Mohammed Ali Mahdi and General Mohammed Farrah Aidid, both of whom belong to the same clan and the same movement, the United Somali Congress (USC)—has made Mogadishu an exceptionally dangerous place. In addition to troops loyal to both men, hundreds of armed "freelance" soldiers and looters contribute to the violence. . . . Lack of adequate medical care is another reason for

> the numerous casualties. Both factions have been extraordinarily callous, attacking hospitals and periodically interfering with the work of doctors, nurses, and aides. Hospitals do not have minimal nursing support, suffer shortages of medical supplies, and are swollen to three times their capacity.... In March 1992, the International Committee of the Red Cross said that "horrifying levels of 90 percent moderate and severe malnutrition" had been found in the area surrounding Belet Huen in central Somalia and in the camps of displaced people around Merca, south of Mogadishu. It estimates that 1.5 million people in and around Mogadishu may be affected by famine, and puts at 4.5 million the number throughout the country who are threatened by starvation.[9]

By way of relevant digression, it should be borne in mind that despite the human rights disaster in Somalia and the starvation that millions of people face, the UN and Western governments have been reluctant to intervene and save human lives. The UN has belatedly managed to send some unarmed observers to the country. The organization, however, is still waiting for every warlord in the country to "allow" the UN troops to get into the country before millions of lives can be saved. Ironically, the UN, Western governments and the international media have responded quite differently to the crisis in the former Yugoslavia and the rest of Eastern Europe. A question may be posed: do the starving and dying Somalis or Liberians have rights to life?

Economic Factors

The escalating indebtedness, the high rate of mortality, malnutrition, famine and rapidly declining productivity are clear signs of the continuous economic and political marginalization of the continent. The economic crisis in Africa exacerbates violations of human rights, political instability and refugee problems. The economic crisis has both internal and external causes. To be precise, corruption, embezzlement of public funds, militarism, inefficiency and the onerous debt-service burden are some of the main contributing factors. On the question of debt crisis, the UN

African Recovery Program *Briefing Paper* notes that: "Debt and debt-service ratios have risen faster for Africa than for any other group of countries. Relative to GNP, the debt ratio for Sub-Saharan Africa is nearly twice as large as that for the world's highly-indebted countries.... Thirty-one countries are now officially classified as 'debt-distressed'."[10] Similarly, in their discussion of the politics of reform in Sub-Saharan Africa, Y. Bangura and P. Gibbon point out that:

The great majority of countries in Sub-Saharan Africa have adopted—more or less involuntarily—programmes of economic reform designed by the international financial institutions. These "structural adjustment programmes" have included producer price reforms, removal of subsidies, liberalization of internal and external trade, new foreign exchange regimes usually involving severe devaluations, the introduction of "cost sharing" for state-supplied services, privatisation, restructuring of government institutions and more recently, legal reforms aimed at supplying an "enabling environment." Structural adjustment has been devised by the international financial institutions on the assumption that economic growth in Sub-Saharan Africa will only be resumed through a contraction of state activity and the development of liberalised markets.[11]

Structural adjustment as a new aid and development paradigm is being vigorously promoted by most Western aid donors. The assumption the Canadian government and other donors make is that respect for human rights is linked to the adoption of free-market economic policies.[12] According to R. Carver, British Foreign Secretary Douglas Hurd stated that: "Countries tending towards pluralism, public accountability, respect for the rule of law, human rights, and market principles should be encouraged. Governments who persist with repressive policies, with corrupt management, or with wasteful and discredited economic systems should not expect us to support their folly with scarce aid resources."[13] However, countries like Kenya, Uganda and Malawi—which do not practise political pluralism, spend heavily on

militarism and have poor human rights records—continue to receive international development assistance because of the World Bank-approved structural adjustment programs.

Structural adjustment programs have led to violations of human rights and socio-economic and political repression, instability and flights in most African countries. In Ghana, the military government has resorted to overt repression to enforce reduction in government spending in areas such as health care, education, food subsidies and public sector wages. In Zambia the International Monetary Fund (IMF) and World Bank conditions provoked popular hostility that was met with

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severe repression in June 1990. A total of twenty-four demonstrators in Lusaka and the Copperbelt were shot to death by the police and antirobbery squad. However, opposition to structural adjustment, which was closely connected to opposition to one-party rule, finally led to the demise of the one-party system in the country. Similarly, in February 1990 when the Ivorian government introduced substantial tax increases for both primary sector and public workers, peaceful protests against the World Bank and IMF measures were met with massive repression. As it happened in Zambia, opposition to structural adjustment became linked to opposition against the one-party system that had been in place since independence in 1960. In October 1990 the first multiparty elections were held. In Gobon and Benin, popular opposition to structural adjustment measures resulted in opposition to repressive and undemocratic political systems. In

Zimbabwe strikes by teachers and other workers opposed to the program were banned under the emergency law. In May 1989 there were mass protests in a number of Nigerian cities against the structural programs. The protests were prompted by food shortages and rising prices; they led to the death of twenty-two people, according to government figures. In Uganda the structural adjustment programs led to cuts in education and prompted a series of strikes by students and the academic staff at Makerere University in Kampala. In December 1990 the police killed striking students of Makerere University. The list is interminable.[14]

In a similar vein, *Africa Forum* argues that the politics of economic reforms are incompatible with respect for human rights and the democratization of African states:

The West, the IMF and the World Bank, have agreed that along with dialogue with autocrats, the way to support democracy in Africa is through structural adjustment programmes, which supposedly promote democracy by strengthening the market and civil society against the state. This is a dangerous illusion. In Africa's present circumstances, democratization and structural adjustment are not really compatible. The SAPs which are foisted on Africa are so traumatic, so painful and tragic in their effects that they generate passionate opposition which has to be overcome by force. SAPs have immensely inflated the coercive authoritarianism of African political systems and have generally led to the breakdown of the social consensus which sustains democracy.[15]

R. Carver goes on to observe the World Bank lending policies as they relate to respect for human rights in Africa:

Under its articles of agreement, the World Bank takes only "economic considerations" into account when deciding on lending. This is interpreted to mean that the Bank cannot consider respect for human rights as a criterion for lending. This can lead to decisions which are not only morally offensive, but also make no economic sense, such as the $70 million loan to Somalia in 1989, at a time when government counter-insurgency policies

were tearing the country apart—with a particularly disruptive effect on the principal export commodity, livestock. The loan was for agricultural development.... But if the World Bank has been reluctant to consider human rights, it has become increasingly concerned by what it calls "good governance, "notably in its 1989 report on Africa, "From Crisis to Sustainable Growth " In his foreword to the report, World Bank President Barber B. Conable talked of "An administration that is accountable to its public" and "a better balance between ... the government and the governed." But is it good governance for a government to close the universities, detain trade union leaders, and fill the mortuaries with the corpses of those who oppose its structural adjustment program? And if not, when has the Bank raised its voice in criticism?[16]

"Natural Disasters"

The continent has experienced periods of severe drought since the 1970s. The droughts have not only initiated new environmental and land quality problems, but have also exposed the weaknesses of the economic and agricultural systems in the region. As a result of the droughts, high population growth rates and subsequent famines, millions have perished and many more have become internally displaced. Those who managed to cross national borders became environmental refugees.[17] The impact of the disasters differs depending on class, gender, age group and location; that is, pastoralists, peasants, disabled persons, poor women, children and the elderly suffer the most. The promotion of cash crops at the expense of food crops; changes in land tenure (which leave much of agriculturally suitable land in the hands of a few individuals); the creation of large game parks in areas where the majority of the population is landless; wars that disrupt agriculture, environmental degradation; the greenhouse effect and its deterioration of the ozone layer; deforestation, poor communication infrastructure and high population growth add up to a human-made disaster that may seem "natural." It should be noted that environmental degradation adds to the pressure from which socio-economic and political

conflicts emerge. Thus, it is difficult to draw a firm line between those refugees who are victims of environmental disasters and those who are victims of human-made political and economic oppression. Yet victims of "natural disasters" who cross national borders are often considered nonpolitical refugees or bogus refugees.

Costs and Benefits to Host Countries

More often than not, the impact of refugees on host countries are presented only in terms of burdens. Yet refugees may also contribute to the socio-economic development of host countries. On the question of costs, it is generally agreed that the influx of refugees overwhelm the capacity of host countries to respond with adequate

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assistance. While it is difficult to offer specific verifiable data on the costs refugees impose on host countries, the basic outlines of the costs are quite visible. First, as pointed out earlier, the majority of African states are exceedingly poor. The decline in trade, the rapid decrease in per capita gross domestic product, the debt crisis and the impact of structural adjustment programs have reduced the capacity of host governments to meet employment, health care, education, shelter and food needs of their nationals. Finally, there is a very high ratio of registered and unregistered refugees to nationals. Indeed, the magnitude of additional pressure that refugees exert on resources varies within and between host countries, depending on a number of

factors: the nature and magnitude of existing socio-economic and political crises in the host country, the policies of the host government towards refugees, land policies and availability of arable land, the size of the refugee population, and the ratio of refugees to nationals of the host country. The negative impact of refugees may include additional pressure on economic and social infrastructures and aggravate deforestation.

On the other hand, in some African countries (or at least parts of them), refugees have contributed to social and economic development. As R.F. Gorman has noted:

> ... in Tanzania, where most of the refugee population of about 170,000 has been present for a decade or more, refugees have become productive contributors to the national economy. Most of them live in settlements which have been handed over by government administration. Many of these villages were developed in virgin lands, and thus represent a net increase in cultivated acreage for Tanzania. Nevertheless, some settlements have been more successful than others. Refugees in Katumba constitute about 35-40 percent of the population but produce 90 percent of the area's crops.... They even pay taxes to the Tanzanian government.[18]

The positive contribution refugees made was the result of a number of related factors: the refugees' resourcefulness, the government's positive refugee policies, and the assistance provided during the initial stages of the projects by the international community. Similarly, Ugandan refugees who were settled on virgin lands in Haut, Zaire also made a positive contribution to the socio-economic development of the region.[19]

Durable Solutions?

Eliminating conditions that generate refugees is the only durable solution to the refugee crisis on the continent. In retrospect, the three widely discussed but poorly implemented durable solutions—voluntary repatriation, local integration and resettlement in third countries of asylum—are, at best,

curative rather than preventive. Put succinctly, the ideal solutions only treat the symptoms and do little to remove the root causes of flights. Implementing these three solutions constitutes an integral element of the UNHCR's mandate:

> The United Nations High Commissioner for Refugees (UNHCR), acting under the authority of the General Assembly, shall assume the function of providing international protection, under the auspices of the United Nations to refugees who fall within the scope of the present Statute and of seeking permanent solutions of refugees by assisting Governments and, subject to the approval of the Government concerned, private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new communities.[20]

Voluntary Repatriation

In theory, voluntary repatriation applies when a refugee makes the decision to *voluntarily* return to his/her country of origin. It is assumed that the decision to return is based on a refugee's well-informed perception of freedom from any form of persecution and a radically improved situation that is more secure. In its support for voluntary repatriation as the most satisfactory solution to African refugee problems, the Organization of African Unity (OAU) has appealed to refugee-producing countries to encourage refugees to return home by: 1) redressing the situations that motivated refugees to leave their countries; 2) assuring refugees that they would be welcomed back to resume normal and useful lives without fear of persecution or punishment for having left their country; 3) assisting returning refugees to resume lives in their countries of origin; and 4) granting a general amnesty and welcoming and reintegrating returning refugees into their own society, with full rights and privileges restored.[21] In that respect, the essential character of repatriation is that it is voluntary. This is in keeping with the principle of *nonrefoulement*, which states that under no circumstances shall a refugee be expelled or returned "to the

frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."[21] In practice, however, host governments, UNHCR officials and other organizations assisting refugees exert various pressures on refugees to repatriate. Also, contrary to the principle of *nonrefoulement*, some refugees have been expelled to their countries of origin. At times, refugees are compelled to repatriate due to enormous hardships in countries of asylum. More often than not, refugees do not know their rights under international covenants and are not provided with accurate and adequate information on which to make the decision to repatriate or not to repatriate. Even if refugees knew their rights, a large number of refugees in Africa are not registered with the UNHCR. In that respect, refugee rights are not applicable to the de facto refugees.

Repatriation has taken place in Africa under different circumstances.

> ... as long as the root causes of deprivation and persecution are not resolved, and protection and assistance not provided to those already uprooted, the African refugee crisis will continue to escalate.

For example, many refugees returned home at the end of colonial rule in Zimbabwe, Angola, Namibia, Mozambique and Guinea-Bissau. However, in Mozambique and Angola the "durable solution" did not endure the postliberation crisis. Changes of regimes in Uganda, for example, have led to both repatriation and flights. Repeated declarations of amnesty by various regimes in Africa have also led to repatriations. However, as such declarations have proven to be quite empty, more flights follow repatriations. The point is, repatriation cannot be a

viable option as long as the root causes of flights are not eliminated.

Local Integration

Among other things, two factors make local integration the only major durable solution to the refugee problem. They are the persistence of the causes of refugee flows in most countries of origin and the fact that most African refugees are not considered candidates for resettlement in third countries. The definition of integration itself is problematic. For example, the UNHCR defines integration as "the process by which the refugee is assimilated into the social process and economic life of a new community."[23] B.E. Harrell-Bond posits:

> Although the objective of assistance to refugees is said to be their integration into the host community, the term "integration" has not been satisfactorily defined. For the aid community, those refugees who are not assisted, have not only settled "spontaneously," but have also achieved "spontaneous integration," and are thus not in need of assistance. Their success is attributed to the belief that as colonial boundaries intersected established communities, people who fled across a border are welcomed by their kith and kin with whom they share common origins, language and culture. These are important but not sufficient conditions for integration. The most important one is the availability of resources. . . . A very simple definition of integration would be a situation in which host and refugee communities are able to co-exist, sharing the same resources—both economic and social—with no greater mutual conflict than that which exists within the host community. Such a definition will not stand up to detailed analysis. . . . The present lack of agreement on the meaning of the term "integration" and its general association with "assimilation" and "permanence," have created a resistance on the part of both host countries and refugees to any policy which appears to be promoting the absorption of the refugee community into the country of asylum. The fact that is overlooked in these debates is that only a minority of African refugees are presently objects of aid programmes. Most are surviving by dint of their capacity to co-exist with locals under extremely difficult conditions.[24]

If the various competing or supplementary definitions are tested, it becomes obvious that local integration and self-sufficiency are illusory. First, refugees lack security and protection. Second, most African refugees do not receive any form of aid programs. Finally, the majority of African refugees live in extremely poor African countries. The economic crisis in these countries are compounded by "natural disasters," widespread famine, massive unemployment and a collapse of social services. In retrospect, S. Pitterman maintains that: "we cannot expect refugees to become economically self-sufficient in a vacuum . . . refugee settlements can prosper and refugees can contribute to the welfare of the host population only in so far as broader economic integration is fostered."[25]

Resettlement

Resettlement in third countries of asylum is considered another "durable solution" to the refugee problem. However, most African refugees are not considered candidates for resettlement in third countries of asylum. This "solution," which involves an extremely tiny fraction of African refugees, does very little to address the problem of refugees on the continent. Therefore, it is clear that as long as the root causes of deprivation and persecution are not resolved, and protection and assistance not provided to those already uprooted, the African refugee crisis will continue to escalate.

The Case of Kenya: Background to the Internal Crisis

At the turn of the century, several million acres of high-altitude fertile land in Kenya was allocated to European settlers by the British colonial power. Since the territory had to pay the bill for colonization and the settlers were determined to enjoy a high standard of living, the African population was subordinated, controlled and exploited through land, labour, taxation and administrative policies.[26] As a result of these policies, the settlers established

monopoly over land, labour, access to transport, marketing facilities and technical information. The allocation of land and the way the country was incorporated into the international economic system, therefore, had enormous disruptive impact on the Africans. The majority of Africans became landless squatters and labourers. It was therefore not surprising that the question of land and other critical agricultural resources were at the centre of the struggle for independence.

The Kenya African National Union (KANU) and the Kenya African Democratic Union (KADU) were the two political parties that competed for the

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political domination of the country. Both parties were formed in 1960 when national political parties were legalized for the first time since the declaration of the Emergency in 1952.[27] KANU was essentially a party of the Kikuyu, the Luo and the Kamba. KADU, on the other hand, was predominantly a party of the Kalenjin, the Luhya, the Masai and various peoples of the Coast.[28] The critical differences between the parties had to do with the question of how and by whom should the land be controlled. The composition of the parties was therefore largely determined by ethnic rivalries over land claims.

There were basic factors that shaped the choice of whether to ally with the Kikuyu and their claims to the White Highlands or with the Kalenjin in opposition to Kikuyu. Two groups proved pivotal in the manoeuvering: the Abaluhya and the Luo. The Abaluhya claimed Trans Nzoia, where Kikuyu had

worked as farm labourers and therefore claimed land; the Luo possessed no land claims that conflicted with those of the Kikuyu. The Luo did, however, possess claims conflicting with those of the Abaluhya, as in the area of Maseno, and with the Kalenjin, in the areas bordering the Kipsigis and Nandi Hills. In the search for partners in the competition for political power in Kenya, the Luo therefore allied with the Kikuyu; they joined KANU. The other groups combined into KADU and sought to forestall efforts by their rivals to secure a political majority. Both parties sought allies from groups that did not live directly adjacent to the Highlands: persons in the semiarid zones of the East and North and people along the Coast.[29]

Following KANU victories in preindependence elections and the release of some militant nationalists, including Jomo Kenyatta, Kenya obtained independence in December 1963 and Kenyatta became president. Although KADU became a minority party, it was successful in its struggle for *majimbo* (regionalism). As a matter of fact, the party "secured a federal structure of government, in which power devolved upon a series of regional assemblies— assemblies whose most important duty was the administration of land rights."[30] According to C. Leys, the colonial government, which was very sympathetic towards KADU, supported the demand for *majimbo*. Consequently, in 1962 the government urged the leaders of KANU to accept it as the price of getting a date fixed for a fresh election leading to political independence.[31] Through a series of political manoeuvres, which included offering material incentives to some prominent elites in KADU, the ruling party reached a political compromise with the opposition party. Consequently, KADU disbanded in November 1964 and Daniel Toiritich arap Moi (the current president of Kenya) and his colleagues joined KANU. With the demise of KADU, regional assemblies were discarded in December 1964. Contrary to the KANU's 1963 election manifesto, which promised land for the landless, the distribution of land was largely left to market forces.

The collapse of KADU also deprived the radical wing of KANU (whose leadership included Vice-President Oginga Odinga) of its strategies in exploiting the conflicts between KADU and the majority conservative wing of KANU. The radicals who had advocated for growth with equity in the country withdrew from KANU and formed Kenya People's Union (KPU). However, the new party was short-lived. Its members were constantly harassed and intimidated with impunity by the government. In the final analysis, the party was banned and Kenya became a de facto one-party state.

Under Jomo Kenyatta, Kenya remained more stable than the neighbouring states of Uganda, the Sudan, Ethiopia and Somalia. This period, however, was also characterized by nepotism, corruption, political oppression, violations of human rights and adverse poverty for the majority of Kenyans. In his attempt to promote the Kikuyu ascendency, Kenyatta also established the dominance of his own Kiambu clan. "His clannishness not only fed tribalism but exacerbated tensions among Kikuyu. Instead of converting the ruling party...into a truly national party, he allowed it to decline into a moribund movement. He increasingly governed the country through a small coterie made up mainly of Kikuyu "old guards" and members of his family."[32]

Kenya's first postindependence era ended with the death of Kenyatta on August 22, 1978.[33] During his inauguration as Kenya's second president on October 10, 1978, Daniel arap Moi indicated that he would run an open government, fight ethnicity, stamp out the widespread corruption and flagrant breaches of law that had characterized Kenyatta's rule. He immediately released political detainees. He also attempted to remove the suspicion the Kenyatta regime had about Luos—especially after the violent scenes in Kisumu during Kenyatta's last visit in 1969. Soon, however, it became apparent that Moi had to devote much of his time attending to immediate threats to his presidency. To be sure, opposition to Moi dates back to 1976 when some prominent

politicians wanted to change the Constitution so that Vice-President Moi would be barred from becoming president upon Kenyatta's death. As soon as Moi assumed power, then Attorney General Charles Njonjo told both parliament and the nation that an attempt to assassinate Moi and some politicians had been preempted by the government. The alleged ringleaders of the abortive plot, Njonjo pointed out, included ex-Minister of Foreign Affairs, Dr. Njoroge Mungai, and a senior police officer, Joseph Mungai.[34] Moi's sense of insecurity was heightened by a series of student unrests, the activities of an opposition group (Mwakenya) and the 1982 abortive coup.

Since the 1982 abortive coup, Moi has shown signs of increasing

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It is equally true that the UNHCR office in Nairobi has contributed to the crisis due to incompetence, disorganization and indifference to refugees' plights.

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suspiciousness about plots against him. He is especially suspicious of the Luo and Kikuyu. Having purged the military, the cabinet and public service of his immediate "enemies," one might assume that he would feel more confident of his position. However, since 1982 Moi appears to be more restless and ruthless. The president, ministers and party officials demand absolute and unquestioning loyalty to themselves. In many instances, ministers and party officials have enthusiastically castigated people who questioned the president's policies. As H. Burkhalter and R. Omaar point out, "power has become increasingly concentrated in the hands of the president and a few close advisers, most of them from his own Kalenjin ethnic group."[35] Religious organizations, academic institutions, the Law Society, trade unions, local and international human rights organizations have

attacked the government's poor human rights record.

Under enormous internal and external pressure, the government has legalized multiparty politics and is preparing to hold multiparty elections. Multiparty politics, however, have been characterized by intimidation, ethnic violence and lawlessness. The country's relative stability is slowly becoming an illusion. Since December 1990, violent ethnic clashes continue to ravage the entire country. The ethnic violence has left several hundred people dead, tens of thousands internally displaced and food granaries destroyed. At the centre of the violence is the struggle for control over the scarce resources and land. The instability caused by ethnic and political clashes have compounded the food crisis in the country. The country has been facing severe droughts for the past two years. As President Moi indicated on June 9, 1992, it is estimated that over one million Kenyans face starvation unless immediate corrective measures are taken. In his appeal to foreign donors for food aid, the president pointed out that of the affected population, a total of 680,000 in twenty districts have been in need of urgent assistance since the end of April.[36] It should be added that the problem of food security is made worse by the country's extremely high population growth rates. In fact, the country has one of the highest population growth rates in the world (about 4.1 percent a year in the 1980s). In September 1985 President Moi drew attention to the dangers of the high population growth rate:

> Unless we slow down the rate of our population growth, we shall have decades of dependence on imports and decades of malnutrition, and even possible starvation ... starvation is being threatened by low food production, periodic drought and rapid population growth. Every year in Kenya, we have to produce enough food to feed an additional one million people. If the population growth continues at the same rate, the country will require as much food in the year 2000. We have no choice; neither do we have the time to make this choice. We must therefore reduce our population growth rate.[37]

It is therefore clear that Kenya, which is located in a turbulent region, is sliding into major chaos. Indeed, more countries could potentially be exposed to the same fate unless efforts are made to reverse the trend. The crisis also makes life increasingly difficult for the refugees in the country.

Refugee Crisis in Kenya

Since independence in 1963, Kenya has provided asylum to thousands of refugees from the turbulent countries of Uganda, Ethiopia, Somalia, Rwanda, the Sudan and South Africa. Compared with her neighbours, Kenya hosted relatively fewer refugees until 1991. For example, in December 1985 there were 8,574 recognized asylum seekers and an estimated 8,000 to 16,000 de facto refugees. In 1990 and 1991 there were subsequently 14,400 and 80,000 UNHCR-recognized refugees. At the end of May 1992, the UNHCR released the figures listed in Table 1.

At about the time the UNHCR was releasing its figures, over 20,000 Sudanese refugees—12,000 of them unaccompanied minors—arrived on June 5, 1992 in Lokichoggio, Kenya after trekking over approximately 800 km of rugged terrain.

According to various organizations that were assisting refugees in Kenya, the UNHCR figures are extremely low for that particular period. In his statement of June 9, 1992, President Moi indicated that:

> To date, there are more than 460,000 refugees in the country, while they continue to increase daily, hence further depleting our meagre resources. At the moment, there are over 287,000 people seeking asylum from the three neighbouring countries of Somalia, Ethiopia and Sudan. In addition, there are over 150,000 unprocessed refugees in various parts of the country, especially at border towns of Dobley, Bulla, Hawa, Sufu and Kapeta while others cross the border on a daily basis.[38]

The dramatic increase of refugees is a direct result of the crisis in the region. In the Sudan, the Islamic government in Khartoum has continued its war of extermination and domination of the predominantly non-Muslim and non-Arab Southerners. The Khartoum government, now heavily supported by Libya, Iraq and Iran, is scoring victory after victory against the Sudan People's Liberation Army, led Dr. John Garang. The capture of strategic areas in the South by the Khartoum government and the escalation of war have led to new waves of refugees.[39] It is ironic that the international community has done practically nothing to stop the genocide in the Sudan. In Somalia, various political and military factions are engaged in fierce and bloody fighting for control of

Table 1: Refugees in Kenya

Assisted in camps:

Liboi	64,000	Somalis
Walda	36,799	Ethiopians
Ifo	30,000	Somalis
Dagahaley	25,500	Somalis
Thika	3,800	Mixed
Mombasa		
Utange camp	9,500	Somalis
Outside camp	8,169	Somalis
Baravanese	7,000	Somalis
Magengo	1,300	Somalis
Subtotal	**186,068**	

Assisted in border sites:

Mandera	40,000	Somalis
Banissa	10,000	Ethiopians
Habasweini	2,400	Ethiopians
Gurar	2,500	Ethiopians
Subtotal	**54,900**	
Assisted refugees		
Grand Total: 240,968		

Nonassisted refugees in areas of Nairobi/Mombasa

	20,000	(estimate)
Total assisted and nonassisted		
refugees	**260,968**	

Source: *UNHCR, Information Bulletin No. 8 (May 29, 1992):3*

(The estimated number of Somali refugees in Kenya has risen to 600,000 as of early September 1992.)

sections of the disintegrating country. The chronic violence and lawlessness that followed the overthrow of dictator Siad Barre and the continuing drought have claimed tens of thousands of lives and forced many more people to flee. Almost the entire population of Somalia is internally displaced and face severe starvation. As in the case of the Sudan, the UN and the international community have been reluctant to intervene and save the innocent victims. Since the overthrow of dictator Mengistu, large numbers of ex-soldiers and tens of thousands of civilians from Ethiopia have fled to Kenya. The escalating interclan violence between Boranas and other clans in southern Ethiopia, as well as the severe drought also continue to force refugees to flee to Kenya.[40] Early repatriation is not an option to be considered at this stage. This means that the refugees will stay in Kenya for a long time.

With the current refugee crisis in the country, Kenya's refugee policies have increasingly come under serious scrutiny. Although Kenya is signatory to the 1951 UN Refugee Convention, the 1967 Protocol and the 1969 Organization of African Unity Convention, its policies are largely inconsistent with its regional and international obligations. Kenya's refugee policies fluctuate depending on internal and regional politics. Many refugees have been denied asylum, left in "asylum limbo," forcefully repatriated, detained and harassed. In keeping with its hidden policy of deterrence, the government seems determined to make life extremely hard for refugees. It also hopes that the hardships will lead to early repatriation. In a nutshell, the rights of refugees are grossly violated. Therefore, the refugee crisis in Kenya is partly the result of Kenyan refugee policy and lack of international assistance for the refugees. It is equally true that the UNHCR office in Nairobi has contributed to the crisis due to incompetence, disorganization and indifference to refugees' plights. Some refugee bodies, including the defunct Joint Refugee Services of Kenya (JRSK), have also been blamed for incompetence and corruption.◻

NOTES

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3. W.L. Holborn, *Refugees: A Problem of Our Time.* Metuchen, New Jersey: Scarecrow Press, 1975, 963-76. See also R.E. Mazur, "The Political Economy of Refugee Creation in Southern Africa." *Journal of Refugee Studies* 2, no. 4 (1989):441-67.

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14. Ibid., 57-59.

15. "The Time to Move." *Africa Forum* 1, no. 2 (1991):16.

16. Carver, "Reform," 59.

17. See O. Otunnu, "Environmental Refugees in Sub-Saharan Africa: Causes and Effects." *Refuge* 12, no. 1 (June 1992):11-4.

18. R.F. Gorman, *Coping with Africa's Refugee Burden,* Chapter 5. Dordrecht: Martinus Nijhoff Publishers, 1987.

19. Ibid.

20. Statute of UNHCR, Annex to Resolution 428(V) of the General Assembly.

21. Economic Commission for Africa (ECA), *Guidelines of the Methods of Evaluating the Socio-Economic and Demographic Consequences of Refugees in African Countries.* Addis Ababa (November 1991):25. See also OAU, *Final Report of Conference on the Legal, Economic and Social Aspects of African Refugees.* Sweden: Dag Hammersjold Foundation, 1968.

22. Convention relating to the Status of Refugees of 28 July 1951, Article 33.

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24. B.E. Harrell-Bond, *Imposing Aid: Emergency Assistance to Refugees.* Oxford: Oxford University Press, 1986, 6.

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29. Bates, *Beyond the Miracle of the Market,* 52.

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38. *The Standard,* Nairobi, June 10, 1992, 4.

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40. United Nations High Commissioner for Refugees, *UNHCR Information Bulletin,* no. 8 (May 29, 1992):4.