THE ROLE OF URBAN REFUGEES IN ORGANISED CRIME: A CASE OF STAREHE SUB COUNTY IN NAIROBI, KENYA

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JUNE, 2021

DECLARATION

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DECLARATION

I declare that this thesis describes my original work and that it has not been presented in any other university for academic work.

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DEDICATION

This thesis is dedicated to my wife Edna Gakii, my sons Jhamille Charlie and Myles Jabali for their encouragement, patience, and understanding, in the course of my studies when they most needed my attention and whose prayers, love and tolerance had strengthened me all the time.

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OPERATIONALIZATION OF TERMS

Asylum: In this study is the protection granted by a nation to someone who has left their native country as a political refugee

Crime: Crime is an action or omission that constitutes an offence that may be prosecuted by the state and it is punishable by law. It is a misdeed.

Displacement: The moving of people from their place of residence to other areas due to conflicts or war

Humanitarian: A person or organization that seeks to promote human welfare for vulnerable people such as refugees

Law: This is a system of rules that a particular country' or community recognizes as the regulating actions of its members and how the same is enforced through social institutions with specific penalties. Its specific objective is maintaining law and order.

Organised crime: Organized crime is a category of transnational, national, or local alliances of highly centralized enterprises run by criminals to engage in illegal activity, most commonly for profit. Some criminal organizations, such as terrorist groups, are politically motivated.

Refugee camps: Refers to set ups that have been established as dwelling place for people who have been displaced from their home and are accommodated in a common place set up by the host country.

Refugees: Refer to someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.

Security: This is the state of being free from danger or threat. In the context of this study it is the extent to which the government of Kenya has been able to ensure safety of the urban refugees living in Kenya.

Stakeholders: Refer to the aid agencies, the government, policy makers and other well-wishers who give assistance to the refugees and local communities to enhance their socio-economic wellbeing.

Urban Refugee: An urban refugee is a refugee who decided or was obliged to settle in an urban area rather than in a refugee camp in the country or territory where the person fled to.

ABBREVIATIONS/ACRONYMS

ECOWAS: Economic Community of West African States

EU: European Union

NACOSTI: National Commission for Science, Technology and Innovation

NGAO: National Government Administration Officer

NGOs: Non-Governmental Organisations

ODPP: Office of Director of Public Prosecution

SPSS: Statistical Package for Social Science

UK: United Kingdom

UN: United Nations

UNHCR: United Nations High Commission for Refugees

USA: United States of America

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ABSTRACT

According to the Kenya Police Crime Statistics (2018) a number of urban refugees in Kenya have joined criminal networks that are involved in petty crimes, smuggling of people, robbery, smuggling of commercial goods, illegal arms trade and terrorism which has led to the government intention of closing up the refugee camps in Kenya. This study therefore sought to fill the gap by investigating the role of urban refugees in organised crime in Nairobi. This study was guided by the following specific objectives; to establish the nature of organized crimes urban refugees are engaged in, to investigate the social economic factors that motivate urban refugees to be engaged in organized crime and to assess the adequacy existing legal and policy provision in managing organized crime. This study was anchored on the securitization theory and underpinned on the constructivism theory. A descriptive survey design was adopted in this study. The research site was Starehe Constituency which consists of 6 wards. The population of this study included 235 police officers, 2 officers from Office of Director of Public Prosecution, 520 refugees and 2 National Government Administration officers. In total a sample size of 138 respondents were considered in this study. Further, the study carried an in-depth interview on 6 key informants. A self-administering questionnaire and key informant interviews were used to collect primary data. Data was cleaned and entered into an SPSS (Version 25) package for analysis. Quantitative data was analysed using descriptive statistics and presented using frequencies, percentages and measures of central tendencies. Qualitative data was analysed using content analysis, organizing data into thematic contents and presented in narratives. The study found out that refugees living in Kenya were involved in criminal activities, such as human trafficking (89%), sale of small arms (78%) technological related crimes (60%) among others. Refuges in urban places faced inadequate supply of food, insecurity, sanitation problems, congestion, diseases, lack of incomes, shelter problems, scarcity of water, and restricted movement while doing business. In order to end refugee involvement in criminal activities, the Kenyan government should be providing refugees with access to tenure security, legal documentation and low-interest loans, which can help the informal migrants to get formal jobs and stability. Kenyan government should ensure that all refugees entering Kenya are dully registered and their movements are closely monitored. Kenya together with UNHCR should Institute measures that strengthen the entire criminal justice process and to vigorously investigate and prosecute crimes against refugee, including trafficking in per-sons and other serious offences,

CHAPTER ONE

INTRODUCTION AND BACKGROUND INFORMATION

1.1 Introduction

This chapter presents a background information role of urban refugees in organised crime. The background part presents analysis of the problem under investigation in a funnel-based approach. This entails the dissection of the problem from global, regional to local perspective. This chapter further presents other sections which include the statement of the problem, objectives of the study and research questions. This is then followed by the significance of the study, study hypothesis, scope, delimitations, limitations, assumptions, theoretical framework, and the conceptual framework.

1.2 Background to the Study

Prior to the 19th century the movement from one country to another did not require passports and visas; the right to asylum was commonly recognized and honoured (Hamlin, 2015). Although there have been numerous waves of refugees throughout history, there was no refugee problem until the emergence of fixed and closed state frontiers in the late 19th century. Refugee hosting has been a global challenge since the end of the Second World War. After one of the most devastating conflicts the world has ever seen, the world was tasked with hosting millions of Jews fleeing Nazi Germany (Jacobs, 2016). In 2011, the Arab Spring, a series of protests, uprisings, and coups in the Middle East, left millions of people stateless and seeking to flee their countries. In particular, the Syrian Civil War in 2011 led to such destabilization within the country that many began to call the following mass exodus the Syrian refugee crisis (Helbling, 2017).

According to UNHCR (2019) at least 79.5 million people around the world have been forced to flee their homes. These millions of stateless people have been denied their nationality and lack access to basic rights such as education, health care, employment and freedom of movement. Further it's also estimated that 30 to 34 million (38-43%) of the 79.5 million forcibly displaced persons are children below 18 years of age, according to the UNHCR (2019) report, the true global figure is estimated to be significantly higher.

The 1951 United Nations Convention Relating to the Status of Refugee define a refugee as any person who, owing to a well-founded fear of being persecuted for reason of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or owing to such fear, is unwilling to avail himself of the protection of the country. The 1967 Protocol removed the Refugee Convention's temporal and geographical restrictions so that the Convention applied universally. Article 1 of the Protocol says that countries that ratify it agree to abide by the Refugee Convention as well even if they are not a party to it. These include respecting the principle of non-refoulement that is, not sending refugees to a place where they are at risk of persecution, or to a country which might send them to such a place; providing refugees with a legal status, including rights such as access to employment, education and social security; and not punishing refugees for entering illegally that is, without a passport or visa.

In 2016 the UN General Assembly approved the New York Declaration for Refugees and Migrants. The Declaration reaffirms the importance of the 1951 Convention and its 1967 Protocol, while emphasizing that the "scale and nature of refugee displacement today require us to act in a comprehensive and predictable manner. The Declaration explains that these responses are to be "based on the principles of international cooperation and on burden and responsibility-

sharing", so as to be "better able to protect and assist refugees and to support the host States and communities involved

United Nations High Commissioner for Refugees (UNHCR), resettlement handbook defines a refugee as any person who is outside any country of such person's nationality or, in the case of a person having nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion (UNHCR, 1997). Betts (2017) defines a refugee as a person outside their country of origin because of an existential threat to which he/she has no access to a domestic remedy or resolution. Therefore, both registered, unregistered refugees and asylum seekers are referred to as being refugees. Additionally, in line with Betts (2017) refugees are believed to be a complex and dynamic process of becoming rather than a static identity that one acquires permanently as a result of crossing an international border.

In recent decades many cities and towns have seen dramatic population increases. One prominent feature of increasing urbanisation is the flow of refugees to urban areas triggered by conflict, natural disasters and search for livelihood (Kagwanja, 2018). Today, almost half of the world's refugees are thought to be residing in cities and towns, with only one-third in camps (UNHCR, 2018). Where resources are limited or inadequately allocated to confront influxes of refugees, resources are strained and quickly depleted. Strained resources have forced refugees to engage in criminal activities for the purposes of meeting their basic needs and making a meaningful life for themselves.

Sommers (2016) demonstrate the natural connection between refugees and urban centres. Refugees settle in urban centres to avoid dependence on rations, boredom, hopelessness, hardships and restrictions that prevail in camps. They use their skills and pursue opportunities provided by greater economic resources, such as education for their children. Buscher (2017) recognizes there has often been a premise of advantage attached to urban refugees. An assumption prevails that as they are in cities; urban refugees have access to money, connections and opportunity and, hence, are in less need of assistance than camp-based refugees.

In the United States and Europe, refugees cannot officially work or start a new economic activity. They can only work in the informal economy, and hence face inferior earnings opportunities relative to their legal counterparts (Kossoudji, 2016). According to the Becker-Ehrlich model of crime (Ehrilich, 1973), a lower income from legitimate activities means a lower opportunity cost and thus a higher propensity to participate in, illicit activities. In Italy, the Nigerian criminal gangs have established a strong presence in several Nigerian towns, and have formed alliances with the Sicilian Mafia, controlling an extensive network of prostitutes and ordering them on demand from Nigeria (De Vreese, 2016). Today, each street is carefully cleaved between Mafia and Nigerian rule as they have adapted their tactics to capitalize on exploitive opportunities such as targeting asylum-seekers and new waves of refugees (De Vreese, 2016).

Since 2015, Brazil have received over 56,000 Venezuelans refugee and the newcomers have been overwhelming services in most cities (Rucht, 2018). According to Amar (2018) crimes shot-up by 132 percent and visits to health clinics surged by 6,500 percent since 2015, with refugees singled out for blame. Levels of animosity against refugees in Brazil's frontier towns had also spiralled sharply, with attacks against Venezuelan refugees on the increase. A study by

Philip (2017) found out that in 2016 there were 10,786 prisoners from 160 different countries in the jails of England and Wales all convicted of different criminal activities. Poland, Jamaica and the Irish Republic formed the highest percentage of foreign nationals in UK prisons. According to Mastrobuoni (2017) refugees in Qatar accounted for 80 percent of all arrested in 2016 for serious crimes.

In Finland Salmi (2015) found that refugee youths had higher crime incidence rates in 14 out of 17 delinquent acts. The crimes reported included thefts and vandalism, shoplifting, bullying and use of intoxicants. In Australia, Sudanese refugee are five times more likely to commit crimes than other state residents. The rate of offending in the Sudanese community in 2018 was 7109.1 per 100,000 individuals. Robbery and assault have been the most common types of crime committed by the Sudanese refugees (Lawlor, 2015).

Security problem presented by refugee movement is not only being felt by developed states but also in developing countries in the sub Saharan Africa (Kossoudji, 2016). In West Africa for instance; Refugee populations already affect almost all ECOWAS member states either directly or indirectly. In western Côte d'Ivoire, for example, camps housing hundreds of Liberian refugees have become recruiting pools for young foot soldiers to fight for Ivorian warring factions (Kossoudji, 2016).

In South Africa 60% of people arrested for crimes are refugees and mostly from Zimbabwe, Nigeria, Sudan and Mozambique (Schuck, 2017). Further, 90 percent of Nigerians who were in South Africa seeking asylum status were involved in the drug trade. In Uganda, since the violent flare-up in South Sudan's capital Juba, in 2016, almost 100,000 South Sudanese refugees arrived in the country, which now hosts close to 230,000 refugees from neighbouring

South Sudan. The refugee's camps have been registering huge numbers of criminal activities including petty theft, sexual violence and tribal fighting (Vliegenthart, 2016).

Kenya has been a generous refugee hosting state for several decades and the country has hosted many refugees fleeing from insecurity and instability in its many neighbouring countries. Kenya is a state party to the 1969 African Union (AU) (formerly known as the Organization of African Unity, OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, which it signed in September 1969 and ratified in June 1992. Prior to 1991, refugees in Kenya enjoyed full status rights, including the right to reside in urban centres, to move freely throughout the country, the right to obtain a work permit and they could access educational opportunities, as well as the right to apply for legal local integration (Verdirame & Harrell-Bond, 2018). The political crises in Sudan, Somalia and Ethiopia in 1991-92 and later in Burundi, Rwanda and the Democratic Republic of Congo, led to a large-scale influx of refugees into Kenya. This significant migration movement overwhelmed the Kenyan government's refugee protection capacity, resulting in the handover of the responsibility of registration to the UNHCR and the withdrawal of Kenyan authorities from all refugee affairs. If the pre-1991 refugee regime in Kenya can be characterised as generous and hospitable and with an emphasis on local integration, the post-1991 regime has been less hospitable, characterised by growing levels of xenophobia and few opportunities for local integration which is deemed to be seen as a result of the growing national insecurity (Campbell 2016).

In Kenya there are 585,363 people of humanitarian concern (UNHCR, 2019). Out of these, 20,000 are stateless people, 550,506 are refugees and 32,751 are asylum seekers (UNHCR, 2019). The majority of refugees are from Somalia and South Sudan but also from Ethiopia, The Democratic Republic of Congo, Eritrea, Rwanda and Burundi to lesser extents (UNHCR, 2019).

A significant number of refugees in Kenya are residing in urban areas and in particular in Nairobi where 51,757 registered refugees live and an unknown number of unregistered refugees that is said to exceed 50,000 (Vreese, 2018). The majority of these registered refugees are Somalis, but also many Congolese and Ethiopians live in the capital as well as a smaller number of Eritreans (UNHCR, 2019).

The urban refugee situation in Starehe Constituency is Pan African and complex in nature, with refugees from eight countries represented. The Somali population is the largest followed by Ethiopians, Congolese, Sudanese, Ugandan and Rwandese, while smaller refugee groups residing in constituency include those from Eritrea and Burundi (Murunga, 2015). UNHCR (2019) estimates that there over 500 refugees in Starehe Constituency. The various refugee nationalities live throughout in various wards of the constituency; those from Somalia lives in Nairobi Central and some parts of Ngara, Ethiopians live in Ziwani and Pangani and Eritrean dispersed throughout many of the lower income areas of Starehe Constituency. According to the Kenya Police Crime Statistics (2018), a large number of the urban refugees are involved in petty crime, robbery, illegal arms trade and terrorism among others.

By definition, organized crime entails criminal activity that is coordinated across national borders (Vreese, 2018). The city of Nairobi, top in the list of the major organised crimes are: Violent robberies, vehicle thefts and trafficking, Human trafficking for labour and immoral purposes, muggings, kidnapping for ransom, acts of terrorism, extortion, vandalism on utility property, drug and substance abuse, illegal firearms, explosives illegal immigrants, political incitements and violence, corruption, gambling, counterfeiting, bank fraud, insurance scams, frauds and money laundering and other economic allied offences (Omata, 2018).

1.3 Statement of the Problem

Due to persisted conflicts that are currently happening in neighbouring Kenyan states, thousands of refugees have been compelled to flee from their homes. According to UNHCR (2019), the country has over 550,506 refugees. Some of the refugees have been forced to settle into official camps while others have managed to settle in urban environments like in Mombasa and Nairobi cities. According to the Kenya Police Crime Statistics (2018) a number of urban refugees in Kenya have joined criminal networks that are involved in petty crimes, smuggling of people, robbery, smuggling of commercial goods, illegal arms trade and terrorism. The escalation of insecurity that comes along with the welcoming of urban refugees in Kenya has compelled the Kenyan government to instead set up refugee camps along its borders and more especially close to the country experiencing the conflict; however, such proposals have been rejected by the UN and NGOs terming them as untenable (Muoka, 2015). At some point and while acting from the same report, the Kenya's Department of Refugee Affairs has of several times stopped the registration of refugees in urban areas, and even forced some refugees to leave urban areas to refugee camps due to insecurity concerns (Horst, 2019).

It is clear that refugee protection is an international obligation under international law and international refugee law, however, the question that arises is whether a host state facing the heaviest burden and security threat of hosting the refugees entitled to compromise its national interests for the sake of abiding by its international obligations. The government’s policy makes it clear that any urban refugees who contravene state policies should be arrested or detained (Kobia, & Cranfield, 2016).

Being a subject of interest, many scholars have investigated the refugee’s roles in criminal activities all across the globe. Rucht (2018) in his study found out that since refugees

and asylum seekers are considered to be a threat to the existing social fabric, opportunity seekers, and, consequently, they are not easily integrated into the host society. Betts (2014) explored refugee economies in Uganda and found that refugees made positive contributions to the Ugandan economy through significant volumes of market exchange. Raimondi (2015) showed substantial increase in income among refugees engaged in various livelihoods activities. From the various studies done very few has interrogated on whether refugees get involved in organised crime. Further the nature of crimes they might get involved in are not well documented. The social economic factors leading to such vices are not well researched on.

While these studies shed light on dynamics that revolve along refugee management, it's evident that neither has narrowed its forecast on the role of urban refugees in organised crime in Nairobi. This study therefore sought to fill the gap by investigating the role of urban refugees in organised crime in Nairobi.

1.4 Purpose of the Study

The purpose of this study was to assess the role of urban refugees in organised crime, a case of Starehe Sub County: Nairobi Kenya

1.5 Objectives of the Study

1.5.1 General Objective

The general objective of the study was to analyse the role of urban refugees in organised crime, a case of Starehe Sub County: Nairobi Kenya

1.5.2 Specific Objectives

This study was guided by the following specific objectives;

i. To establish the nature of organized crimes urban refugees are engaged in within Starehe Sub County in Nairobi.

ii. To investigate the social economic factors that motivate urban refugees to be engaged in organized crime within Starehe sub county in Nairobi

iii. To assess the adequacy of existing legal and policy provision in managing organized crime among urban refugees within Starehe sub county in Nairobi

1.6 Research Questions

This study sought to answer the following research questions;

i. What is the nature of organized crimes urban refugees are engaged in within Starehe sub-county in Nairobi?

ii. To what extent do social economic factors motivate urban refugees to be engaged in organized crime within Starehe Sub County in Nairobi?

iii. How adequate are the existing legal and policy provision in managing organized crime among urban refugees within Starehe Sub County in Nairobi?

1.7 Significance of the Study

The significance of the study implies the importance of the study for the broader area of study, the specific question of the study, and the target group under study (Mugenda, 2008). Findings from the study may be beneficial to various groups of people

The study would be significant to various humanitarian organizations as well as government agencies involved in refugee affairs. It is hoped that the study would help in pinpointing the areas and issues that are not adequately tackled by relevant stakeholders in regard to refugees. The study would also aid in coming up with recommendations which if followed may aid in coming up with future policies regarding refugee's involvement in organised crime.

The regulators and the policy makers both local and international can use the finding as reference for policy guidelines on matters regarding refugee involvement in organised crime. They will be able to use the findings of the study to formulate viable policy documents that effectively will cope with the challenges that come with having an influx of refugees and how to go around the challenge in future. Based on the findings, recommendations are made. If followed, these recommendations would be useful to administrators and policy makers in curbing challenges brought about by having refugees.

The study would provide additional information into the already existing body of literature regarding the refugee's involvement in organised crime. The findings of this study would enrich existing knowledge and hence would be of interest to both researchers and academicians who seek to explore and carry out further investigations. It would provide basis for further research

1.8 Scope of the Study

The scope of the study refers to the parameters under which the study was operating. The problem the study sought to resolve fit within certain parameters (Cooper, 2006). The study was carried in Starehe Constituency which is an electoral constituency in Kenya. It is one of seventeen constituencies in Nairobi County. It consists of 6 wards which include Nairobi

Central, Ngara, Pangani, Ziwani/ Kariokor, Landimawe and Nairobi South. The entire constituency is located within Nairobi City county area. The study was carried in eight months that is from November 2020 to June 2021.On the content scope, the study considered the two classes of refugees as recognized by the Refugees Act. The two classes were the statutory and prima facie refugees. A descriptive survey was used as the research design for this study.

1.9 Delimitations of the Study

Delimitations of a study are those characteristics of the study that limits its scope i.e. boundaries of a study determined by conscious exclusion or inclusion of certain decisions made throughout the development of research. It is a function of the factors that have been controlled for (Mugenda, 2008). The study was made a success by having ease of accessibility of respondents by the researcher in gathering information regarding role of urban refugees in organised crime due to proximity of the researcher.

The study is also grounded on a well-researched literature review. The respondents included: refugees residing at Starehe Sub County, national government officials who included the County Commissioner, ODPP officer and police offices in the sub county. The respondents were sampled and supplied with questionnaires with the aim of getting their views regarding the subject matter of the study. Further, the UNHCR field associates were interviewed with regards to the subject matter of the study.

1.10 Limitations of the Study

Mugenda, (2008) defines limitation as a function of the factors that might impact on the outcome of the study, but which have not been taken into account, that is, the characteristics of design or methods of conducting the study that set boundaries on the application or interpretation of the results. Limitations of studies are often related to sample size, sample selection, and type

of design. In the course of the study, some of the challenges and constraints that the might study encounter include: limited availability of information and literature, poor cooperation by respondents, gathering and interpreting background research and difficulties with getting appointments with interviewees. The study handled the challenge by working extra hours so as to finish up the project in time.

The problem of limited availability of literature when developing the background research was overcome by conducting extensive and detailed research from various sources such as journals, local newspapers and websites. Throughout this study, a continuous, detailed and thorough research was carried out. The research came across uncooperative respondents who were unwilling to participate in the study. These challenges were minimized by assuring the respondents that no names of the participants were used in reference to the study since the purpose of the research is only for academic. The researcher carried an introduction letter from the university as proof.

Some respondents could claim they lacked time or challenge of getting most of the respondents in the offices to fill the questionnaires since they were in the field most of the time. The researcher tried his level best using all avenues to ensure they get the respondents to participate in the study.

1.11 Assumptions of the Study

According to Mugenda (2008), assumptions are conditions or events that the researcher takes for granted although they might affect the outcome of the research. They could also be beliefs or ideas that one holds to be true without any evidence. Assumptions provide researcher with vital information that influences the way they interpret the results of the study and make conclusions. This study was based on the following assumptions: Firstly, was assumed that there

are certain factors influencing urban refugees into organised crime. Secondly, was assumed that the selected respondents would cooperate and provide the required information honestly and objectively. Finally, was assumed that the information obtained from this study would be very useful in highlighting the critical issues that have influenced refugee into organised crime and also offer recommendations to the relevant stakeholders on refugee's matters.

1.12 Theoretical Framework

According to Gall and Gall (2015) theory can be defined as an explanation of just certain existing things in terms of underlying constructs and set of basic ideas which relate constructs to each other. This study was anchored on the secularization theory and underpinned on the constructivism theory.

1.12.1 Securitization Theory

Securitization theory by Waever (2009) outlines that national security policy is not naturally given but carefully designed by political class and decision makers. Securitization is the process of state actors transforming subjects into matters of security. The social constructivist method of conceptualizing security is known as securitization (Salmi, 2015). A specific issue gets politicized when it enters in the public debate, such as the environmental question during the late parts of the 20th century. Thereafter when the process of securitization occurs, the topic is labelled security by regarding it as an urgent, existential threat. This in turn gives reason for controversial measures that go beyond normal political actions. The line between a politicized and securitized issue can sometimes be thin, therefore stressing the need for developing accurate criteria when securitization occur (Salmi, 2015).

Buzan (2007) discusses migration as a potential referent subject which is threat in the societal sector, where the referent object is society compared to the state in the political sector. Here, the importance of identity is emphasized the criterion of societal securitization is that the

referent object is threatened as to its identity which are core values, culture, language. The theory fits the data in that it explains the human security relating to immigration. The movement of refugees especially in the urban areas creates insecurity which requires societal securitization.

According to securitization theory, political issues are classified as extreme security concerns to be dealt with as an urgent matter. Securitization theory challenges traditional approach to security by sparking a debate between "Narrowers" and "wideners". "Narrowers" were concerned with the security of the state while wideners included other threats that affected people rather than the state (Mastrobuoni, 2017). This theory provides particularly adequate tools to examine security implications within a local context as it problematizes how issues of security interact with domestic politics. This study was applied in this study in coming up with strategies of protecting and empowering refugees as opposed to criminalising them which has been the case in many countries.

One criticism of this theory (Buzan, 2006) is that there exist loopholes that can be used to justify infringement on human rights, justification for security reform measures deemed inappropriate and lastly it allows the use of extraordinary means in the name of security. Thus, state as people can be paranoid, constructing threats where none exists and in doing so they ignore the actual threats. A case in point is the increasing equation of refugees to insecurity in the country. Lastly, further critiques have mostly concentrated on the contexts in which the act of securitizations happens. McDonald (2014) argued; whether securitization successfully happens or not, is largely dependent on the socio-political and historical context, not merely on the utterance of an existentially important security threat. This holds particular relevance in countries

where state control over the media is strict and freedom of expression is limited so the securitizing discourses are presented to the audience in an uncritical fashion.

1.12.2 Constructivism Theory

The proponents of this theory included Alexander Wendt (1995) and John Rugie (1995) among others. These scholars argued that the world, be it social, political or material was socially constructed. The phenomena in it, occurrences and events do not just appear naturally. They were the result of human interaction and development of shared ideas. Proper functioning of ideas could change the behaviour of individuals and impact on state policies (Finnemore, 1996). Alexander Wendt (1995) argued that the behaviour of states, intergovernmental and non-governmental organizations was shaped by elite beliefs, identities and social norms. Norms, customs, and culture could change behaviour of individuals.

In this study, the researcher drew on the theory to demonstrate how ideas such as international refugee law and human security came into being, why they were conceptualized and how these ideas rose to prominence. The approach also helped explain how and when these ideas mattered in a particular circumstance. The approach depicted the creation of international law as an attempt by the international system to construct a social fabric where rights of all are guaranteed. The theory was specifically useful to the researcher's analysis of conditions contributing to human insecurity and the major causes of human insecurity. Accordingly, the theory led to an analysis into the reasons why citizens of a country seek asylum in another country and how they were consequently recognized as refugees. To this end, one could understand the causes for the breakdown of social norms, and values. As such, the decay and disintegration of institutions which eventually led to violence and disorder could be explained and understood in the context of a social structure founded on culture, customs, perceptions and

disparaging interests. Constructivism became the best approach to analyze both the causes and remedies for violence.

Further, the framework would assist in understanding the application of international refugee law by states. Drawing from this approach, one could explain why states for example were active or reluctant in implementation of refugee protection law. Furthermore, the framework was a valuable and powerful tool in describing how global norms embedded in international law related to human security and why states would comply with international law in spite of being sovereign entities.

1.13 Conceptual Framework of the Study

The conceptual framework is a concise description of the phenomenon under study, accompanied by a graphic depiction of the major variables of the study (Mugenda, 2008). In this study, the dependent variable is organised crimes committed by refugees. The measures for the dependent variable is increase or decrease in crimes. The study has three independent variables. The first independent variable is nature of crime and its measurable includes smuggling of people, robbery, smuggling of commercial goods, illegal arms trade and terrorism. The second objective is the social economic factors. The parameters include the pull factors and the pull factors. On the laws and policies, the measurable includes laws and international level and national level. The study is also intervened by the countries law as shown in Figure 1.1.

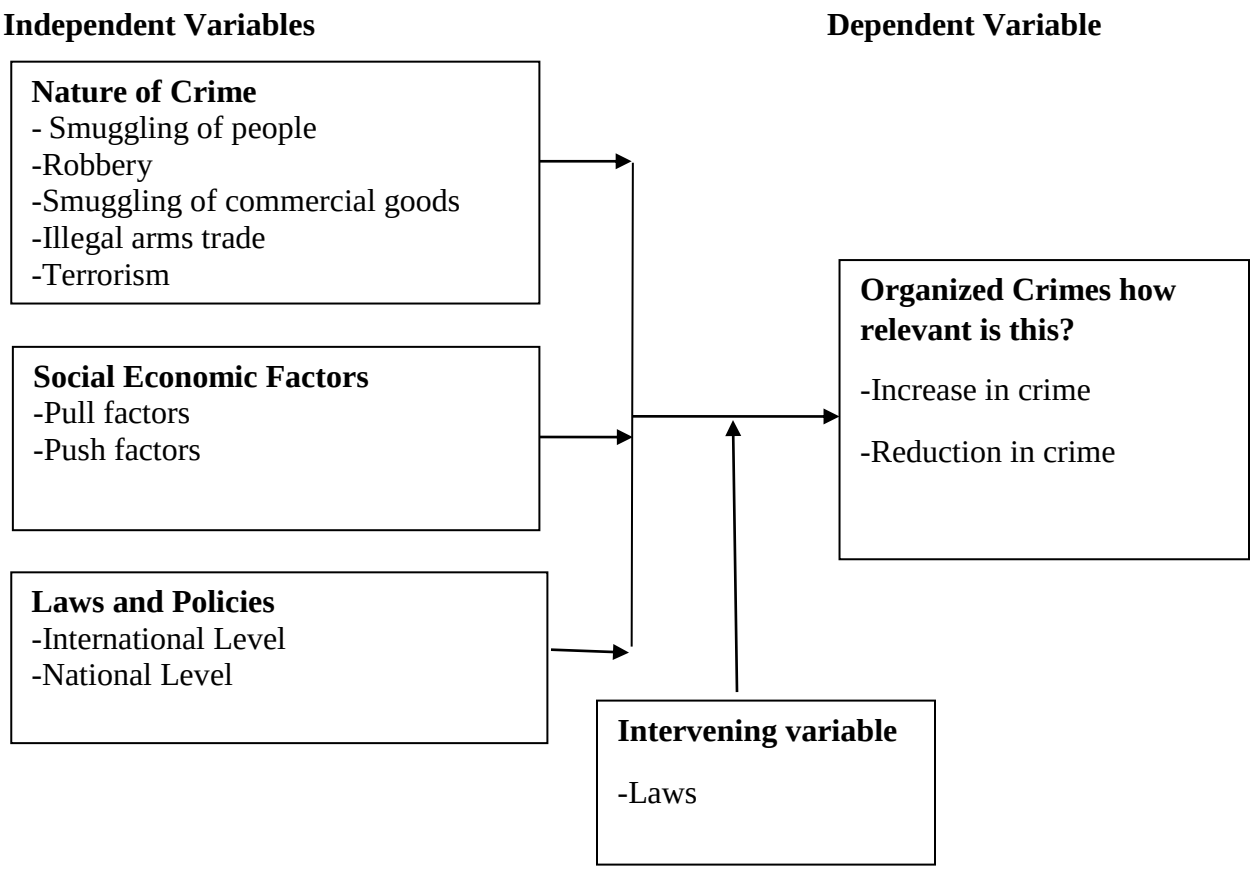


Figure 1.1: Conceptual Framework

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter reviews the existing literature, information and publication on the topic related to the research problem by accredited scholars and researchers. This section shall examine what various scholars and authors have said about the role of role of urban refugees in organised crime. In particular, it covers the theoretical review of the literature, review of empirical studies, summary of the literature review and the research gap.

2.2 Theoretical review of Literature

From a theoretical viewpoint, there are several reasons to expect a significant relationship between refugees and organised crime. First, if refugees and natives have different crime propensities, immigration will directly affect crime rates. According to the economic theory of crime (Becker 1968; Ehrlich 1973), this may happen because refugees and natives face different legitimate earning opportunities, different probabilities of being convicted and different costs of conviction.

Borjas (2018) document that refugees in the United States experience worse labour market conditions, which would predict a higher crime propensity. At the same time, Butcher and Piehl (2015) stress that the punishment refugees' face includes also the risk of deportation, and this risk may be a powerful deterrent to criminal activities. They show that a broadening of the set of crimes for which refugees could be deported, as was implemented in the United States in the 1990s, affected both the type of refugees and their behavior once in the country.

Refugees in Italy earn significantly less than natives, partly due to the fact that they are disproportionally young and low skilled. In addition to that, refugees also experience worse labour market outcomes than natives with similar individual characteristics. Venturini (2016) estimate that about one-third of the average wage differential between refugees and natives cannot be explained by different workers' characteristics. Therefore, different demographic characteristics and lower legitimate earning opportunities would predict that refugees in Italy have a higher propensity to commit crime than natives. There are, however, other effects which may decrease refugees' crime propensity. In particular, refugees in Italy experience a significantly higher cost of crime than natives because of a greater probability of incarceration. According to the Italian Ministry of Justice, as of 2007 only 34% of refugees in prison served a definitive sentence, while the opposite pattern holds for natives. Moreover, even after a definitive sentence, they typically have less access to alternative measures such as home detention, due to the fact that refugees are often unable to exhibit an official domicile in the country (Roth, 2017).

According to Grogger and Hanson (2017) Spain might be regarded as a particular case. Spain had an important but not a dramatic increase in crime rates, while there was a very significant growth in immigration in a short time span. The interesting puzzle is to reconcile such a finding with the alleged fact that there is a strong correlation between crime and immigration. Similarly, using a sample of 111 US cities, Martinez (2016) finds that economic inequality between Hispanics is associated with increased levels of Hispanic homicide victimization. The study reported that immigration is associated with increased levels of felony homicides. It is important to note a more general trend in these studies; namely, that the social structural characteristics emerge as significant predictors of homicide, a pattern that is consistent with the expectations of social disorganization theory.

Two general conclusions can be drawn from the existing research on refugees and organised crime. First, the weight of the evidence suggests that immigration is not associated with increased levels of organised crime. To the extent that a relationship does exist, the literature consistently finds a negative effect of immigration on levels of crime, and particularly lethal violence. This finding stands in contrast to the theoretical logic of the social disorganization perspective. Second, the criminological research on immigration also finds partial support for disorganization theory, evidenced by the strong and significant impacts of social structural characteristics on levels of crime. Just as disorganization perspective proposes, indicators such as poverty and residential instability are found to be positively related to organised crime.

2.3 Reviews of Empirical Studies

2.3.1 Nature of Organized Crimes Urban Refugees are Engaged In

Wars, violence, natural disasters and persecutions have displaced millions of refugees, asylum seekers and internally displaced persons worldwide (Baker, 2018). United Nations High Commission for Refugees (UNHCR) in its annual Global Trends Report (2018) affirm that 68.5 million people were displaced as of the end of 2017. Among them were 16.2 million people who became displaced during 2017 itself, either for the first time or repeatedly-indicating a huge number of people on the move and equivalent to 44,500 people being displaced each day, or a person becoming displaced every two seconds.

The presence of refugees at times compounds economic and political difficulties in different countries (Black, 2016). From the moment of arrival, refugees compete with the local citizens for scarce resources such as land, water, housing, food and medical services. Over time,

their presence leads to more substantial demands on natural resources, education, health facilities, energy, transportation, social services and employment. Equally, increased demand for food and other commodities can lead to the involvement of criminal activities by the refugees as a means of survival in the host country (Alfano, 2018).

A study by Loescher (2016) in Sweden, established that refugee host states face increasing challenges to political stability, policy, governance and security. Chief among these challenges is the threat refugees pose to state security. When refugees cross national borders, particularly in large numbers, militant forces have been known to keep fleeing citizens in the country by force. This means that the border patrols of host countries can be drawn into conflict with neighbouring militant forces. Militant groups have also been known to cross borders and attempt to forcefully bring refugees back to their country of origin. In other instances, refugees are also used to smuggle weapons and drugs across borders into host countries. Another common occurrence is for militant groups residing in refugee camps near state borders, carrying out militant operations and recruiting members from among the refugees. Camps are also known as a breeding ground for the illegal distribution of weapons, use of drugs and the prostitution of women and children (Jacobs, 2016).

According to Wodak (2018) Many West African women work in the sex trade in the Libyan Arab Jamahiriya and Morocco. A committee of the House of Representatives of Nigeria is reported to have estimated that as many as 10,000 Nigerian teenage girls could be held captive by the sex-slave trade in those two countries, many of them from Edo State. Many accounts suggest that women migrants across the Sahara, including those who have no intention of working in the sex trade, are subject to rape and other mistreatment. Some may fall into the

hands of traffickers and be bought and sold between rival traffickers. In this regard, it may be noted that the trafficking of women for sex work is one of the few types of migration where a dominant role is indisputably played by professional criminals formed into networks that correspond to the definition of organized crime used in the present paper and by the United Nations system more generally. A UNODC report published in July 2009 estimated the value of these women at their destination at up to $228 million per year. An operation led by the Netherlands police in 2007, joined by colleagues from several other countries, including Nigeria, resulted in a series of arrests. In this case, police investigations established that a highly organized trafficking ring was run by a circle of professional smugglers of migrants with roots in Edo State. Not coincidentally, the leader of this group had a travel agency that served as a legal front for his criminal business (Semetko, 2018).

Mogire (2017) in his study revealed that sexual abuse and violence constitute a daily reality for refugees living in northern Kenya, particularly women and girls. Female genital mutilation (FGM), for example, is widely if not universally practised amongst the Somali refugees. In Kakuma, Sudanese girls and women are known to be abducted for the purposes of forced marriage in their country of origin. The study also revealed that sexual as well as physical abuse is prevalent amongst the Sudanese boys, adolescents and young men in Kakuma, a large number of whom arrived in Kenya as unaccompanied minors and who continue to live in their own section of the camp.

Rotberg (2017) analysed the problem of banditry in Dadaab is regularly manifested in the form of armed and highway robbery. The study revealed that the scale of this phenomenon is such that all vehicles in the area are obliged to travel in organized convoys, led and followed by armed police escorts. A review of the files at UNHCR's Dadaab office suggests that around a

dozen armed robberies are reported in and around the area's three refugee camps in a typical month. The actual incidence of armed robbery is probably much higher. The study revealed that on average, at least one serious incident of robbery every night is reported. The available evidence indicates that the majority of armed robberies in Dadaab take place at night, and are committed by the same kind of bandit groups that are responsible for raping women in the hours of daylight. These groups of armed robbers appear to have four principal targets: refugees, especially those who have a business or a cash income; aid agency facilities and installations, including warehouses, schools and pumping stations; vehicles travelling in the region, especially those without the requisite police escort; and miraa or khat traders, who deal in the mildly narcotic leaf which is chewed by people throughout the Horn of Africa (Kagwanja, 2018).

Lindley (2018) observes that Diaspora plays a role in providing information and resources thus making migration paths fairly consistent within a given social network. It is therefore important to find out if the large population of Ethiopian and Somali nationals in Kenya plays a role in the smuggling process by way of information, providing safe houses or as smugglers. A study by Dagan (2018) on refugee residing in Westlands, does not support the view that refugees are a threat to security. The study argues that in mass movements, where people are fleeing from violence, there will always be an ill-intended, group of people that will take advantage of the vulnerable group to cause harm, for their selfish interests. The study revealed that when civil war erupted in Sudan, there were many people trading in small arms in Sudan and near the border area. These groups of people were from all walks of life. One could hardly tell where those arms came from, but they were in plenty. The vulnerable group of refugees could not think of participating in violence, for it was violence they wanted so much to flee from (Jacobs, 2016).

A study by Goldsmith (2017) revealed that the political instability in the Republic of Somalia has resulted to the influx of more than 150,000 refugees, a lot of insecurity in the district is now being experienced. A lot of resources have been diverted to attending refugees and in stemming the problem of insecurity. Sophisticated weaponry have found their way into North Eastern region, promoting banditry, cattle rustling and general violence in region. Besides Al-Shabab threats, the other security threat troubling Kenya and linked to Somalia is the piracy threat. This new tactic of hijacking ships and other sea vessels is threatening business and general voyage particularly in the Indian Ocean (Philip, 2017). Kenyan government, the International police and other navies from many countries have been trying to combat this emerging sea crime. Somali pirates have been the most linked with these illegal activities though it is possible that the network is larger than it is thought (Kibicho, 2016).

Kiraithe (2018) of Kenya Police is of the view that, the major source of insecurity is refugee influx into Kenya. He claims that refugees themselves may not be the direct source, but can be termed as an indirect one. He gives many incidences that criminals have been smoked out of refugee populated areas and cites many times that the refugees have been exposed by security agents housing criminals after thorough raids in their residences, such as Eastleigh. The rise in proliferation and trade in small arms and weapons is a catalyst of violence and banditry activities. Most of those who trade in these arms are of the Somali origin. He points out a major challenge in dealing with insecurity in these areas to be the identity of the Somali. This is because, their language and their physical identity is similar, such that it is difficult to distinguish a genuine refugee from a criminal. Weapons are sneaked from the neighbouring countries into Kenya through the porous borders of northern Kenya. He notes another challenge with the security in Kenya is the resources such as the personnel to position at the border (Kiraithe, 2018).

2.3.2 Social Economic Factors that Motivate the Urban Refugees to be engaged in Organized Crime

Aoki and Todo (2019) linked the presence of refugees to higher crime across police districts in France. The authors found that unemployment levels largely determined this relationship. In areas where there were greater unemployment particularly more unemployed refugees, crime was higher. In Belgium, Bircan and Hooghe (2018) found no effect of total immigration on either property or violent crime across 589 municipalities. However, they found important differences between refugee groups. Specifically, they found that the concentration of non-EU nationals was positively and significantly associated with property crime while the concentration of African nationals was positively and significantly linked to both property and violent crime.

Focusing on a large wave of asylum seekers settling in the United Kingdom in the 1990-2000 period, Bell, Fasani and Machin (2017) explore if crime rates are related to asylum inflows within the same jurisdictions. They conclude that, while violent crime is unaffected by asylum inflows, there is a very slight upward bump to property crime. The authors note that these refugees had relatively few economic opportunities, as they were barred from working for six months. This may have raised their propensity to commit property crimes relative to immigrants with immediate work-eligibility. Likewise, Gehrsitz and Ungerer (2017) point to similar patterns. They document increases in non-violent crime rates associated with the recent and large 2014 and 2015 refugee influx into Germany. The uptick is modest, however, and revolves mostly around drug activity and fare dodging, and as in the United Kingdom case, is possibly related to the lack of employment opportunities for refugees over the time period of the study.

Spenkuch (2017) analysed the relationship between refugee stocks and property crime. The study found a positive and significant association between refugee stocks and property crime rates but no such association for violent crime. The estimated elasticity suggested that a 10% increase in the share of refugees would lead to an increase in the property crime rate of 1.2%. The author also broke the refugee stock into Mexican and non-Mexican. He argued that this allowed him to explore whether the economic model of crime provided a useful guide to examining the impact of immigration on crime. The author acknowledged that that Mexicans tended to have significantly worse labour market outcomes relative to other refugee groups in the United States and therefore expected a more substantial positive coefficient on Mexican refugees in the property crime regression than for non-Mexican refugees. This was in fact the case, with the coefficient being significantly positive for Mexican refugees while negative and insignificant for all other refugees (Horsti, 2016).

In the United States, Cortes (2014) finds that refugees who arrived between 1975 and 1980 fared better than their economic immigrant counterparts by 1990 in terms of earnings and English skills and attributed these gains to investment in country specific human capital. More recently, Giri (2016) focuses on age at entry and finds that wage gains are concentrated among younger refugees, who are motivated to invest in human capital and get jobs. At any rate, neither the young nor old should be more likely to resort to criminal activity compared to their non-refugee counterparts because: the young fare well in the labor market, and older refugees have access to social and welfare benefits that alleviate their poverty exposure. Overall, then, refugees should be less likely to suffer from negative income shocks potentially linked to engagement in criminal activity as a means to address economic needs.

A similar study by Bianchi, Buonanno and Pinotti (2018) examined the crime immigration link across Italian provinces over the period 2010-2013. Fixed-effect estimated that a 1% increase in the total number of refugees is associated with a 0.1% increase in total crime. When the authors disaggregated across crime categories, they found the effect was strongest for property crimes, and in particular, for robberies and thefts. A study by Butcher and Piehl (2018) revealed that the recent waves of refugees are less skilled than both earlier refugees and natives. This lack of human capital dampens their job prospects and also may narrow their residential options. Consequently, many refugees are channeled into neighbourhoods located in or around urban ghettos where they are more likely exposed to unemployment, poverty, and sundry social ills associated with contexts of severe economic deprivation. Refugees may thus come to the realization that opportunities for attaining economic success via legitimate avenues are bleak. According to opportunity structure theory, that realization can lead to strain and frustration, which will heighten the probability of adaptive responses that involve alternative economic pursuits, such as crime (Lee, 2017).

A somewhat more ominous finding is obtained using Switzerland as a refugee destination. Couttenier (2017) conclude that asylees exposed to civil conflict or mass killings as children are more likely to commit violent crime relative to asylees from the same country, who were not exposed to the same events during their childhood. While this study does show how childhood exposure to violence might have impacts years later, it does not answer whether refugee status in itself is associated to a higher criminal proclivity. After all, natives subject to violence in childhood might also be found to be more prone to criminal activities than natives not subject to violence during childhood.

According to Ousey and Kubrin, (2016) even if refugees are not a crime-prone demographic, arriving in a new country could lead people to commit nonviolent crimes due to economic hardship or social alienation. Economic reasons could drive people to turn to illegal market opportunities whether through theft or the drug trade. Simmler (2017) find that refugees in Switzerland were more likely to commit property crime like shoplifting than Swiss natives and other refugee populations, and argue that the difference is driven by psycho-social challenges of arriving in a new country as a refugee. Hangartner (2019) show that exposure to refugees in Greece can increase anti-refugee crime and hostility. There is also evidence from Germany that higher levels of refugee immigration led to more anti-refugee violence (Marbach & Ropers, 2018).

Martinez (2017) reported evidence that Latinos are in most cases over-involved in drug- and gang-related violence. As explained in this study many refugees enter the United States with relatively low levels of human capital, which exposes them to tough sledding in the post-industrial labour market. Hence, it is plausible that illegitimate opportunity structures such as the illegal drug trade are particularly appealing avenues of economic success for refugees who encounter difficulties locating work in legitimate industries. Moreover, given that refugees disproportionately settle in economically disadvantaged neighbourhoods, it is likely they face greater exposure to the promises of open-air drug markets (Lawlor, 2015).

2.3.3 Adequacy Existing Legal and Policy Provision in Managing Organized Crime

Léonard, (2017) revealed that USA, Australia, the European Union states and South Africa have significantly improved their border control capacities to counter increased illegal migration or its associated threats such as drug trafficking and terrorism. The said states

increased their personnel, introduced or enhanced biometric identifiers, militarized border controls, increased information sharing within and with third countries and introduced integrated border control approach that brings together key stakeholders in security under one command. Mexico and Canada in reaction to terrorist threats have militarized their border controls and raised alert at their borders by increasing their personnel in key routes. There is also increased information sharing between them and the USA (Rucht, 2018).

In a comprehensive and critical analysis of Pakistani refugees in Bangkok, Kulvmans (2018) analyzes their experiences from a human rights perspective. He conducted interviews with over 50 individuals and discusses how the lack of legal security has severe influence on different dimensions of their life, in particular their right to work, access to education and health services. Furthermore, he argues that there has not been any indication that Thailand or neighbouring countries would commit to the Refugee Convention. Moreover, he points out, that human rights are often perceived as a Western concept and political and civil rights overall are very restricted (Palito, 2014).

Kenya has taken the step of incorporating the bulk of international law on refugees by specifically adopting the conventions and principles in respect thereof and codifying them into law through the Refugee Act. The legal position in Kenya is that treaties and International Conventions that have been ratified now form part of Kenyan law. Having been made part of the law of Kenya they still have to pass one more test. They must not be in conflict with the Constitution of Kenya. Thus the Refugee Act as enacted should not be in conflict with the Constitution. Kenya is a signatory to a number of conventions and treaties dealing with the issue of refugees and their protection. The conventions and treaties have now been fully domesticated with section 16 of the Refugees Act which is to the effect that every recognized refugee and

every member of his family living in Kenya shall be entitled to the rights and be subject to the obligations contained in the international conventions to which Kenya is party (Kagwanja, 2018). Furthermore, according to Articles 2(5) and 2(6) of the Constitution of Kenya 2010, all international conventions that have been ratified by Kenya now form part of Kenyan law. The Constitution of Kenya 20I0 also offers protections to refugees with regards to Chapter IV which guarantees the fundamental rights and freedoms of the individual. Refugees face numerous difficulties and their human rights are often breached. Most refugees in Kenya live in terrible conditions in refugee camps where food, water, sanitation and shelter are not adequately provided. Refugees are often times not allowed into Kenya (Okande, 2018).

The Refugees Act 2006 was assented to on 30th December 2006, an Act of Parliament to make provision for the recognition, protection and management of refugees and connected purposes (UNHCR, 2018). The Act lays down the institutional and legal framework for the recognition, protection and management of refugees. The Act established various offices and institutions which include a Department of Refugee Affairs and the Office of Commissioner for Refugee Affairs, the Refugee Appeal Board and the Refugees Affairs Committee. The Act lays down provisions relating to recognition of refugees, asserts the principle of non-refoulement and codifies the rights and duties of refugees in Kenya and it is mandated to coordinate activities and programmes relating to refugees. The Office of the Commissioner for Refugee Affairs, an office in the public service is created via section 7(I). This Commissioner for Refugee Affairs shall be the head of the Department of Refugee Affairs. Section II makes provision for refugees entering Kenya whether lawfully or otherwise. If they wish to remain in Kenya as refugees, they are to make their intentions known by appearing before the Commissioner personally immediately upon entry into Kenya (Omata, 2018).

While the 2010 Kenya Constitution ended the unitary system of government and decentralized power by establishing county governments with executive and legislative powers, it put the authority to deal with matters relating to refugee management exclusively in the hands of the national government. Although, as noted above, counties host refugees, county governments have neither the authority nor the budget to directly participate in any aspect of the refugee management process. However, there are a number of ways in which county governments have indirect involvement in refugee management; chief among them is the question of allocation of community land for use as a refugee camp.

Refugees and asylum seekers are required to remain in designated refugee camps. The Act requires that all asylum seekers and refugees be issued identity cards or passes. An asylum seeker is issued an asylum-seeker pass after applying for refugee status. The asylum-seeker pass must specify the time and date on which the asylum seeker must present himself in the designated refugee camp and includes information that failure to do so may result in the withdrawal of the pass. After the person is granted refugee status, he is issued a refugee identification card. Any refugee wishing to travel outside of the camp where he resides must first obtain a movement pass.

The mere illegal entry shall not cause a person to be declared a prohibited refugee detained or penalized in any way except in cases where he fails to report to the Commissioner as provided in section II (I). Despite the high influx of refugees in the country, Kenya has largely pursued an open door policy by allowing a free flow of refugees in the country. This is a policy that is characterised by the liberal admission of refugees who are then awarded full socio-economic rights and are only repatriated to their countries when conditions are conducive. Thus many refugees are accorded refugee status without the scrutiny that they would undergo under

the UN Convention and Protocol and other international instruments that govern refugees (Okande, 2018).

The rights envisaged in the Universal Declaration of Human Rights have already found expression in Chapter IV of the Kenyan Constitution. The said rights are expressed in the various International Refugee Instruments. Refugees are human beings. Refugee rights are, we submit, human rights. They are also Constitutional rights as expressed in the Bill of Rights. Every refugee in Kenya is thus entitled to enjoy both the rights envisaged in the international refugee instruments and are also the rights enshrined in the Constitution of Kenya. Violation of refugee rights can thus in our view be the subject of a constitutional reference. Courts do not have to wait for a constitutional reference. They should ensure that the rights of an accused are upheld at all stages of a trial. The right to a fair hearing for example should be enforced and observed by all courts. The fact that there is now a Refugees Act should make it easier to protect refugee rights which are set out in international instruments and the Kenyan Constitution.

It is important to seek long-term solutions for refugee's problems as argued by Edwards (2016) however it is even more important that long-term solutions should be sustainable and in consideration of refugees‟ dignity. As explained in the report of the Secretary-General of the United Nations of 2018 "no security agenda and no drive for development will be successful unless they are based on the sure foundation of respect for human dignity". One way to enhance the dignity of refugees is to act on the respect for their human rights and fundamental freedoms which should be the pillars for the construction of durable solutions that can be sustained over time.

2.4 Summary and Research Gap

The study reviewed various studies relating to organised crime security and refugees. Mogire (2017) did a study on sexual abuse among refugees in Kenya, a case of Kakuma Refugees in Nairobi. This study is limited to Kakuma Refugees while the current study focus refugees in urban centres. Lindley (2018) did a study on the Influx of Somali Refugees and State Security Kenya. The study limits itself to Somali refugees in urban areas and camps.

The current study limits itself to urban refuges in Nairobi but does not limit itself on the refugee's origin. Further, the study does not bring the out the organised crime security aspect of urban refugees. This creates a research gap that this study sought to fill by assessing the role of urban refugees in organised crime, a case of Starehe Sub County: Nairobi Kenya. The next chapter examines the research methodology to be used in the study. It describes the study area, the target population, the research design, sampling techniques, the pilot study methods of data collection as well as data analysis procedures and expected outcomes of the findings.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter presents the methodology that was used to carry out this study and collect data. It shows the research design that was employed, the location where the study was conducted, target population, sample & sampling techniques, data collection method, data analysis techniques and ethical issues

3.2 Research Design

A descriptive survey design was adopted in this study. Descriptive survey design portrays an accurate profile of situations (Cooper & Schindler, 2014). Since the study is majorly concerned with describing such things as attitudes, values and behavior, descriptive design therefore becomes adequate for the study. The aim of the study was to establish the role of urban refugees in organised crime. A triangulated methodological approach by combining quantitative and qualitative approaches was used to ensure complementarity in data capture. The strength in triangulation is that the weaknesses and strengths of each method was combined to provide valid data.

3.3 Research Site

Starehe Constituency is an electoral constituency in Kenya. It is one of seventeen constituencies in Nairobi County. It consists of 6 wards which includes Nairobi Central, Ngara, Pangani, Ziwani/ Kariokor, Landimawe and Nairobi South. The entire constituency is located within Nairobi City county area. It is a cosmopolitan region at heart of a most commercial, educational, socio-economic, administrative and industrial region, with activities like the Ngara and Kariokor artisans. UNHCR (2019) estimates that there over 520 refugees in Starehe

Constituency. According to Kenya police Crime statistics (2018) Starehe constituency, it has been reported that criminals waylay unsuspecting civilians during the wee hours of the morning or at dusk. Further, there is a worrying trend of rampant use of illicit arms especially in some areas such as Ziwani and Kariokor and according to the Police Report, refugees plays a huge role in the illicit arms business (Crime statistics, 2018).

3.4 Target Population

According to Singh and Nath (2015), a population refers to an entire group of individuals, events or objects having a common observable characteristic. The population of this study included 235 police officers, 2 officers from Office of Director of Public Prosecution, 520 refugees and 2 National Government Administration officers.

Table 3.1 Population of the Study

Population	Frequency
Police officers	
Officers Commanding Stations	3
Officers Working in the Refugee Offices	15
Immigration Police Officers	15
Crime Detection Unit officers	100
Officers in Patrol Base	100
Nairobi County Police Commanders	2
Officers from Office of Director of Public Prosecution	**2**
Refugees	520
National Government Administration Officers	
Deputy County Commissioner	1
Assistant County Commissioners	1
Total	**759**

Source: Nairobi County Offices, (2020)

3.5 Study Sample

3.5.1 Study Sample Size

According to Patton (2014), a sample is a finite part of a statistical population whose properties are studied to gain information about the whole. Webster (2015) stated that when

dealing with people, it can be defined as a set of respondents selected from a larger population for the purpose of a survey. The study sample size was drawn from the refugees, the Police Officers, officers from Office of Director of Public Prosecution and National Government Administration Officers.

3.5.2 Sampling Procedure

A sample frame is a smaller number of cases drawn from the total population (Ingule & Gatumu, 2011). Sampling is important as it saves on expenses and time that could have been used in studying the entire population (Robson, 2012). Godden (2004) formula was applied to select the sample size for the study population where;

Sample size = $(Z\alpha/2)^2$ x $P(1-P)/E^2$

Where: $(Z\alpha/2)$ = Z value (2.58=99%; 1.96=95%; 1.645=90% confidence level)

In this case 1.96 will be used.

P = percentage proportion of choice (10% was used for sample size needed)

E = margin of error (5%)

Going as per the stated assumptions the sample size was therefore be:

$$\text{Sample size} = \frac{(1.96)2 \times 0.1\ (1 - 0.1)}{0.0025}$$

Sample size was = 138

Table 3.2 Sample size Table

Population	Population	Sample Ratio	Sample Size
Police Officers	235	29%	41
Refugees	520	67%	92
Officers from Office of Director of Public Prosecution	2	2%	2
National Government Administration Officers	2	2%	2
Total	**759**	**100%**	**138**

Source: Author, (2020)

From, the sample size of 138 as calculated above, 41 were police officers, that is the County Commanders, Officers commanding the police stations, Police Patrol base or Police posts within the Starehe-Sub county, 92 were refugees, 2 were from Officers from Office of Director of Public Prosecution, 2 were National Government Administration Officers that is the Deputy County Commissioner and Assistant county commissioners in Starehe-Sub county. Random sampling was employed in selecting all respondents in all stratas except for the refugees where snowballing was used.

3.6 Data Collection

A self-administering questionnaire and an interview guide was used to collect primary data. Two different questionnaires were developed whereby one was for the refugees while the other one was for all the law enforcers who included the police officers, Officers from Office of Director of Public Prosecution and National Government Administration Officers. The study also utilized an interview guide targeting 6 key informants. The key informants include 3 refugee's representatives and one senior officers from National Government Administration, National Police Service and Office of Director of Public prosecution.

This study collected quantitative and qualitative data using the self-administered questionnaire and the interview guide. The questionnaire had four parts. The first part

investigated on the demographic information. Part two addressed nature of organized crimes urban refugees are engaged in. The third part addressed the factors that motivate the urban refugees to be engaged in organized crime. The four parts assessed the adequacy existing legal and policy provision in supporting urban refugees. The questionnaires were hand delivered and administered at the respondents' place of business to ensure objective response and reduce non-response rate. Each research instrument was coded and only the researcher had the knowledge on which person responded.

3.6.1 Development of Data Collection Instruments

The study employed both quantitative and qualitative methodologies in data gathering and analysis. The study used a questionnaire and a key informant interviews as the qualitative approach. Cooper and Schindler, (2014) recommends the use of questionnaires in descriptive studies because it is self-administered. Questionnaires were used because they are convenient and require little supervision.

3.6.2 Pilot Testing of Research Instruments

The researcher carried out a pilot study to pretest and validated the questionnaire. According to Cooper and Schindler (2014), the pilot group should be above 10% of the sample size. This pilot study involved 14 respondents in the neighbouring Makadara Constituency which shares the same demographic characteristics with Starehe Constituency. The respondents were conveniently selected since statistical conditions are not necessary in the pilot study (Cooper & Schindler, 2011).

3.6.3 Instrument Reliability

Reliability refers to the consistency of measurement and is frequently assessed using the test–retest reliability method. Reliability is increased by including many similar items on a measure, by testing a diverse sample of individuals and by using uniform testing procedures. The researcher computed a Cronbach alpha score of the instrument used to obtain the primary data. Cronbach alpha ranges between 0-1. Scores between 0-0.6 indicate that the instrument has a low reliability while scores of 0.7 and above indicate that the instrument has a high level of internal consistency and reliability. Variables surpassing the 0.7 threshold was deemed reliable for collecting the studies primary data.

3.6.4 Instrument Validity

Validity is the degree by which the sample of test items represents the content the test is designed to measure. Content validity which was employed by this study is a measure of the degree to which data collected using a particular instrument represented a specific domain or content of a particular concept. Mugenda and Mugenda (2013) contend that the usual procedure in assessing the content validity of a measure is to use a professional or expert in a particular field. Expert opinion was requested to comment on the representativeness and suitability of questions and give suggestions of corrections to be made to the structure of the questionnaire. This helped to improve the content validity and reliability of the data that had been collected.

3.6.5 Data Collection Procedure

Before data collection commences, individual permission for access to the respondents was sought from the relevant authorities. The study used questionnaires and key informant

interviews. Research assistants were trained for purposes of data collection. The research assistants were instructed to be flexible on how to distribute and collect the questionnaires.

Before the data collection exercise can commence, the researcher sought for permission, approval and clearance from the relevant authorities which include Africa Nazarene University, National Commission for Science, Technology and Innovation (NACOSTI), Ministry of Education and County Commissioner. Informed consent was sought from the various study participants, where respondents had a right to withdraw from the study wherever they feel like doing so. Additionally, the researcher provided assurance to the respondents that the information obtained from them was safe and was only used for the purpose of the research.

3.7 Data Analysis

Data analysis is an important stage in the research process. It involves the organization and processing of data with an aim of extracting useful information to answer the research questions and help in accomplishing the research objectives. The process began with cleaning of the data in the instruments every day after fieldwork. This ensured that all information is captured and coded. Data was cleaned and entered into an SPSS (Version 25) package for analysis. Quantitative data was analysed using descriptive statistics and presented using frequencies, percentages and measures of central tendencies. Qualitative data was analysed using content analysis, organizing data into thematic contents and presented in narratives

3.8 Legal and Ethical Considerations

A social researcher must be ethical, in the collection of their data, in the process of analyzing the data and in the dissemination of findings (Denscombe, 2013). In this case, the

researcher assured subjects their privacy; maintain confidentiality and assure them of an informed consent. A systematic process to collect data was used without interfering or harming subjects. The researcher ensured that there was no breach of research subject's privacy or even get engaged in misrepresentation. Potential conflicts of interest were hidden; neither did the study mislead subjects as to the nature of the research. A cover letter from the University was taken along to enable the administering of the questionnaires and interviews. The respondents were assured of confidentiality of their names and responses would not be handled by any other person but rather to be used purely for academic purposes.

The researcher ensured that there is no harm or distress; physical or psychological to both respondents and informants. Throughout the research process all steps were taken necessary to ensure that personal biases or preconceptions do not influence the conduct or findings of the research. The study ensured that it won't put the subjects in a compromising position where there is potential danger.

CHAPTER FOUR

DATA ANALYSIS, RESULTS AND PRESENTATION

4.1 Introduction

This chapter discusses the interpretation and presentation of the findings obtained from the field. The chapter presents the background information of the respondents and findings of the analysis based on the objectives of the study. Descriptive statistics were used to discuss the findings of the study.

4.1.1 Response Rate

The study targeted a sample size of 138 respondents for the purpose of this study. From the 138 respondents, a total of 118 (85.5%) responses were received back as shown in Table 4.1. From the refugee's strata a total of 82 responses were received back. From the National Government Administration Officers, ODPP and the Police officers, 36 responses were received back. The study also interviewed all the 6 targeted Key informants achieving a 100% response Rate. Mugenda and Mugenda (2003) assert that response rate of 50% is adequate for analysis and reporting; a rate of 60% is good and a response rate of 70% and over is excellent. Based on the assertion, the response rate was therefore deemed reliable for the study.

Table 4.1 Response Rate

Targeted respondents	**Responded**	**Did Not Respond**	**Total**
Refugees	82	10	92
National Government Administration Officers, ODPP and the Police	36	10	46
Total	**118**	**20**	**138**
Response rate			**85.5%**

Source: Research data, (2021)

4.2 Demographic Information

These included, gender, age, marital status and state of origin. From the study findings, evident presented show that majority (58.5%) of the refugee involved in this study were males whereas 41.5% were female. The ratio between the figures demonstrates fair representation in terms of gender balance. On the law enforcers, majority (55.6%) of the officers involved in this study were males whereas 44.4% were female.

Table 4.2: Distribution of respondents by Gender

Refugees	**Frequency**	**Percentage**
Male	48	58.5
Female	34	41.5
Total	**82**	**100**
Officer	**Frequency**	**Percentage**
Male	20	55.6
Female	16	44.4
Total	**36**	**100**

Source: Research data, (2021)

4.2.1 Job Designation

The law enforcers were asked to indicate the position they held. This was sought in view of establishing their understanding on the subject under investigation. From the study findings, 88.9% of the participants indicated that they worked as police officer while 5.6% were officers from National Government Administration or from the office of Director of Public Prosecution. This implies that participants were fairly drawn from both the National Government Administration and police department.

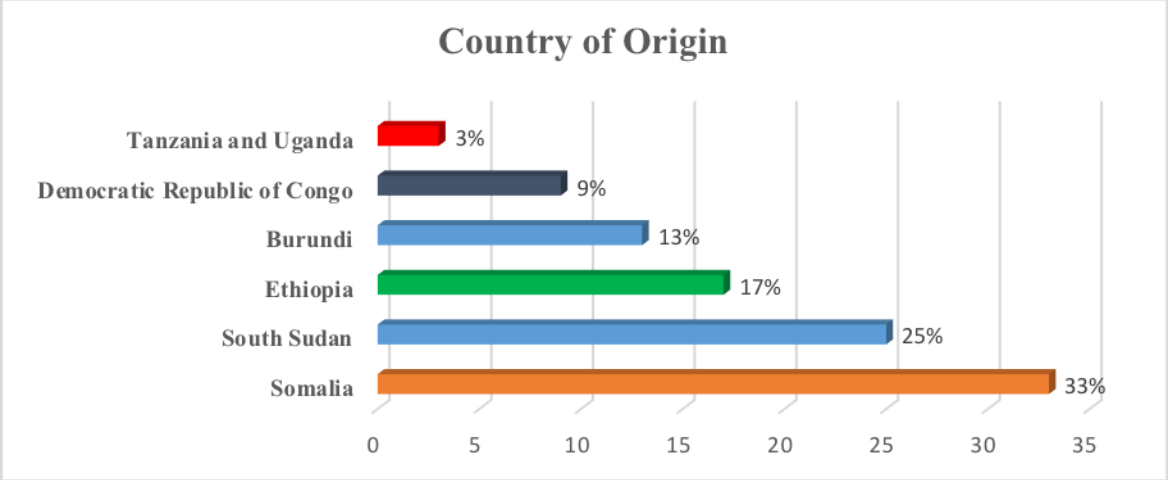
Table 4.3: Job designation

Designation	**Frequency**	**Percentage**
Police Officer	32	88.9
National Government Administration Officer	2	5.6
Officers from Office of Director of Public Prosecution	2	5.6
Total	**36**	**100**

Source: Research data, (2021)

4.2.2 Refugee's State of Origin

Participants were asked to indicate their state of origin. Results show that participants hailed from various states including, Somalia (33%), South Sudan (25%) Ethiopia (17%), Burundi (13%), Democratic republic of Congo (9%), Tanzania and Uganda (3%).This is an indication that majority of the refugees in Kenya are from the neighbouring countries. The above findings are in line with those of Murunga (2017) who found out that majority of Kenya urban refugees are from Somali, Ethiopia, Congo, Sudan, Uganda and Rwanda. Kenya has been a generous refugee hosting state for several decades and the country has hosted many refugees fleeing from insecurity and instability in its many neighbouring countries.

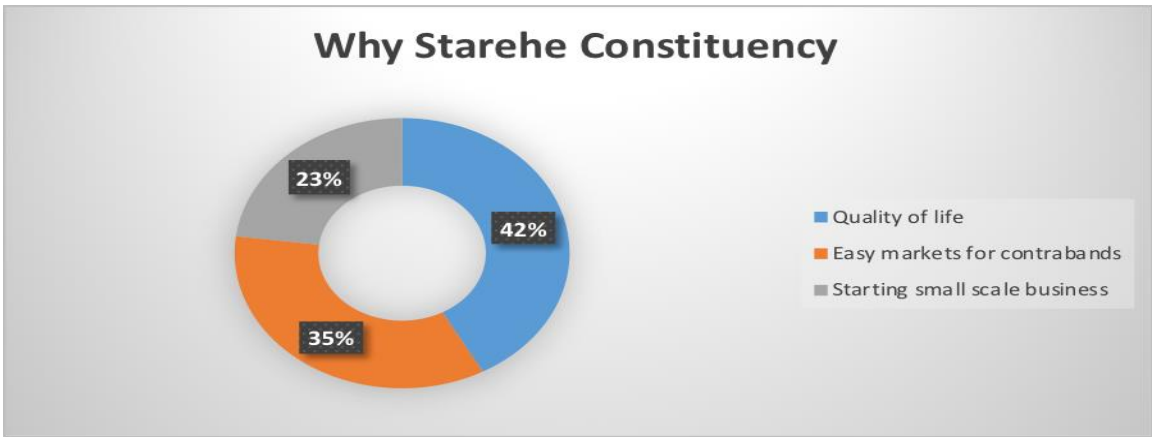


Source: Research data, (2021)

Figure 4.2: Refugees Country of Origin

Further, the participants were asked to indicate the reason as to why they chose to come and live in Starehe Constituency, in their response refugees indicated that the Starehe Constituency appeared to have immense structural avenues that could promote refugee's quality of live (42%). Other respondents mentioned that, in Starehe Constituency it is easy to find market for contraband commodities (35%) or venture in to small scale business (23%). The findings concur with those of Buscher (2017) who recognizes there has often been a premise of advantage attached to urban refugees. An assumption prevails that as they are in cities; urban

refugees have access to money, connections and opportunity and, hence, are in less need of assistance than camp-based refugees.



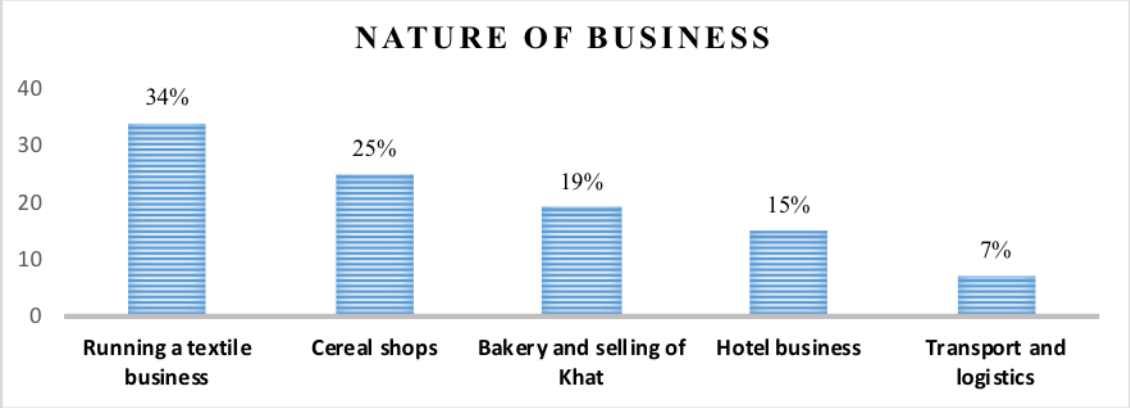
Source: Research data, (2021)

Figure 4.3: Why Starehe Constituency

4.3 The Nature of Organized Crimes that Urban Refugees Are Engaged in

From the open ended questions, refugees were asked to clarify on how they managed to afford their basic necessities especially in the urban setup. In their response, some of the refugees indicated that they relied on remittance from their families from other parts of the globe. Other indicated that they lived under the sponsorship of UNHCR, others were running SMEs while others indicated that they relied on religious groups for financial support. For refugees running business, some indicated that they were running a textile business, other indicated cereal shops, others indicated sealing of khat, bakery, hotel business, other were in transport and logistics. The findings are in line with those of Sommers (2016) who demonstrated the natural connection between refugees and urban centres. Refugees settle in urban centres to avoid dependence on rations, boredom, hopelessness, hardships and restrictions that prevail in camps. They use their

skills and pursue opportunities provided by greater economic resources, such as education for their children.



Source: Research data, (2021)

Figure 4.4: Nature of Business

4.3.1 Participants Knowledge of Refugees Living in Area

Respondents were asked to indicate whether they were aware of refugees living in area. In their response, all the participants 82 (100%) agreed that there were refugees living in the area of administration.

Table 4.4: Participants' knowledge of refugees living in area

Knowledge	Percentage	Percentage
Yes	118	100
Total	**118**	**100**

Source: Research data, (2021)

4.3.2 Refugees Involved in Criminal Activities

Respondents were asked to clarify whether some of these refugees were involved in criminal activities. From the study findings, majority (84.1%) of the participants agreed that refugees were involved in criminal activities while 15.9% were of the contrary opinion. This implies that some of these refugees were involved in criminal activities. According to Kagwanja, (2018) where resources are limited or inadequately allocated to confront influxes of refugees,

resources are strained and quickly depleted. Strained resources have forced refugees to engage in criminal activities for the purposes of meeting their basic needs and making a meaningful life for themselves.

The findings are also in line with those of Alfano, (2018) who revealed that from the moment of arrival, refugees compete with the local citizens for scarce resources such as land, water, housing, food and medical services. Over time, their presence leads to more substantial demands on natural resources, education, health facilities, energy, transportation, social services and employment. Equally, increased demand for food and other commodities can lead to the involvement of criminal activities by the refugees as a means of survival in the host country.

Table 4.5: Refugees Involved in Criminal Activities

Crime Involvement	Percentage	Percentage
Yes	99	84.1
No	19	15.9
Total	**118**	**100**

Source: Research data, (2021)

Participants were indicating the nature of criminal activities that refugees were involved in, reports are presented in Table 4.6. From the study findings, respondents indicated that participants engaged in different criminal activities including human trafficking (89%), sale of small arms (78%) sale of drugs and narcotics (50%) robbery and mugging (58%) while other indicated hacking and other technological related crimes (60%). This implies that refugees were involved in criminal activities such as human trafficking, sale of small arms robbery and mugging, sale of drugs and narcotics and hacking and other technological related crimes and selling of contraband good.

These findings are a little different from those from West African Countries where most of the refugees are involved are involved in sex trade where women are smuggled to European countries especially Spain and Italy (Semetko, 2018). The findings also fail to concur with those of Dagan (2018) who did not support the view that refugees are a threat to security. The study argued that in mass movements, where people are fleeing from violence, there will be no ill-intensions and no group of people will take advantage of the vulnerable group to cause harm, for their selfish interests.

Table 4.6: Criminal Activities in Which refugees Engaged In

Criminal Activities	Percentage
Sale of small arms	78%
Human trafficking	89%
Sale of drugs and narcotics	50%
Hacking and other technological related crimes	60%
Robbery and mugging	58%

Source: Research data, (2021)

4.3.3 Benefits emanating from criminal activities that refugees engage in

Respondents reported that; there was no long term benefit emanating from refugee involvement in criminal activities. However, reports show that participants benefited from terminal alleviation the torched on primary needs. One of the participants repowered that

> "There are no long term benefits from criminal activities that refugees involve themselves in, by the fact that the law doesn't recognize us as citizens of this nation, there is no way we can even invest money from illicit activities. We can only use it for survival". (Refugee Representative A)

From the qualitative data, it was established that profits gained through illegal activities came along with dire consequential effect to the society. In their explanation activities such as human trafficking compromised human rights policy, illicit narcotics trade or arms proliferation only distorted peace but also disorganized foundation upon which economies are build.

In a verbatim, one police officer indicated;

> "Refugees are the lowest in the pyramid and therefore they have very little to gain from these criminal activities. (Senior Police Officer, A)

One senior Police officer indicated;

> "Refugees must be able to account and clarify on wealth accumulated and in absence of clear documentation it becomes challenge for them to secure legal documentation and property security rights, this leaves then vulnerable as the wealth accumulated through illegal activities may be freeze by the government". (ODPP Officer A)

4.4 Social Economic Factors That Motivate the Urban Refugees to Be Engaged in Organized Crime

4.4.1 Aspects that Motivate Refugees to Engage in Crime

Respondents were asked to indicate some of the factors that motivated refugee in crime engagement. In their response participants indicated that host countries lacked an accommodative policy frame work that allowed refugees to engage in economic generating activities. In most refugees lacked the required education level to get meaningful employment. In line with the findings by Bianchi, Buonanno and Pinotti (2018) protracted refugee situations pose additional difficulties, especially when uprooted people lack educational and economic opportunities and where their prospects for durable solutions are limited. This is often the case in host countries where local inhabitants also struggle to survive. In most cases, refugees live in developing nations, where economic stagnation and unemployment are high and general opportunities low. The resulting competition, be it real or perceived, for scarce resources leads to friction between refugees and the local population. The latter often blame the former for a variety of problems, including increases in crime.

In direct words from one of the respondents;

> "We are economically disadvantaged, we lack the perquisite legal documents, to secure employment or start money generating activities such as small business. Indeed, that justifies why some refugees engage in petty crime. Material gain from some of these business such as wealthy gained from human trafficking and narcotics traded also motivates us into criminal behavior" (Refugee, Representative C)

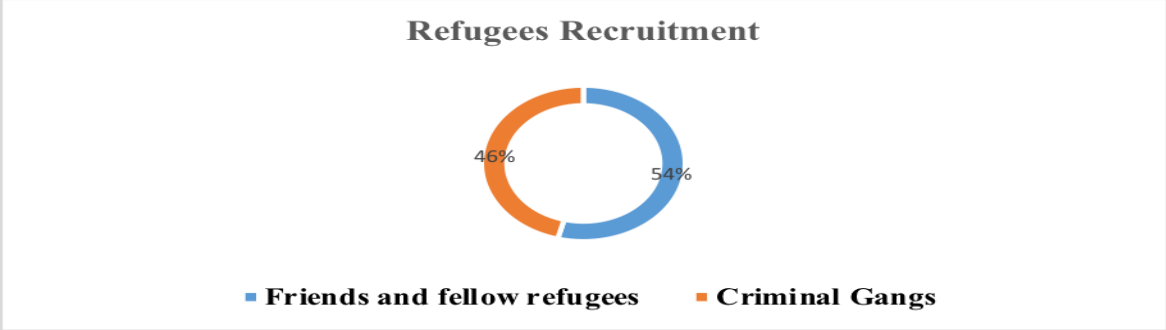
The verbatim above goes in line with findings of Butcher and Piehl (2018) who revealed that the recent waves of refugees are less skilled than both earlier refugees and natives. This lack of human capital dampens their job prospects and also may narrow their residential options. Consequently, many refugees are channeled into neighbourhoods located in or around urban ghettos where they are more likely exposed to unemployment, poverty, and sundry social ills associated with contexts of severe economic deprivation. Ousey and Kubrin, (2016) revealed that even if refugees are not a crime-prone demographic, arriving in a new country could lead people to commit nonviolent crimes due to economic hardship or social alienation. Economic reasons could drive people to turn to illegal market opportunities whether through theft or the drug trade.

4.4.2 Recruitment of Refugees in Crime

On recruitment, descriptive results revealed that planning and execution of illegal activities involved a complex network that involved both refugees, citizens from host nations and sometimes agencies operating. However, in most cases refugees only play a mediatory role towards actualization of crime. As revealed from the study friends and fellow refugees plays a huge role at the recruitment stage (54%) followed by the local criminal gangs (46%).

These findings concur with those of De Vreese (2016) In Italy who found out that the Nigerian criminal gangs have established a strong presence in several Nigerian towns, and have formed alliances with the Sicilian Mafia, controlling an extensive network of prostitutes and

ordering them on demand from Nigeria. Each street is carefully cleaved between Mafia and Nigerian rule as they have adapted their tactics to capitalize on exploitive opportunities such as targeting asylum-seekers and new waves of refugees. Butcher and Piehl (2018) also revealed that gang leaders and friends may also engage in forced recruitment of young men and children or use refugee camps as rest and recuperation sites. Many of these problems are exacerbated when refugees reside for long periods in countries of asylum where they lack educational and economic opportunities.



Source: Research data, (2021)

Figure 4.5: Refugees Recruitment

From the verbatim, one of the refugees reported that;

> "Recruitment also depends on the nature of activities one involved in. Some of my friends were recruited by local gangsters, drug cartels or human trafficking agencies who use us as proxies to accomplish their bigger purpose". (Refugee Representative B)

4.4.4 Efforts made by Kenya and UNHCR Prevent the Refugee's Involvement in Crime

From the qualitative data Kenya government has been slow in implementing the recommendation by UNHCR which seeks to put to rest the stateliness on persons by 2030. From the verbatim, one respondent stated the following;

> "In effort to curb crime, respondents indicated that Kenyan government ensured that all refugees entering Kenya are dully registered and their movements are closely monitored". (NGAO Representative A)

One national Government Administration noted that refugees training has been neglected to a larger extent by the national government. In a verbatim the respondent stated

> "Educational opportunities and training programmes to refugees not only provide opportunities for the future but also help prevent the recruitment of youths by armed and subversive elements. In protracted refugee situations primary and secondary education, vocational training and income-generating programmes help refugees become economically self-sufficient and restore their self-esteem. Such initiatives are generally seen to have a positive impact on security both in the short and long term" (NGAO Representative A)

On a positive note, the respondents in the open ended questions noted that the Kenyan government has been lobbying for Aid (education, healthy, capacity building for special groups) from international organization as to ensure that that the spillover effect does not negatively affect Kenyan economy.

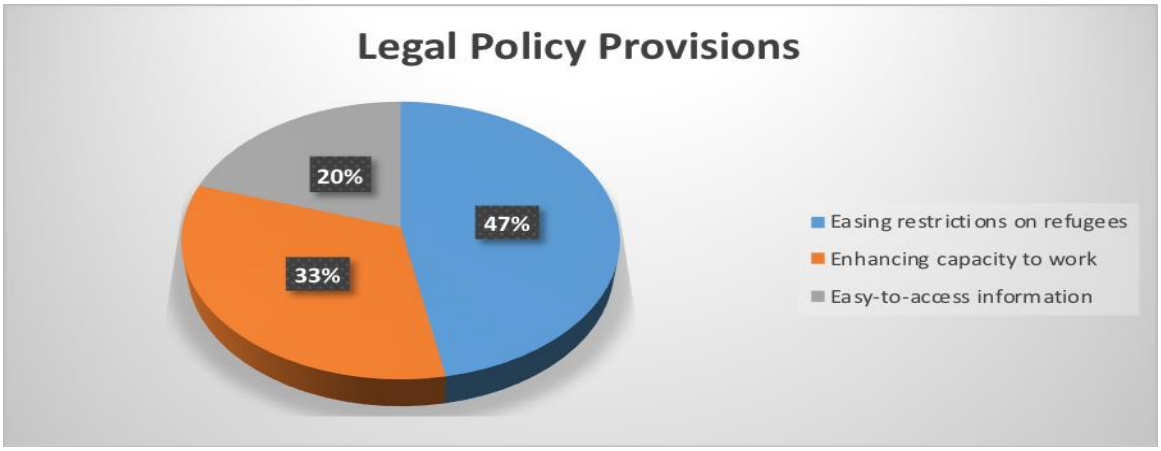
4.5. Legal and Policy Provision in Managing Organized Crime within Starehe Sub County in Nairobi

From the open ended questions, majority of the refugees indicated there were adequate Legal and Policy provision to curb organized crime. This included the Refugees Act 2006 that was assented to on 30th December 2006, an Act of Parliament to make provision for the recognition, protection and management of refugees and connected purposes. The Constitution of Kenya 20I0 also offers protections to refugees with regards to Chapter IV which guarantees the fundamental rights and freedoms of the individual. However, refugees narrated that the law enforcers lacked the necessary capacity to implement most of these policies. One refugee in a direct quote noted;

> "Some of the junior officers cannot even recognize refugee ID issued by the Kenyan government. We often get arrested for no absolute reason. We face many challenges such as repeated arrest, destitution, prolonged and detentions in foreign cells". (Refugee Representative A)

The above verbatim is in line with Campbell (2016) views where he revealed that the pre-1991 refugee regime in Kenya was characterised as generous and hospitable and with an emphasis on local integration. The post-1991 regime has been less hospitable, characterised by growing levels of xenophobia and few opportunities for local integration which is deemed to be seen as a result of the growing national insecurity. The study also established that easing restrictions on refugees, capacity to work and providing easy-to-access information can translate into increased participation in the labour market and a reduction in crime.

According to Kagwanja (2017) where national legislation ignores the rights of refugees, it limits their ability to become self-reliant. For example, restrictive legislation in Kenya does not allow refugees to leave camps; as a result, most refugees in these countries remain entirely dependent on international assistance. Besides putting a large financial burden on the international community, this dependence contributes to a climate of idleness and apathy in the camps which may push refugees into crime or military activity.



Source: Research data, (2021)

Figure 4.6: Legal Policy Provisions

4.5.1 Refugees Live Experience in Kenya

From the open ended questions, participants indicated that refugees living in Starehe County were more disadvantaged towards employment when compared to host community in Nairobi county and wider Kenya. Also Refugees in lack access to adequate housing, sanitation, water and other basic services. Others reported that price fluctuations, lack of capital to run the business, were also major challenges impeding them from participating in legal economic activities. One of the refugees interviewed reported that;

> "We have poor relationships with the relationship host communities, they are don't welcome us, they consider us like terrorist". (Refugee Representative B)

As noted by Alfano, (2018) the presence of refugees at times compounds economic and political difficulties in different countries. From the moment of arrival, refugees compete with the local citizens for scarce resources such as land, water, housing, food and medical services. Over time, their presence leads to more substantial demands on natural resources, education, health facilities, energy, transportation, social services and employment. Equally, increased demand for food and other commodities can lead to the involvement of criminal activities by the refugees as a means of survival in the host country

4.5.2 Support from Government of Kenya and UNHCR

Further the study inquired on whether refugees get any support from government of Kenya and UNHCR. From the study findings, majority of the participants (81.7%) agreed that refugee obtained support from government of Kenya and UNHCR whereas 18.3% indicated otherwise. The support received from the Government of Kenya was in terms of registration and giving out the movement passes. UNHCR support refugees in terms of monthly financial

stipends is centred on critical, lifesaving needs through individual assessments. Further Safe house accommodation is given to those refugees with heightened protection risks.

Table 4.7: Support from government of Kenya and UNHCR

Support	Percentage	Percentage
Yes	95	81.7
No	23	18.3
Total	**118**	**81.7**

Source: Research data, (2021)

4.5.3 Harassment of refugees by police officers (law enforcers)

Participants were asked to indicate whether police officers in (law enforcers) harass refugees. From the analysis, majority of the participants (82.9%) agreed that police officers harass refugees while 17.1% were of the contrary opinion. This implies that in most occasions the refugees were harassed by police officers due to noncompliance and disconformity with the law. Others elaborated that refugees get arrested whether they have legal documentation or not.

Table 4.8: Harassment of refugees by police officers

Harassment	Percentage	Percentage
Yes	96	82.9
No	22	17.1
Total	**118**	**100**

Source: Research data, (2021)

From the qualitative data it was established that police arbitrarily detain refugees and asylum seekers in their homes, in the street, in police vehicles, and in police stations. These findings can relate to those of Semetko (2018) who revealed that the deployment of poorly paid and undisciplined police and security forces may exacerbate security problems to refugees, sexual abuse and the looting of relief supplies. State capacities to safeguard refugee security cannot therefore be enhanced without bettering the quality of law enforcement and the judiciary and promulgating appropriate legislation.

In a verbatim, one respondent noted the following;

> "I have personal experience of these 'arrests'; it once happened as I went to Kenyatta National Hospital to seek treatment, I showed them [the police] my documents from UNHCR [the UN Refugee Agency] but they insisted I had no right to be in the country. They then took me to a side street and one of them held my neck tightly as the other one took all the valuables I had in my pockets. I was then released." (Refugee Representative C)

4.5.4 Measures the Government Should implement to Support Refugee

On the measures the government should implement to support refugee, the respondents stated that the government of Kenya should work together with international community through UNHCR to give urban refugees mandate and other assistance thereby enabling them to have their basic necessities and not to overburden the economy of the country. Further, the respondents noted that there is a need to develop an effective and objective information channels as well as reporting and complaint mechanisms is crucial to refugee assistance and protection.

Refugees' situations are often breeding grounds for organised crime. Credible information channels are therefore vital to give refugees the accurate information required to defuse tensions. Regular and non-confrontational discussions between refugees, humanitarian agencies and representatives of host and refugee communities would allow grievances to be voiced and develop a forum for constructive dialogue.

In a verbatim, one respondent suggested the following;

> "The UNHCR should support the initiative through initiating a coordinated approach which brings together other agencies such as the UN, and human rights advocacy groups. The UNHCR should also monitor extent to which nations reform their policies to ensure deprivation of nationality is completely put to rest. The government of Kenya should incorporate into national criminal justice strategies measures to prevent, prosecute and punish crimes involving violence against refugees and their families". (ODPP Officer Representative A)

On measures that can prevent refugee's involvement in crimes, an officer from the Office of Public Prosecution stated the following;

> "Kenyan government policymakers and criminal justice practitioners to develop specific approaches that are relevant in addressing the menace of refugee's involvement in crimes. Kenya together with UNHCR should institute measures, as appropriate, to strengthen the entire criminal justice process and to vigorously investigate and prosecute crimes against refugee, including trafficking in persons and other serious offences, especially crimes constituting violations of the human rights of refugee, giving special attention to assisting and protecting victims". (ODPP Officer Representative B)

CHAPTER FIVE

DISCUSSIONS, SUMMARY, CONCLUSION AND RECOMENDATIONS

5.1 Introduction

This chapter presents the study summary, conclusions and recommendations based on the study findings. The objectives of this study were to establish the nature of organized crimes urban refugees are engaged in within Starehe sub county in Nairobi, to investigate the social economic factors that motivate urban refugees to be engaged in organized crime within Starehe sub county in Nairobi and to assess the adequacy existing legal and policy provision in managing organized crime among urban refugees within Starehe sub county in Nairobi

5.2 Discussions of the Findings

5.2.1 Nature of Organized Crimes Urban Refugees Are Engaged In

Based on the statistical evidence, participants (91.7%) concurred that some of the refugees living in Kenya were involved in criminal activities. Refugees were involved in different criminal activities including human trafficking (89%), sale of small arms (78%) sale of drugs and narcotics (50%) robbery and mugging (30%) while other indicated hacking and other technological related crimes (24%). According to Kagwanja, (2018) where resources are limited or inadequately allocated to confront influxes of refugees, resources are strained and quickly depleted. Strained resources have forced refugees to engage in criminal activities for the purposes of meeting their basic needs and making a meaningful life for themselves.

According to the study findings, refugees in Kenya are economically disadvantaged; they lack the perquisite legal documents, to secure employment or start money generating activities such as small business indeed that justifies why some refugees engage in petty crime. Further

descriptive information also revealed that perceived material gain from some of this business such as wealthy gained from human trafficking and narcotics traded also motivated refugees into criminal behavior. The findings are also in line with those of Alfano (2018) who revealed that increased demand for food and other commodities can lead to the involvement of criminal activities by the refugees as a means of survival in the host country.

The planning and execution of illegal activities involved a complex network that involved both refugees, citizens from host nations and sometimes agencies operating. However, in most cases refugees only play a mediatory role towards actualization of crime. From the findings, refugee's recruitment into organised crimes depends on the nature of activities one involved in. Some are recruited by local gangsters, drug cartels and human trafficking agencies who use them to proxies to accomplish their bigger purpose.

From these illegal activities refugee's refugees gains very little which can only be utilised for livelihood. The study further revealed that profits gained through illegal activities comes along with dire consequential effect to the society. Activities such as human trafficking compromised human rights policy, illicit narcotics trade or arms proliferation not only distorts peace but also disorganized foundation upon which economies are build. Studies by Lawlor, (2015) show that illegitimate opportunity structures such as the illegal drug trade are particularly appealing avenues of economic success for refugees who encounter difficulties locating work in legitimate industries.

5.2.2 Social Economic Factors That Motivate the Urban Refugees to Be Engaged in Organized Crime

By majority opinion participants (83.3%) agreed that host country living conditions motivate refugees to engage in organized crime. Deprivation from basic necessities motivates the

refugees into crime. The study also revealed that in some situations refugees resort to illegal activities as a result of general economic scarcity or to fill breaks in their food supply. Refuges in urban places faced inadequate supply of food, insecurity, sanitation problems, congestion, diseases, lack of incomes, shelter problems, scarcity of water, and restricted movement while doing business. Other factors in denial of necessary refugee rights by the Kenyan government, negligence from the agencies concerned, idleness, lack of income, lack of resources and poor lifestyles. These findings support study findings by Ousey and Kubrin, (2016) even if refugees are not a crime-prone demographic, arriving in a new country could lead people to commit nonviolent crimes due to economic hardship or social alienation. The findings are also in line with those of Lawlor, (2015) who revealed that refugees disproportionately settle in economically disadvantaged neighbourhoods, it is likely they face greater exposure to the promises of open-air drug markets.

It was further revealed that some refugees assisted human trafficking agencies in sourcing persons thus becomes indirect assistant's others were being contracted by terrorists to smuggle arms or drugs while other were recruited local gangs and friends in effort to better prepare for their missions. The findings are in line with those of Lawlor, (2015) who found out that Rebels and friends may engage in forced recruitment of young men and children or use refugee camps as rest and recuperation sites. Many of these problems are exacerbated when refugees reside for long periods in countries of asylum where they lack educational and economic opportunities.

5.2.3 Legal and Policy Provision in Managing Organized Crime

From the findings, majority of the refugees indicated there were adequate Legal and Policy provision to curb organized crime. This included the Refugees Act 2006 that was assented

to on 30th December 2006, an Act of Parliament to make provision for the recognition, protection and management of refugees and connected purposes. The Constitution of Kenya 20I0 also offers protections to refugees with regards to Chapter IV which guarantees the fundamental rights and freedoms of the individual. However, refugees narrated that the law enforcers lacked the necessary capacity to implement most of these policies. For instance, UNHCR under Article 6(4) requires that all signatories like Kenya should automatically grant children born within their territory nationality by default.

Under international law, a state is obliged to ensure the physical protection of all those who reside within its borders, refugees included and it remains the responsibility of the host state to prevent the militarization of refugee-populated areas. At the same time, the security of refugees and their hosts is also a collective endeavour, both to prevent dangerous situations from occurring and to stop their escalation. Regrettably the Kenyan government is still reluctant in implementing this policy and thus escalating the aspect of statelessness which is precursor to refugee involvement in organized crime. These findings concur with the study findings by Léonard, (2017) most of the state lack adequate policy measures that address the plight of refugees while protecting the national interests. According to Rucht, (2018) most of the state's lack of Refugee employment policies.

Descriptive results show that Kenyan law enforcers harass refugees, in most occasions the refugees are harassed due to noncompliance and disconformity with the law. In their explanation, Kenyan police considered them as obstacles to urban security and development. The findings are in line with Semetko (2018) who revealed that the deployment of poorly paid and undisciplined police and security forces may exacerbate security problems to refugees, sexual abuse and the looting of relief supplies. State capacities to safeguard refugee security cannot

therefore be enhanced without bettering the quality of law enforcement and the judiciary and promulgating appropriate legislation.

5.3 Summary of the Findings

5.3.1 The Nature of Organized Crimes that Urban Refugees Are Engaged in

On the nature of organised crime that majority of the refugees are involved in, the study revealed that human trafficking, sale of small arms, sale of drugs and narcotics, robbery and mugging and hacking and other technological related crimes were among the major crimes. It was further revealed that there was no long term benefit emanating from refugee involvement in criminal activities. Profits gained through illegal activities came along with dire consequential effect to the society. In their explanation activities such as human trafficking compromised human rights policy, illicit narcotics trade or arms proliferation only distorted peace but also disorganized foundation upon which economies are build.

5.3.2 Social Economic Factors That Motivate the Urban Refugees to Be Engaged in Organized Crime

On the social economic factors motivating refugees into organised crime, the study revealed that host countries lacked an accommodative policy frame work that allowed refugees to engage in economic generating activities. Majority of the refugees are usually economically disadvantaged, and lack the perquisite legal documents, to secure employment or start money generating activities such as small business. Indeed, that justifies why some refugees engage in petty crime.

On recruitment of refugees into organised crime, the study revealed that planning and execution of illegal activities involved a complex network that involved both refugees, citizens from host nations and sometimes agencies operating. However, in most cases refugees only play a mediatory role towards actualization of crime. As revealed from the study friends and fellow refugees plays a huge role at the recruitment stage followed by the local criminal gangs.

5.3.3 Legal and Policy Provision in Managing Organized Crime within Starehe Sub County in Nairobi

Majority of the refugees indicated there were adequate Legal and Policy provision to curb organized crime, however, refugees narrated that the law enforcers lacked the necessary capacity to implement most of these policies. The study also established that easing restrictions on refugees, capacity to work and providing easy-to-access information can translate into increased participation in the labour market and a reduction in crime. From the qualitative data it was established that police arbitrarily detain refugees and asylum seekers in their homes, in the street, in police vehicles, and in police stations.

In theory, refugees in Kenya are free to engage in any form of self-employment without the need to obtain formal authorization and they may take paid employment after obtaining a work permit. The Act provides that every refugee and member of his family in Kenya shall, in respect of wage-earning employment, be subject to the same restrictions as are imposed on persons who are not citizens of Kenya. Refugees and their spouses may apply for and obtain a class M work permit. A holder of a class M work permit may engage in any occupation, trade, business or profession. Although obtaining a two-year work permit previously cost refugees US$700, this is no longer the case as Kenya has removed this fee and made permits available free of charge.

While refugees may theoretically work, the practice is reportedly much different. In most cases, the government does not issue work permits to asylum seekers or refugees except in a few isolated cases. As a result, refugees and asylum seekers are forced to seek employment in the informal sector. However, this is increasingly being made difficult by the country's encampment policy, which restricts the ability of refugees and asylum seekers to move about the country freely.

A path to naturalization is apparently not available to refugees. The 2010 Kenyan Constitution provides that a person who has been lawfully resident in Kenya for a continuous period of at least seven years and who meets other conditions prescribed in the relevant legislation may be naturalized. Kenyan law on citizenship provides additional conditions, including the ability to speak Kiswahili or a local language and the capacity to make a substantive contribution to Kenya's development. However, in practice, Kenya does not appear to grant citizenship to refugees.

5.4 Conclusions

5.4.1 Nature of Organized Crimes Urban Refugees Are Engaged In

Based in the study findings, this study concludes some of the refugees living in Kenya were involved in criminal activities, urban refugees engaged in various criminal activities such as human trafficking, sale of contrabands, sale of small arms robbery and mugging, sale of drugs and narcotics and hacking and other technological related crimes. The planning and execution of illegal activities involved a complex network that involved both refugees, citizens from host nations and sometimes agencies operating.

The study also concludes that refugees in urban areas are economically disadvantaged, and lack the perquisite legal documents, to secure employment or start money generating activities such as small business. Indeed, that justifies why some refugees engage in petty crime. Material gain from some of these business such as wealthy gained from human trafficking and narcotics traded also motivates refugees into criminal behavior.

5.4.2 Social Economic Factors That Motivate the Urban Refugees to Crime

The study concludes that deprivation on social economic factors motivated urban refugees to be engaged in organized crime within Starehe Sub County in Nairobi. Refuges in urban places faced inadequate supply of food, insecurity, sanitation problems, congestion, diseases, lack of incomes, shelter problems, scarcity of water, and restricted movement while doing business. The study also concludes that denial of necessary refugee rights by the Kenyan government, negligence from the agencies concerned, idleness, lack of income, lack of resources and poor lifestyles.

The study also concludes that there are no long term benefits from criminal activities that refugees involve themselves in. In most cases they earn very little which can only be used for survival. Profits gained through illegal activities came along with dire consequential effect to the society. In their explanation activities such as human trafficking compromised human rights policy, illicit narcotics trade or arms proliferation only distorted peace but also disorganized foundation upon which economies are build.

5.4.3 Legal and Policy Provision in Managing Organized Crime

The study concludes that Kenya lacks adequate legal and policy provision in managing organized crime among urban refugees within Starehe Sub County in Nairobi. Kenya has failed in putting up the right policies to protect refugee's social and economic welfare and that Kenya need to develop specific approaches that are relevant in addressing the menace of refugee's involvement in crimes. Further, the government does not issue work permits to asylum seekers or refugees except in a few isolated cases. As a result, refugees and asylum seekers are forced to seek employment in the informal sector. However, this is increasingly being made difficult by the country's encampment policy, which restricts the ability of refugees and asylum seekers to move about the country freely.

In effort to curb crime, Kenyan government has ensured that all refugees entering Kenya are dully registered and their movements are closely monitored. Regrettably the Kenyan government is still reluctant in implementing this policy and thus escalating the aspect of statelessness which is precursor to refugee involvement in organized crime.

5.5 Recommendations

This study makes the following recommendations based on the study objectives;

In order to end refugee involvement in criminal activities, the Kenyan Government national government should be providing refugees with access to tenure security, legal documentation and low-interest loans, which can help the informal migrants to get formal jobs and stability. Humanitarian and development organisations should work closely with the United Nations and the Government of Kenya to ensure coordinated and comprehensive services are

provided to address the needs of both refugees and the Kenyan community amongst whom they live.

In effort to curb crime, Kenyan government should ensure that all refugees entering Kenya are dully registered and their movements are closely monitored. Kenya should also lobby for Aid (education, healthy, capacity building for special groups) from international organization so as to ensure that that the spillover effect does not negatively affect Kenyan national security. The donor community must recognise the shifting of refugees from a predominately camp setting to urban areas and develop policies and provide funding to address this reality. In particular, initiatives could facilitate refugee access to financial capital and microenterprise development.

Kenya together with UNHCR should Institute measures that strengthen the entire criminal justice process and to vigorously investigate and prosecute crimes against refugee, including trafficking in per-sons and other serious offences, especially crimes constituting violations of the human rights of refugee, giving special attention to assisting and protecting victims. Further it is crucial that the government changes its negative attitude towards informal migrants and begins to view them instead as assets in boosting urban economic growth and development. Governments should also be more actively involved in regional bodies such as East African Cooperation, African Union, IGAD and others to deal with the root causes of refugees. Internal conflicts, hostilities and wars between nations bordering Kenya are some of the root causes of refugees. It is only the regional bodies who can sanction the end of these wars by placing trade, economic and social barriers to those countries

5.6 Recommendations for Further Research

This study focused on the purpose of this study was to assess the role of urban refugees in organised crime, a case of Starehe Sub County: Nairobi Kenya. This was done in a general manner, so the study is not exhaustive enough since it has only concentrated on a single constituency. Therefore, it should act as a base for further research.

Other area for further studies includes the survival strategies of vulnerable groups among urban refugees (women, children, aged and disabled). In studying these groups, focus should be on post-natal and pre-natal care for expectant mothers because health facilities are not free, the experiences these mothers face during delivery, the immunization procedures for children, nutrition requirement for both mothers and children. In discussing the disabled, focus should be on the structures of obtaining livelihood where they are not able to engage in work, their motivation factors of living in the urban centres

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APPENDICES

Appendix I: Introductory Letter
Dear respondent:

I am **IGNATIUS KIEMA MULYUNGI,** a finalist student of Africa Nazarene University. I am on fieldwork to gather data for my research study titled**: The Role of Urban Refugees in Organised Crime: A Case of Starehe Sub County: Nairobi Kenya**

This study is in partial fulfilment of a Master of Science in Governance, Peace and Security. Your informed contribution will be highly appreciated. Be assured that your responses will be handled with utmost care and confidentiality and will ONLY be used for the academic purpose intended.

Yours Sincerely

Ignatius Kiema Mulyungi

Appendix II: Questionnaires for Refugees

Section A: Respondents Demographic

1.Kindly indicate your gender: a. Male [ ] b. Female [ ] c. Others[ ]
2. Please indicate your age…….

3.Kindly indicate your marital status? Married [ ] Not Married [ ] Divorced [ ]

4. Indicate your country of origin……..

5.Why did you come to live in Starehe Constituency?.....

The Nature of Organized Crimes that Urban Refugees Are Engaged in

6.How do you survive? For example, how do you get your food and house rent?

……
……
.
7.What is your job? Do you have a business?

……
……
8.Do you know other refugees living in this area?

Yes [ ] No [ ]

9.Are some of these refugees involved in criminal activities?

Yes [ ] No [ ]

10.If yes, kindly indicate the nature of criminal activities? You can tick more than one

Sale of small arms	[ ]
Human trafficking	[ ]
Sale of drugs and narcotics	[ ]
Hacking and other technological related crimes	[ ]
Robbery and mugging	[ ]

Others……

Section B: Social Economic Factors That Motivate the Urban Refugees to Be Engaged in Organized Crime

11.What do you think motivates the refugees to get involved in the mentioned crimes?
……
…….
12.Who recruits the refugees into the organised crime?

……
……
13.Do you think the refugees who gets involved in these crimes benefits at all in the long run?
……
……..
14.What is the government of Kenya and UNHCR doing to prevent the refugees get involved in such evil vices?
……
……..

Section C: Adequacy Existing Legal and Policy Provision in Managing Organized Crime Within Starehe Sub County in Nairobi

15.What has been your experience as a refugee in Kenya?

……

……..

16.Do you think the government of Kenya has put the right policies to protect refugees?

Yes [ ] No [ ]

17.Do you get any support from government of Kenya and UNHCR for the purposes of fulfilling your basic needs?

Yes [ ] No [ ]

18.Do the law enforcers harass you just because you are a refugee?

Yes [ ] No [ ]

19.If yes above kindly elaborate?

……

……..

20.In terms of policy, what do you think the government should do to support you as a refugee?

……

……..

21.If you have any other comment regarding this study you can put it here

……

……..

THANK YOU AND GOD BLESS YOU

Appendix III: Questionnaire for The National Government Administration Officers, ODPP, and The Police

Section A: Respondents Demographic

1.Kindly indicate your gender: Male [ ] Female [ ]
2. Please indicate your age…….

3.Kindly indicate your designation

Police Officer [ ] National Government Administration Officer [ ]

4.How long have been and officer in this constituency?

Below 1 years [ ] 1-3 years [ ] 4-7 years[ ] Over 7 years [ ]

Section B: The Nature of Organized Crimes Urban Refugees Are Engaged In

5.Are there refugees living in your area of administration?

Yes [ ] No [ ]

6.Are some of these refugees involved in criminal activities?

Yes [ ] No [ ]

7.If yes, kindly indicate the nature of criminal activities? You can tick more than one

Sale of small arms [ ]
Human trafficking [ ]
Sale of drugs and narcotics [ ]
Hacking and other technological related crimes [ ]
Robbery and mugging [ ]
Others……

Section C: Social Economic Factors That Motivate the Urban Refugees to Be Engaged in Organized Crime

8.Do you agree the host country living conditions motivate refugees to engage in organised crime?

Yes [ ] No [ ]

9.What do you think motivates the refugees to get involved in the mentioned crimes?
……
…….
10.Who recruits the refugees into the organised crime?
……
…….
11.Do you think the refugees who gets involved in these crimes benefits at all in the long run?

……
……..

12.What are you doing as the government agencies to prevent the refugees get involved in such evil vices?

……
……..

Section D: Adequacy Existing Legal and Policy Provision in Managing Organized Crime Within Starehe Sub County in Nairobi

13.Do you think the government of Kenya has put the right policies to protect refugees?

Yes [ ] No [ ]

14.Do the refugees get any support from government of Kenya and UNHCR for the purposes of fulfilling your basic needs?

Yes [ ] No [ ]

15.Do the law enforcers harass refugees?

Yes [ ] No [ ]

16.If yes above kindly elaborate?

……

……..

17.In terms of policy, what do you think the government should do to support you as a refugee?

……

……..

THANK YOU AND GOD BLESS YOU

Appendix IV: Interview Guide for Key Informants

1.How long have you been an official in this region?

……
……

2.Do you think the refugees get involved in organised crime? Kindly elaborate

……
……

3.Do you have reported cases of refugee's involvement in organised crime? Kindly elaborate on the reported cases?

……
……

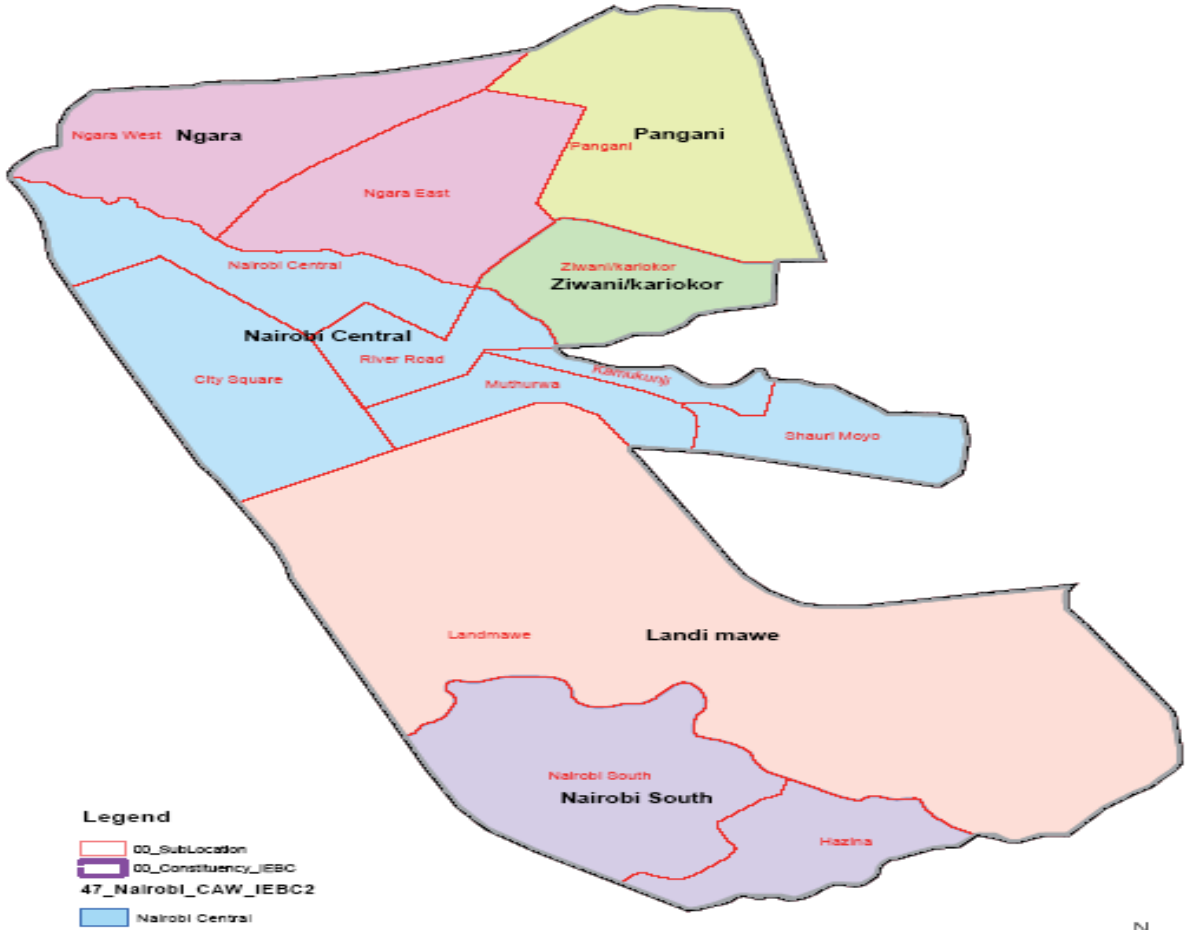
4.What do you think is leading refugees to getting involved in organised crime?

……
……

5.Do the government have adequate legal requirements to support refugees?

……
……

Appendix V: Starehe Constituency Map



Source: IEBC (2018)

Appendix VI: Plagiarism Report

THE ROLE OF URBAN REFUGEES IN ORGANISED CRIME: A CASE OF STAREHE SUB COUNTY IN NAIROBI, KENYA

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