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Management of the refugee phenomenon in low
and high-income countries: a comparison between
Kenya, Tanzania and Italy

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ABSTRACT

Il titolo di questa tesi, “Management of the refugee phenomenon in low and high-income countries: a comparison between Kenya, Tanzania and Italy” indica come il suo intento sia quello di analizzare le differenze che intercorrono tra i paesi sopracitati in materia d’asilo. La questione dei rifugiati è stata molto discussa negli ultimi anni, soprattutto tra le nazioni europee, a seguito dell’emergenza umanitaria insorta nel Mediterraneo, dopo la primavera araba e la creazione di rotte migratorie verso l’Europa. Emergenze umanitarie come la guerra civile in Siria e la insorgenza dello Stato Islamico in Medio Oriente, ma anche nel Nord Africa, come ad esempio in Libia, ha spinto molte persone a cercare rifugio in Europa, data la vicinanza con queste aree, l’accessibilità via mare dei suoi confini meridionali e, soprattutto, l’alto tenore di vita offerto dal Vecchio Continente. Il consistente aumento di richieste d’asilo avuto negli ultimi anni in Europa, dimostrabile dai dati Eurostat - 335,290 persone nel 2013, fino a superare il milione a partire dal 2015 (Eurostat, Asylum and first time asylum applicants - annual aggregated data (rounded), 2018) – ha spinto l’opinione pubblica a porsi alcune domande riguardo questa tematica.

Lo scopo di questa tesi è quello di fare un paragone tra tre realtà contemporanee che si ritrovano a dover affrontare la questione della gestione di rifugiati e richiedenti asilo. Grazie a questa analisi parallela sarà possibile chiarire alcuni aspetti, e anche possibili pregiudizi, creatisi nel corso degli anni. La scelta di due paesi a basso reddito come Kenya e Tanzania è stata fatta, innanzitutto, per poter mettere a confronto due paesi che, sebbene simili e confinanti, hanno per certi aspetti preso delle decisioni diverse in materia d’asilo. Oltre a ciò, l’esperienza personale quale la visita al campo profughi di Nyarugusu in Tanzania nel giugno 2016 e l’incontro con persone provenienti dall’altro importante centro africano quale Dadaab, hanno fornito lo spunto per

questa discussione, assieme all'attività professionale in qualità di operatore sociale svolta nei centri accoglienza di Conetta (VE), San Siro di Bagnoli di Sopra (PD) e attualmente di Masi (PD). La realtà della gestione dei rifugiati si mostra al mondo in moltissime sfumature diverse, ma si sottopone comunque a una serie di direttive comuni tutte ispirate alla Convenzione di Ginevra sullo Status del Rifugiato e dell'Apolide del 1951. Il principio fondamentale di questa convenzione proviene dalla definizione stessa di rifugiato, ossia la persona che "temendo a ragione di essere perseguitato per motivi di razza, religione, nazionalità, appartenenza ad un determinato gruppo sociale o per le sue ragioni politiche, si trova al di fuori del Paese di cui è cittadino e non può e non vuole, avvalersi della protezione di questo Paese" (United Nations, Convention Relating to the Status of Refugees, 1951). In altre parole, il fondamento alla base del bisogno di questo regime è che i rifugiati sono individui in una situazione specifica, che richiede misure di tutela supplementari, in quanto mancano della protezione del paese di origine, e che quindi va al di là del semplice aiuto umanitario. Dal punto di vista giuridico, ciò che caratterizza un rifugiato rispetto al semplice migrante è innanzitutto la motivazione per cui tale individuo lascia il proprio paese che, successivamente, risulterà come il motivo principale per cui viene riconosciuta la protezione internazionale. Il fondamento principale, riconosciuto dal diritto internazionale, che caratterizza la convenzione, e quindi successivamente anche tutte le direttive nazionali che si sono affidate ad essa, è il principio del non-refoulement, che vieta agli stati ospitanti di repatriare o espellere un individuo verso un paese in cui la sua vita potrebbe essere a rischio di morte, persecuzioni o discriminazioni. Il primo capitolo di questa tesi analizza, perciò, la questione dei rifugiati da un punto di vista generale, analizzandola a livello giuridico, economico e sociale. La prima parte, per l'appunto, analizza le varie definizioni che sono state date al termine "rifugiato", per poi esaminare dettagliatamente la Convenzione di Ginevra sullo

Status di Rifugiato, spiegando come abbia poi influenzato anche il diritto nazionale di molti paesi quali l'Italia. Viene infatti spiegato come, oltre al dovere di uno Stato di concedere la protezione internazionale, qualora ne fossero ravvisate le necessità, di garantire gli stessi diritti fondamentali che vengono riconosciuti a qualsiasi altro straniero presente nel territorio nazionale, quale il diritto alla giustizia, all'educazione e a molti altri servizi. La seconda parte del primo capitolo intende poi illustrare i possibili effetti della presenza di rifugiati nel territorio ospitante, e anche le conseguenze nel territorio di origine. I rifugiati, infatti, non sono semplicemente degli enti astratti che vengono ospitati giuridicamente nel territorio, ma sono anche e soprattutto migranti, e per questo, la seconda sezione del primo capitolo, offre la spiegazione da parte di Reinert, sulle conseguenze dell'immigrazione su un territorio. Questo gruppo di persone, una volta ospitato nel territorio, deve competere con la popolazione locale per l'allocazione delle risorse e anche nel mercato del lavoro. È necessario tenere a mente che, nonostante ciò, la maggior parte dei rifugiati si trova in nazioni confinanti a quelle in conflitto, che spesso hanno reddito medio pro capite basso, e che quindi hanno un ristretto mercato del lavoro e scarse risorse. La presenza di rifugiati o richiedenti asilo sul territorio viene quindi vista dalla popolazione locale come un ulteriore peso sulla già grave situazione di certi paesi, considerandola come un fardello per la spesa pubblica, che viene parzialmente reindirizzata all'accoglienza di tali individui. Inoltre deve essere ricordato che i rifugiati, data l'urgenza della fuga dal proprio paese, non sempre possono recarsi in un paese che sia ideale e accessibile facilmente da un punto di vista lavorativo, e quindi possono incontrare ostacoli sia dal punto di vista dell'integrazione, perché incontrando una cultura diversa non è sempre detto che la popolazione locale sia aperta a ciò, e anche a causa di differenze linguistiche che possono impedirne la comunicazione. È stato comunque dimostrato che malgrado gli iniziali effetti negativi della presenza di rifugiati in

una regione, i quali usufruiscono dei servizi sanitari e assistenziali da parte dello stato confinante, nel lungo periodo questi costi aggiuntivi si azzerano, portando a effetti positivi come la crescita del mercato interno, la contribuzione alla spesa pubblica tramite il lavoro di tali persone. L'elemento fondamentale che però contribuisce a tali effetti positivi è l'integrazione tra l'economia locale e i rifugiati. Per quanto concerne invece l'effetto della migrazione sui paesi di origine è opportuno nominare la questione delle rimesse, che sono quantitativi di denaro inviati dai migranti alla famiglia che si trova nello stato di provenienza, e che quindi contribuisce a risollevarne le condizioni di vita. La terza parte del primo capitolo interviene, invece, sulla delicata questione dell'impatto sociale dei rifugiati nel paese ospitante. È chiaro che più i paesi di provenienza e di destinazione sono simili culturalmente e linguisticamente, più sarà semplice per un rifugiato integrarsi nella futura società. Nonostante ciò, mentre molti sforzi vengono fatti al fine dell'assistenza di questa categoria di persone, la popolazione locale tende a considerarli come un fardello per il proprio paese, come rivali nel mercato del lavoro, e quindi tende ad ostacolare l'integrazione. La presenza di rifugiati ha anche l'effetto positivo di attrarre organizzazioni internazionali, ONG e altri enti che hanno lo scopo di fornire assistenza e aiuti umanitari. Molto spesso questi interventi, trovandosi in aree povere del mondo, sono mirati a coinvolgere la popolazione locale con la comunità di rifugiati, permettendole quindi di beneficiare del sostegno diretto principalmente ai centri accoglienza. Un lato negativo di questa questione è che, sfortunatamente, può capitare che si formino gruppi criminali o terroristici all'interno dei centri, o anche che vi siano delle persone con disturbi psichiatrici, dovuti ai traumi del conflitto nel paese di origine. Come è possibile vedere nel secondo capitolo, inoltre, la maggior parte dei campi profughi nei paesi a basso reddito quali Tanzania e Kenya, si trovano in zone molto isolate e lontane dalle città principali, che quindi azzerano le possibilità di integrazione con la

popolazione locale e con il territorio. Entrambi le nazioni hanno una lunga storia di accoglienza alle spalle, dovuta alla vicinanza con territori che sono stati in conflitto per molto tempo. La prima sezione del secondo capitolo cerca di individuare le ragioni dell'esistenza di una importante disuguaglianza tra le varie nazioni nel mondo. È stato infatti studiato che, nell'arco dell'ultimo millennio si è avuta una crescita totale consistente nel mondo, che non è però corrispettiva della crescita della popolazione e del reddito pro capite, indicando, quindi, che certi paesi si sono arricchiti più di altri, creando perciò questa disuguaglianza. I lavori di Lewis e Angus Maddison danno accesso alla comprensione di questo tema, anch'esso molto dibattuto. Le ragioni comuni a molti studiosi, come indicato nel secondo capitolo, sono appunto una mancata rivoluzione agronomica, come invece accaduto in Gran Bretagna i primi anni del XIX secolo, che ha dato lo spunto e ha creato le condizioni per lo svilupparsi della rivoluzione industriale, e lo sfruttamento straniero delle risorse materiali, economiche e umane di certe aree, come durante il periodo della colonizzazione. Gli effetti quindi dovuti a ciò sono che molti paesi attualmente classificati come sottosviluppati, o per utilizzare il termine politicamente corretto, meno sviluppati, si trovano in aree precedentemente colonizzate dall'Occidente, con un'agricoltura prevalentemente di sussistenza, ancora alla ricerca di una stabilità economica. La Repubblica Unita di Tanzania, creatasi dall'unione tra il territorio del Tanganica e di Zanzibar, e la Repubblica del Kenya, entrambe nate a seguito dell'indipendenza ottenuta dalla colonizzazione inglese, sono due stati ancora oggi classificati tra le nazioni meno sviluppate secondo l'Indice di Sviluppo Umano (Human Development Index – HDI), uno degli indicatori più accettati internazionalmente. La Tanzania ospita sin dalla sua nascita un grande numero di rifugiati, condividendo i propri confini con territori in conflitto. Le principali nazionalità ospitate nel suolo tanzaniano sono attualmente congolesi e burundesi. I primi hanno una lunga storia alle spalle di

vita da rifugiati, avendo dovuto subire all'interno del paese di origine discriminazioni, conflitti e instabilità politiche. Attualmente i Congolesi presenti all'interno del territorio tanzaniano provengono per la maggior parte dai conflitti avvenuti negli anni '90, e solo pochi di loro invece hanno chiesto aiuto negli ultimi anni. Altra nazionalità predominante all'interno dei campi profughi in Tanzania è quella burundese. Prima della crisi interna al Burundi gli unici rifugiati rimasti erano i Congolesi ospitati al centro Nyarugusu, nella regione di Kigoma, al confine con tali stati. Nonostante ciò, a seguito del malcontento popolare dovuto alla condotta dittatoriale dell'attuale capo del governo Nkurunziza, ad aprile 2015 un grandissimo numero di Burundesi ha deciso di chiedere ospitalità e aiuto alla comunità tanzaniana. La Tanzania attualmente ospita circa mezzo milione di rifugiati, e la gestione dell'accoglienza, come anche in Kenya, viene affidata all'Alto Commissariato delle Nazioni Unite in Tanzania, assistito da altre organizzazioni internazionali come il World Food Programme, l'IRC o l'IFAD. Per quanto riguarda il Kenya invece, si può affermare che la gestione del fenomeno rifugiati sia più o meno la stessa della Tanzania. Anche il Kenya, per l'appunto, rappresenta un territorio di salvezza per alcune popolazioni confinanti che si trovano ad affrontare situazioni di conflitto. Le principali nazionalità ospitate dal territorio keniota sono la somala e la sud sudanese. I primi provengono da un lungo periodo di instabilità politica seguita allo sgretolamento del regime dittatoriale di Siad Barre, che assieme a una grave carestia avvenuta nel '92, portò a una serie di conflitti senza precedenti per la lotta al potere, che durò per un lungo periodo di tempo, portando milioni di somali a lasciare le proprie case per cercare rifugio altrove, specialmente in Kenya. Fu così che si formarono enormi centri di accoglienza nel territorio, tra cui anche quello di Dadaab, ancora oggi in funzione, uno tra i più grandi al mondo. Attualmente, sebbene sia nata la speranza di un futuro più roseo grazie all'istituzione di un Parlamento nel 2012, togliendo alla Somalia l'appellativo di

Stato Fallito, la presenza di gruppi terroristici di matrice islamica come Al-Shabaab continua a creare disagio e insicurezza nella popolazione che perciò continua a scappare nei territori limitrofi. Il Kenya, inoltre, è stato soggetto ad alcuni attentati terroristici da parte di questo gruppo, come quello all'università di Garissa e del centro commerciale WestGate. La situazione fragile in Sud Sudan, invece, è relativamente recente, in quanto nato dall'indipendenza dal Sudan nel 2011, con un referendum che rasentava quasi il 100% di favorevoli alla scissione. Gli scontri sono nati per lotta al potere creatasi dopo l'indipendenza, che ha portato a una sanguinosa guerra civile, con massacri della popolazione da parte di bande armate. Nonostante un breve intervallo di pace nel 2016, i conflitti sono ripresi e una grossa parte della popolazione – si parla di circa 2 milioni di rifugiati – hanno cercato la salvezza in altri paesi. I rifugiati in Kenya sono ospitati presso grandissimi centri, che possono essere paragonati a vere e proprie città (si considerino le 400.000 persone ospitate a Dadaab), e anche qui, la gestione del fenomeno viene affidata principalmente a UNHCR. Per quanto riguarda la gestione pratica del fenomeno è possibile affermare che entrambi gli stati sono simili, con centri profughi immensi e dislocati distanti dalle città principali, sfavorendo l'integrazione, mentre dal punto di vista politico i due paesi hanno avuto atteggiamenti diversi. La Tanzania, infatti, a seguito di un periodo di chiusura nei confronti dello straniero, negli ultimi anni ha iniziato una serie di politiche di inclusione nel territorio di rifugiati, come ad esempio la naturalizzazione di 300.000 Congolesi. Il Kenya, al contrario, a causa degli attacchi terroristici da parte di Al-Shabaab, ha assunto una posizione di chiusura, essendo plausibile che molti focolai terroristici si nascondano proprio all'interno dei centri accoglienza.

Il terzo capitolo si occupa della gestione dei rifugiati in Italia. Come è già stato affermato precedentemente, l'Italia, essendo un paese a reddito alto, ha la capacità di offrire strutture e aspettative migliori rispetto a paesi come

Tanzania e Kenya. Inoltre, come viene descritto nella tesi, la quantità di rifugiati che si affacciano alle coste italiane è di gran lunga inferiore rispetto ai numeri affrontati nell’Africa Orientale. La maggior parte dei rifugiati che approdano nel Bel Paese provengono dal continente africano, principalmente dall’Africa Occidentale e dal Corno d’Africa. La rotta principale percorsa da queste persone converge tutta sul territorio libico, da cui poi, grazie a scafisti che richiedono ingenti quantitativi di denaro, i rifugiati vengono trasportati verso le coste italiane. Ultimamente si è aperta anche la rotta che dal Marocco porta alla Spagna, mentre un altro percorso molto battuto è quello che passa dalla Turchia verso la Grecia, frequentato maggiormente da persone provenienti dal Medio Oriente, come Siriani, Iracheni e Afghani. L’Italia, perciò, da un punto di vista legislativo, deve misurarsi con la realtà Europea, e adeguarsi perciò alle sue regole, come ad esempio al Regolamento di Dublino, motore e regolatore principale di tale materia nel continente. Il principio fondamentale di questo Regolamento riguarda l’attribuzione della competenza sulle procedure di accoglienza al primo stato in cui un richiedente asilo fa domanda di protezione internazionale, che, come comprensibile, la maggior parte delle volte si tratta dello stato costiero. Questo set di leggi ha quindi, in un certo senso, messo in ginocchio la gestione dei richiedenti asilo soprattutto in Italia e Grecia, principali porti di approdo per queste persone. È una delle ragioni per cui l’Italia si trova in difficoltà nella questione rifugiati, dovendo occuparsi quotidianamente di crescenti numeri di richiedenti asilo, costipandoli in centri accoglienza enormi e quindi sfavorendo l’integrazione all’interno dei territori. Nonostante ciò, lo stato italiano, grazie alla legge 142/2015, è riuscito a creare una rete di centri atti all’integrazione dell’individuo nella società, grazie a servizi sanitari, di educazione e ricerca assistita del lavoro, chiamati SPRAR. Tali centri, però, sono accessibili solo a persone a cui è già stata riconosciuta la protezione internazionale, che si può articolare in tre modi: protezione umanitaria (2 anni),

protezione sussidiaria (5 anni) e asilo politico (5 anni). Al contrario di Tanzania e Kenya, però, dove il tasso di riconoscimento di protezione internazionale è rappresenta la quasi totalità dei richiedenti asilo, in Italia la percentuale si aggira attorno al 20/30%. Questo indica che molti individui che approdano nelle coste italiane non hanno i presupposti per il riconoscimento di tale status, ma che si tratta spesso di migranti economici, che approfittano della rotta creatasi per cercare un futuro migliore in un paese più ricco. Ecco anche spiegato il motivo della diffidenza della comunità italiana, ma anche europea, riguardo l'accoglienza di queste persone. Inoltre, nonostante sia previsto un rimpatrio al momento del diniego alla domanda di protezione, sono molto rari i casi in cui questo viene effettivamente messo in pratica. Risulta così che all'interno dello stato italiano vi sono molte persone che, in mancanza del permesso di soggiorno, sono clandestine e devono dedicarsi ad attività criminali per sopravvivere. A partire da Agosto 2017, però, a seguito di un accordo dell'attuale premier Gentiloni con forze politiche libiche, il numero degli sbarchi nelle coste italiane è diminuito drasticamente: da una parte perché si è aperta anche la rotta spagnola, e da una parte perché vi è una collaborazione tra i due stati per il trattenimento o respingimento in mare verso le coste africane delle imbarcazioni. Questa manovra ha preoccupato la comunità internazionale in quanto la Libia non ha ratificato la Convenzione di Ginevra del 1951, e perché le condizioni in cui sono trattenuti i possibili richiedenti asilo sono disumane.

In conclusione, il paragone tra questi tre Stati, che hanno situazioni così diverse tra loro, mette in risalto come la gestione dei rifugiati possa essere vista e vissuta in maniera non omogenea. Le due realtà africane descritte mostrano la difficoltà di soccorrere ed offrire assistenza a rifugiati date le scarse risorse, mentre la realtà italiana, ma anche quella europea, dimostra come una scarsa collaborazione, nonostante maggiori strumenti, possano influire sulla gestione di tali individui.

Management of the refugee phenomenon in low and high-income countries: a comparison between Kenya, Tanzania and Italy

INTRODUCTION

The phenomenon of refugees and asylum seekers is an issue increasingly debated by the European public opinion nowadays. The reasons are many: firstly, the growing number of Europe's neighbouring countries facing internal conflicts or political instabilities. Secondly, as a consequence of the first, the increasing number of people reaching the Old Continent seeking safety from Africa and the Middle East. The recent break out of the civil war in Syria, the constant political instability of such countries as Afghanistan and Pakistan, the warfare in Libya and the constant struggle for peace and stability in the African continent have forced the European Union to discuss about the phenomenon of migration, especially from the international protection point of view, in order to find a permanent solution. The present common thinking leads Europe to be one of the most affected continents facing this phenomenon. The reality unveils that the main territories affected by the presence of refugees and asylum seekers are Third World neighbouring countries, which, most of the times, do not have a strong and stable public structure, together with a weak economy that makes them even more suffering from this reason. This dissertation aims to describe the situations that refugees and hosting countries can face, depending on their average income and on other elements that characterize this phenomenon. Tanzania and Kenya are taken as two examples of how the management of asylum seekers and refugees is handled, giving that they are two low-income countries situated in the neighbourhood of areas in conflict. Given that Italy is the main nation in which it is possible to feel the presence of refugees, it is taken as example of a high-income country, inside the European context. However, before describing more specifically what this dissertation illustrates, it is worth explaining some important terms that are going to be used

along the chapters. A first distinction must be given between the various terms used to describe the people arriving in a foreign country, because there are some words that are commonly confused by the media. The difference and correct assignation is important because “Countries deal with migrants under their own immigration laws and processes [while] Countries deal with refugees through norms of refugee protection and asylum that are defined in both national legislation and international law” (Edwards, 2016). The first term being discussed is “migrant”, who is the person who settles in a country different from the one of the own origin in order “to improve their lives by finding work” (Edwards, 2016), for education or for family reunification. It is fundamental to distinguish between regular and irregular migration. The regular migration is the one which takes the form of the influxes of foreign available labour force quotas on a particular country. In this case, these people are allowed to sojourn in a country due to the issuance of a regular work permit. The irregular migration is the condition of those foreigners residing in a country without a regular resident permit and hence a legal job and a stable income. The second basic term is the word “refugee”, which indicates a person seeking safety in a foreign country due to war, persecution or instabilities inside their homeland, and cannot come back because his or her life is at risk. A clear and internationally accepted definition is going to be analysed in the first chapter of this dissertation, which is the one given by the 1951 Convention Relating to the Status of Refugees and of Stateless Persons. As a consequence, a refugee is a person who has been recognized this status by the just-mentioned convention. However, the difference between migrant and refugee is clear, and it is important to keep in mind this distinction. Another important term is “asylum seeker”, who refers to an individual who has presented the request for international protection in a foreign country and he or she is still waiting for an answer.

The distinction between those terms is important because during the last few years Europe has seen a mixture of these types of individuals reaching its coasts. Indeed, the majority of people going to Tanzania and Kenya to find a shelter can definitely be considered refugees. In Italy, some of them can still be called migrants, given the socio-economic conditions of the country of origin but also its high-income country, which gives them expectations for a better future. In this regard, the high number of rejections in international protection requests explains why some asylum seekers are instead economic migrants.

The first chapter provides a general overview on refugees' world, creating an overall background on what the presence of these individuals foresees. The first chapter will initially analyse juridically the phenomenon of refugees, starting from its various definitions that can be found in many international agreements. All the ways to describe the term "refugee" have in common the "fear of being persecuted" in the countries of origins and the "lives at risk" if they decide to go back there. The main and most accepted version of the definition can be encountered in the 1951 Geneva Convention Relating to the Status of Refugees and Stateless Persons, which has been guided by the main actor responsible for these individuals, the United Nations High Commissioner for Refugees (UNHCR). The chapter goes deeply into the analysis of that Convention, describing the main pillars that a hosting country must respect when it deals with refugees. In particular, it describes the conditions according to which international protection should be provided, the rights and duties of an asylum seeker or a refugee in a hosting country, the duties of the hosting country or the management of disabled persons and unaccompanied children. Each country has built its legal framework concerning refugees, following the Convention's principles. The first chapter then continues with the general description of the impact of refugees in a hosting country from the economic perspective. Moreover, the second part of the first chapter talks about migrants

in general, making a further distinction inside the specific chapters concerning Tanzania, Kenya and Italy as far as refugees are concerned. This part of the dissertation explains how migrant's choices and skills already acquired in the country of origin may affect differently the impact on the hosting nations. A refugee is, first of all a migrant, and as such, he or she affects the hosting nation. For this reason, Reinert's explanation is interesting about the effects of the presence of migrants in a determined country. The main difference between the effects of a migrant and of a refugee stands between the choices to move to a foreign country. As it will be further explained, an economic migrant decides to move in order to improve his or her living conditions. Consequently, migrants decide to resettle in places in which their lives can improve, probably towards higher-income countries. Migrants' decisions are dictated by some important features like the age of the population, either the migrating or the hosting ones, the level of education, the relative wages and the migrant networks settled in the future country. These features, according to Reinert, are the pillars for a decision of resettlement. On the contrary, a refugee has rarely the possibility to decide in which country moving to because of the urgency of looking for safety into another country. In reality, as it will be confirmed in Chapter Two, the majority of refugees are not hosted in those countries most likely to attract migration, but in the neighbouring ones. The comparison between Kenya, Tanzania and Italy demonstrates precisely this difference due to the huge difference between the number of asylum seekers, and especially refugees, hosted in the respective territories. As the dissertation illustrates in Chapter Two, and subsequently in Chapter Three, Tanzania and Kenya, which are considered low-income countries, host some of the largest refugees' communities in the entire world. Italy is hosting large numbers of asylum seekers, which do not usually have the necessary requisites to be recognized the status of refugee. Notwithstanding the increasing number of refugees inside the

European Union, the data show that many individuals use the refugee route throughout the Mediterranean Sea to look for a better life. The dissertation shows, however, that not all the European situations are similar to the Italian one. Given that refugees' decision to flee is not mainly determined by the factors named above, they are likely to encounter several obstacles during the settlement process. According to Auer's studies, one of the main problems is the language proficiency. In fact, whether an economic migrant chooses a country even because of the capacity to speak the new nation's language, a refugee may not have this possibility. This entails higher and more numerous impediments for the refugee. The inability in the communication process is a cause for a scarce integration between refugees and the local community, which, consequently, becomes sceptical and mistrustful in respect of the newly arrived. The relation with the hosting society is another key feature of this phenomenon. Refugees, but also migrants in general, are considered by the local community as a burden, firstly because of their competitiveness in the labour market, and secondly because they are believed as a further weight on the public expenditure. In some cases the presence of refugees can be warmly welcomed, especially in low-income countries, because many aid projects are created with the purpose of integrating the local community with them, making the firsts benefit from the support given to the seconds. A host community can obtain disadvantages and advantages from the presence of refugees, and it will be depicted during the third part of Chapter One.

The second chapter of this dissertation deals with low-income countries, such as Kenya and Tanzania. It illustrates the causes of the distinction between low and high-income countries, before talking specifically about refugees' phenomenon inside those territories. It starts from a series of rankings used by the international community in order to differentiate the diverse socio-economic conditions of each country in the world. This explanation is

fundamental to show the difficulties encountered in order to establish a unique common denominator, able to embrace all the peculiar faces of development. The classification of countries based on the income and on the level of development is then useful to understand the phenomenon of refugees. Certainly, the presence of refugees affects differently the hosting countries, depending mainly on their economy, and on their social structures. Tanzania and Kenya, as it will be explained more deeply in Chapter Two, are classified as two low-income countries, although the second has development indicators slightly higher than the first. This distinction is important also to see the differences, although minimal, between these two East-African countries. However, the analogies and the impact of refugees' presence in these countries are higher than the differences. In addition, Chapter Two will illustrate the reason for the presence of shelter camps in their territories. Tanzania and Kenya host a great number of refugees because of their territorial position, given that they border countries in conflict, each one for its historical reason, mainly due to decolonization. An interesting overview on the origins of the gap between developed and underdeveloped countries is offered at the beginning of this Chapter by professor Lewis and Maddison's theories, in which they both agree to find the reason of inequality in the superpowers' exploitation during the centuries, which is then connected to the African sorrow after decolonization. The main populations hosted by Kenyan territories are from Somalia and South Sudan, two countries that are still searching for an internal stability, mainly political, even if an ethnic struggle is still on. Tanzania, instead, is hosting people fleeing from the recent civil war in Burundi, and from the past conflict inside the Democratic Republic of Congo, in which warfare is the daily routine. Despite their internal economic and social problems, these two countries have been offering safety to these people for a long time. For this reason, although refugees are kept far from the main cities, the entire local community feels

heavily their presence. Most of the times local people have to fight the competition created between them and refugees inside the labour market, although some of them can benefit from the services offered by the international organizations that operate there. The differences of these two countries in the management of refugees are mainly political, and this chapter will depict this shade.

The Third Chapter, then, aims to describe the situation of refugees and asylum seekers in Italy, a high-income country. The management of refugees and asylum seekers in Italy is quite different from the one of the two above-mentioned African Countries. Firstly, it is different because of the gap in the instruments that Italy, as a high-income country can offer. Secondly, Italy is a Member State of the European Union, and especially it is subordinated to the Dublin Regulation, which states laws on the field of asylum and influences Italian decisions on the management of the phenomenon. Thirdly, due to the different nationalities arriving in Italy, and hence to the various reasons for having landed there, it is necessary to make a distinction between refugees and economic migrants. It would be interesting to discuss about the lack of a political union in Europe, which can be the cause of the lack of solidarity between the various countries, leaving the bordering ones keep the burden of the reception of asylum seekers. In this regard, Chapter Three will deal in the first part with the relation between the European Union, Italy and refugees. An entire section will be dedicated to the analysis of the Dublin Regulation, which is not only the key point to start the explanation of the management of the asylum seekers in the Old Continent, but also is the litmus test for the events and pursued actions on this matter. The Chapter then continues with the practical explanation of the management of refugees in Italy, which sees also my personal participation as a worker in a social cooperative that deals with asylum seekers in San Siro's reception centre, which has hosted more than 800

persons. The description of the management of this phenomenon is like the travel of an asylum seeker. At the beginning, it describes the travel from the homeland to Libya, and consequently the crossing of the Mediterranean Sea. Secondly, other objects of this dissertation will be the international protection application and the life inside a reception centre. Thirdly, Relocation procedures will be explained, as an answer for a durable solution for asylum seekers coming from specific countries, such as Iraq, Syria or Eritrea. However, although the Italian management or European as well is highly skilled, there are some deficiencies in the system, which are worth mentioning during this thesis. Some lacks are caused by the scarce cooperation between the European countries, like the endless international protection procedures, while some other deficiencies depend on the Italian repatriation services, like the great amount of irregular migrants still present in Italy, with a pending rejection of the international protection, whose consequence should be repatriation. Then Chapter Three examines, as the end of Chapter Two, the impact of refugees in the hosting country, in this case Italy, from the economic, social and juridical perspective.

This dissertation goal is to enlarge the consciousness on the topic of refugees, in order to rebut many prejudices and false beliefs created in Europe during the last period. The basis given by Chapter One and the details offered by Chapter Two and Three should enlarge the knowledge on the subject, although many other questions can be risible because of the complexity and the volubility of the situation.

CHAPTER ONE - REFUGEES

This first chapter focuses on the concept of refugee, from juridical, economic and social perspectives. The refugee that arrive in a hosting country affect the host society from a variety of points of view, because it is involved in the reception, and, if possible, the integration of these people. It is important to avoid the unilateral interpretation of the phenomenon as the simple welcome of persons in need. Refugees can change the host society. They can affect the economy, if they are integrated into the labour market; they can also influence the economy of the place of origin (with their remittances). In addition, they can change the society, if they get involved with local people, spreading their culture. Finally, they can imply changes in the juridical code of a nation. It is important to start from the definition of refugee and its consequent interpretations and studies for several reasons. Meanwhile, it is useful to consider that to receive the status of refugee, which is not an ambiguous figure, an individual needs to fulfil certain specific features, namely the personal decision to move from the country of origin, or a specific political situation of such a nation. Therefore, outlining the borders of the status of refugee is crucial to maintaining stability and coherence in dealing with this delicate issue, especially from the juridical viewpoint.

1.1 Definition of refugee according to the various institutions

To have a clear idea of whom a refugee is it is worth depicting the origins of this term. According to the Oxford Dictionary, a refugee is “A person who has been forced to leave their country in order to escape war, persecution, or natural disaster”. The origins of the term can be traced back to the French *réfugié*, which comes from the past participle of (*se*) *réfugier*, meaning “gone in search of refuge” (Oxford Dictionary, 2017). Thus, this term shows a personal

status given by the events surrounding the person, but can also concern specific and addressable elements, which belong to such individual. The search for a place to stay concerns the impossibility of human beings to remain in their places of origin because of the fear, or especially, of the tangible risk for their lives. Refugees and the internally displaced persons (IDP) share the need to resettle in a safer place, while the difference between them is that the firsts find a shelter outside the borders of the homeland, and the seconds within the State of origin. The term “refugee” was first applied referring to the French Huguenots, “who migrated after the revocation (1685) of the Edict of Nantes” (Online Etymology Dictionary, 2017), towards England, seeing that their civil rights had been eliminated with the abrogation of such act. This word kept the meaning of “one seeking asylum” until 1914, when it changed in favour of “one fleeing home”, due to the Flemish migrations, a population that was trying to escape from the First World War. (Online Etymology Dictionary, 2017)

Other definitions of the term “refugee” are offered by institutions dealing with this category, such as Amnesty International or the Red Cross, but also in international service broadcasters like the BBC. Amnesty International is a non-governmental organization, which takes care of the respect of human rights globally, dealing also with refugees. They supervise the living conditions that refugees face in each country that hosts them, and as an international organization, they are involved in the struggle for a proper treatment for them in places in which their human rights are not respected. Amnesty identifies refugees as “people who have had to flee their country because of armed conflict, serious human rights abuses, or persecution” (Refugees & Asylum, 2017). In addition, Amnesty states that “Their own government cannot or will not protect them and so they are forced to seek international protection.” (People on the Move, 2017) Amnesty International, in this way, explains that inside the country of origin of these people there are conflicts or precarious

situations that put their lives at risk. In addition, the government, which should be the first institution designated to protect and to take care of its citizens, sometimes, is not able to accomplish its duties. According to Andrew Schacknove - a University Lecturer in Law and Director of Legal Studies at the Oxford University - the definition of refugee has taken different interpretations. In fact, as it will be explained later, the canonical and most accepted definition is the one given by the United Nations in 1951. However, also the Organization of African Unity (OAU) depicted its own, and it is possible to see that each institution is inspired by its own previous history and experience. In Schacknove's opinion, refugees, in general, are people "fleeing life-threatening conditions" (Shacknove, 1985, p. 274). However, he distinguishes between the definition given by the United Nations and the one given by the OAU according to the relationship between the state and the citizens. He states that the UN definition implies "a bond of trust, loyalty, protection, and assistance between the citizen and the state constitutes the normal basis of society" (Shacknove, 1985, p. 275), while the OAU does not take loyal support from the state for granted. Schacknove justifies this difference because of the diverse experiences of the parties. On one hand, the states taking part in the 1951 UN Convention were coming from a period of totalitarianism after the World War II; on the other hand, the OAU sees that the bond between the citizen and the state can be severed easily, due to the fragility of the new-born decolonized nations (Shacknove, 1985, p. 276). Although these divergences can mitigate the limits of the term "refugee", the 1951 UN Convention remains the most accepted definition at an international level, even according to such international organizations like the Red Cross or the Human Rights Watch, and hence it represents the juridical basis for the majority of the countries in the world.

The Convention Relating to the Status of Refugees (1951)

The figure of the refugee had not been clearly defined juridically until 1951, after all the events happened during World War II, which caused millions of people fleeing from their homes in search for a shelter. The term was codified during the Convention Relating to the Status of Refugees, held in Geneva by UNHCR. From a juridical point of view, a first insight of the phenomenon of refuge-seekers has been added to the Universal Declaration of Human Rights, proclaimed the 10th of December 1948 by the United Nations General Assembly. Article 14 of the 1948 Declaration states that “Everyone has the right to seek and to enjoy in other countries asylum from persecution.” (United Nations General Assembly, 1948) However, within the second paragraph, it specifies that “This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations” (United Nations General Assembly, 1948). This particular Article of the Declaration allowed a growing consciousness of the existing figure of the refugee that led, in January 1951, to the establishment of the United Nations High Commissioner for Refugees and, in July 1951, to the Geneva Convention, which is the centrepiece of international refugee protection today. (Office of the UNHCR, 2010, p. 2) During this convention, the term “refugee” has been given a new and specific definition, which is still accepted and followed nowadays.

Subsection 2 of Article 1 of the 1951 Convention Relating to the Status of Refugees states that “As a result of events occurring before 1 January 1951 and owing to wellfounded fear of being persecuted for reasons 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 that country; or who, not having a nationality and being outside the country of his former habitual residence as a

result of such events, is unable or, owing to such fear, is unwilling to return to it.” (United Nations High Commissioner for Refugees, 1951, p. 14) This definition is still a guideline to follow in case of the evaluation of the requests for asylum. It has only been amended by the 1967 Protocol, which removed the temporary limits given initially to the status of refugees¹.

The 1951 Convention was adopted by a Conference of Plenipotentiaries of the United Nations on the 28th July 1951, and it entered into force on the 21st April 1954. According to the United Nations High Commissioner for Refugees, as of April 2015, one hundred forty five states are now parties of the 1951 Convention, while one hundred forty two are parties to both the Convention and Protocol. The Nations that are members only of the Convention are Madagascar and Saint Kitts and Nevis, while the ones taking part only to the Protocol are Cabo Verde, United States of America and Venezuela. (Multilateral Treaties Deposited with the Secretary General, 2017)

After some years, a need to amend the 1951 Convention increased, due to the emergence of new critical situations, in order to create legal rules to such new types of refugees. Precisely, such situations as the Hungarian Revolution in October 1956 could have been reconnected to events prior to 1951, while events creating refugees from the Asian and African decolonization could not be easily interpreted in the light of the Convention. As a result, a Protocol relating to the Status of Refugees was prepared. After consideration by the General Assembly of the United Nations, it was opened for accession on January 31st, 1967 and entered into force on October 4th, 1967. (United Nation High Commissioner for Refugees, 2011, p. 6) As a consequence, in order to comprehend all the situations that can occur for a refugee to be defined, it is essential to consider not only what is declared in the 1951 Convention but also

¹ See art. 1 sect. B of the 1951 Convention: (a) “events occurring in Europe before 1 January 1951”; or (b) “events occurring in Europe or elsewhere before 1 January 1951”.

the amendment made in the 1967 Protocol. The 1951 Convention is composed of forty-six articles, in seven chapters; each one of them explores a different shade of the status of refugee. Article 1 is one of the most important, because it gives the definition of the identity of a refugee, and it is actually from this point that the Convention develops. It also gives details in terms of inclusion, cessation and exclusion, showing the limits of the definition. The cessation of the 1951 Convention application is foreseen in some particular cases. The first case is when the refugee “has voluntarily re-availed himself of the protection of the country of his nationality;” or he has voluntarily re-acquired it. The second concerns the situation of a refugee that “has acquired a new nationality, and enjoys the protection of [that] country”. The third case deals with the voluntary repatriation in the country of origin, while the fourth indicates that cessation is applicable when the circumstances with which the individual has been recognized as a refugee have ceased to exist (United Nations High Commissioner for Refugees, 1951, p. 15). The above proposition gives the idea that the status of refugee is not an indelible print in the life of a person. It can be a temporary situation that can be taken back to the previous one, once the moment of instability has passed, both for the political situation of the country of origin, and for the peculiar position of each one.

Apart from the situation in which a person ceases to be considered as a refugee, it is fundamental to understand when an individual, according to various features, should receive that status. Sections D, E and F of Article 1 depict some figures that do not deserve the status of refugee: persons already receiving protection or assistance from an organ or agency of the United Nations (D); or people that, even without the nationality of the country of residence, have the same rights and obligations of a person with that nationality (E). Section F is very interesting because it gives clauses of exclusion, not from a pragmatic or bureaucratic perspective, but from a moral one. In fact it states:

“The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that: (a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes; (b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee; (c) he has been guilty of acts contrary to the purposes and principles of the United Nations.” (United Nations High Commissioner for Refugees, 1951, p. 16) Although an individual deserves the status of refugee, his or her personal actions can compromise the recognition of international protection, if considered against the values and principles of the United Nations.

Article 2 deals with the general obligations of the refugee: each person has to follow and respect the rules of the hosting state, as if it was his or her country of nationality. The Articles between 3 and 11 illustrate the rights and conditions that must be granted to the refugees: namely, freedom of practicing each own religion (art. 4) with no discrimination of race or of country of origin (art. 3); the full enjoying of equal rights (art. 5) or the treatment “in the same circumstances” provided for any alien person by the hosting country (art. 6). Article 9 declares that “Nothing [...] shall prevent a Contracting State, in time of war or other grave and exceptional circumstances, from taking provisionally measures which it considers to be essential to the national security in the case of a particular person” (United Nations High Commissioner for Refugees, 1951, p. 18). It underlines the Convention’s priorities on the security of the hosting state. However, Article 11 explores the shades of the situation of the life of the refugee inside the hosting state after a long period of sojourn in such country facing the aspect of residence. As a matter of fact, it states that “the period of such enforced sojourn shall be considered to have been lawful residence within that territory” (United Nations High Commissioner for Refugees, 1951, p. 19).

The Second Chapter of the Convention explores the features of the juridical status that should be assigned to refugees. Article 12 explains that the personal status of such category should be given by the country of domicile or, in case of no possession of such status, by the country of residence. This same article, at paragraph 2, deals with the issue of marriage, as “Rights previously acquired by a refugee and dependent on personal status” (United Nations High Commissioner for Refugees, 1951, p. 20), which should be respected by the Contracting States. Article 13, instead, deals with the issue of property, granting to the refugees the same treatment of any other alien present in the hosting territory, which concerns the acquisition and the leasing of movable and immovable properties. Artistic rights and immovable property are topics faced in Article 14. Precisely, the protection of “inventions, designs or models, trade marks, trade names, and of rights in literary, artistic, and scientific works” (United Nations High Commissioner for Refugees, 1951, p. 20) should be granted as if the refugees were in their habitual residence, together with the right of association (art. 15) and the favourable access to court (art. 16).

The proposition “in the same circumstances” is used also in Chapter III, which deals with the topic of employment, from various points of view. Article 17 explains that refugees should be given the same treatment as nationals in case of wage-earning employment, especially if they entered the territory with the purpose of labour recruitment; of self-employment (art. 18) and of a freelance profession (art.19). However, it specifies that “restrictive measures imposed on aliens or the employment of aliens for the protection of the national labour market shall not be applied to a refugee who was already exempt from them at the date of entry into force of this Convention for the Contracting State concerned” (United Nations High Commissioner for Refugees, 1951, p. 22). The possession of the residence permit in the hosting country for

three years and family members being in possess of the nationality are other examples of the exemptions listed in Article 17.

As far as the welfare protection is concerned, Chapter VI illustrates the conditions to be imposed to the Contracting States to provide every person inside their territories the same treatment as if the refugees were nationals. In particular, it deals with rationing of products in case of short supply (art.20), housing (art. 21), and public education (especially elementary education: art. 22), public relief (art. 23), and finally with labour legislation and social security (art. 24).

Chapter V, dealing with administrative measures, illustrates very important matters, especially linked to what is happening with the humanitarian emergency in Europe. Firstly, it explains that hosting national authorities should deliver documents or certificates to refugees as if they owned national status, because they cannot receive this service from the country of origin. Secondly, these documents or certifications “shall be given credence in the absence of proof to the contrary” (United Nations High Commissioner for Refugees, 1951, p. 27). This means that any of these documents or certificates issued by the hosting state are created just on the basis of the self-declaration of refugees (for example, nationality, date of birth or civic status). Therefore, it is only up to the reliability of these declarations that the validity to the document is conferred, if no other instruments can confirm it. These issues are usually recalled when asylum seekers enter a new territory with no identification document. Once the status of refugee is given by the Contracting State, that person has the right to move freely within the territory of such country, as it is declared in Article 26. In addition, the Geneva Convention contains the issues of identity papers, travel documents, financial charges and transfer of assets, and states that the Contracting Countries should provide the above-mentioned services as if the

person requesting is a national or any other alien. Then Article 31 addresses the situation in which a refugee has entered one of the Contracting States unlawfully. As regarding this matter, the 1951 Convention is clear: “The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1” (United Nations High Commissioner for Refugees, 1951, p. 29). As a consequence, each person who entered illegally one of the countries part of the Convention, cannot receive any punishment for the above-mentioned actions, if they derive from a place in which their life is at risk. In addition, the Contracting States cannot impose restrictions in the movement of these people that have the aim to obtain admission to enter another country. Although having reiterated that expulsion for such category of persons is not permitted, Article 32 grants the exception for people that put national security at risk. However, Contracting States should allow them to have legal assistance and to search for admission in another country. This matter is examined in the subsequent article, by introducing the principle of “non-refoulement”, which compels the Contracting States to “expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his [or her] life or freedom would be threatened on account of his [or her] race, religion, nationality, membership of a particular social group or political opinion.” (United Nations High Commissioner for Refugees, 1951, p. 30). As well as Article 1, where the definition of refugee is introduced, Article 33 is one of the most debated nowadays, especially as regards the immigration phenomenon that is happening in Europe. In fact, the growing populist parties, which are now acting in many European States, usually target this principle as if “International law becomes an unacceptable impediment to national sovereignty” (Jagland, 2017). However, the same article states that this principle shall not be applied to any individual who is considered “as a danger to the

security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.” (United Nations High Commissioner for Refugees, 1951, p. 32) Subsequently, Chapter VI deals with more technical provisions than the previous ones. For example, the cooperation between the national authorities and the UN foresees that any Contracting State should provide to the second updated information, statistics, legislative conditions and data regarding the refugee situation. The last Chapter, instead, explains the procedure to be followed by a state in order to take part in the Convention.

To conclude, the Convention Related to the Status of Refugees and Stateless persons held in Geneva 1951 represents the main guide to be followed in order to analyse the matter deeply. All the other institutions dealing with refugees see this Convention, and the related 1967 Protocol, as the pillars for the study and the management of this phenomenon. As it was shown, even the other definitions do not detach substantially from Article 1.

1.2 Refugees from an economic perspective

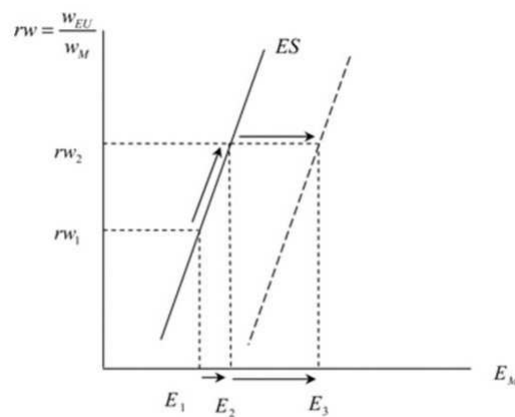
It is now necessary to consider how, in practice, the phenomenon of refugee changes the host country and the one of origin. This phenomenon can entail many repercussions because this group of people moves from one country to another influencing both the demographic composition and the local and international economy. In particular, it is important to keep in mind the various steps of the journey of a person seeking refuge. Initially, this individual flees from his home in order to escape a tangible threat to his or her own life. This means that they leave their house - if the current situation of their own country of origin allows them to have one - they abandon their job, and they move to another country. It is assumable that in the state of origin somebody else might

replace them in their previous job, and maybe, someone can occupy their former house. From an economic point of view, however, the country of origin undergoes a loss in the labour force and a decline in the tax revenues, as well as in the consumption inside the local market. The higher many other persons follow the choice of the first one, the more this process experiences a higher impact. As far as the hosting country is concerned, the impact of the arrival of refugees can be analysed in different ways. It can initially be examined under a short-term perspective, considering the arrival of these refugees and the first aid delivered by the hosting country, such as a temporary shelter and the welfare assistance. Therefore, if the refugee has not the possibility to go back to his or her country of origin, it is plausible to imagine a process of integration of such individual, not only culturally and socially, but also professionally. The assimilation of these individuals in the host society can accentuate labour market pressures because of the entering labour force. In addition, it can change the level of wages according to the opportunity cost, influence the average age of the population, and also the fertility rate. The movement from a country to another, even if it is done forcibly due to unstable living conditions, can affect both the country of origin and the hosting one. This section is dedicated to the analysis of the effects of the migrants, and in particular of the refugees in the economy of the hosting country, and in the one of the homeland.

Before entering the issue of the economic impact of refugees, it is worth mentioning the distinction that an economist gives of the various foreigners entering a country. Reinert states that “as barriers to the movements of goods services, direct investment, and finance transactions have fallen over time, barriers to the movement of people have largely remained in place or even increased.” (Reinert, 2011, p. 190) He means that, together with a faster movement of goods and services, people started moving more rapidly, and

implicitly he refers to refugees. Further on, he distinguishes between the types of foreigners, which have different degrees of relevance to the topic of international production, since they enter a hosting country. He starts by inserting the *permanent high-skilled migration*, which includes people that find employment in *multinational* enterprises, and are hence in search of a long-term residence. The second figure is the *temporary high-skilled migration*, which differentiates from the first case because of a political opposition by the hosting state on permanent residence. The third one is the *temporary low-skilled migration*, which involves a higher number of migrants, and allocates them in areas of manufacturing, manual work or domestic services. The fourth category refers to *family migration*, the biggest flow from low and middle-income countries to high-income ones. Further on, Reinert adds some categories that are not purely economic. In fact he introduces the notion of *coethnic and national priority migration* - including such phenomena generated by the Israely's "Law of Return"- the *asylum seekers, refugees, undocumented migration* (intending voluntary and non-voluntary, such as the human trafficking), and *visa-free migration* like in the European Union (Reinert, 2011, p. 190 - 191). Reinert highlights to the migrant decision about the choice of the country of destination, explaining that there are specific factors that induce a person to move to one country or another. However, he explains that the factors he speaks about are not so fundamental, whether the economic decision has less importance than non-economic reasons. It is possible anyway that a refugee, given the possibility to choose a country to settle in, considers also the factors expressed by Reinert. The scholar lists five factors that can influence the migrant decision: relative wages, youth population growth, financial resources, education levels and migrant networks. In order to understand better what these factors involved, it is appropriate to analyse them with Figure 1. These factors influence the elements of the figure differently. Relative wages, in fact,

consist of a movement along factor, while the other four represent shift factors. The relative wages are the ratio between the wage offered in the country of possible destination and the country of origin. As Reinert states, “the larger is this relative measure, the greater the number” (Reinert, 2011, p. 192) of migrants who would like to immigrate to those countries. In fact, “as rw increases or decreases, there is a movement along [...] an “emigration supply” (ES)” (Reinert, 2011, p. 192). As soon as the relative wage increase, the number of migrants going towards such country will rise too. The second factor, youth population growth, affects the migrant decision especially for younger people. In fact, as the population of the country of origin starts growing, a desire to emigrate arise because “the net benefits of migration can take a long time to accrue to the individual migrant, the young are more likely to have the years ahead of them for net benefits to become positive” (Reinert, 2011, p.



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192). Financial resources *Figure 1 (Reinert, 2011)*

are another influencing factor for the migrant decision. The potential migrant, before leaving his or her home country, has to take into consideration also the opportunity costs of settling in a new state. Frequently poor people cannot afford to move to foreign countries. For this reason, “there is a tendency for the effective ES curve of [Figure 1] to move to right as per-capita income or gross domestic product (GDP) rises from low- to middle-income levels and improves the ability of potential migrants to finance the move” (Reinert, 2011, p. 192-193). The fourth factor deals with education levels in the country of origin.

Evidently, an increase in the education level in the country of origin raises awareness among the population about the economic and social possibilities abroad, creating desires for migration. The result of these aspirations can be illustrated in Figure 1 by the movement to the right of the ES curve. The last factors that can influence a person to migrate from his homeland to another country are the migrant networks. Firstly, Reinert explains that, the more migrants of the same nationality or religion are present, the more information about the destination state arrives at the countries of origin. These processes start creating a network of migrants, and, as soon as this circuit develops, the migration flow starts increasing, and the ES curve of Figure 1 moves to the right. Further on, Reinert introduces another important concept, which is the “migration hump”. He illustrates that “as GDP per-capita increase from low to medium levels, emigration increases. As GDP per capita increases further from medium to high levels, [...] emigration decreases” (Reinert, 2011, p. 193). Consequently, this situation is not intended to last for a long time as regard middle-income countries, while low-income ones are not involved in this phenomenon due to the *financial resource* factors, which was explained previously. As a conclusion, Reinert points out that globalization represents a support for the development of low-income countries, although it involves an incentive to migrate.

The study of professor Reinert, however, does not take specifically into consideration refugees, but it only considers the issue of migrants in general. What differentiates refugees from other migrants is the reason for leaving their homeland. While most of the migrants decide to move to another country mainly for economic reasons or for life aspirations, refugees literally escape from home forcibly because of political instability, war or even an environmental disaster. Therefore, their choice is not dictated by the five factors mentioned above. Refugees have to face new challenges once they

arrive in the hosting country. It is necessary, however, to explain that if the situation in which they find themselves is only temporary, refugees do not encounter difficulties in getting integrated into the host society, because they do not need it. However, if the situation is foreseen to last for a long time, they must find a stable settlement in the host country: in other words, besides searching for a place to stay, they have to find an occupation. Nevertheless, if economic migrants choose the destination country because of the five factors illustrated by Reinert, refugees' decisions are given by the urgency of escaping an unstable situation. Consequently, the places in which they settle are not always suitable for them. As Amnesty International declares, "The vast majority of refugees are hosted in low and middle income countries, with one quarter living in least developed countries." (Refugees & Asylum, 2017), hence their life aspirations or economic goals are not the pillars of their decisions to move. Sometimes they can settle in a region, in which they have to face a language impediment, or they cannot find a proper occupation because of labour market saturation, or even a hostile placement background. In addition, in many cases, it is not the single refugee that decides for his own life, once he arrives in the hosting country, but it is this latter that, due to organizational reasons, prevails on the individual choices. Daniel Auer, from the University of Lausanne, indicates the potential obstacles that a refugee can encounter while searching for being integrated into the host society. Firstly, they are considered as a burden by the hosting society, due to "the increasing pressure on public budgets because asylums seekers draw social assistance benefits" (Auer, 2016, p. 2), and hence they are discriminated. Secondly, he states that they can "face higher hurdles of finding employment because of a lack of local language proficiency and of lower human capital endowment in general" (Auer, 2016, p. 2) besides finding "legal and administrative constraints" (Auer, 2016, p. 8). This is, according to the author, one of the key points for refugee's integration,

because language skills and proficiency are the most important factors that facilitate integration in society. However, he individuates also the psychological shades of being a refugee. In fact, he explains also that the “consequences of war and the refugees’ escape journey have devastating effects on a person’s condition, which, in turn, hampers successful integration” (Auer, 2016, p. 2). He speaks specifically about Switzerland and in particular about the random assignment of refugees to the Swiss cantons, complaining about the negative effects of this distribution on their lives. Nevertheless, it is important to say that Auer’s study focuses on working-age refugees because if we speak about children, it is plausible that by the time they reach such age, they also obtained sufficient, if not good, language skills. To conclude, Auer’s study finds out that language skills are essential for the integration of an individual in a foreign society, and the more familiar is the language spoken in such country, the sooner such person has the possibility to find a job.

Despite this study, it is plausible to question the reason of this random distribution of refugees. Auer supposes that behind these fortuitous assignments there are practical reasons. Such decisions might have been taken in order to prevent states “with superior “bargaining power” in the political sphere from influencing assignment and taking preferred [...] refugees” (Auer, 2016, p. 18). In addition, it avoids “spatial segregation and ghettoization and increases diversity across all cantons” (Auer, 2016, p. 18), even if refugees encounter a more difficult process towards integration into the host society.

The economic impact of refugees in the host countries

With regard to the phenomenon of refugees, it is its economic impact on the host countries one of the most debated issues. The discussion is controversial because there are different opinions about the size of its consequences and the modality in which it affects the hosting society. It is very important to keep in

mind that, in contrast with the common phenomenons of migration, most refugees settle in less-developed countries (Taylora, Filipskib, Allousha, Guptaa, & Irvin, 2016, p. 7449). These groups of people finding a shelter in less-developed countries is a key element that helps us to understand the concerns of such states about the presence of refugees. As a matter of fact, “The presence of refugees compounds the already prevailing economic, environmental, social and, at times, political difficulties in these countries” (UNHCR Standing Committee, 1997). Frequently the bordering countries, which are the ones hosting refugees, have to face in the same way instabilities. In addition, “problems [inside low-income hosting countries] are aggravated when refugees are a substantial proportion of the local, if not national population” (UNHCR Standing Committee, 1997). For instance, it is worth mentioning the situation faced by one of the countries that are going to be examined in the next chapter, Tanzania. In 1997 in Ngara, “there were some 700,000 refugees among a local population of 186,000” (UNHCR Standing Committee, 1997), a ratio of 4 refugees on 1 Tanzanian. These data can clarify the concern about the presence of refugees in the hosting state. Precisely, the main fears encountered by hosting states are that “immigrants will compete for work and drag down wages”, “that they will pinch the public purse” (The economic impact of refugees - For good or ill, 2016), and especially the risk of “jeopardizing, the development efforts of the host country” (UNHCR Standing Committee, 1997).

However, according to the Economist, “immigration has only a small impact on employment or wages” (The economic impact of refugees - For good or ill, 2016), because it takes mainly into consideration high-income countries such the ones belonging to the European Union, especially Germany. For this reason, once a migration flow moves towards a nation, being it voluntary or forced, refugees and local people have to fight for the obtaining of scarce resources. On the other hand, low-income States have to face further problems.

For example, an “increased demand for food and other commodities can lead to price rises in the market which will stimulate local economic activity, although, again, not benefiting the poorest” (UNHCR Standing Committee, 1997). Although the 1997 UNHCR paper concludes that “the large-scale presence of refugees invariably constitutes a heavy burden for receiving countries, particularly LDCs” (UNHCR Standing Committee, 1997), it hypothesizes also some positive effects. As a matter of fact, it can work as a catalyst for aid, not only from UN agencies, but also from other investors like international or private organizations, which start “to ‘open up’ the host region to development efforts that would otherwise never reach these ‘marginal’ areas.” (UNHCR Standing Committee, 1997). However, in high-income countries refugees, as soon as they arrive in the host country, start benefiting from sanitary assistance and public expenses more than what they pay for taxes, and only after some years of residence this gap disappears and the duties overcome the aids (The economic impact of refugees - For good or ill, 2016).

Many other studies have enumerated the possible positive effects of the presence of refugees in a host country. One of these studies has been brought out by the Proceedings of the National Academy of Sciences of the United States of America (PNAS), which have analysed the economic behaviours of refugees and local people in three Congolese refugee camps in Rwanda. This work starts with the premise that, although the common thought is that refugees constantly depend on foreign assistance, and “that despite undergoing forced migration and often living in destitute conditions, [they] have productive capacities and assets, and they actively interact with host-country economies” (Taylora, Filipskib, Allousha, Guptaa, & Irvin, 2016, p. 7449). These scholars discovered that “an additional refugee increases [the] total real (inflation-adjusted) income within a 10-km radius around the two cash camps by US\$205 [...] and \$253 [...] annually” (Taylora, Filipskib, Allousha, Guptaa, & Irvin, 2016, p.

7450). As a consequence, it is deductible that this increase in the income is not only oriented towards refugees, but also towards local people, and this is possible through the economic interaction in the local market between those two categories. Moreover, refugees may find an occupation inside the host country, providing them an income, which increases their demand and offer, hence contributes to the growth of the local market. Even the in-kind aid creates impacts in the host society, but with a smaller effect in respect to the cash aid camps. In addition, although in the totality of the study it is not considered, the figure of the workers of the camp, being those of the United Nations or of other organizations, which contribute to the increase for demand of goods and services in those areas (Taylora, Filipskib, Allousha, Guptaa, & Irvin, 2016, p. 7452). In conclusion, these researchers “found that these economic benefits significantly exceeded the amount of the donated aid” (UC Davis, 2016). The Organization for Economic Cooperation and Development (OECD) in 2014 listed a series of reasons of the advantages related to the hospitality of migrants in general. As far as the labour market is concerned, OECD states that immigrants make important contributions on low- and high-skilled labour because they increase the workforce, but especially they are jobs which are regarded “by taking up jobs regarded by domestic workers as unattractive or lacking career prospects” (OECD, 2014, p. 2). In addition, given the job flexibility of the European labour market due to the freedom of movement, it is possible to state that “a quarter of the asymmetric labour market shock – that is occurring at different times and with different intensities across countries – may have been absorbed by migration within a year” (OECD, 2014, p. 2). With regard to the public purse, OECD states that migrants contribute “more in taxes and social contributions than they receive in benefits” (OECD, 2014, p. 1). This last sentence can be considered appropriate for migrants in general, but not, as it was already depicted previously by the

Economist, for refugees, because it takes more time for them to enter the public contributory system. As a matter of fact, even the OECD expresses the same concept: “Labour migrants tend to have a much more favourable impact than other migrant groups, although there is some convergence over time” (OECD, 2014, p. 3). A third reason supporting the advantages brought by migration is that this flow of people towards a foreign country spurs innovation and economic growth. Indeed, besides diminishing the working-age population and hence the medium age of a country, “migrants arrive with skills and abilities, and so they supplement the stock of human capital of the host country” (OECD, 2014, p. 4), creating for such state a boost for innovation.

In conclusion, a professor from UC Davis, a University of California, Taylor, gave a lesson for the future refugee aid: “when refugees in these camps are given the opportunity to interact with the economy around them, they can create positive income spillovers for the host-country households and businesses” (UC Davis, 2016).

Economic impact on the country of origin

After having examined the positive and negative consequences of the presence of refugees in a determined country, it is worth analysing the effects of these flows of people on the place of origin. Firstly, the country of origin of these people starts lacking working-age population. Secondly, the most important result after the exodus of nationals is what derives from the remittances. Remittances are “funds an expatriate sends to their country of origin via wire, mail, or online transfer” (Remittance, 2017). According to the majority of the scholars and researchers, remittances play a very important role in the economy of the country of origin. As a matter of fact, “Estimates also suggest that the share of the population receiving internal remittances is greater than the share receiving international transfers, which implies even greater potential for

internal remittances to affect development” (Vargas Silva, 2016, p. 3). In addition, this flow of money is exponentially growing because of the creation of new technologies such as the internet, faster delivery services or more rapid bank services, such as the one of Western Union, which allows to transfer money without a bank account. Remittances have a key role in the development or in the subsistence of the country of origin, and this is a shared thought among scholars. For example, Nicholas Van Ear, from the Migration Policy Institute, states that “migrants' remittances represent a large proportion of world financial flows and amount to substantially more than global official development assistance” (Van Ear, 2003). In order to go deeper on the topic of refugees, “Remittances are often a lifeline in situations of forced displacement, helping households cope with insecurity and helping people escape conflict” (Vargas Silva, 2016, p. 7). This last sentence indicates that it should be necessary to make a distinction between the remittances sent with the purpose of improving the conditions of those who remained in the homeland, and those sent with the goal of maintaining at least the subsistence conditions. Micah M. Trapp, a researcher for the United Nations, mentioned also the phenomenon of migratory aid. With the proposition “migratory aid”, he intends the flow of money, but, especially, of information that moves from already resettled refugees – making an example of Liberians in the US – to the ones still resident in the shelter camps. In Trapp’s opinion, “the interpersonal power relations between refugees and their transnational networks was transformed into organizational power at the camp as the presence of remittances changed the way in which people organized themselves and their migratory paths.” (Trapp, 2013, p. 10-11) In conclusion, remittances help refugees not only as a way to survive, but also, together with the flow of money, they pass information on the country in which other refugees have relocated. In this way, resettled refugees

offer the possibility to take advantage of assets and “create qualitatively superior life chances” (Trapp, 2013, p. 11).

1.3 Social Impact of Refugees on the Host Country

The flow of people from a country to another - especially considering the case of refugees - considerably affects the host nation, not only from an economic point of view but also from a social perspective. As it was already mentioned before, the countries that are more affected quantitatively and qualitatively are the low-income nations. There are two main reasons: the first is that low-income countries are the ones that host a higher percentage of refugee population with respect to their total inhabitants. The second is that these least-developed nations suffer the burden of this reception because of the complexity of bearing with such situations, both from an economic, social and political point of view. In addition, many of the countries in charge of the hospitality of refugees are bordering ones that, usually, “bear the additional responsibility of meeting the needs of a significant number of refugee communities while engaged in sub-national conflicts.” (Puerto Gomez & Christensen, 2010, p. 4)

Already in section 2.2 the element of the language was analysed, which was considered as a helpful skill towards integration in the host society. However, language can lead to a successful entrance into the foreign society, together with the feature of ethnicity (cultural factors). It is true that, “If refugees are from the same cultural and linguistic group as the local population, there is often identification with and sympathy for their situation”, while “failures in communication and understanding caused by language and/or culture can form serious barriers.” (UNHCR Standing Committee, 1997) Therefore, proper allocation of refugees would lead to a better integration, although this process is not always achievable. Many shelter camps are situated

in bordering territories, which are usually politically unstable due to the proximity to the state from which they arrive. Other hostilities between refugees and the hosting population can rise if there is the sensation of inequalities between the two groups because “Refugees are frequently viewed as benefitting from privileged access to resources unavailable to the local host population.” (Puerto Gomez & Christensen, 2010, p. 11). However, these sensations imply a misperception of the factual situation, because many agencies in charge of the reception of refugees tend to involve also the local population in order to avoid these social tensions. Therefore, many times local population enjoys the same services of refugees, and so it can lead to further development, and favour improvement in refugees’ presence view. On the other hand, refugees “bring skills and knowledge with them that can be utilized to the benefit of local people” (UNHCR Standing Committee, 1997), such as the arrival of teachers or health professionals, which can contribute significantly to the development of those areas. Most importantly for the economy, the arrival of a refugee with an enterprise culture can “stimulate the local economy or offer innovative agricultural techniques previously unknown to the host areas.” (UNHCR Standing Committee, 1997).

However, many problems may arise due to the presence of refugees in determined territories, like security problems linked to crime, alcoholism or prostitution. On the other hand, “as the presence of large scale aid would indicate, it may have attracted a group of people who will profit from the current situation and may not be constrained by the social and legal safeguards of the region. “ (UNHCR Standing Committee, 1997), which is then increased if the camp is situated in the border regions. Still, it has been showed that the sensation of the increase in crime changes depending on the context a person grows up and lives. According to a study led by an Italian scholar, Irene Greco, about the relationship between immigration and crime, the data are quite

explanatory. She based on the survey made by the Italian University of Urbino, which inquired various entrepreneurs, each of them with a different percentage of foreign workers. She discovered that the perception of highest crime rate was felt by the entrepreneurs of the smallest towns, where the presence of migrants or refugees was minor in respect of the biggest cities. Surprisingly, the citizens of the biggest towns, more eradicated in relation with the foreigners, did not express the same feeling, but, on the contrary, they did not feel a highest crime rate according to the growing immigration flow. (Greco, 2008) She concluded that these sensations are due to a different degree of fear towards what is considered strange, a different level of xenophobia, which increases where the incidence of foreigners is minor and decreases where there are more interpersonal relations with them.

Gender-based violence is another issue concerning the forced displacement. As a matter of fact, “gender-based dominance and/or violence often increase during [the] conflict and in displaced settings.” (Puerto Gomez & Christensen, 2010, p. 12). In particular, these actions can be summarized into sexual abuses, exploitation, domestic violence and trafficking. Indeed, women’s vulnerability increases in a situation of instability, especially in bordering camps where hostilities are sharpened because of the proximity between the hosting state with the place of origin, where usually there are groups of rebels, and hence the tension arises, together with illegal actions. Notwithstanding, even the topic of domestic violence was examined, but the result was encountered in a different shape of refugee situation. As far as livelihood opportunities are concerned, it was discovered that women in forced displacement situations start being part of the subsistence of the family, through income-generating activities. This leads to a structural change of the patriarchal family, where the man, as husband and father, has always been the person taking care of it economically. Indeed, the man meets harshness in the labour market, and

hence he is forced to depend on the women's work. Therefore, "In a traditionally patriarchal society, this dependency situation can lead to psychosocial disorders, distress, and domestic violence" (Puerto Gomez & Christensen, 2010, p. 12-13) However, these psychological disorders are often associated with forced displacement. In fact, "refugees have generally been shown to present with high prevalence rates of mental health problems, particularly posttraumatic stress disorder (PTSD), anxiety, and depression, compared to the general western population as well as to non-refugee migrants" (Schick, Zumwald, Knöpfli, & Nickerson, 2016, p. 1). These authors do not ascribe the cause of these disorders only to the events happened in the country of origin, but also to the traumatic situations they have to live in refugee camps or during the integration process. It is worth mentioning some of the problems a refugee can meet even if he has settled in a safe hosting country: "length of [the] asylum procedure, insecure visa status, detention in refugee camps" (Schick, Zumwald, Knöpfli, & Nickerson, 2016, p. 1-2). In addition, arduous communication can be a challenge for the refugees' lives, as it was already mentioned before, together with the inability to find work – many times linked with language proficiency – separation from family members, and even discrimination. After a study done with victims of torture and war in Switzerland, at a different stage of therapy, some scholars were able to reach some conclusions. Firstly, "potentially advantageous socio-demographic factors such as high education and secure visa status did not translate into lower levels of reported integration difficulties" (Schick, Zumwald, Knöpfli, & Nickerson, 2016, p. 5), excluding, thus, a proportionality between integration and high quality of life. Secondly, the language barriers and the time interposed between the arrival and the beginnings of the therapy are factors that can harm the patient's disorders. Thirdly, many mental illnesses are not so well known by these victims. Hence, they find it difficult to comprehend and to accept the reasons for the therapies,

given that they come from numerous and different cultural backgrounds. In conclusion, language impediments and harshness in social integration, together with the traumas lived by refugees can easily lead to mental illnesses.

In conclusion, the phenomenon of refugees is, unfortunately, increasing due to social and political instabilities happening all over the world. A low-income population characterizes the majority of the countries hosting refugees. Thus, they have to face more difficulties in dealing with these issues if the international community does not support them. A first step towards the juridical harmonization of the topic of refugees was done in 1951 with the Convention Related to the Status of Refugees lead by the United Nations High Commissioner for Refugees. This Convention was then followed by other particular agreements around the world and it has become a concerned issue by many institutions. However, the phenomenon of dealing with refugees needs still an improvement, especially regarding integration in the host country and safe shelters, given that many states have to deal also with internal burdens. In addition, it is important to take into consideration that many other problems emerge together with the management of refugees, such as economic and social impacts in the hosting countries. Moreover, personal factors such as language impediments and harshness in social integration, together with the traumas, can easily lead to mental illnesses. However, refugees can be considered also an asset for hosting societies, both from an economic – such as the increase in the workforce – and a social point of view. In the next chapter, the cases of the United Republic of Tanzania and of the Republic of Kenya will be examined to have a deeper comprehension of this phenomenon.

Management of the refugee phenomenon in low and high-income countries: a comparison between Kenya, Tanzania and Italy

CHAPTER TWO - THE REPUBLIC OF KENYA AND THE UNITED REPUBLIC OF TANZANIA

The second chapter of this dissertation aims to analyse the situation of two specific hosting countries: the Republic of Kenya and the United Republic of Tanzania. During the last few years, these two countries have found themselves inside the phenomenon of managing refugees. In particular, the Republic of Kenya is mainly hosting people coming from Somalia and South Sudan, while the United Republic of Tanzania is taking care of people coming from Burundi and the Democratic Republic of Congo. Both of them are in charge of the safety of these populations because they share a border with these countries in conflict. The analysis of these two particular countries was chosen in order to understand how low-income countries face the phenomenon in comparison with the current situation that European States, like Italy, are managing, which will be discussed in the next chapter. Therefore, the first section of this chapter depicts the reason why Kenya and Tanzania are considered low-income countries, by illustrating various theories on what a low-income state is, and by giving an interesting viewpoint about the start of inequality between developed and underdeveloped nations. Further on, the chapter illustrates the presence of refugees in the two above-mentioned countries and eventually the management of these situations of emergency. Finally, the last part of this chapter recalls the notions of the impact on refugees in the hosting countries, in particular, in Kenya and Tanzania, which have been already illustrated generally in Chapter One.

2.1 Why are Kenya and Tanzania considered low-income countries?

It is strongly necessary to define the concept of development. It is precisely from this notion that all the discussion about high and low-income countries derives. According to Reinert, development is definable by different concepts: growth, human development and structural change (Reinert, 2011, p. 354). The first idea “views development as the sustained increase in either output per capita or income per capita” related “to the conception of poverty and of deprivation of income” (Reinert, 2011, p. 355). The second variable, human development, concerns an increase in what each individual can achieve in the broadest sense of that word, like education and health. The third one, the structural change, sees development “involving significant alterations in patterns of production, consumption, and even social relations” (Reinert, 2011, p. 355). To sum up, development is the improvement of the human well-being, not only from an economic point of view, which is measured throughout the availability of goods and services, but also from a social one, such as health, education and self-emancipation. Nowadays, however, economy stands in the inner nature of the term “development”, and this is the reason why it is worth mentioning the studies and the progresses economists did in the attempt to measure it.

Development indicators

A first attempt to define development was the Gross Domestic Product (GDP). The GDP is described as the value of goods and services produced within the country's borders. It is linked to the idea of development because there is an accumulation of capital and an increase in the per capita available income as the time passes by. Therefore, the increase of GDP implies an expansion of the market, like higher consumption levels, a major offer of goods and services, which bring to an economic growth. This theory is valid even in case of

recession, because if there is a perception of uncertainty according to the future, families start consuming less, and consequently the supply of companies decreases. Nevertheless, even if GDP is a good indicator, it only covers partially the elements that the notion of development indicates. Indeed, although GDP gives the average per capita income, it does not indicate if there is any disparity in the profit distribution. In addition, the Gross Domestic Product does not take into account the variation of prices in a determined quantity of goods after a particular time due to inflation or deflation. For this reason, it is important to consider only the value of basic prices. Another important lack in the GDP indicator is the inability of considering some hidden factors of the economy like environmental externalities, black markets, culture or R&D (Research & Development). Finally, GDP identifies other problems in the cross section comparison. The prices of goods are different in the various economic systems, and it is difficult to compare the GDPs of each state unless the Purchase Power Parity is used. Another important problem in the GDP indicator system is that it only considers work and income inside a single country. However, it is important to consider also productive factors outside that state that are produced by its members, who, consequently, generate a profit that goes back to the country of origin. An indicator that contributes to identify such assimilation is the Gross National Income. GNI consists in adding to GDP the difference between “the income from property in Home owned by foreign citizens and wages paid to foreign labourers working in Home” (Y_{FH}^H) and the “income from property in foreign countries owned by Home citizens and wages from Home workers in foreign countries” (Y_{HF}^H) (Reinert, 2011, p. 367) as follows:

$$\text{Home country's GNI} = \text{GDP} + (Y_{FH}^H - Y_{HF}^H).$$

In other words, the Gross National Income is “a better measure of the income and of the purchasing power of the citizens of a country than GDP” (Reinert, 2011, p. 368). However, either GDP or GNI use the notion of development in terms of improvement of wellness conditions of the individuals through the availability of goods and services, even though the word “development” is much wider. Even per capita income can hide many discrepancies than can be identified in many ways. One of this is Gini coefficient and the Lorenz Curve, which measure how much income is equally distributed between the various groups of the population. This indicator can be explained by Figure 2. It relates the cumulative percentage of income received,

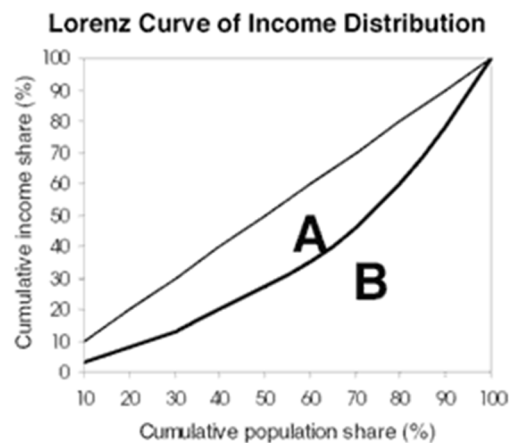


Figure 2 (Reinert, 2011)

in the vertical axis, to the cumulative percentage of population in the horizontal one. The diagonal line represents the line of perfect equality, where each person receives the same income. However, Lorenz curves lie under this line, and they demonstrate that the closer “they are to the southeast corner of the box, the greater the level of inequality” (Reinert, 2011, p. 368). In other words, Lorenz curve measures graphically and arithmetically the level of inequality. The area between A and B represents a measure of the level of inequality. The Gini coefficient is calculated by area A, and the sum of area A and B:

$$G = \frac{A}{A + B}$$

Figure 3

This formula explains that the greater is the area A, the higher the value of Gini coefficient is and hence, the higher the degree of inequality. Therefore, Gini

coefficient and the Lorenz curve have become important in order to calculate the level of per capita income inequality inside a single country.

All these above-mentioned indicators give to the income a very important role in the process of measuring development. However, a very general and fundamental study was given by the United Nations, which started to take into account not only the economic side of development, but also the human one. Amartya Sen, an Indian economist and philosopher, has combined the calculation of these indicators together with the human development. He influenced the United Nations Development Program (UNDP) to start with the concept of development from a human perspective in the form of an annual Human Development Report (1990) which began to be published in 1990. Human development is composed not only by the individuals' capacities, but also by the possibilities to access to goods and services that a person has and to the conditions of a respectable life.

“Human development – or the human development approach - is about expanding the richness of human life, rather than simply the richness of the economy in which human beings live. It is an approach that is focused on people and their opportunities and choices.” (United Nations, 2016)

This indicator implies a series of structures, institutions and services that should answer the question of a long and healthy life. One of the conditions that contributes to the maintaining of a decent life is the sanitary system of a country because the health of an increasing number of people consists in an advantage for the lives of everyone, especially in life-expectancy rate. Another important condition for a long life is the presence or absence of political instabilities, like conflicts and wars, even if it is linked to the political system. Education plays a fundamental role in this description. As a matter of fact,

education and the status of health are directly proportioned, because there is a connection according to which the more an individual is educated the more he pays attention to safer behaviours in his life. In addition, as far as criminality is concerned, the more informed and educated a person is, the less he is encouraged to take unsafe behaviours such as joining criminal actions. To sum up, the Human Development Index works as an indicator by using three important components: per capita income, life expectancy and education. Each of them influences the entire calculus by one-third. In particular, it is worth explaining that the increase in a higher level of per capita income weighs less in respect of a lower level, and education is measured “with one-third weight being given to primary, secondary and tertiary enrolment and two thirds weight being given to adult literacy” (Reinert, 2011, p. 361). HDI uses these three variables, which are attributed to indexes that range from 0 to 1, hence even the same HDI varies from 0 to 1. In order to index life expectancy, the formula used is the following:

$$LE = [(Xi - minK)/(maxK - minK)]$$

X_i is the life expectancy for a particular country, $minK$ is the minimum life expectancy and $maxK$ the maximum. The difference between the maximum and the minimum gives the maximum range of life expectancy. This formula brings to a result that is between 0 and 1. The same operation is applied to the other two components. The overall formula, which is necessary to put together all these elements, is the following:

$$HDI = (LE * EL * logGDP) * 1/3^2$$

In UNDP reports, each country has its own index: according to the trends in 2015, the nation with the highest index is Norway (0.949), while the one that

² KEY. LE: life expectancy - EL: education level

has the lowest is the Central African Republic (0.352) (Human Development Report, 2016). In order to compare the two countries which are object of our study, the Republic of Kenya is included in the group of the Medium Human Development (0.555) and the United Republic of Tanzania belongs to the Low Human Development group, although its index is not much different from the former one (0.531) (Human Development Report, 2016).

Economic development and the origins of inequality

Before analysing Kenya and Tanzania, it is worth studying the evolution of how the economic growth, intended as development, has changed during the years. A first question, which mostly summarizes this issue, concerns the wealth of nations in terms of per capita income. A very important work, which was able to elaborate this question, was the book, “The World Economy: A Millennial Perspective”, by the famous British economist Angus Maddison. Inside this work, Maddison gives a clear framework of development over the years. He assumes that the “level and movement of per capita GDP is the primary general purpose indicator of changes in well-being and production potential” (Maddison, 2001, p. 44). Still, as it has been already explained during this dissertation, even this scholar declares that “per capita income growth is not the only indicator of welfare” (Maddison, 2001, p. 17). He explains that:

Over the past millennium, world population rose 22-fold. Per capita income increased 13-fold, world GDP nearly 300-fold. This contrasts sharply with the preceding millennium, when world population grew by only a sixth, and there was no advance in per capita income. (Maddison, 2001, p. 17)

The above sentence is clearly depicting the strong boost in growth for the entire world population. He identifies the year 1820 as a turning point for growth.

However, 1820s are not only years of unstoppable development, but they are also the years in which inequality started increasing largely. He specifies that by 1820, the group of nations formed by Western States, North America, Australasia and Japan (Group A) had an income level accounting twice the one of the rest of the world (Group B). Furthermore, nowadays the gap between these two groups is 7:1. An obvious question that arises from these studies is the reason why Maddison decided to choose precisely 1820. The dynamism of growth, which started at the beginning of the 19th century, can be mainly explained by the Second Industrial Revolution. The transfer of technology into the economic activities characterized this period. Therefore, innovation became the productive strength boosting the economy. Secondly, political decisions were fundamental in this process: the law of property became the core of the topic, because only by owning a tool or a mean of production, the individuals could start accumulating capital, which was then reinvested in the market in order to gain more and more. Thirdly, the division of labour was very important for the production efficiency, throughout the specialization of the workers. However, these explanations did not clarify the reason of the broadening divergence between the Western World and the rest. Maddison states that there is no determined theory that explains this growing divergence between the Western Countries and the rest of the world, but he starts his studies from the idea that until the year 1000 the differences in economy and demography were not so large, while they started becoming wider from the beginning of the 19th century. As a first explanation, he writes that “the process of Western ascension involved violence against other parts of the world.” (Maddison, 2001, p. 49) The author then adds a series of instances of Western coercion around the world: the colonization of the Americas, the slave trade in Africa, the wars for the colonies in Asia, and the wars and policies against their neighbours. On the other hand, Maddison identifies a paradox according to which “countries

with low incomes have “opportunities of backwardness”, and should be able to attain faster growth than more prosperous economies operating much nearer to the technological frontier.” (Maddison, 2001, p. 129). Although this sentence could be interpreted as a good signal, the economist points out that “this potential can only be realised if such countries are successful in mobilising and allocating resources efficiently, improving their human and physical capital to assimilate and adapt appropriate technology.” (Maddison, 2001, p. 129) These explanations are able to demonstrate the divergences that originated especially during the last century. In particular, it is worth mentioning the African case, which is our object of study. According to Maddison, when in the late 19th century the European countries started having their own interests in colonizing the African continent, they “created boundaries to suit their own convenience, with little regard to local traditions or ethnicity. European law and property rights were introduced with little regard to traditional forms of land allocation” (Maddison, 2001, p. 164). Consequently, the colonists were advantaged in obtaining the best lands, and enjoyed most of the benefits from exploitation of mineral rights and plantation agriculture. On the other hand, Maddison states that “African incomes were kept low by forced labour or apartheid practices, [while] little was done to build a transport infrastructure or to cater for popular education.” (Maddison, 2001, p. 164) Therefore, the European exploitation of African continent can illustrate the forced backwardness of this territory, at least until the decolonization process started in the 1950s. The decolonization happened together with the rise of the Cold War, which made Africa an area of rivalry: each country was interested in providing aid to some African countries, which led to a huge and unsolvable external debt for each of them. In addition, independence was, for many countries, a challenging process. Some countries, due to the lack of internal homogeneity, were encouraged to turn their governments in dictatorships or tyrannies. Other states, given that “there was a

great scarcity of people with education or administrative experience” (Maddison, 2001, p. 165), had to rely on foreign personnel, which consequently led to a nation ruling with a colonialist orientation. In addition, several countries arrived at an armed conflict due to internal tensions and instability along the creation process. Wars, corruption, external debt, and international indifference have been the main obstacles to growth and development.

Another interesting theory of underdevelopment comes the book “The Evolution of the International Economic Order” written by W. Arthur Lewis’ in 1977. He studies underdevelopment from the relation between developed and developing countries. He divides his work into topics: the division of the world into exporters of primary products (agriculture) and exporters of manufactures (industry) and the adverse factorial terms of trade for the products of the developing countries. Lewis, like Maddison, explains the reason of the division of the world between agricultural and industrial countries starting by the process of the Industrial Revolution. The period from which even Lewis begins is what it is considered the Second Industrial Revolution, which took place in the 19th century. He explains that at the beginning of the Industrial Revolution, trade was small in volume, and this can demonstrate why all the innovations arrived later in the Third world. According to Lewis, the small dimension of trade was because the growing Industrial countries such Britain, United States and France were self-sufficient and did not need any primary goods that the Third World could offer. (Lewis, 1977, p. 3) In addition, another reason of the small volume of trade is that at the beginning of the 19th century, innovation transports such as railways or ocean freights did not reach easily the Third World. Therefore, “the entry of the tropical countries [...] into world trade [...] belongs only to the last quarter of the nineteenth century” (Lewis, 1977, p. 4). There were two ways to react to the Industrial Revolution: one was to imitate it, and the other was to trade. A number of countries started to repeat the process

of industrialization of western countries, given that “the example of industrialization would have been easy to follow” (Lewis, 1977, p. 5), due to a small capital requirement, no great economies of scale and available technology. Thus, it is questionable why not all the countries decided to react in the same way. Lewis gives a political answer: “imperial powers were hostile to industrialization in their colonies” (Lewis, 1977, p. 5). Anyhow, not only the colonized countries did not industrialize themselves, but also the ones with no force dominating them, such as Brazil or Argentina. The explanation can be found in the absence of a previous agricultural revolution, which had instead happened in countries like Britain. “The revolution spread rapidly in other countries which were also revolutionising their agriculture, especially in Western Europe and North America. But countries of low agricultural productivity, [...] had rather small industrial sectors, and there it made rather slow process.” (Lewis, 1977, p. 7) Concerning the adverse factorial terms of trade for the products of the developing countries, Lewis looks at the relation between these two areas from the point of view of migration. Indeed, “the development of the agricultural countries in the second half of the nineteenth century was promoted by two streams of international migration” (Lewis, 1977, p. 9) He noticed that 50 million Europeans were migrating to other parts of the world in that period, and that there was also a parallel migration concerning South-East Asia. The origin of this phenomenon comes from the growth of Chinese population because of the agronomical revolution. Fifty million Europeans decided to flee to temperate areas, as Argentina, Brazil or Australia, while the Asian counterpart was directed towards plantations and mines in the Indian and Pacific Oceans coastal areas (Indonesia, East Africa, Chile, and California). They were indentured workers, having to live there for some years, since they did not have the possibility to pay their debts to go back home. As a result, these migrations created the trade for tropical and temperate areas. In

addition, “the market forces set for temperate commodities prices that could attract European immigrants, while they set for tropical commodities prices that would sustain indentured Indians” (Lewis, 1977, p. 10) . This indicates how the divergence began, and why temperate areas developed, while the tropical ones did not. A first explanation is the difference in agricultural productivity and in labour supply. The point, then, is not production quality but labour-force quality and needs. Labour costs and workers’ expectation of salaries are the determinants of the situation. Lewis then concludes his argumentation by saying that “the tropical countries cannot escape by raising productivity in the commodities they export, since all that this does is to reduce the prices of such commodities”, without improving the salaries and the living conditions of the workers. The temperate areas, instead, were offered different factorial terms, which enable them to enjoy “the opportunity for full development in every sense of the word” (Lewis, 1977, p. 13). The racial factor is related to this explanation. Sure enough, racial discrimination played a great role: despite the fact that Indians cost less, countries decided politically to block or segregate some groups. In particular, while Australia prohibited non-white immigration until 1981, California saw immigration flows from China, pushing the government to apply ethnic quotas, and separate labour markets. South Africa, instead, had segregation in labour market with apartheid, according to a threefold separation between white, coloured and black.

In addition, there is also a climatic interpretation. According to Lewis, the agronomical revolution of the 18th century could affect only European-like agriculture, since quadrennial rotations, grass cultivation, integration with animal breeding were possible only in temperate areas. This explains the rise in agricultural productivity in Europe and the advanced agriculture only in temperate areas (explaining favourite destinations for European peasants). Until

the 1960s (before the green revolution with fertilizers and new breeds of tropical plants), tropical agriculture was much less productive.

In conclusion, Lewis hints of a notion already depicted by Maddison, the exploitation by foreigners. More significantly, he states that “if trading profits had been more in domestic hands, there would have been more domestic reinvestment, and certainly more interest in domestic manufacturing”. (Lewis, 1977, p. 15) Therefore, both authors conclude that there have been several factors that enabled the creation of this divergence, but they want to underline that the growing inequality between these two sides of the world was not formed only by unintentional actions, but also by the coercive domination of the more powerful area.

Tanzania and Kenya’s Rankings

The United Republic of Tanzania and the Republic of Kenya are some of the countries whose history was described in the previous section. Both of them can be added into the Third World area, even if there are some differences between them. As depicted above, they are part of those countries subdued by colonization process. In particular, both of the countries were dominated by the British Empire. The Kenyan territory became independent on December, 12th 1963, while Tanzania is the result of the unification of two areas, Tanganyika, which obtained the independence on December, 9th 1961, and Zanzibar, on December, 10th 1963. Both of them suffered the British domination, and, at the time of the decolonization, they chose different paths from the political perspective. Tanzania, which was guided by Julius Nyerere, acquired an economic and political structure based on an agricultural socialism, while Kenya, which was governed by Jomo Kenyatta, was directed towards a process of modernization and industrialization of the country, due to the moderate and Western-oriented ideas of its president. The way in which each of them started

with the independence process can explain, but only partially, the current situation of the two countries. According to the World Economic Situation and Prospects 2017 (WESP), Tanzania and Kenya are still classified as two low-income countries, if the GNI per capita is taken into consideration. In addition, WESP indexes the list of the Least Developed Countries (LCD), whose “inclusion require that certain thresholds be met with regard to per capita GNI, a human assets index and an economic vulnerability index” (WESP, 2017, p. 152). In 2017, 48 countries are still in the list of the LDCs, and Tanzania is one of the members, while Kenya is not. Tanzania, in addition, is part of the group of the Heavily Indebted Poor Countries (HIPC), “which are considered by the World Bank and IMF as part of their debt-relief initiative” (WESP, 2017, p. 152). The World Bank gives a further classification of the two countries by their income level. According to data collected in March 2017, Kenya is part of the Lower Middle Income Group since 2014. Until 2013, indeed, the Republic of Kenya was joining the Low Income Group together with the United Republic of Tanzania, which, until now, has been part of it (World Bank, 2017). The World Bank explains the method for the division in these groups: “Low-income economies are defined as those with a GNI per capita [...] of \$1,005 or less in 2016; lower middle-income economies are those [...] between \$1,006 and \$3,955; upper middle-income economies are those [...] between \$3,956 and \$12,235; and high-income economies are those with a GNI per capita of \$12,236 or more” (World Bank, 2017).

Another exhaustive description of the situation of Kenya and Tanzania is the work of Hans Rosling. He was a Swedish physician and statistician who “used statistics to show that worldwide fertility was decreasing and that the era of fast population growth would therefore end by mid-century; that the distinction between developed and developing countries has blurred; that global health is improving; and that extreme poverty in the world is decreasing”

(Bauer, 2017). He founded Gapminder in 2005, which is “a foundation that seeks to place facts and statistics in the service of sustainable global development” (Bauer, 2017). The first project of this foundation was the creation of a software, which was able to convert statistics into animated data. This software is still available now, and it is constantly updated. It is then possible to have a clear and simple overview of the history of a certain nation, when elements like life expectancy, child mortality, GDP per capita, income per capita are analysed together thanks to Rosling’s work. The subsequent table is an example of what this software can show. It depicts the relation between income per person and life expectancy at birth from the year 1800 to 2015. This software specifies also that some differences between the countries can occur due to a lack of data. The size of the bubbles is given by the amount of the population of each country, and their colour indicates the belonging to a determined continent. The bubbles in the background represent all the other countries of the world, and, as it is possible to notice, the biggest ones are China and India.

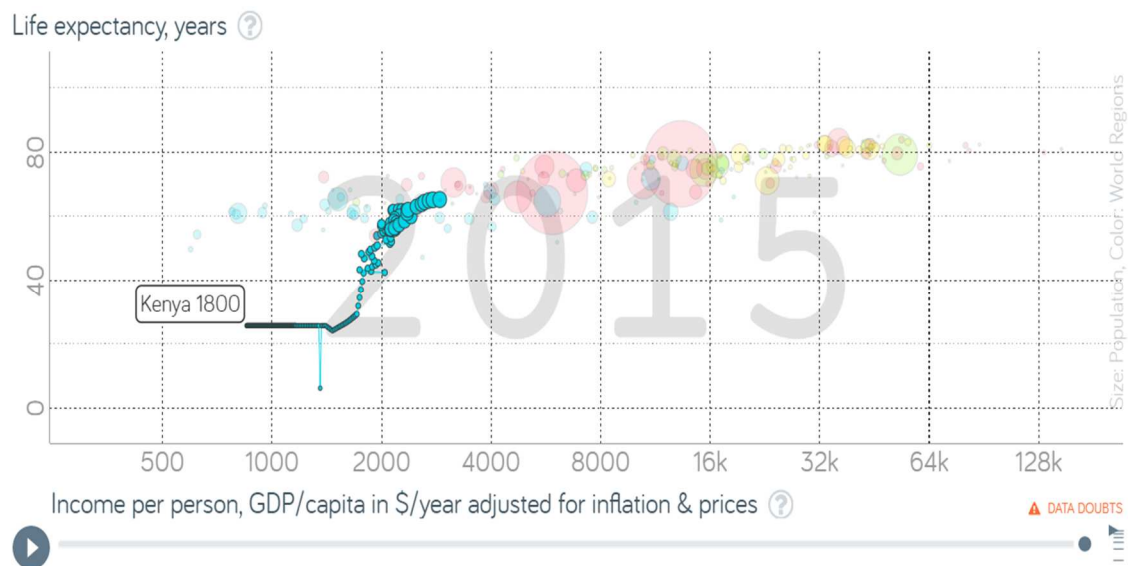


Figure 4 (Gapminder Tools, 2017): Kenya

As can be seen, both countries had a very short life expectancy in the 19th century, which started growing only in 1945. In 1800 Kenya had a higher per

capita income (854 \$) in respect of Tanzania (562\$), while life expectancy for the former was 25.5 years and for the latter 32.2.

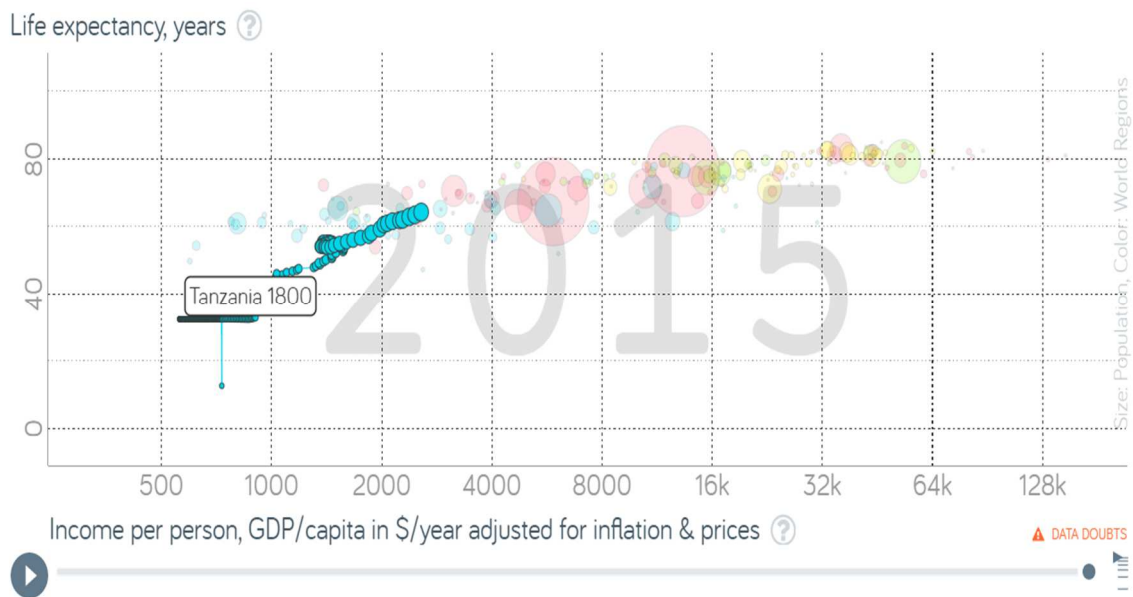


Figure 5 (Gapminder Tools, 2017): Tanzania

Tanzania saw a gradual and constant growth until 1945, where there was a faster increase in both life expectancy and income. In 2015, in Tanzania, life expectancy at birth was of 64.1 and income per person of 2,570\$. This latter data is calculated by the GDP per person adjusted for differences in purchasing power in international dollars. On the contrary, Kenya had a similar path only until 1945, after which it saw an acute growth in both axes, reaching in 2015 a life expectancy of 65.1, which is not so different from Tanzania, and an income per person of 2,900 \$. (Gapminder Tools, 2017) In conclusion, although Kenya is not so distant from Tanzania in the developmental scale, there are some differences that portray the consequences of the different policies applied by the two countries.

2.2 The reasons for the presence of refugees in Kenya and Tanzania

The first section of this chapter aimed to give a small overlook on these two countries in general, explaining also the reason why, notwithstanding the

numerous natural resources present in the territory, they still remain low income countries. However, the topic of this dissertation is to describe the current situation of refugees in Kenya and Tanzania, hence it is worth explaining the causes that made these persons flee in those countries. It is imaginable that, contrariwise to the flow of people arriving to Europe in the last few years, the majority of asylum seekers present in the territory of these Central-East African countries is not seeking better economic conditions, but safety. The presence of refugees in these countries is given by factors like the proximity between the state of origin and the hosting one, but also because of stability. Actually, Tanzania hosts refugees from the near Republic of Burundi and the Democratic Republic of Congo, while Kenya is a shelter for people coming from Somalia and the Republic of South Sudan. It is interesting and necessary to analyse what is happening in these countries, in order to understand the movement, and, as a consequence, the management of the protection of these persons. This section will explain the reasons for the instabilities of the countries from which the majority of refugees comes from.

Refugees from the Republic of Burundi

Burundi is a landlocked country located in the Central Africa. Its borders touch Tanzania, DRC, Uganda and Rwanda, but even the Tanganyika Lake. This territory has been inhabited peacefully since ancient times by three different ethnic groups, Twa, Tutsi (15%) and Hutu (85%) (Uvin, 1999, p. 253-271). It became, together with the territory of Rwanda, a Belgian colony in 1914, calling the entire occupied area Rwanda – Urundi. However, in 1962, Burundi became “independent kingdom of Burundi under King Mwambutsa IV” (Burundi Profile - Timeline, 2017). The period of independence was quite difficult and tense. As a matter of fact, the decision and the structural organization of the newborn government were the reasons for the beginning of the ethnic conflict. It is important to underline that the two ethnic groups (Hutu and Tutsi) had always

lived together in peace until Burundi gained independence “at a great cost in human life and property”. (Eggers & Lemarchand, 2011) Some years after independence, a group led by the army chief Michel Micombero (Tutsi) held a coup d’état which brought Burundi to the Republican Era. Unfortunately, in 1972, a genocide towards the Hutu community took place, after a Hutu-led uprising in the south of the country, which brought to the death of approximately two thousands Tutsi. “An estimated 100,000 to 200,000 Hutu were killed, as well as another 10,000 Tutsi” (Eggers & Lemarchand, 2011), which corresponded to the 5% of the population, while 100,000 people decided to flee from the country towards the neighbouring nations, especially Tanzania. This is the first of the two genocides that took place in Burundi. The tensions created during the first era of the independent Burundi did not fade, but, on the contrary, continued over the years. The peak of violence was reached another time in October 1993, after the assassination of President Ndadaye by Tutsi soldiers, who brought to power a pro-Hutu government. In 1993, indeed, the members of the party of the murdered president reacted by murdering Tutsi people, starting an ethnic conflict, “which claims some 300,000 lives” (Burundi Profile - Timeline, 2017) and created other displaced persons. The second conflict between Hutu and Tutsi exacerbated the relations between them, and this tension was projected also in the governments’ decisions. From 1990s to the beginning of the new millennium a transitional government was formed, so that a new order would have been restored. In 2003, the president “Ndayizeye and rebel leaders signed peace accords that largely ended the civil war” (Eggers & Lemarchand, 2011). Later, with the new elected president Nkurunziza (Hutu), Burundi started gaining importance at international level, by joining some supranational organizations like the East African Community and the Economic Community of the Great Lake Countries. In addition, president Nkurunziza’s purposes were to improve living conditions of Burundians by “increasing the

accessibility of water and electricity” (Eggers & Lemarchand, 2011). However, criticism towards his ambiguous behaviour arose. Nkurunziza was criticised of persecution against journalists that were judging its policies. Moreover, the government was moving towards a single-party system, and, for this reason, Nkurunziza “was re-elected with more than 90 percent of the vote following the withdrawal of all six of his challengers” (Eggers & Lemarchand, 2011). This behaviour influenced and increased violence inside the country. Nkurunziza’s attitude towards journalists and press was proved another time in 2013, when the government passed a law according



Figure 6. Burundian children in Nyarugusu Refugee Camp, Tanzania (20 June 2016)

to which it was forbidden to report “on matters that could undermine national security, public order or the economy” (Burundi Profile - Timeline, 2017) and that “required journalists to reveal their sources for news stories concerning state security” (Eggers & Lemarchand, 2011). Protests and violence intensified in 2015, after the communication of Nkurunziza’s willingness to run up for a third presidential term. The issue was brought also at international level, and, while the president was going to discuss about it with the East African Community, “Maj. Gen. Godefroid Niyombare declared that Nkurunziza had been removed from office and that the government was dissolved”. (Eggers & Lemarchand, 2011) The coup d’état was condemned and declared failed by all East African leaders, even if fighting was continuing in the capital Bujumbura. Coup leaders were then arrested and the days of the election arrived, although delayed. Nkurunziza won another time, even though UN observers described

the elections as not credible. The unrest inside the country was persisting, and, in response to it, the government engaged security forces to execute extrajudicial killings, while “an investigation by the office of the UN High Commissioner for Human Rights [...] found evidence of the killings as well as torture, forced disappearances, sexual violence, and several mass graves in and around Bujumbura” (Eggers & Lemarchand, 2011). This period of conflict and of unforgivable violence forced a big part of the population to flee from Burundi in search of a shelter in the neighbouring countries such as Rwanda, Tanzania or the Democratic Republic of Congo. This is the reason why there are currently Burundian refugees in the United Republic of Tanzania. Since the end of April 2015, a continuous influx of thousands entered the country through Katunga, a small village located on a peninsula stretching into Lake Tanganyika. In addition, over 141,065 Burundians fled to Tanzania in search of a refuge, making it the largest host of Burundian refugees in the region. (UNHCR, 2016)

Refugees from the Democratic Republic of Congo

The United Republic of Tanzania hosts in its territories also refugees coming from the Democratic Republic of Congo. Prior to the Burundian influx of refugees, Tanzania had only a single remaining refugee camp, Nyarugusu, which was accommodating over 65,000 Congolese Refugees. As a matter of fact, for more than 40 years, Tanzania has been hosting refugees from the neighbouring countries. “Improved security conditions in Rwanda and Burundi in recent years [have] facilitated orderly return of the majority of these refugees and subsequent closure of Rwandese and Burundian camps and consolidation of Congolese camps in Tanzania” (World Food Program, 2016, p. 6), although, as showed previously, the situation now has completely changed.

The territory of the Democratic Republic of Congo has been an area of conflict and exploitation since ancient times, and it is precisely for this reason

that many Congolese decided to flee their country. Even the Democratic Republic of Congo is a landlocked territory, situated in the heart of African Continent, except a 40km coast in the Atlantic Ocean. As depicted in the first section of this chapter, many Third World countries have remained underdeveloped because of foreign exploitation like colonization, but also during the Cold War. The Democratic Republic of Congo is one of the clearest examples of this. Even before the arrival of colonizers, the area corresponding now to the DRC had been concerned by numerous conflicts. Between the 15th and the 17th century, two state systems developed: the Kongo Kingdom in the west, and the Luba-Lunda States in the east. Indeed, “Competition for the kingship often led to civil strife” and “with the rise of the slave trade, new sources of instability influenced regional politics”. (Wiese, Cordell, Payanzo, & Lemarchand, 2017) The situation changed at the end of the 19th century, when King Leopold II of the Belgians focused on that area. After a series of treaties with local communities, he “sanctioned his control of the Congo River basin area to be known as the Congo Free State (1885–1908)” (Wiese, Cordell, Payanzo, & Lemarchand, 2017). He veiled his hegemonic colonial ambitions under a humanitarian mission whose purpose was to end the slavery. Unfortunately, the period in which King Leopold was ruling that area is known for the atrocities and the exploitation committed under the “civilization mission”. Slavery to build railroads, kidnapping, forced labour, torture and fear were the treatment dedicated to the Congolese population. In addition, “the widespread social disruption not only complicated the establishment of a viable system of administration; it also left a legacy of anti-Western sentiment on which subsequent generations of nationalists were able to capitalize.” (Wiese, Cordell, Payanzo, & Lemarchand, 2017) Nationalism, pan Africanism and anti-colonialist groups grew up in the years following the dominium of King Leopold, until June, 30th 1960, when Congo River Area obtained the independence. Since the first

days, tension arose because of conflicts due to the administration of the territory and of a secessionist intention, which was born in the provinces of Katanga. On September, 5th 1960, the president Kasuvubu, which was encouraged by Belgium and United States, dismissed the Prime Minister Lumumba, and, as a result, “there were two groups now claiming to be the legal central government” (Wiese, Cordell, Payanzo, & Lemarchand, 2017). These series of events happened precisely together with the international discord arising with the Cold War; hence, each part joining the conflict was supported by one of the superpowers. Even United Nations intervened with a mission of peacekeeping, making the tension increase between both sides. In order to respond to Kasuvubu’s action, Lumumba asked Soviet Union to interfere. (Wiese, Cordell, Payanzo, & Lemarchand, 2017) However, in 1961, Lumumba was murdered, with US and Belgian complicity (BBC, 2017). In the meanwhile, the attempts for secession continued in Katanga provinces. It was only in January 1963 that the secession crushed, after a violent and bloody intervention of UN forces. During all these years, the Congolese population started to flee towards other countries in order to find peace. Two years later, in 1965, another coup d’état led by Joseph Mobutu, ousted Kasuvubu and the Prime Minister. (BBC, 2017) Mobutu took the presidency of the country, and after some years, he renamed the country as Zaire. During Mobutu’s presidency, the country saw a period of relative peace, sometimes interrupted by attempts of coup d’état. Unfortunately, Mobutu’s policies were not enough efficient to push the economy, and after some time, social unrest arose, pressing the president to change the structure of the government. In 1993 – 1994, together with the Rwandan crisis and ethnic conflict, Mobutu decided to support the Hutu-led Rwandan Government, gaining the approval of the allies France and Belgium. (Wiese, Cordell, Payanzo, & Lemarchand, 2017) However, these attacks “led local Tutsi and the government of Rwanda to join forces with Mobutu’s

opponent Laurent Kabila” (Wiese, Cordell, Payanzo, & Lemarchand, 2017). In 1996, while Mobutu was abroad for health treatments, Kabila and his supporters invaded the country, arriving in Kinshasa and taking the power. The country was then named back the Democratic Republic of Congo. Another war broke out in 1998, caused by Ugandan and Rwandan troops, which were claiming for the liberation of Congo against Kabila. The invasion of these foreign troops signed another period of relentless violence and of a five-year civil war, until the son of the assassinated president Kabila took power and started working on peace treaties. In 2003, the peace treaties were ratified by all the countries involved, and they foresaw a “transitional constitution [...] adopted that month, and an interim government was inaugurated in July, with Kabila as president” (Wiese, Cordell, Payanzo, & Lemarchand, 2017). The war ended, leaving behind almost three millions victims, and a vast number of population was forced to face many difficulties after this devastating massacre. Although the war was formally ended, tension and violence are until now the everyday life for the Congolese population.

The history of the Democratic Republic of Congo demonstrates that it is not a single event or a period that induces the population to flee, but it is the inability of the government to create stability and peace. Therefore, the majority of the Congolese refugees, which are present in Nyarugusu shelter camp nowadays, arrived in the 1990s, and only a few of them arrived in the last years.

Refugees from Somalia

According to international law, Somalia has been depicted as a failed state for a long time, even if in the last few years the situation seems to have changed. Although there is not any clear and general definition of a failed state, there is the common thought that “state failure’ involves the implosion of structures of power and authority, a collapse of law and order and the absence

of institutions capable of representing the state” (ISN Staff, 2012, p. 1). During the period coming after independence, Somalia lived those years with a relative political stability, especially during Siad Barre’s dictatorial regime, even though it was suffering the difficult reorganization of the nation. Indeed, “Somalia has been torn by decades of conflict since the 1991 ouster of long-time dictator Siad Barre by warlords who then turned on each other.” (The Guardian, 2015) The Marxist dictatorial regime of Siad Barre started in 1969. His belligerent attitude pushed to a civil war, which ended with his removal from head of the government in 1991. This conflict destroyed Somalia’s crops, and brought to a famine in 1992, increasing the social unrest, which was so high that in December 1992, the United Nations intervened with an operation called “Restore Hope”. Although the situation was then stabilized, and the warring groups were trying to find an agreement in 1994, the tension and conflict on the ground remained high. In 1995, UN peacekeeping forces withdrew from Somalia declaring the operation failed (BBC, Somalia Profile - Timeline, 2017). Over the following years, there was a never-ending succession of conflicts for the power, which implied violence, executions and hence, the exodus of Somali population towards a safer place. Only during the last few years, United Nations together with Somali exponents attempted again to stabilize the country. Nicholas Kay, the outgoing representative for the UN Secretary General in Somalia declared: “Somalia is no longer a failed state, but a recovering fragile country”, adding that “in the last three years the country has stabilised but there is still a lot of work to do” (The Guardian, 2015). In particular, in August 2012 a first Parliament was formed since 1991, and in September, the Members of Parliament in Mogadishu elected Hassan Sheikh Mohamud as president, which was the first since 1967 (given that Siad Barre took power with a coup d’état) (BBC, Somalia Profile - Timeline, 2017). In 2013, Somalia’s government was recognized internationally for the first time. During all this stabilization period,

however, a new threaten hit Somalia: Al-Shabaab and the Islamic terrorist groups whose intention is to take power in Somalia and to spread Sharia law all over the country. As of today, Al-Shabaab has conducted a series of terrorist attacks involving not only Somali society, but also countries like Kenya, given that they helped Somali government to defeat this terrorist group. Some recent and sad examples are the attack to the Westgate mall and the Garissa massacre. Although these attacks can imply another period of social unrest, instability and violence, the new-formed Somali government, helped by the international community and the United Nations, has been able to create a new but fragile stability. The social and political safety in these new years, though, does not imply a security for its population. Indeed, as the United Nations High Commissioner for refugees reports, flows of people are still fleeing from Somalia, going to neighbouring countries, but also proceeding to Europe. As of March 2017, 2.4 million people are of concern, among which the 62% are Internally Displaced Persons (IDPs), the 35% are refugees in foreign countries, and only the 3% are the ones who decided to go back to their country (UNHCR, Somalia Situation 2017, 2017).

Refugees from the Republic of South Sudan

According to UNHCR South Sudan Regional Update of July 2017, there is an amount of 1,986,085 South Sudanese refugees, who have left their own home country, and, between them, 560,688 escaped only in 2017. In addition, there are other 2 million South Sudanese as IDPs. (UNHCR, South Sudan Situation, 2017, p. 1) The main countries in which South Sudanese are directed to are (in order from the one hosting more South Sudanese refugees): Uganda, Sudan, Ethiopia, Kenya, Democratic Republic of Congo and the Central African Republic. It is worth understanding the reasons for this exodus.

The Republic of South Sudan is the world's youngest country, given that it was born in 2011, after a referendum in which almost the 100% of the population voted for the secession. Actually, since colonial times, Britain had ruled together Sudan and South Sudan, although it was conscious of the divergences between the two areas. Nevertheless, after the independence gained in 2011 a civil war broke out. The disagreements came firstly because of the managing of the oil resources, of which the country is rich. The main tension originated between two political opponents, the President Silva Kiir (an ethnic Dinka), and the deputy Riek Machar (an ethnic Nuer), who was sacked by the former. (BBC, South Sudan: What is the fighting about?, 2014) In addition, "since the outbreak of conflict, armed groups have targeted civilians along ethnic lines, committed rape and sexual violence, destroyed property and looted villages, and recruited children into their ranks." (Council on Foreign Relations, 2017) A first attempt to restore peace was done in 2015 between both parties, with the intermediation of the United Nations. When the situation seemed to have calmed, in July 2016, violence broke out again. "Armed groups, including the government's Sudan People's Liberation Army (SPLA), have committed widespread violence against civilians, especially women and children, humanitarian workers, and peacekeepers." (Council on Foreign Relations, 2017) This explains the flooding flow of people seeking for a shelter in order to escape this inaudible violence. Nowadays South Sudan is considered one of the most fragile and underdeveloped countries in the world.

2.3 Management of the refugee phenomenon and the impact on law, economy and society

The phenomenon of refugees, as already explained in the second chapter, can affect the hosting countries from many perspectives. Firstly, a hosting country has to deal with the management of this phenomenon, and has

especially to provide security shelters for the persons of concern. Secondly, it has to create a legal framework that enables the asylum seekers and the reception staff to move towards the asylum request, and, as a consequence, a safe and stable life for them. Thirdly, the country of arrival is affected by all the factors involved in the presence of foreigners within the territory. In addition, the fragile situations already affecting the hosting society, such as a poor economy or an unstable political situation, can furthermore damage the country, or, on the contrary, might influence it positively. Even high-income and industrialized countries like Italy have been affected by the presence of the asylum seekers inside the territory, and this is the reason why it is worth understanding the current situations of two low-income countries. This subsection describes Tanzania and Kenya's situation, from the point of view of the management of refugees and of the impact that their presence gives to these hosting countries. The most verifiable and updated data come from the United Nations High Commissioner for Refugees.

Tanzania

The United Republic of Tanzania is hosting people fleeing from their home country since its independence period in the 1960s. Apart from some moments of tension with the neighbouring countries, it is possible to state that Tanzania is a peaceful nation, and, thus, an attractive place for those seeking for safety. Nowadays, Tanzania is the shelter for 513,556 people (UNHCR, Tanzania Factsheet, 2017, p. 1). It is important to distinguish between nationalities and juridical status. As a matter of fact, among the total amount of people of concern, 250,359 persons are Burundian refugees, 27,176 are Burundian asylum seekers, 60,755 are Congolese refugees, and 12,622 are Congolese asylum seekers, while 110 are refugees of other nationalities and 110 asylum seekers (UNHCR, Tanzania Factsheet, 2017, p. 1). Another important data that

enlightens Tanzanian refugee policies are the 162,156 Burundians who became New Tanzanian Citizens in 2014 (Milner, 2014).

Burundians and Congolese arrive in the country by crossing the western border of Tanzania on foot. Some of the Burundians reach Tanzania throughout Lake Tanganyika, using boats, causing deplorable living conditions for the villages that receive them. As a consequence, UNHCR together with the Tanzanian government decided to evacuate refugees “using two ships [...], local wooden boats and foot trails through mountains between Burundi and Tanzania – in order to take them to appropriate transit/reception centers in Kigoma and eventually to safety in Nyarugusu camp” (UNHCR, Briefing on the Burundian refugee emergency, 2016). The entry points for Burundians, as UNHCR Tanzania explains, are right now forty-four, while Congolese decide to cross Lake Tanganyika, or to pass through Burundi. When refugees arrive, they are directed towards the main shelter camps settled in the territory. “Prior to this influx of Burundian refugees, Tanzania had only a single remaining refugee camp; Nyarugusu” (UNHCR, Briefing on the Burundian refugee emergency, 2016), which was accommodating over 65,000 Congolese. However, apart from the Burundian influx, there are continuous arrivals also from the DRC, accounting by an average of 17 per day. (UNHCR, Tanzania Factsheet, 2017, p. 3) After the new influx of Burundians, Nyarugusu Shelter camp is now hosting more than 142,100 people (United Nations Tanzania, 2017), making it the third biggest camp in the world, after Bidi Bidi in Uganda and Dadaab in Kenya. Giving that the arrival of refugees were heavily outnumbering the capacity of the camp, other sites were opened in order to contain them all. Nduta Camp is now accommodating 126,740 persons, and Mtendeli Camp is hosting 50,063 refugees. In July 2017, Tanzania saw an average daily arrival of 12 persons (United Nations Tanzania, 2017). UNHCR is projecting to re-establish another camp, Karago, although the scarcity of water is impeding its operationalization. All the camps are settled in

the Western part of Tanzania, near the border, especially near Burundi. This area is less developed than the coastal zone, in which trade and industry have taken their first steps inside the country. These features suggest that the main activity is agriculture, and that roads and transports are now not yet properly developed.

Each site is mainly organized and managed by the United Nations High Commissioner for Refugees in Tanzania, but it is also supported by other international and local organizations in order to handle the situation. For example, the World Food Program (WFP) deals with the food and water supply in the shelter camps, while organizations such as the Red Cross or Oxfam have in charge the management of sanitary issues. In addition, the Red Cross offers an interesting program, which is called Restoring Family Links, which helps the refugees to find a relative that may have been lost during the travel towards Tanzania, or during the conflicts inside the country. This program works through the communication between the Red Cross regional offices around the entire world. UNHCR Tanzania drafts every month reports and summaries about the activities that have taken place in the various sites, the objectives that have been reached and the number of new arrivals. The most important data about these reports are the measures that still have to take place, or the missing gaps in the various projects. For the month of July 2017, for example, UNHCR describes the main activities that were put into practice. The activities are divided into various fields. According to protection, UNHCR interviews the newly arrived in July 2017 and tries to understand the reason of their travel, and the region from which they arrive. For example, “most of the asylum-seekers interviewed were from Fizi and the Mazizi zones of South Kivu, DRC whereby the majority (81%) of them travelled through Burundi to reach Tanzania.” (UNHCR, Tanzania Factsheet, 2017, p. 3) In addition, “the new arrivals stated that they fled because of violence to civilians. Women and children made up

84% of arrivals from Burundi and 53% from DRC.” (UNHCR, Tanzania Factsheet, 2017, p. 3) Another important topic concerning protection is the cohabitation in the same territory between hosts and refugees. On July 13, “a peaceful co-existence meeting chaired by Nyarugusu Camp Commandant between the host and refugee communities was held in Nyamidaho, a host village adjacent to Nyarugusu Camp” (UNHCR, Tanzania Factsheet, 2017, p. 4). These meetings are important in order to maintain peace and security inside the country. With regard to criminality, according to statistics released by Women’s Legal Aid Centre (WLAC) in 2016, from the period of January to May 2016, “some 241 persons of concerns [...] have been arrested for various offences” (UNHCR Tanzania, 2016). In addition, they specify, “nearly 50 percent of the cases resulted from violation of the encampment policy” (UNHCR Tanzania, 2016). The implemented activities consist also in the staff’s formation, which must be updated and ready to new emergencies. For example, “UNHCR Field Unit Kigoma organized a three-day training [...] for [...]MHA, IRC and CARITAS staff working at National Milling Centre (NMC) Transit Centre, reception centers and border entry points” (UNHCR, Tanzania Factsheet, 2017, p. 4). The purpose was to “create awareness on refugee international protection, prevention from sexual exploitation and abuse, basic concepts on gender based violence and child protection in refugee setting.” (UNHCR, Tanzania Factsheet, 2017, p. 4). UNHCR provides also specific assistance for Extremely Vulnerable Individuals among the refugee population. Tanzanian camps offer access to education for refugees, helped also by other figures. For example, in the month of July, “the Vodafone Foundation team trained 90 [...] teachers [...] on how to use Millweb solution in lesson planning and delivery in Nyarugusu Refugee Camp.” (UNHCR, Tanzania Factsheet, 2017, p. 4) The Millweb solution is a lesson-planning tool that enables teachers to reach a major flexibility on lesson organization, control and delivery. UNICEF and the Tanzania’s Ministry of Home Affairs worked

together in a project whose purpose was to deliver School Certificates to a series of people after passing an examination. Other classes were built in Nyamidaho - a village near Nyarugusu - that open the doors for new scholars coming from the shelter camps and help them to be integrated in the Tanzanian society. Health is another important factor to discuss. The construction and operationalization of a new health post near Mtendeli camp means a rise in the living standards for refugees, but also for the surrounding communities. (UNHCR, Tanzania Factsheet, 2017, p. 4) One fundamental activity in the managing of the refugee phenomenon in Tanzania is the research for water. UNHCR and Tanganyika Christian Refugee Services (TCRS) verified “the 11 potential sites for drilling, which will serve as additional water sources in Mtendeli Camp” (UNHCR, Tanzania Factsheet, 2017, p. 5). This work is fundamental for the objective to raise the available water for individual from 13 litres per day to 15 litres per day.

UNHCR works also as an intermediary between refugees and the Tanzanian Government, which has the duty to promulgate laws and policies in line with the 1951 Convention Related on the Status of Refugees (see chapter 1), in order to maintain and respect human rights. “The status and treatment of refugees in Tanzania is governed under the 1998 Refugees Act and its 2003 Refugee Policy, implemented by the Ministry of Home Affairs (MHA) through the Refugee Services Department” (UNHCR, Briefing on the Burundian refugee emergency, 2016). These acts foresee a restriction on the freedom of movement for refugees and asylum seekers (art. 17) (Tanzania: Refugees Act, 1999), hence limitations of employment in the hosting society. In other words, refugees hosted in the Tanzanian shelter camps are forbidden to exit the sites and do not have the right to work. Even education and healthcare services are limited. As a result, independence is largely restricted, bringing refugees and asylum-seekers to continue their dependence on humanitarian assistance. In

addition, “asylum-seeker applications in Tanzania are processed on an individual basis by the Government refugee status determination process”, although in October 2015, the same Government decided to grant prima facie refugee status to those escaping political tensions in Burundi. (UNHCR, Briefing on the Burundian refugee emergency, 2016) However, as mentioned before, Tanzanian Government implemented a very interesting project about the naturalization of a great number of Burundian refugees coming from the 1972 genocide. “Although there were diverging views [...] on the best course of action, an agreement was reached that residents of the Old Settlements who wished to return to Burundi should be included in the broader repatriation programme, while those seeking naturalization should be supported in the application process as detailed in the Tanzanian Citizenship Act of 1995” (Milner, 2014). These agreements foresaw three main actions: the first was to repatriate 46,000 Burundians to the home country, the second was to naturalize the 162,000 Burundians who desired to stay in Tanzania and the third was to relocate these new citizens to other areas more convenient for the integration process. The first action was completed in 2009, while the naturalization process required more time, but it was accomplished eventually in 2014. The third pillar, however, has still to be completed. This project was impeded by the Tanzanian Government because of several political decisions and a renewed reluctance. However, new Peace Settlements have been implemented. A first site - the Katumba Settlement - has been established, where “a cumulative total of 6,514 households i.e. 11,063 individuals from 31 villages were processed” (UNHCR, Tanzania Factsheet, 2017, p. 6). In addition, starting from August 2017, “the same exercise for the 1972 Burundian refugees and Congolese population without durable solution commenced in Mishamo Settlement” (UNHCR, Tanzania Factsheet, 2017, p. 6). The international community embraced positively the naturalization process of 1972 Burundian Refugees, and, more

significantly, “the prominence of the Tanzanian case in the global policy process arguably raised its profile among donors and contributed to a significant level of donor response” (Milner, 2014). In conclusion, “the transformation of a camp into an urban centre provides an opportunity for development actors and the national government to further aid the integration of the new citizens and the local population” (Kuch, 2016, p. 64). Hence, it may be considered a successful policy which conduces refugees towards a better and more solid local integration.

Other policies of resettlement are practiced in Tanzanian shelter camps. Together with the various NGOs, UNHCR deals with resettlement programs around the world. In 2016, around 30,000 Congolese in Nyarugusu shelter camp entered a resettlement project that had the purpose to prepare them to move to the United States, in order to facilitate their integration in the foreign country. In the month of July 2017, 40 refugees were resettled in Canada (UNHCR, Tanzania Factsheet, 2017, p. 5), counting for an amount of 1,217 individuals who left Tanzania since January 2017.

The management of refugees in Tanzania must to take into consideration many aspects that this unstoppable influx implies. The impact of the phenomenon of refugees is even more visible in a low-income country like Tanzania, especially if the majority of refugees is kept in one of its poorest regions. Kigoma region, which is the main territory affected by the presence of refugees, is mainly inhabited by farm-workers, which operate at a subsistence level. This conditions have been caused by many years of socialist policies launched by the government. The effects of refugees in the region are both positive and negative. As it has been already explained in the section two of the first chapter, the settlement of refugee camps involves a series of factors that can reach also the host community. Violence, criminality and prostitution in a context of degradation can easily arise, although the agencies acting in the

territory deal with fighting them, for example with the Sexual and Gender Based Violence (SGBV) prevention activities. Another key topic concerning refugees is the environment. Deforestation is significantly affecting Kigoma region, due to the settlement of huge shelter camps, which occupy vast areas alternatively destined to forests or crops. Furthermore, as refugees arrive, the pressure on medical structures grows, because diseases in crowded areas with bad hygienic conditions can spread very easily. According to the main health organization located in those areas, Medecins Sans Frontieres (MSF), “malaria is the major concern and with the rainy season putting additional pressure on already overcrowded and unsanitary living conditions” (MSF, 2017). In particular, in Nyarugusu shelter camp, “MSF runs a 40-bed stabilisation unit and three malaria clinics and provides mental health support”, while in Nduta, “MSF is the major medical provider, running a 120-bed hospital and five health posts, and providing mental health support.” (MSF, 2017) They explain that, although Tanzania is hosting generously thousands of refugees, the international community should do more in order to meet the needs of this population. Unfortunately, this type of diseases can then spread not only through the refugee community, but also towards the local one, as cholera epidemics spread in 2016.

The influx of refugees is then influencing both the economic and juridical sphere in Tanzania. From the economic perspective, there are various interpretations of the refugees’ impact in the country. According to Whitaker, the effect of the influx of refugees in the United Republic of Tanzania was not uniform, because some Tanzanians benefited from the presence of refugees and hence from international relief agencies, while some others did not. This difference depended “on settlement patterns, existing socio-economic conditions, and the nature of host-refugee relations” (Beth Elise, 2002, p. 341) She explains that, during the first period concerning the arrival of refugees,

there were many difficult challenges to overcome, but then, in the long-term it was possible to benefit from their presence. Whitaker concludes by distinguishing between the people benefiting from the presence of refugees, and the ones harmed by it. The firsts were the ones “who already had access to resources, education, or power”; while the others “struggled to maintain access to even the most basic resources and thus became further marginalized” (Beth Elise, 2002, p. 355), underscoring the growing divergence between the rich and the poor. On the contrary, according to Landau, the presence of refugees does not significantly affect the local population. He makes a comparison between two local districts in Tanzania, Kasulu and Mpwapwa. According to him, there is no structural change in these districts after the arrival of refugees. Notwithstanding, there are some factors that suggest the opposite idea. For example, the presence of refugees can be the reason for the increase in prices of the local market, although they can enter the market labour as inexpensive workforce. In addition, the million dollars aid brought to the territory for refugees are then reinvested in the local market (Landau, 2003). Therefore, he states that after some years there is no visible change in the economy. Landau agrees with Whitaker that the presence of refugees brings both positive and negative effects, depending on the area and on the factors taken into consideration. However, he identifies the turning point in the resilience of agrarian subsistence economy. Landau affirms that “despite considerable economic, demographic, and environmental pressures raising challenges and opportunities for Kasulu residents, these resultant economic shifts are best characterised as temporary distortions.” (Landau, 2003, p. 24) In other words, Landau’s paper intends to demonstrate that, though in the short term the presence of refugees seems to be challenging the local community, these mutations on the economy are not happening because of it but because of natural events, such as a period of drought or of dryness.

It is worth mentioning also the relation between refugees and the juridical apparatus. As far as Tanzania is concerned, since its birth in the 1960s the country has been facing the phenomenon of refugees, and the attitude of the government towards them changed over time. During Nyerere's mandate, the belief of a common and unite Africa lead the Government's efforts towards welcoming policies. However, thirty years later, during the Rwandan and Burundian emergency of the 1990s, Tanzania suffered from a sudden influx of refugees, risking of being put down. This situation made the Government less confident and less favourable to a welcoming attitude. During this period, new restrictive policies were adopted, like the 1998 Refugees Act and its 2003 Refugee Policy. However, the interference of the international community and a new open Government, led by the President Magufuli, brought to an attitude embracing the issue of refugees. After the stall of the naturalization of Burundian refugees, indeed, the Government, with the support of UNHCR, "is reviewing refugee protection frameworks (Refugee Act 1998 and Refugee Policy 2003) to progressively allow refugees to attain rights and access services delivered through national systems in order to avoid parallel service-provision systems." (UNHCR, Multi-Year Pilots Promoting Solutions in Ghana, Senegal, Tanzania, Uganda, Costa Rica and Ecuador, 2016, p. 14)

In conclusion, although many operators and agencies work in Tanzanian territory to cope with the refugee situation, it is a low-income country that faces difficulties also in the daily path towards development. Therefore, it is even more fundamental that this topic is not forgotten by the international community.

Kenya

The Republic of Kenya is one the countries which is hosting the major number of refugees. Its position is favourable for the arrival of people coming

from the neighbouring countries, which unfortunately, are living serious internal conflicts. In particular, Kenya is hosting people from South Sudan and Somalia, both of them considered to belong to the list of the Fragile Country Index. Nowadays, South Sudan is the most fragile country in the world, due to its internal political instability that has led to a bloody civil war, only a few years after its independence from Sudan. On the contrary, Somalia was described as a failed state until the last decade, because it was unable of having a proper and functioning government, due to political tensions. At the moment, the situation of Somalia is improving because a newly set government has begun to rule the country, although political tensions remain, due to the presence of terrorist groups related to Al-Qaeda. These factors, already explained in the previous section, explain the presence of refugees inside Kenyan territory. According to UNHCR, the main organization managing with refugees and asylum seekers in the area, as of August 31st 2017, there are 487,688 refugees hosted in Kenya (UNHCR, Kenya Factsheet, 2017, p. 1). The main refugees' nations of origin are Somalia (288,489), South Sudan (109,222), Democratic Republic of Congo (34,451), Ethiopia (27,574), Burundi (12,106), Sudan (9,874) and others (UNHCR, Kenya Factsheet, 2017, p. 1). The presence of Burundian and Congolese refugees must not surprise because it depends from the position of the point of origin from which they decided to flee the country. The shelter camps are distributed into three main areas, depending from the point of origin of refugees. Refugee camps are thought to be more useful if located near the entry points of the country, in order to be more convenient for the allocation of new arrivals and for a security reason. The reason of security comes from the idea that "Refugee camps are by no means model villages; on the contrary, they are usually characterised by crime and insecurity" (Jacobsen, 2002, p. 585), and, in addition, they are a breeding ground for infectious diseases. However, in contrast to Tanzania, Kenya "has experienced growth of the refugee population

in Nairobi, Mombasa, Nakuru and Ruiru among other urban areas” (UNHCR, Urban Areas, 2017). Unfortunately, after the sad episode of the Westgate Mall, the Kenyan policy changed dramatically its attitude towards refugees, that since then it had been open minded and welcoming. In 2014, for instance, with the Operation Usalama Watch, Kenyan Government “targeted irregular migrants for deportation and refugees for relocation to camps” (UNHCR, Urban Areas, 2017), concerning around 3,000 people.



Kenya is hosting refugees since [Figure 7. Kenyan refugee camps](#) 1991, when the first flow of Somalis arrived after the beginning of the conflict in their home country. The first settled camp was actually Dadaab, which is situated in the border near Somalia. A second large influx arrived in 2011, when around 130,000 people from Somalia fled their country due to drought and famine. During this period Dadaab became the largest shelter camp in the world, even if now it has been overcome by Bidi Bidi in Uganda, hosting South Sudanese, and another camp in Jordan, hosting Syrians. The Dadaab shelter camp is currently hosting 240,595 refugees and asylum seekers as of August, 31st 2017. It is divided in four further sub camps: Dagahaley, Ifo, Ifo 2 and Hagadera (UNHCR, Dadaab Refugee Complex, 2017). There is an interesting analogy between Dadaab refugee complex and Nyarugusu camp in Tanzania. Both of them are hosting either people arrived after tensions and conflict in the 1990s (like Congolese in Nyarugusu and Somalis in Dadaab), and people fleeing their homes in the recent past (Burundians and new Somalis). The presence of refugees for such a long time implies that these people have built up their own life inside the camp, creating new households, hence new sons, or, even grand-

children. For this reason, “The old camps resemble naturally-grown towns and have developed into commercial hubs” (UNHCR, Dadaab Refugee Complex, 2017) with the local communities both in Tanzania and Kenya. However, like in Tanzania, Dadaab, after the series of new arrivals, was no longer able to contain all the influxes, and this meant the settlement of another camp, Kakuma, already established in 1992, for the unstoppable arrival of Somali people. This camp became then a shelter for Ethiopian escaping after the government’s failure, and it is still hosting them since the 90s. Kakuma has currently become a house also for South Sudanese, given that its position is near to the border with them, reaching a population of 183,542 refugees (UNHCR, Kakuma Refugee Camp, 2017). As well as for Tanzania, UN agencies, and in particular UNHCR is managing the refugee phenomenon. Many other non-governmental organizations such as Amnesty International, the Red Cross and Medicins Sans Frontieres are helping UNHCR in this action. According to UNHCR, as far as protection is concerned, these agencies are working together with Kenyan government in order to fulfil the procedures for the registration process of asylum seekers. Similarly to Tanzanian shelter camps, Kenyan sites have to deal with undocumented arrivals, and the United Nations High Commissioner for Refugees of Kenya is restlessly working in order to pursue on the activity of registration of these persons in order to properly address the necessities of everyone. “A total of 45 cases of Sexual Gender Based Violence were reported” (UNHCR, Kenya Factsheet, 2017, p. 3), and the people concerned are receiving psychological, legal and material support from the various organizations, in order to achieve better solutions for a stable security in the sites. Education is another topic concerning Kenya’s reception system, which is offering primary and secondary education to a high number of refugees (3,416 and 1,500 respectively). In addition, it provides high education for some others, like a “degree course on Educational Management offered by York University under

the Borderless Higher Education for Refugees Program” (UNHCR, Kenya Factsheet, 2017, p. 3) and a Bachelor Degree of Arts Geography under the same program. Likewise Tanzania, they are offering formation courses to teachers, with the purpose of focusing “on teachers’ role and well-being, child protection, pedagogy and curriculum planning” (UNHCR, Kenya Factsheet, 2017, p. 3). As far as health is concerned, UNHCR identified an increase in the general trend in child malnourishment, although it saw a decrease starting from the month of July 2017. The World Food Program is providing food aid, in both countries, with the General Food Distributions in all the various camps. This food distribution gives food supplies and in-kind aid, making refugees invest these “gifts” inside the shelter camps, or even with the local economy. The water security and sanitation is another important issue. In Dadaab camps, the daily availability of water per person corresponds to 29 litres, and it is obtainable throughout boreholes operating in Solar PV – Diesel hybrid system (UNHCR, Kenya Factsheet, 2017, p. 4), while the building process in Kakuma camp of steel tanks is going on successfully. These are the activities that are provided in Kenya in order to maintain security inside the country, although they cannot be considered durable solutions. Resettlement, for example, is an option for durable solution addressing refugees: “a total of 486 cases/1271 individuals were referred from Dadaab, Kakuma and Nairobi and submitted to Australia and Sweden for resettlement consideration” (UNHCR, Kenya Factsheet, 2017, p. 5). In addition, “A total of 70,202 individuals from Dadaab have been assisted in the framework of voluntary return to Somalia since the launch of voluntary repatriation on 8 December 2014” (UNHCR, Kenya Factsheet, 2017, p. 5). This is a very significant and controversial policy promoted by the Kenyan government, which demonstrates its reaction after the Al-Shabaab attacks, giving that it is believed that in Dadaab camp there are some affiliates. The Kenyan Government showed, in fact, a very positive and welcoming attitude towards

the administration of refugees. For example, the Kenya's Refugees Act of 2006 "was meant to bring RSD [refugee status determination], and reception and care of refugees, fully under the responsibility of Kenyan authorities by 'constitutionalising' RSD, establishing a Department of Refugee Affairs and setting out a comprehensive institutional framework for RSD." (Miller & Lehmann, 2016, p. 44) However, the recent episodes of violence changed the Government's attitude, aimed at prevent the insurgence of new tensions inside the country. In 2014, a new Refugee Act was edited, and one of the main changes in respect of the one of 2006 was the article 16/A about the limit of 150,000 refugees that should be maintained inside the country (Kenya's Refugee Act, 2016).

The previous paragraph showed a side of the impact of refugee phenomenon in a hosting country. As it was notable from the section regarding Tanzania, the legal apparatus can be enriched by new laws, which can be considered necessary for the management of the process, and can be changed in the meantime if some particular events or situations occur. The main influences by refugees in the hosting countries are primarily on the local communities surrounding the shelter camps, which then can benefit or be damaged by the phenomenon. The main benefits derive from a growing interest on the area and from an enlarging economy, whose main actors are NGOs, international organizations and the Government. Many times the activities and projects established for the better living conditions of the inhabitants of the shelter camps are addressed also to the local community. In the region of Kakuma, for example, "the food security and education and health services in refugee camps are far better than those available to the local population", which is even "employed by refugees to carry water, fetch firewood, provide child care and so on" (Jacobsen, 2002, p. 585). This situation can explain why many locals pass themselves off as refugees in order to gain access to

assistance. Refugee camps are often stage for instabilities, criminality and conflict that can be spread outside to the local community. Indeed, “refugee flow sometimes-incorporate guerrilla fighters who exploit sanctuaries as strategic sites from which to launch attacks on their government.” (Tureti, 2003, p. 131) Another factor leading to tension is the land allocation. Given that the majority of shelter camps in low-income countries are located in isolated and poor areas, the struggle for the distribution of territory is often linked to conflict. As a matter of fact, the problems that “arise are more a result of many people sharing few resources with a lack of opportunity and money, than the fact that some of them are refugees and others are host community members.” (Jonsson, 2016, p. 40) As deforestation becomes a problem in the Tanzanian areas surrounding the camps, the lack of resources and the degradation of the environment are causes of conflict in Kakuma or Dadaab areas. These territories are considered environmentally fragile, given that every single effect influences mostly the ecosystem of the territory. Furthermore, “refugees indiscriminately utilize limited resources in the receiving community as they have few incentives to preserve the regions that do not belong to them.” (Tureti, 2003, p. 134)

However, the refugees allowed to go out of the camps, which is not the case of Tanzania, “can thus have a multiplier effect, by expanding the capacity and productivity of the receiving area's economy through local or even regional trade and the growth of markets” (Jacobsen, 2002, p. 586). For example, in case of the Dadaab surrounding region, “the Somali refugee who are better-off with contacts with fellow Kenyan Somalis in Eastleigh-Nairobi have developed boutiques in the camp selling perfume, jewelry, clothing and footwear have benefited the local minibus (Matatu) and hand cart (Mkokoteni) owners”. (Tureti, 2003, p. 135) In the case of Kakuma, instead, “the most important interaction takes place due to trade and business between adults and in school for the children.” (Jonsson, 2016, p. 41) This generates better living conditions

for both the host and the refugee community. In conclusion, the presence of refugees in Kenya affects the hosting community both positively and negatively. The positive factors are the growth in economy and the improvement of the living conditions of the inhabitants of the areas, while the negative side of this phenomenon is a growing political insecurity and an endangering of the fragile environment.

Analogies and Divergences

The United Republic of Tanzania and the Republic of Kenya are currently facing the same phenomenon, which is however characterized by different factors. The reason for the arrival of refugees is approximately the same, because of civil war or political tensions inside their countries of origins. Refugees escape from their homeland due to the fear of being persecuted, ethnically in case of Burundi, DRC and South Sudan, or because of the worry of risking their lives, like in Somalia (drought and political instability are the main causes). Tanzania and Kenya have been hosting refugees for decades, coming mainly from the neighbouring countries. The analogies in the management of refugees are the allocation of them in shelter camps far from the main towns (with the exception of Nairobi – decision then regretted by the Government), but above all, near the entry points for new asylum seekers. The location of shelter camps was strategically decided. In both countries, it is well-known that these sites are a source for criminality, infectious diseases and conflict. The distance from the main cities, and thus from the majority of the population, avoids to bring these problems at a higher level in the hosting society. In addition, it is far simpler for the international organizations, UN agencies and NGOs to handle the situation from a point that is nearer to the border of the countries in conflict, so that they can also monitor the nation of origin from a nearer but safer point of view. Environmental problems can arise after the settlement of refugee camps due to the scarcity of natural resources and the

growing number of people demanding for them in a determined area. Tanzania and Kenya's territories interested in the reception of refugees see an improvement of living conditions due to the enlargement of the market economy in the local communities, providing positive effects to the businesspersons at a first moment, and then spreading generally when the situation stabilizes. However, Tanzania and Kenya's Governments currently have divergent attitudes towards the legal framework concerning refugees. Tanzania, from one side, has always had an embracing behaviour in respect of refugees since 1960s, except a short period of time in the first years of 2000 in which there had been a stall in the naturalization of Burundian refugees, due to the scepticism of the Government. Nevertheless, the answer for the stabilization and a durable solution for refugees was found by the Tanzanian Government in the naturalization of 160,000 individuals. The international community has embraced this decision enthusiastically. The Republic of Kenya, on the contrary, decided that a durable solution for the management of the phenomenon of refugees was the establishment of a limited number of refugees that can be hosted inside the country. In addition, instead of naturalizing the old arrivals in the country, another appropriate solution is the voluntary repatriation of around 70,000 Somali refugees. Although this solution may be considered a good signal for the stabilization of the country of origin, some studies demonstrated that repatriation was only temporary, and most refugees decide to go back to the hosting country if the situation has not definitively been solved.

In conclusion, the arrival of refugees must be considered an emergency phenomenon. The rise of political and ethnical tensions cannot be foreseen, and as a consequence, the exodus of thousands of people is difficult to handle. However, thanks to the United Nations agencies and to NGOs, but also to the hosting Governments, the management of the settlement of safe places for

refugees is able to occur. The presence of refugees can affect positively and negatively a territory. It is necessary to focus on the priorities for the provision of security in the territory, for both refugees and the local community. However, not only it is fundamental to distinguish between an immediate and durable solution, but also it is strongly important to operationalize them, where the lack in funding is the main impediment. The international community must take into consideration the great efforts that hosting countries make in order to maintain not only internal stability, but also international peace and security.

Management of the refugee phenomenon in low and high-income countries: a comparison between Kenya, Tanzania and Italy

CHAPTER THREE - THE ITALIAN SITUATION

Italy - similarly to Tanzania and Kenya - is nowadays facing the phenomenon of the arrival of refugees. This phenomenon has been particularly discussed by public opinion, due to divergent and controversial policies applied by the Italian Government over the years. The Italian territory has always been a recipient for migrants because of its florid economy, a growing industrial sector - making it being part of the G7- and especially because of its strategic position. Italy is indeed, together with Spain and Greece, the first harbour for migrants coming from African continent and from the Middle East. More specifically, the proximity between Libyan and Italian coasts is a significant factor that collocates Italy at the centre of the current international discussion about migration in Europe.

3.1 Europe and Refugees

In the past few years, after the explosion of the civil war in Syria, the uprising of the Islamic State in Iraq and Syria and the political instability of several countries like Afghanistan, Eritrea and Somalia, Europe has seen an increasing number of people seeking for shelter inside the continent. In addition, together with this series of events, the permanent political instability and the continuous droughts of Western Africa has pushed the population of this area to cross the Mediterranean Sea. In this matter, given that people searching for shelter in Europe come from different areas of the world, it is worth illustrating the main routes used to reach the continent. The attached map clearly shows the main routes. People coming from Asia and the Middle East arrive firstly in Turkey, which is the country hosting the major number of refugees in the world, and then they take the risk to cross illegally the Mediterranean sea, by paying smugglers to get a space inside the boats, in

order to reach the Greek coast. The danger for their lives is very high. Smugglers

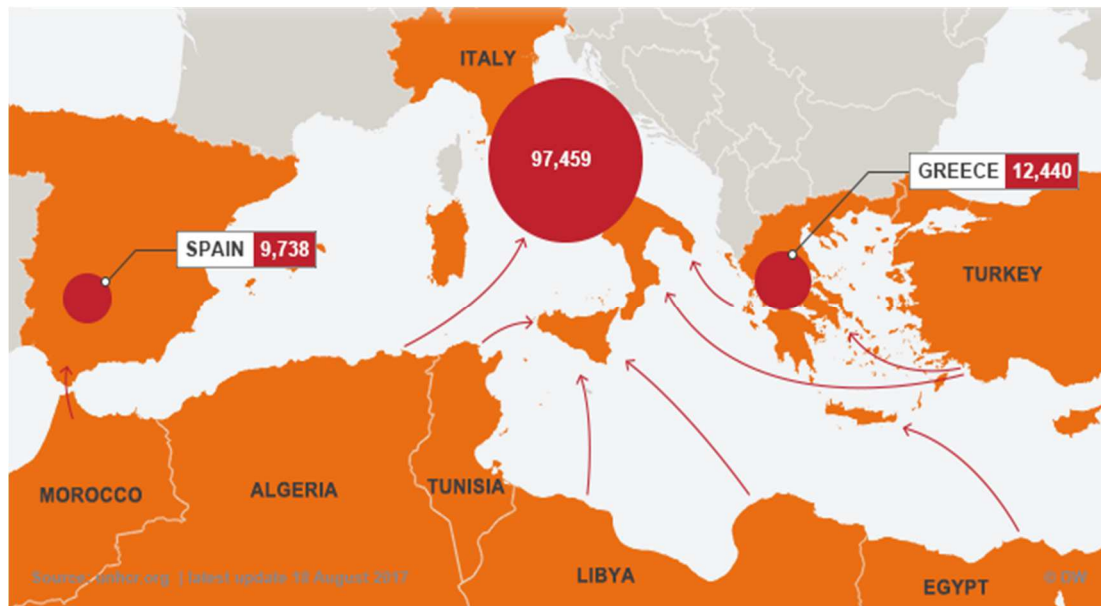


Figure 8. Refugees' routes towards Europe

overload the boats in order to gain more money in a single trip. Unfortunately, the boats are not designed to face long trips in the offshore and risk to sink. Many lives have been taken by the Mediterranean Sea in this way over the last few years. The second route considers people coming from Sub-Saharan Africa, who mainly come from the West or the Horn of Africa. The people arriving from Western Africa cross principally Niger or Mali, in order to reach Libya, while people coming from the Horn (Somalis or Eritreans) go throughout Sudan in order to reach the same Arab country. Nowadays, Libya is the main starting point from which the 97% of asylum seekers arrives to the European coasts. However, after a series of agreements between Italy and Libya, and after the opening of a new entry point in Spain, the Libyan route has slightly diminished its importance. It is necessary to state that for the last years Libya has become the main and, maybe, only way for Sub-Saharan Africans to reach Europe. Since the new emergency, the overall number of asylum applications in Europe accounted for 1,325,600 in 2015, 1,235,300 in 2016 and 361,900 in 2017 (UNHCR, Europe Monthly Report, 2017, p. 1). In particular, as of August 2017, the countries constituting the principal hosting points are Spain, receiving

13,200 persons, Italy, 99,100, and Greece, with 15,300 since the first days of January 2017 (UNHCR, Europe Monthly Report, 2017, p. 2). A very interesting statistic is the comparison of arrivals between 2016 and 2017. With regard to Greece, for instance, arrivals decrease by the 91% in 2017 in respect of the same period of 2016. Italy, instead, until the end of June 2017, did not see any particular difference in respect of 2016, but during the months of July and August, arrivals have dropped below by the 14% (UNHCR, Europe Monthly Report, 2017, p. 1). On the contrary, in 2017 Spain faced an increase of 111% of arrivals with respect to the same period of 2016. These data let assume that the group of arrivals from Sub-Saharan Africa decided to change route towards Europe, choosing to cross the Mediterranean Sea through Morocco, Tunisia or Algeria, and hence abandoning the Libyan option. It is important to identify the main nationalities of the arrivals in Europe, because they change in each route according to the best and safest journey for each one, such as what happens in the Republic of Kenya. Firstly, the main countries of origin of arrivals from Eastern Mediterranean routes (Greece) from January to June 2017 are: Syrian Arab Republic (37%), Iraq (13%), Democratic Republic of Congo (7%), Afghanistan (6%), Algeria (6%), Pakistan (5%), and others (UNHCR, Desperate Journeys - January June 2017, 2017, p. 4). Secondly, in the Central Mediterranean route (Italy), the main nationalities arrived in the same period are: Nigerians (17%), Bangladeshis (10%), Guineans (9%), Ivoirians (9%) and Gambians (6%) (UNHCR, Desperate Journeys - January June 2017, 2017, p. 10). Thirdly, the new-opened Mediterranean route regarding Spain involved mainly arrivals from Guinea, Ivory Coast, Gambia, Morocco and Syria (UNHCR, Desperate Journeys - January June 2017, 2017, p. 13). During the last twelve months the European countries having the highest number of asylum applications are Germany with 435,285 requests, Italy with 145,405, France with 90,570 and Greece with 61,125 (Eurostat, 2017). The just-mentioned statistic

should surprise. According to the main European Regulation for asylum seekers and refugees, the Dublin Agreement, the first country in which a person is registered is the place in which they have to apply and to live until the individual obtains a permit of stay for humanitarian reasons. This rule should imply that the main countries in which application processes take place are Italy, Greece and more recently Spain. However, the situation is different because many people who reach the European coasts cross the continent without being registered, acting as illegal migrants. The main route that is involved in this issue is indeed the Eastern one, as demonstrated by the great number of Syrians asking for protection in Germany. The topics concerning the Dublin Agreement are going to be discussed in the next section, giving that this Regulation was largely discussed by public opinion and it especially concerns the Italian case.

The Dublin Agreement

The Dublin Agreement is an European Union law that aims to determine the member state responsible for an asylum seeker's claim: this member state is usually the first in which the asylum seekers enter the European Union. The Dublin Agreement has always been considered as the pillar regarding the asylum seeker's requests procedures within the Common European Asylum System (CEAS), together with other regulations like EURODAC and EASO and with directives such as the Reception Directive and the Procedures Directive. The first Dublin Convention was signed in 1990 and then ratified in 1997 (Refugee Council, 2002, p. 1). Lately, it was substituted by the Dublin II Regulation adopted in 2003 and then modified in 2013 with the coming into force of the Dublin III Regulation. The member states are all the 28 European Union countries (except Denmark) and four non-EU member states, which are Switzerland, Liechtenstein, Norway and Iceland (Summary of Treaty, 2009).

These Regulations share the same principle of determining the member state responsible for the asylum seeker's claims. Going in depth of the Dublin Regulation, the main principle is that the application for asylum should be examined by only one member state. The jurisdiction for this examination should be taken in charge by the country that played the main role relating to the entry in the country's territory. The criteria used to identify this jurisdiction can be found inside the Regulation itself, but they do not give sufficient consideration to the individuals' preferences, as they cannot choose the country in which they could make the application. Specifically, the dissertation is going to focus on the Dublin Regulation III, which is the most updated version in the European context, although new proposals for a further amendment have been raised. The main points faced by the Dublin Regulation are the criteria for determining the member state responsible, a personal interview, guarantees for minors, family reunification, obligation of the member state responsible and the cessation of responsibility and the mechanism for early warning preparedness and crisis management. Dublin Agreement is a Regulation - a legal act of the European Union - that has become enforceable as law in all member states simultaneously. Before going deeply into the analysis of Dublin III, it is worth also mentioning the other instruments of the European Union for the management of the asylum seekers' claims. The first is the European Dactyloscopy (EURODAC), which is a fingerprint database for identifying asylum seekers and irregular border-crossers since its implementation in 2003 (Identification of Applicants (EURODAC), 2017). It enables authorities to determine whether asylum seekers have the right to apply for asylum in another European member state or have illegally transited through another one. The second instrument is the European Asylum Support Office (EASO), which is an agency that plays a key role in the concrete development of the CEAS. It provides support to member states, whose asylum and reception

systems are under particular pressure (Agencies, 2017). A third important tool is the Asylum, Migration and Integration Fund (AMIF), set up for the period 2014 – 2020 with a total of 3 billions 137 millions of euros for the seven years. This fund will contribute to the achievement of four specific objectives: asylum, legal migration and integration, return, solidarity. Other instruments are Frontex, the agency dealing with the sea rescuing of refugees, and EUROPOL, the European Police Office. More significantly, the European Union is the only geographical region that has been trying to establish a common asylum system aiming to increase the regional cooperation among member states in a full compliance of human rights. However, giving that the member states found some weaknesses in this framework, this attempt to provide a common regional asylum system led to several discussions. The result was the stipulation of the Dublin II in 2003, and then, Dublin III, which is the regulation currently active. Every version of this regulation tries to improve the weaknesses encountered during the implementation process. Nowadays, the Member States are thinking about furtherly amending the regulation.

Dublin Regulation III introduced some new points that are important to consider. First, the familial apparatus has been extended to a larger part of the kin, so that family reunification can be facilitated for the asylum seeker. In Article 2, we can find some broader definitions that can simplify the comprehension and the application of this Regulation. For example, the term “guardian” has been substituted by “adult responsible for the applicant, whether by law or by the practice of the Member State where the adult is present” (Regulation (EU) No 604/2013 of the European Parliament and of the Council, 2013). It has been introduced for the first time the term “relative”, which means “the applicant’s adult aunt or uncle or grandparent who is present in the territory of a Member State, regardless of whether the applicant was born in or out of wedlock or adopted as defined under national law” (Regulation

(EU) No 604/2013 of the European Parliament and of the Council, 2013). These amended definitions allow a wider range of opportunities for the applicant, like higher possibilities to reach the status of refugee. Furthermore, due to the enlarged definitions in the new regulation, the interest in minors' situation has increased, giving them more opportunities for family reunification. As a matter of fact, from 2014, when the Mediterranean emergency began, until 2017, the percentage of the Unaccompanied Asylum Seeking Children (UASC) arrived only in Italy is of the 13% (UNHCR, Italy Sea Arrival dashboard, 2017, p. 2). Hence, the issue of unaccompanied minors is a significant matter of concern in order to facilitate the process of asylum requests. If a close relative does not accompany the minors, they have to be protected by a legal guardian chosen by the hosting government. The enlargement of family definition helps this process. There is another important amendment according to the transfer in article 3, which is the explicit prohibition to transfer an asylum seeker if there is any risk to be under inhuman and degrading treatments (Regulation (EU) No 604/2013 of the European Parliament and of the Council, 2013). Guarantees for minors, a personal interview, transfer's modalities and costs, obligations for the State authority, and introduction of limits, even temporary, for the detention of people under Dublin Regulation are only other examples improved in this agreement. However, it is worth mentioning also why this regulation has been largely criticised by the public opinion.

Firstly, in the Treaty on the Functioning of the European Union, the articles 78, 79, 80 refer to policies on borders checks, asylum and immigration. In particular, the article 80 underlines that the policies of the Union "should be governed by the principles of solidarity and fair share of the responsibility, including its financial implications, between the member states" (Treaty on the Functioning of the European Union, 2012). For this reason, in case of necessity, the Union should adopt appropriate measures to give effect to these principles.

The concept of solidarity has already been implemented, but as we can see from the Italian or the German case study, immigrants' or asylum seekers' presence here is far higher than in other countries. Moreover, not only the presence is high, but also the other countries continue to send asylum seekers to Italy, notwithstanding its collapsing asylum system. The key problem is that in the Dublin Regulation the Member State designated as responsible for the asylum application must take charge of the applicant and process the application. Generally, the first state in which a person arrives is the responsible member state that has to take charge of the asylum request. If this person then moves to another country, he or she cannot ask for protection to this other country if it is not the first in which he or she has arrived, and hence, where he or she has asked for asylum. This means that all the asylum seekers, who are found in other countries have to be sent forcibly back to the first country. As it was mentioned in the previous statistics, according to Eurostat, the highest numbers of asylum applications in 2017 are concentrated in four main countries: Germany, Italy, France and Greece. The peculiar position of Germany or France, which are not located near to any European border, demonstrates how the topic of solidarity becomes critic. It is assumable that there is not a fair distribution between the countries, since some countries - mainly belonging to the Balkan route - leave asylum seekers pass towards countries like Germany and France in order not to have the burden of great numbers of immigrants. The reason is mainly the Dublin Regulation. This underlines how it is necessary to implement policies in order to equally distribute the weight of responsibility of asylum seekers, not only designating what is the country responsible for the application but also analysing carefully the situation of the hosting country. It is well-known that the countries on the seaside are the most affected by this phenomenon, which are also the ones suffering most from the 2007 economic crisis. Besides, article 33 of Dublin regulation refers to the establishment of an

action plan in case of a particular pressure on the functioning of the asylum seekers' procedures of a Member State. This action plan has to be established by the Member State itself and has to be approved by the European Parliament and by the Council (Regulation (EU) No 604/2013 of the European Parliament and of the Council, 2013). Surprisingly, there is no mention of a specific, direct or practical aid by the European Parliament. It is only underlined that "The European Parliament and the Council may, throughout the entire process, discuss and provide guidance on any solidarity measures as they deem appropriate." (Regulation (EU) No 604/2013 of the European Parliament and of the Council, 2013) This article is rather criticised because it depicts European attitude on giving directives and hints, but not practical aid, especially if the Mediterranean phenomenon is called a humanitarian emergency. Another important weakness is the problem of free-movement among countries. To be specific, when an asylum seeker obtains the international protection, he or she is not able to move freely among the European countries. Moreover, he or she has not the possibility neither to settle in a country different from the one which granted the international protection, nor to look for a job. This prohibition is very similar to the ones encountered in Tanzania or Kenya. The difference is that in Europe, contrariwise to Tanzania, asylum seekers can move freely inside the hosting country. However, it has to be bared in mind that the countries on the seaside are the most interested by the phenomenon. For instance, as far as the job condition is concerned, especially in Italy, it is easy to understand the impediments for a refugee to find a job. Another problem is the one of taking into charge of asylum seekers' requests. In fact, the international protection is conferred in different ways depending on which country it has been requested. The EASO report of 2015 underlines that the recognition rate of the status of refugees regarding people coming from the same countries differs consistently in the EU. For example, the percentage of positive decisions,

that is to say when the protection is conferred, “for Iraqi applicants varied significantly (from 21% to 98%)” and the same happens for “the Afghan recognition rate [which] varied between 14 % and 96 %” (EASO, 2016, p. 23). This means that even if there is a common procedure for asylum seekers, it is up to the hosting country the decision of the recognition of the status, although it differs consistently between the Member States. Finally, another crucial matter concerns not only the Dublin Regulation, but also the entire European System. Many countries, following the wave of arrivals in the last few years, and the consequent difficulty in a proper management of the asylum applications, decided to re-establish border controls, which had been abandoned after the signing of the Schengen Agreement. The Schengen Agreement was first signed in 1985, and it took effect in 1995. It involves a series of measures, like abolishing the internal borders of the European Union and a passport free movement across most of the continent. (BBC, Schengen: Controversial EU free movement deal explained, 2016) The renewed establishment of border controls, foreseen by the Schengen Agreement, implies a series of factors linked to the flow of arrivals of the last few years. Asylum seekers trying to cross the European Community are blocked at the borders, and they are sent back to the country from which they arrive. At a first glance, this manoeuvre seems to operate correctly. However, despite the fact that these countries are operating in line with the legal framework, there is also the pragmatic shade of the phenomenon to consider. Since all the migrants are sent back to the first country of arrival, the asylum system of those countries, mainly of the seaside, becomes overpopulated. The cause is notably the scarce cooperation between the European countries in this matter, suggesting a lack of a central power that could take the lead. Besides, the new Asylum Procedures Directive - applicable from July 2015 - ensures that asylum decisions are conducted more efficiently and fairly and that all Member States examine applications with a common high

quality standard. It gives six months' time to conclude the procedures, and more specific rules regarding reception measures. However, as of 2017 in Italy, asylum procedures still last one year, due to the overburdened system created by the Dublin Agreement. In this regard, as of October 2017, a proposal for a new Dublin Regulation was presented. The key elements of the new draft considered the shared responsibility and participation, reducing the disproportionate burden on "frontline" member states. The new proposal asks "for the first countries of arrival no longer to be automatically responsible for the asylum seekers" (Proposal for a new Dublin regulation, 2017), and considering "genuine links" to establish with a new automatic resettlement mechanism the country in which an asylum seeker can resettle. In conclusion, in order to have a clear and practical overlook of the European situation, it is appropriate to continue the discussion by illustrating the Italian management of the phenomenon.

3.2 Management of the asylum seekers in Italy

Italy has always been a craved destination for immigrants since long time. According to the main Italian institute for Statistics, Istituto Nazionale di Statistica (ISTAT), as of 1st January 2017, the residents in the territory were 60,589,445 (ISTAT, 2017). However, the foreigners resident in Italy, intended the persons with a different citizenship than the Italian one, were 5,047,028 (ISTAT, *Stranieri residenti al 1° gennaio - Cittadinanza*, 2017) consisting in the 8.33% of the entire resident population. It is worth differentiating the foreigners' nationalities. The principal foreign population is composed by Romanians, being 1,168,552 (23.15% of the totality of immigrants), Albanians, consisting in 448,407 individuals (8.88%), Moroccans, which are 420,651 (8.33%), Chinese 281,972 (5.59%), Ukrainians 234,354 (4.64%), and so on (ISTAT, *Stranieri residenti al 1° gennaio - Cittadinanza*, 2017). Surprisingly, only at the ninth place there is a nationality included also in asylum seekers' group, which is

the Bangladesh one (122,428 individuals) accounting for the 2.42% of the total (ISTAT, Stranieri residenti al 1° gennaio - Cittadinanza, 2017). However, not all Bangladeshi citizens ask for asylum, and this explains some other data. In fact, among the people arrived with the Mediterranean route, some of them do not demand for the asylum request. Precisely, in 2016, “half of the migrants arriving in the country (90,334) never even requested asylum, but disappeared into the country as undocumented immigrants” (Williams, 2017). These data show that a great number of immigrants are in the Italian territory without having been recognized or registered by the police. This can prove the amount of asylum applications in France or Germany, meaning that many of them cross the Italian territory illegally. The main Italian regions hosting asylum seekers are Lombardy with 23.391 individuals (13%), Lazio with 14.992 (9%) and Veneto with 14.769 (8%), followed by Piedmont, Campania and Sicily with the same percentage (Ispettori della Guardia di Finanza, 2017, p. 19).

Nowadays, the management of the asylum seekers phenomenon in Italy is organized following the directives of the Legislative Decree 142/2015, which represents the implementation of the Directive 2013/33/UE on standards on asylum seekers' procedures, in other words, the Dublin Agreement III. Art. 1 of this Legislative Decree illustrates the finalities and the aim of this paper. Firstly, it outlines the group of people to which the set of laws is destined, namely foreign EU citizens or stateless persons asking for international protection in the national territory. Secondly, it stresses that the application of the norms starts from the moment in which a member of these designated groups asks for asylum (DECRETO LEGISLATIVO 18 agosto 2015, n. 142 , 2015). The reception system is organized and structured by this Legislative Decree, which relies on the correct cooperation between National and regional institutions. Article 4 describes that the National Police issues a resident permit valid for six months, which can be renewed until the decision of the Territorial Commission for the

asylum request, or for all the time in which the foreigner is authorized to stay inside the country (DECRETO LEGISLATIVO 18 agosto 2015, n. 142 , 2015). The receipt attesting the application for international protection represents a temporary resident permit until the official one is ready to be issued by the Police Office (*Questura*). This same office can offer to the asylum seeker a travel document in the case of a serious reason to move to another country. Article 7 is particularly interesting because it starts describing the hosting conditions that nowadays are characterizing Italy. Firstly, it declares that asylum seekers must be hosted in shelter camps that must secure assistance and individual dignity to everyone, by respecting gender differences, and by maintaining intact the familiar nucleuses. Paragraph 2 of Article 7 explains that asylum seekers have free access to interviews with UNHCR staff, to meetings with family members and lawyers. However, for security reasons, the access to the camp could be limited. (DECRETO LEGISLATIVO 18 agosto 2015, n. 142 , 2015) The asylum seekers must be informed about the rules of the shelter camp, according to the Legislative Decree, and the organisation, which takes care of it, has the duty to monitor health and psychological stability of the beneficiaries (DECRETO LEGISLATIVO 18 agosto 2015, n. 142 , 2015). The hosting system is divided into two main areas: first reception measures and second reception measures. Article 9 illustrates the first reception measures, which are considered to be the actions that take place for the assistance of asylum seekers, until a juridical status is defined. The management of these centres, established by the Ministry of the Interior, can be assigned to local entities, to associations or consortia, to public or private bodies, which work in asylum seekers assistance sector, or in the assistance field (DECRETO LEGISLATIVO 18 agosto 2015, n. 142 , 2015). According to Article 9, the asylum seeker is hosted for the time necessary to the identification operations, to the verbalization of the international protection request, to the assessment of the health

conditions, which has the utility also to identify the vulnerability conditions since the entrance in the shelter camp. Article 13, in addition, states that the unjustified departure from the shelter camps results in the automatic revocation of the assistance and hosting measures for the asylum seeker (DECRETO LEGISLATIVO 18 agosto 2015, n. 142 , 2015). There is another important measure established by the Legislative Decree 142/2015, which is called SPRAR (*Sistema di Protezione per Richiedenti Asilo e Rifugiati*). It gives access to the asylum seeker that, after having formalized his or her application, does not have sufficient means of subsistence for him or her and his or her family (Art. 14). Nowadays SPRAR measures have started to have a different role in the asylum system because they give access only to refugees whose international protection request have been accepted. Unfortunately, not every refugee is able to find a space in these projects. In addition, the Legislative Decree deals with the management of vulnerable people, such as minors, seniors, disabled persons, people who suffered from torture, rape and prostitution, or people with specific health needs. Particular reception measures are foreseen for these categories of persons in order to follow the specific needs of each group. Each asylum seeker participating to the reception system has the right to have access to the health system, to schooling for minors and to work with a regular job contract after 60 days from the international protection request (art. 21-22) (DECRETO LEGISLATIVO 18 agosto 2015, n. 142 , 2015). According to the legal framework, it is fundamental to mention a new law brought out by the Minister of the Interior, Marco Minniti, and by the Minister for Justice, Andrea Orlando, which foresees a series of changes in the asylum seekers' reception policy. The law, converted from the Decree n. 13 of February, 17th 2017, entered into force on April, 19th 2017. It concerns urgent provisions about the acceleration of asylum procedures and the contrast to the illegal migration. The main and most debated provision of this law is the abolition of

the “possibility to appeal the Civil Tribunal decisions on international protection before the Court of Appeal.” (Asylum Information Database, 2017) This provision accelerates without any doubt the asylum request procedures, but it is criticised by NGOs and Cooperatives because it deprives asylum seekers from the right of an equal process. However, even though the Legislative Decree establishes the limits and the laws of the management of refugees in Italy, after the Mediterranean emergency, it is worth mentioning in practice the reality of asylum seekers in the territory.

What does it happen to an asylum seeker when he or she reaches the Italian coasts?

In order to clearly understand the path and the organization of the Italian reception system, it is useful to take as example an individual departing from a non-specified African Country. As already explained in the previous sections, the majority of asylum seekers reaching Italian coasts comes from the Horn of Africa or from the West African countries. The main element shared by almost everyone is the intermediary State from which they depart to reach Italy, which has been Libya for a long time. After political agreements between Libya and Italy, the situation seems to have changed, blocking the arrivals from that point. The asylum seekers have then chosen other intermediary countries, such as Morocco and Tunisia. Sure enough, “Tunisia became something of a magnet for migrants and their smugglers earlier in the year, when efforts by the EU and in particular the Italian government to clamp down on trafficking in Libya pushed the problem north-west” (Svendsen & Andersen, 2017). Notwithstanding, it is important to analyse the path followed by migrants in the last three years. The majority of migrants coming to Italy spends a period of their lives in Libya, for a series of reasons. During Gaddafi’s regime, Libya represented for some of them the final destination in order to seek safety and fortune, while for others it was

already considered an intermediary place. However, after Gaddafi's destitution and fall, the unstable and escalated warfare inside the region brought Libya to be not anymore the final destination but the site of transition for migrants or asylum seekers. During this particular period - which is precisely when also the Mediterranean emergency saw its peak -, asylum seekers were already working in there, in order to obtain the sufficient amount of money to pay the smugglers for the sea crossing. Once they are able to enter one of those dilapidated boats, the crossing of the Mediterranean begins. The boats departing from Libya are always overcrowded and the risk of sinking or of falling into the water is very high. According to the International Organization for Migration (IOM) the number of deaths at sea in the last two years was terrifying: an estimated amount of 3,228 in 2016 and of 2,410 in 2017 (No Migrant Deaths at Sea in Last 20 Days as Mediterranean Arrivals Reach 121,517 for 2017, 2017). Thanks to the work of the Italian *Guardia Costiera*, and of the many NGO's ships monitoring the sea, the majority of the people inside the boats is rescued and taken in the nearest Italian harbour. Indeed, after the Lampedusa's shipwreck on October, 3rd 2013 "with the loss of more than 360 lives" (Lampedusa boat tragedy: Migrants 'raped and tortured', 2013), the Italian Government decided to launch the Mare Nostrum operation. It was a military and humanitarian operation started on October, 18th 2013, and ended a year later, with the purpose of facing the humanitarian emergency involving the Sicily Channel. This mission consisted in empowering the already existing operation Constant Vigilance, started in 2004, by monitoring the migration flows among Italian seas. It worked to guarantee the safeguard of life in those waters, and to maintain justice for all those people who took advantage of illegal migration (Mare Nostrum , 2014). Mare Nostrum has then been substituted by another and more restrained operation, Triton, which has been criticised by many because it was considered insufficient to face the emergency. Actually, the capital invested in Triton

operation accounts for two-thirds less than Mare Nostrum, without taking into consideration the smaller areas in which the mission works (La differenza tra “Mare Nostrum” e “Triton”, 2015). However, these operations, mainly guided by an Italian staff, were accompanied by another European operation, Frontex, which was born in 2005, whose main scope was monitoring the European borders, and fighting illegal migration.

When migrants reach Italian coasts, rescue teams are ready to receive them, giving them the first aids and recording their personal details. During this process, the communication of the number of new arrivals is already arrived to the Ministry of the Interior, which distributes them among the various Italian regions. Once a meal and a coverage is delivered to them, these people enter buses arranged by the prefectures and they head to the shelter camps. It is

worth describing the difference between the several accommodation centres that the Italian territory can offer to the asylum seekers. The first shelter accommodation that was established in Italy is called SPRAR (*Sistema di Protezione per Richiedenti Asilo e Rifugiati*), which “was widespread along the Italian territory, with the engagement of central and local institutions, according to a sharing of liability



Figure 9. Asylum Seekers in San Siro's Reception Centre (PD) participating to an activity of Geography.

between the Ministry of Interior and local authorities” (The Italian Asylum System, p. 1). This project usually lasts 6 months, but in some cases, it can extend to one year. In addition, “any local project within the Protection System,

under the provisions of integrated reception measures and besides supplying accommodation and meals, provides for social assistance activities to gain a better knowledge of the territory and access actually to local services” (The Italian Asylum System, p. 2). However, after the humanitarian emergency of the past years, the services offered by SPRAR projects were not sufficient to cover the entire need for shelter of the asylum seekers reaching Italian coasts. For this reason, new types of centres have been created, each one with a different capacity and organization:

- CPSA (*Centri di Primo Soccorso e Accoglienza*): they are first aid reception centres for a temporary stay, in which health assistance is provided only in case of massive migrations. These centres must be considered transitional places towards more stable places for asylum seekers; they are indeed situated in the South of the Italian territory, close to the disembarkation points.
- CDA or CARA (*Centri di Accoglienza or Centri di Accoglienza per Richiedenti Asilo*): they “provide for a first aid in favour of undocumented migrants and asylum seekers” (The Italian Asylum System, p. 3). People are allowed to sojourn in those centres until the identification process or the decision on the international protection is finalised.
- CAS (*Centri di Accoglienza Straordinaria*): there is no clear definition of this type of centres, but there is a common belief that it comprehends all the above-mentioned, constituting accordingly the great majority of reception areas in Italy.
- CIE (*Centri di Identificazione ed Espulsione*): these are centres “for migrants with an irregular status waiting for the expulsion, whose detention cannot exceed 18 months” (The Italian Asylum System, p. 4). As far as asylum seekers are concerned, they can be

accepted inside these programs only in case of an expulsion decree or other reasons determined by the law, like crime commissions.

The arrival at the shelter camp implies some duties to be respected for the organization or the entities in charge of it. The first action that must be done is the registration of the personal details of each individual, and to communicate it to the respective prefecture. Secondly, they have to take care of the health of each one, considering if there is any emergency to be faced, giving the long and exhausting travel of the recipients. Thirdly, but together with the second point, the arrivals are given food, a hygienic kit, and a clothing, according to the season. Fourthly, the newly arrived people are invited to their new accommodations. The fifth point is the one that makes the person start the international protection process, the fulfilling of the C3 model. The compilation of the C3 model is an interview in which individuals express their intention to ask for international protection in Italy, and it is the first moment in which they can tell the reasons why they left their countries. Later, this model is taken to the Police Office, which starts the procedures for the international protection (according to the law, the C3 model should be filled out by a Police Officer together with a mediator, but, for practical reasons, the interview takes place inside the shelter camp). Another crucial part of the procedures is the integration of the European database with the fingerprints of the new arrivals that must be completed at the competent Police Office as soon as possible. Once all these procedures are finalised, the asylum seekers spend their time inside the shelter camp. Inside these centres, there is a variety of services offered to them, which vary according to the state-local entities agreements or to the tender rules established by each Prefecture. Meals and accommodation, together with a daily pocket money of 2.50 € is provided to each asylum seeker, regardless of any agreement. The distribution of food is variable. In some

centres, especially the smallest ones, a food money is provided, giving the chance for the asylum seeker to buy and cook his own food. In bigger centres, where there are practical barriers for this type of organization, the provision of meals is in charge of the local entity, that can ask for it to a food service or organize a canteen. Asylum seekers have access to health assistance; they are given a sanitary card and the assignation of a treating doctor. In addition, legal assistance is provided, with the purpose of helping them in the international protection request process. Most of the times even Italian lessons are another service offered to the asylum seekers, in order to encourage their integration process. All these services are provided by the local entity in charge of the management of asylum seekers' assistance. This reception system is funded by Italian Government together with the Asylum and Migration Integration Fund, which foresees a daily expenditure per individual of 35 €. The amount of money is given directly to the local entity, which has to distribute it among the maintenance expenses, the assistants' salaries, the pocket money and the provision of food and general expenses.

The obvious question that can arise is when asylum seekers lose their right to benefit from these services. The permanence of an asylum seeker inside a shelter camp is linked to his or her juridical status. As the Legislative Decree 142/2015 states, asylum seekers are allowed to sojourn inside reception centres until their international protection procedures are finalised. This means that they can stay inside reception centres until the decision of the Territorial Commission for Recognition of International Protection, which establishes the concession of the international protection or not. The Territorial Commission "is the competent authority in processing international protection claims" (Practical instructions – The procedure for the recognition of international protection, 2016). In case of a negative answer, the asylum seekers have the right to resort to the court, and hence the right to stay in the reception centres

persists. There are different types of international protection that can be assigned to asylum seekers:

- Refugee status: “A refugee is a person who has been granted refugee status under the terms of the Geneva Convention of 28th July 1951” (The Italian Asylum System, p. 8). In other words, it is given to anyone who has the well-founded fear of being persecuted in his own country (see art. 1 of the Geneva Convention). The recognition of this status gives the applicant a permit of stay for political asylum for 5 years, a refugee travel document for going abroad and to ask for citizenship for naturalization after just 5 years (Practical instructions – The procedure for the recognition of international protection, 2016).
- Subsidiary protection: it is issued “for whom there exist justified reasons to believe that [...] they would run an effective risk of serious harm to themselves” (The Italian Asylum System, p. 9). “Serious harm” can be interpreted as a death execution, torture or other types of punishment, or “serious individual threats to the life of a civilian resulting from indiscriminating violence in situations of inland or international armed conflict” (Practical instructions – The procedure for the recognition of international protection, 2016). The recognition of the subsidiary protection allows a permit of stay of 5 years, and a refugee travel document for going abroad. Subsidiary protection is usually issued to persons fleeing for war reasons.
- Humanitarian protection: it is issued “whenever the Local Commission finds there are “serious justifications of a humanitarian nature”.” (The Italian Asylum System) This recognition allows the applicants to possess a permit of stay of 2

years that can then be changed into a work permit, but it does not allow to have a travel document.

According to official databases, during the year 2016 “the 4,808 immigrants who were awarded asylum represent 5.28 percent of the asylum seekers” (Williams, 2017). In addition, subsidiary protection has been recognized to the 14% (12,873 individuals) of the applicants, while humanitarian protection constituted the 21% (18,979 persons) of the total (Williams, 2017). Therefore, this means that approximately the 60% of the asylum seekers receives a negative answer. In this case, the applicant can appeal within 30 days from the day of the communication of the answer for the recognition of international protection, and, “the presentation of the appeal suspends the decision of the Commission” (The Italian Asylum System, p. 7). Until last year, the applicant was allowed to appeal to the Court of Appeal, in case of a second rejection. However, with Orlando and Minniti law of the 19th April 2017, this option is not possible anymore.

Relocation

In order to face the increasing humanitarian emergency, the European Union set up a program aimed at redistributing asylum seekers among Member States following specific criteria. This need had already risen in 2015, with the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – An European Agenda on Migration. The purpose of this communication was to “build up a coherent and comprehensive approach to reap the benefits and address the challenges deriving from migration” (European Commission, 2015, p. 2). This Agenda expresses the European duty to help those in need, especially the ones escaping from the risk of death or persecution. One of the immediate actions, which were depicted by this

Agenda, besides saving lives at sea or targeting criminal smuggling networks, is in fact relocation. During this humanitarian emergency, the main actors, which were undergoing this restless migrating pressure, were the frontline states were. The European Agenda on Migration projected “a temporary distribution

scheme for persons in clear need of international protection to ensure a fair and balanced participation of all Member States to this common effort.” (European Commission, 2015, p. 3) The receiving Member States are responsible for the examination process of the request of

Member States	Relocation				
	Places Formally Pledged[1]	Relocated from Italy	Relocated from Greece	Commitment legally foreseen[2]	Remaining places from commitment
Austria	50	15	*	1,953	1,938
Belgium	1,530	387	700	3,812	2,725
Bulgaria	1,070	10	50	1,302	1,242
Croatia	316	22	60	968	886
Cyprus	205	47	96	320	177
Czech Republic	50	*	12	2,691	2,679
Denmark	*	*	*	N/A	N/A
Estonia	396	*	141	329	188
Finland	2,128	779	1,201	2,078	98
France	6,940	377	4,390	19,714	14,947
Germany	13,250	4,391	5,332	27,536	17,813
Greece	*	*	*	N/A	N/A
Hungary	*	*	*	1,294	1,294
Ireland	1,152	*	661	600	0
Italy	*	*	*	N/A	N/A
Latvia	627	27	294	481	160
Lithuania	1,160	29	355	671	287
Luxembourg	545	211	271	557	75
Malta	205	67	101	131	0
Netherlands	2,825	890	1,744	5,947	3,313
Poland	100	*	*	6,182	6,182
Portugal	3,218	326	1,192	2,951	1,433
Romania	2,182	45	683	4,180	3,452
Slovakia	60	*	16	902	886
Slovenia	579	60	172	567	335
Spain	2,500	205	1,096	9,323	8,022
Sweden	3,777	1,202	1,649	3,766	915
United Kingdom	N/A	*	*	N/A	N/A
Norway	1,500	816	693	N/A	0 [3]
Switzerland	1,530	877	574	N/A	104 [3]
Liechtenstein	10	*	10	N/A	0 [3]
Iceland	*	*	*	N/A	tbc
TOTAL	47,905	10,783 (out of 34,953) [4]	21,493 (out of 63,302) [5]	98,255	65,979 (of initial 98,255) [6]

Figure 10. Member States' Support to Emergency Relocation Mechanism (European Commission, State of Play - Relocation, 2017)

international protection for each relocated individual. The distribution is “based on objective, quantifiable and verifiable criteria that reflect the capacity of the Member States to absorb and integrate refugees” (European Commission, 2015,

p. 19). These criteria are the size of the population, reflecting the capacity to absorb a certain number of refugees in its territory, the total GDP, the average number of spontaneous asylum applications and of resettled refugees, and the unemployment rate. Relocation project started in September 2015, but it did not cover the expected number of relocated persons (Genoviva, 2017). However, in Italy, “IOM has been asked by the Government of Italy and the European Commission to provide support in the relocation of 10,000 asylum seekers over two years” (Relocation and Resettlement, 2017). In particular, the International Organization for Migration takes care of the applicants before their departure to the chosen country. More significantly, it is “responsible for the actual movement of the asylum seekers from Italy to the countries of relocation, accompanying beneficiaries throughout the process from the reception centres in Italy to their final destination” (Relocation and Resettlement, 2017). Unfortunately, as reported both by the UNHCR and by the European Commission, the number of people, which was estimated to be resettled, is far distant from the one put into practice. As a matter of fact, UNHCR states that, by July 2017, only the 2% of the estimated total has been resettled (Genoviva, 2017). In addition, not all the asylum seekers are beneficiaries of this project. This system foresees the resettlement of people in clear need of international protection, who belong to nationalities whose recognition’s rate of protection is equal or greater than 75% on Eurostat data (Genoviva, 2017). In particular, Figure 10 explains more specifically the current development of this initiative, as of 30 November 2017. As it is clearly depicted, what has been foreseen by the European Agenda on Migration is not clearly respected by the Member States, and this depends on the internal policies of each country.

Deficiencies on the European Management of Asylum Seekers

During the explanation of the European, but especially Italian system concerning migration, it has been possible to identify several lacks that make this organization inefficient. Firstly and most significantly, the overall organization of the Asylum Seekers in Europe is impeded by an unjust agreement. The Dublin Agreement imposes an unfair and uneven distribution of asylum seekers among the European territory, giving to the frontline coastal countries a higher pressure compared to the continental ones. This agreement implies that coastal countries like Italy, Spain and Greece offer to asylum seekers reception services that are inferior to the accepted standards established by the EU. In other words, when those countries start being overcrowded, their reception conditions risk not to be able to guarantee anymore even the basic human rights. Consequently, the high numbers of people hosted in those countries imply an overload on all the public institutions concerned in asylum seekers management. Police Offices, Prefectures, hospitals, healthcare and prevention centres procedures started demanding more time, extending, then, the spendable time for an asylum seeker inside a reception centre. The so-called CAS - extraordinary reception centres – have now become ordinary shelters for asylum seekers, and the hope for integration is straying day by day. Similarly to the United Republic of Tanzania and the Republic of Kenya, Italy's attempts towards integration are not considerably efficient. For instance, the majority of CAS or CARA are situated far from the main cities, furthering the beneficiaries of the centres from the integration process, and impeding them easy and cheap ways of transport. However, the main problem concerning Italian management on refugee phenomenon is the future of asylum seekers once their international protection path finishes. Precisely, after the rejection of the appeal by the Court, an asylum seeker ends its asylum path and becomes irregular inside the hosting country. This situation

would imply for the hosting nation a duty of repatriation for the individual in object, sending him in a first moment to the CIE (identification and expulsion centres) and then to his country of origin. Unfortunately, this procedure is rarely put in practice, although the new Orlando - Minniti law seems to be more concerned on this issue. Sometimes, during the permanence period inside reception centres, the asylum seeker is able to find a job, with a regular contract, and in this case, he is able to convert his resident permit for humanitarian reasons to a work permit. Nevertheless, a great amount of people becomes homeless once the asylum process ends, because during that period they have not been able to reach autonomy. As a consequence, poverty provokes their involvement in criminality, since it is the easiest and fastest action to obtain money or food to survive. Contrariwise, the Government foresees for recognized refugees the SPRAR project, which helps them to reach integration inside the country. Despite this, its capacity is not able to cover all the people obtaining international protection, leaving some of them homeless.

3.3 Impact on Law, Economy and Society

The presence of refugees or asylum seekers in a hosting territory, as it has been generally described in the first chapter, and specifically linked to the East African area in the second, shows that it is not an undetected phenomenon. Therefore, even the Italian territory and society are involved in the effects of the presence of this particular type of migrants inside the territory. Precisely, the Mediterranean emergency made Italy one of the countries of concern for these reasons. The arrival and then the presence of refugees inside the Italian territory may represent both a burden and an asset. Surely, it provokes changes inside the country.

The first sector involved in the phenomenon of refugees is law and politics. The Italian Government tried since 2007 to make a political agreement

with the Libyan one in order to contrast the irregular migration. However, these agreements were never made public, and for this reason the scarce attention to human rights, like not respecting the non-refoulement principle, could be explained. In 2009, indeed, according to the European Court of Human Rights in Strasbourg, “Italy violated international human rights laws when it intercepted migrants adrift in the Mediterranean [...] and returned them to Libya” (Vogt, 2012). It is important to remember that Libya never took part to the Geneva Convention Related to the Status of Refugees of 1951, worsening the risk of violating the non-refoulement principle. In addition, after Gaddafi’s fall in 2011, the situation deteriorated. The establishment of missions like Mare Nostrum or Triton helped to maintain at a higher level the respect of human rights, by saving many lives from the mouth of the Mediterranean sea. Notwithstanding Italy-Libya agreements, the number of asylum seekers arriving in the European territory increased remarkably. The Italian Government, in order to face the refugee crisis, pleaded the European Community for a help. Firstly, it asked for an amendment of the Dublin Agreement. Secondly, Italy pleaded the other frontline states like Spain and its bordering territories like Austria and France to open the frontiers. Unfortunately, none of the pleaded countries answered promptly to the Italian ask for help, and “all Rome got was the official green light to define a new code of conduct and rules for NGOs to be forwarded to the European Commission for approval” (Marchetti, 2017). In fact, “a vociferous political campaign has claimed the NGOs are not humanitarians, but working in tandem with the smugglers to act as a taxi service for African economic migrants” (Wintour, 2017). In May 2016, during Renzi’s Government, the then Foreign Affairs Minister Gentiloni, set up the first Ministerial Conference Italy-Africa, where the Migration Compact was presented to African Ministers as a long-term strategy, based on an equal partnership by giving common answers on global challenges, especially on migration management. In 2017, the

situation changed again: thanks to a migration deal with the UN-backed National Accord government, Fayez al-Sarraj, Gentiloni, as Prime Minister, obtained the permission for the “Italian navy to operate inside Libya's territorial waters in order to stem the flow of migrants” (El-Gamaty, 2017). “The fall in numbers making the crossing is likely to be the result of a more aggressive turnaround policy by the Libyan navy and coastguard, backed by improved boats and equipment – funded by the European Union – and Italian-led training.” (Wintour, 2017) This agreement has been considered positively and negatively by the public opinion. The first result was the hasty fall in numbers of arrivals in Italy, softening Italian efforts on the management of migration. The second one, however, was the overcrowding of Libyan centres, worsening the living conditions of the people trying to reach Europe. Before Gaddafi’s fall human rights were not much taken into consideration, given the missed participation to the 1951 Geneva Convention. Despite that, due to the growing economy, everybody was involved in the improvement of living conditions. After Gaddafi’s destitution, the Libyan internal situation worsened remarkably, making it difficult also for migrants. The guerrilla, which characterizes the everyday life for Libyans, became the same also for migrants, forcing to stay inside centres, better described with the term “prisons”, in which they are abused and forced to stay under the north-African sun for long hours. Many people die in those centres, and the international community is currently moving to defend those persons. Italy has been condemned by many international organizations as Amnesty International and Médecins Sans Frontières (MSF) for these agreements, because of the worsening and endangering of the lives of those people crossing Libya to reach Europe. Even United Nations, in a recent report, “condemned the “inhuman conditions” in Libyan detention centres highlighting “consistent reports of torture, sexual violence and forced labour”, and cases of severe malnutrition” (Guerin, 2017).

In addition, according to UNHCR, there are about 30 government-run detention centres in Libya, without considering the clandestine facilities run by traffickers and militias. Consequently, UNHCR together with other international organization are struggling to improve the living conditions of refugees and asylum seekers in Libya, in order to find a stable and safe place for them.

From the social point of view, it is important to underline how hosting people have responded towards the arrival of foreigners inside their territory and how it has affected the society structure. Firstly, “following the jihadist attacks in Brussels and Paris, combined with Italian fears over the influx of migrants arriving in Italy via north Africa” (Adler, 2016), the tolerance towards the foreigners is everyday thinner. The diminishing welcoming attitude towards what or who is considered different can be explained by a series of elements. At first, the figure of the foreigner is usually linked with unsafe life manners, like criminality, prostitution and sicknesses in general. This analogy is sometimes justified by the numbers of Nigerian women involved in sex trafficking, the 80% of the total according IOM (Mannocchi, 2017), or by the number of foreign people involved in the drugs trading. These data seem undermining the Italian reality, but unfortunately, many people arriving in Italy seeking a good job and stability, are forced to start criminal actions in order to maintain themselves and the family. As a matter of fact, criminality is easier to join because it implies faster and higher incomes that are more attractive for a person seeking an immediate safety. However, the Italian intolerance towards migrants has been raised by the Bossi-Fini law, which made the clandestine life a crime, increasing the percentage of criminal foreigners in respect of the Italian, only for the reason of finding themselves in another country without permission. Furthermore, a study conducted by the Urbino’s University on the Italian perception of foreigners (see Chapter 1), demonstrated that the more a local lives in contact with strangers, the more the fear of the diverse diminishes

(Greco, 2008). Precisely, the study was concentrated on people living in villages, with scarce foreigners' presence, and people living in towns, with higher and more frequent contact with strangers. The inhabitants of a town resulted more trustful and confident on foreigners in respect of the population of a village, demonstrating that the fear of the unknown is what pushes more Italians' intolerance (Greco, 2008). However, a positive effect of refugees' presence in a country like Italy has become an asset considering Italian population's structure that has changed considerably in the past century. The population has been growing thanks to the arrival of migrants and to the improvement in living conditions, implying a decrease in the mortality rate. As a consequence, the population is aging, and the reduction on the dimension of the household reflects the lower natality rate. Hence, the presence of refugees can help Italian welfare state. "The country has the lowest birth-rate in the EU, and a high percentage of millennials moving abroad [...] Asylum-seekers, on average, are young and provide new tax-paying workforce." (Aimar, 2017) This means that if asylum-seekers are given legal and properly paid jobs, they could subsidize pensions and welfare state even more.

From the economic perspective, asylum seekers, refugees or migrants are considered as rivals to Italians about job research. This feeling has increased since the beginning of the economic crisis in 2007, while before they were considered an asset and a support to the growing work supply. There are some features to be discussed. First of all, when a foreigner enters another state to settle, he or she takes part to the race to grab a job together with locals, and this can demonstrate the hostility of Italians. In addition, many times the stranger is much more competitive than a local is, because he or she demands a lower salary, so it is deductible that an employer prefers to spend less and to hire the foreigner. However, other factors demonstrate the contrary. Together with the growing technology, Italians started moving their interests towards

high-skilled work (explained also by the higher number of young people attending university). The craft jobs are then left with a work supply higher than the available labour force, which is then covered by asylum seekers. In this regard, Leone Moressa Foundation demonstrated that “refugees and immigrants might be unemployed in the very short term [...] but they soon become a stimulus to the economy. In 2015, immigrants generated almost as much revenue as FIAT, Italy’s car manufacturing company, providing a net gain to the economy of 4 billion euros.” (Aimar, 2017) In addition, in 2016 the International Monetary Fund expected that “refugees will add around 0.19% of GDP to public expenditure in the European Union” (The economic impact of refugees - For good or ill, 2016). In the short term, however, refugees and asylum seekers represent a burden for the society’s expenditures and tax revenues, but in the long-term they become an asset. In order to provide legal and health assistance to them since their arrival, the local entities or the social cooperatives involved in the management of this phenomenon need to be funded. The Asylum, Migration and Integration Fund (AMIF), which was created by the European Commission for the years 2014-2020, covers the 11% of the entire expenses for the reception system in Italy (Asylum, Migration and Integration Fund (AMIF), 2017). The remaining capital is provided by the internal government throughout taxes (Liberti, 2014).

In conclusion, Italy, likewise Tanzania and Kenya, is affected by the arrival of asylum seekers, and consequently refugees in its territory. The effects can be several and various. This phenomenon is managed differently from the low-income countries analysed in the second chapter, but the final effects can be considered respectively similar. Both high and low-income countries are struggled by refugees’ presence in the short-term, and only in the long-term, they are able to see some advantages, which are more remarkable in high-income countries.

Management of the refugee phenomenon in low and high-income countries: a comparison
between Kenya, Tanzania and Italy

CONCLUSION

The purpose of this dissertation was to create awareness over the debated topic of the refugee phenomenon. Given that refugees are a particular category of people moving from one country to another, it is important to keep a clear distinction between the various types of migrants. The reasons that can push a person to leave the homeland are the key elements that create this distinction. A refugee will always decide to leave his or her homeland because of the “wellfounded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion” (United Nations, Convention Relating to the Status of Refugees, 1951, p. 14). Following this definition, established by the almost internationally accepted Convention Relating to the Status of Refugees and Stateless Persons in 1951, it becomes essential to understand the importance of hosting people in need. According to the non-refoulement principle dictated by the above-mentioned Convention, and reinforced by its presence in international law, a person cannot be sent back to a country in which his or her life is at risk. The comparison between Kenya, Tanzania and Italy is fundamental to answer the several critics done by the public opinion during the past few years in the Old Continent. An initial series of data and information displayed at the beginning of Chapter Two gives the idea of a common Western responsibility regarding Third World countries’ underdevelopment, together with a structural deficiency due to the late innovation of tropical plantations. First World Countries should somehow feel responsible for this inequality. Underdevelopment often causes social and political instability that, together with the exploitation of foreign countries, consist in a perfect mix for a probable conflict. The examples given by the situations in Somalia, South Sudan, Burundi and the Democratic Republic of Congo are suitable for this discussion. These countries have suffered from

colonization, foreign exploitation of material and human resources, and are still suffering from the consequences of these unhealthy policies. The results are civil wars, political instability and social unrest that have forced civilians to flee from their home country to seek shelter somewhere else. However, these people can find safety in neighbouring countries such as Tanzania, Kenya or Uganda, which are not facing social and political instability, but are still listed as some of the Least Developed Countries according to the international community. This means that the already scarce allocation of resources in these territories must be divided in even smaller pieces for the reception of refugees. Further to this, a country like Kenya is still living internal ethnical divisions, due to a past insane political history, and is even facing threats of international terrorism due to the presence of Al-Shabaab, that is thought to be nurtured inside shelter camps. However, although Tanzania and Kenya have been hosting refugees for decades, their past governments turned their reception attitude towards a closed behaviour, by enclosing refugees' movements inside shelter areas and preventing integration between them and the local communities. Despite this, in the last few years the Tanzanian Government has given hope to some refugees by granting them the citizenship through their naturalization, which is obtained after being hosted in the country for twenty years. The first and natural approach to the reception of foreign people is most of the times closed and sceptical, such as the European common thought. Some studies have demonstrated that in the short-term, although the presence of refugees weighs on public expenses due to the first-aid assistance provided to them, some local people living next to shelter camps can enjoy the same services. Later, in the long-term, notwithstanding the rivalry between locals and refugees on the small labour market, they become an asset for the society, by increasing the demand for goods and services in the local market. The high numbers of the present refugees inside the territories of low-income countries demonstrate how the

urgency of finding a shelter goes beyond the need of a better economic life. As a matter of fact, the major number of refugees in the world are hosted in neighbouring countries, which most of the times, struggle to help both them and the local community. The European case, instead, and more particularly the Italian one, shows how the creation of an established route helps refugees not only to find a shelter, but also to have higher economic expectations for their living conditions. This is the case for many asylum seekers coming from the West Africa that leave their countries because of political instability, but also hoping for a better economic future. The common belief that Italy is one of the countries hosting the major numbers of refugees or asylum seekers could be contested primarily by the UNHCR world data. Firstly, they show how the main hosting countries are the Third World neighbouring ones (see Tanzania, Turkey, Lebanon or Kenya). Secondly, the European statistics put Germany as the first receiving country. However, the weight of refugees in a high-income nation like Italy is far more different from the areas described in Chapter Two. The Italian management of the phenomenon is better organized and is able to offer better assistance to asylum seekers, ranging from the reception conditions to legal aid. Indeed, while Tanzania and Kenya are not able to offer independently assistance from the international community to asylum seekers because of their scarce resources, and even rely almost completely on international aid, Italian intervention comes mainly from the public expenditure. However, the Italian management of the phenomenon is often hampered by the European interference. Given that Italy is part of the Union, it is bound to a series of directives, such as the Dublin Agreement. The main impediment derived from the fulfilment of this directive is that asylum seekers must complete their international protection demand in the first country they request for it. This role is assigned mainly to Italy, Greece or Spain, being coastal countries, hence the first country of arrival for the majority of people. This directive is dangerous

because of the risk of overloading the already-suffering countries after the 2007 economic crisis with the main burden of assisting refugees. In addition, the fact that Germany is the main host nation in the Old Continent demonstrates that there is a part of the asylum seekers reaching the coasts that evades the territorial controls to start another illegal journey towards Central Europe. The risk of this journey towards Germany is that these people may encounter many dangerous situations in order to avoid Police or border controls, risking their lives again. Added to this, the scarce cooperation between the European States makes some of them suffering from the high number of asylum seekers in the territory, and some of them, by refusing their presence, increase the wave of racism of the local community. Furthermore, the more shelter camps, reception centres and asylum seekers overload a country, the less it is able to offer appropriate services, which aim at health assistance, legal aid, but especially integration. Keeping great numbers of asylum seekers in huge reception centres tackles the phenomenon instead of dealing with it.

In conclusion, despite the huge difference between the management of refugee phenomenon between Tanzania, Kenya and Italy, it is possible to state that there is still much to do in order to improve the refugees' situation inside each country. The millions of displaced people around the world show how instability, social unrest, conflict and hatred are part of the daily routine for many people. Hosting refugees is a basic human right that each country should provide to any person in need of it. However, the necessity of creating stable and safe environments in conflicting countries and preventing new social and political instabilities are fundamental in order to maintain human rights and to avoid people's lives being at risk. Unfortunately, in order to reach these goals it is important to make a structural change in the world order that should start by avoiding Western interference in underdeveloped countries and by creating the

right measures for development, together with a shared and common responsibility especially between developed countries.

Management of the refugee phenomenon in low and high-income countries: a comparison between Kenya, Tanzania and Italy

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