IN SEARCH OF DIGNITY

REFUGEES IN KENYA FACE A RECKONING

MEDECINS SANS FRONTIERES

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Introduction: a bargain unravels

"Life in Somalia was not as I had anticipated. I had hoped for an improved country, with better security and services, but what we got was different. My mother died shortly after our arrival and as we continued staying, it became harder fending for my family"

64-year-old returnee to Dadaab from Somalia

For years, the Kenyan government and donor countries have stuck to a bargain. Kenya has offered a haven to large numbers of refugees from neighbouring countries, fleeing a toxic mix of insecurity, food deprivation and climate disasters, but has kept them confined in camps; donor governments, instead, have provided funding to run those camps. This has amounted to offering compromised protection to refugees: they are shielded from conflict and armed violence, have access to basic assistance, but cannot move outside the camps, do not have the possibility to engage in formal employment nor can they pursue university studies. They have become living embodiment of 'bare lives'—or people without civic, political and economic rights.

But as long as refugees are contained, it has suited everyone—except refugees. Kenya has avoided the larger social and economic consequences of providing for hundreds of thousands of refugees in its territory; while donor governments have found it easier to spend for the 'care and maintenance' of refugee camps. For some governments, having refugees in camps is a safer bet; rather than risking many of them finding their way into their own countries.

But after thirty years of providing humanitarian funding to support refugees, developed countries have grown increasingly tired. They have been failing to keep their half of the bargain. For its part, Kenya's security establishment has found in refugees an easy scapegoat for a spate of terror attacks that have struck populated areas in Kenya over the last years. As a result, the bargain has grown increasingly frail; until this year, it unraveled altogether. In March 2021 the Kenyan government issued an ultimatum to the UN Refugee Agency (UNHCR) to come up with a roadmap to close the Dadaab and Kakuma refugee camps by June 2022. This leaves some 440,000 refugees[1] — as well as those undocumented estimated to be around 19,000—staring into a void. It is especially the case for Somali refugees, who predominately inhabit the three Dadaab camps. They have no way to go back to a country that remains riven by violence and political instability, battered by climate change, and suffers from a critical lack of infrastructure to ensure basic service provision.

The first camp in Dadaab was set up thirty years ago to host Somalis fleeing civil war in their country. More arrived in the following years. At its peak, the Dadaab Refugee Complex was hosting some half-a-million people. Many refugees living in the camps today have been there for three decades; others were born in the camps and have known nothing else. Denied freedom of movement, and the right to work, refugees have received safety[2] at the cost of their dignity.

Howam with her four months old baby Fatam Usman Ali, Dagahaley refugee camp, Dadaab. © Arjun Claire/MSF

Now with the formal announcement to close refugee camps in Kenya next year, refugees face the prospect of either going back to a country where insecurity remains widespread, if not worse than when they first fled, or remain in Kenya illegally without adequate protection. If this were to pass, it would be a huge failure of international refugee protection. It is also a waste of refugees' resilience, which they have shown all along the past 30 years. In time, it might spawn a new refugee crisis. The regime of care and maintenance might be established again, and the cycle will continue.

Instead, refugee camps must become spaces of transition, not of restitution. In camps, people can only concern themselves with survival, and all aspirations for a better life remain frozen. While states are desperate to see refugees return to a life which forced them to flee in the first

[1] This figure only represents registered refugees in the Dadaab camps.
[2] Refugees, especially women and children, are exposed to physical and structural violence in the camps but are largely safe from violence as a result of armed conflict.

An MSF health worker measures the upper-mid-arm circumference of a child in a health post run by MSF in Dagahaley refugee camp.
© Arjun Claire/MSF

place, refugees instead see their decades of encampment as the cost they have already borne to earn a life where they can move, work and live freely, in safety and dignity.

The recent signing of the refugee bill into law could offer potential for greater inclusion of refugees and asylum seekers in Kenya. But it is vital that it is implemented broadly to include all refugees and asylum seekers including Somalis. It could provide the impetus for a new bargain which should have at its core the interest of refugees. What is needed is a true commitment to share responsibility and a genuine demonstration of solidarity with refugees. This report calls on Kenya and donor governments to ensure that the camp closure advances and expands refugees' rights and freedoms in line with commitments they have made in the New York Declaration and the Global Compact on Refugees. Kenya can do so by offering refugees the opportunity to integrate; developed governments should do so by supporting Kenya in integrating refugees through enhanced development assistance and offering expanded opportunities for refugees to resettle in their countries.

Structure and methodology

This report consists of three sections. The first section includes a short history of the Dadaab camps; the second section provides an overview of the current situation in the camps as well as gives insights on trends related to funding and durable solutions for refugees in Dadaab; and the third section offers recommendations for sustainable solutions for refugees.

The report draws from MSF's continued presence in the Dagahaley camp for over a decade, and supplements it with a review of academic and grey literature. To ensure refugees' perspectives are adequately reflected, this report is fed with focus group discussions with a cross-section of refugees in Dagahaley camp. Separate discussions were held with Somali and non-Somali refugees, including undocumented refugees as well as women, youth, camp leaders and host populations. Within each group, care was taken to ensure participants reflected age diversity in the camp and were representative of refugees arriving to Dadaab in different waves. In all, focus group discussions included 46 participants and were organized in a safe space in June 2021. A standard format was used to conduct all focus group discussions aimed at better understanding how refugees perceive their lives in the camp, what challenges they face, their reaction to the camp closure announcement as well as what solutions they foresee for themselves. The report also draws from refugee testimonies collected by MSF in May and June 2021 in response to the camp closure announcement. Information from a few semi-structured interviews with county authorities as well as UNHCR and NGO staff in the camp also benefited this report.

Main messages

The expected closure of refugee camps in Kenya next year presents an opportunity to **operationalize the principles of burden-and responsibility-sharing**, which underpins the Global Compact on Refugees. In promoting local inclusion of refugees, Kenya can lead by example, while donor governments and international financial institutions should share responsibility by enhancing development support to Kenya to do so. This would be a win-win bargain not only for refugees and host communities, but also for Kenya and its international partners.

Sharp fall in Somali refugee returns from Kenya over the last three years has coincided with a rise in internal displacement in Somalia. Refugee returns from Kenya will not be sustainable, especially to Somalia, under the current circumstances. Pushing refugees to return only sets the stage for a new displacement crisis.

The announcement to close refugee camps in Kenya has already resulted in further reductions in humanitarian assistance. Closing them will lead to a complete collapse of the camp economy with humanitarian agencies forced to pull out as funding disappears. It will wipe away the only source refugees have to supplement the limited humanitarian services available, disrupt host communities' livelihoods, all while destroying a functioning camp economy, essential to ease the absorption of the camps in the Kenyan public system.

Undocumented refugees were already living on the edge of precarity with little access to humanitarian assistance. Camp closure could further heighten their protection risks if they are forgotten in the search for solutions.

Many refugees in the camps live with chronic medical conditions and will need continued access to quality medical care, especially for those living with conditions requiring lifelong care and treatment such as HIV and other congenital diseases.

Solutions for refugees should provide a means to a safe and dignified life. Efforts, as such, must be harnessed to support refugees' ability to lead a life where they can fulfill their aspirations to study, work, move freely and live in safety and dignity.

Key recommendations

Refugees must have uninterrupted access to adequate and sufficient humanitarian assistance all along the camp closure process, until they have certainty about their future and can become self-reliant.

The closure of camps must lead to durable solutions for refugees.With the passing of the Refugee Bill, Kenya should now accelerate efforts to integrate refugees in the country while donor countries must ensure that humanitarian assistance is maintained to support refugees' transition from camps. Donors and development actors such as the World Bank should work with county and national authorities to create enabling conditions to support this transition including through sustained policy dialogue and predictable funding.

To share responsibility with Kenya in offering durable solutions to refugees, **more countries should come forward to pledge resettlement places and other complementary pathways** at the upcoming High-Level Officials meeting convened by UNHCR in December.

Protection space for new arrivals must be secured, and their access to basic assistance guaranteed. At the same time, **undocumented refugees should not be let to fall through the cracks in the search for solutions**.

In closing the camps, **Kenya should adopt a phased approach, first relaxing constraints on refugees' ability to move and work** so that they can achieve a degree of self-sustenance before closing the camps. This will also give humanitarian agencies time to develop transition strategies.

Refugees' meaningful participation and voluntary consent should inform the solutions roadmap. Solutions must **be adapted to their specific aspirations, needs and vulnerabilities**. There is no one-size-fits-all solution, even in the same household. Medical needs of refugees, especially those requiring continued care and treatment, must be taken into account when considering solutions for refugees.

UNHCR and the Government of Kenya **must strive for continuous dialogue with refugees to ensure they have all the information they need to make choices and decisions about their future** as well as to avoid disinformation and harmful rumors from spreading widely.

MSF in Dadaab

Médecins Sans Frontières (MSF) has provided healthcare to refugees in Dadaab for most of the camp's existence, having set up activities in the camp for the first time in 1992. Except for a brief period in the mid two-thousands, MSF has maintained a continued presence in Dagahaley for over twelve years now and remains the main healthcare provider in the camp.

In Dagahaley, MSF provides comprehensive healthcare to refugees and host communities including primary and secondary care through two health posts and a 100-bed hospital. MSF's medical services include sexual and reproductive healthcare including emergency obstetrical surgeries, medical and psychological assistance to survivors of sexual and gender-based violence, mental health, home-based insulin care and palliative care as well as measles vaccination for children. In the last ten years, MSF has also responded to thirteen emergencies in Kenya's North-Eastern Region including three cholera outbreaks in the camps.

On average, MSF conducts some 14,000 outpatient consultations with over 800 hospital admissions every month in Dagahaley. Outpatient consultations and hospital admissions declined in 2020 owing to movement restrictions and fear of COVID-19. MSF staff conduct at least 700 lifesaving surgeries on average per year in Dagahaley, including caesarean sections. In 2020, MSF also assisted almost 2,956 deliveries all through the year.

A child and a women in a thorough fare in Dagahaley camp. Dagaheley is in the arid north-eastern part of Kenya, where scorching mid-day heat can often become unbearable. © Arjun Claire/MSF

MSFactivities in Dagahaley

	2017	2018	2019	2020
Outpatient consultations	170,507	175,562	211,20	149,948
Hospital admissions	8,974	10,315	9,801	8,671
Antenatal consultations	7,346	15,091	16,599	9,838
Postnatal consultations	4,111	4,970	9,183	10,164
Sexual and gender-based violence	7	41	59	37
Deliveries	7,864	6,927	6,869	6,165
C-sections	1,656	738	824	874

The past: story of Dadaab camps

Janai Issack Aden was ten years old when she arrived in the Dadaab Refugee Complex with her parents. In 1991 Janai's family were escaping Kismayo as Somalia was being consumed by inter-clan violence following the fall of the Siyad Barre government. Hundreds of thousands like Janai crossed over into Kenya over the two next years as peace talks in Djibouti, in July 1991, and in Addis Ababa, in March 1993, failed to bring stability in Somalia[3] . A U.S-led and U.N sanctioned military intervention, Operation Restore Hope, authorized in December 1992, also failed to protect civilians from hunger and violence[4].

In the meantime, Somalis kept arriving in huge numbers in Kenya. All through 1992, some 900 refugees are estimated to have crossed over each day[5]. By May 1992, Kenya was home to over 330,000 Somalis—a dramatic leap from a mere 14,500 refugees it was hosting only two years earlier. This sharp increase also led to a stark shift in Kenya's refugee hosting policy: the Kenyan government adopted an encampment policy, which restricted refugees' freedom of movement and access to livelihoods. In 1992, Somalis spread over 17 sites across Kenya, with little access to humanitarian aid, were soon brought together in three camps in Dadaab—Dagahaley, Hagadera, Ifo—in the country's north-eastern region. This was done ostensibly to ensure better standards of assistance, but also to facilitate the organized repatriation of refugees.

Over the next years, even as some refugees opted to return, around 150,000 Somalis continued to reside in Dadaab camps. But frequent flooding often followed by disease outbreaks as well as wavering aid commitments meant living conditions remained difficult for most refugees.

From 2006 onwards, however, Somalis started to escape into Kenya yet again. This coincided with rising violence in Somalia. New arrivals peaked in 2011, the year when the UN declared that most parts of Somalia were in the grip of a famine. The Dadaab camps were swiftly overwhelmed, with the refugee population in Dadaab crossing over half-a-million. Due to the influx of refugees, two additional camps were set up to accommodate the rising number—Kambios and Ifo2.

Then, in November 2013, governments of Somalia and Kenya as well as UNHCR signed a tripartite agreement to voluntarily repatriate Somali refugees. In the ensuing years, the population of Dadaab almost halved, reaching some 250,000 by close of 2018 as many opted to return. Kenyan government's call to close the Dadaab camps in 2016 may also have pushed some to return to Somalia. The voluntary repatriation led to closure of the two additional camps that had been set up to accommodate the influx. The call to close the camps came in the wake of a series of devastating terror attacks in Kenya, which implicitly cast refugees as a security threat. But many of those who returned were eventually forced to find their way back to Dadaab, citing rampant insecurity and limited availability of basic services in Somalia. According to UNHCR, at least 3,712 people who are unregistered in Dadaab are among those had previously voluntarily repatriated to Somalia[6].

The situation in Somalia has only worsened since. The country faces what MSF has described a deadly cascade of emergencies, where eerratic cycle of droughts, floods and disease outbreaks is taking a toll on people who barely have time to recover from one crisis before another hits[7]. As a result, internal displacement has risen considerably in the last two years: almost three million people remain displaced at the end of 2020, approximately one-fifth of Somalia's total population; by close of last year, some 815,000 Somalis had been forced to seek refuge outside their country's borders[8]. In 2021, some 66 percent of the over 500,000 newly displaced people until July had fled their homes because of insecurity[9].

Today, Janai has ten children of her own—all of whom were born in Dadaab. Her eldest child is 19 years old, and the youngest only 18 months. The Dadaab camps today host over 228,308 refugees—over 96 percent of them Somalis. Of all refugees in Dadaab, some 54 percent are below 18 years old, and have never known Somalia[10].

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[3] Christopher Clapham (2017), The Horn of Africa: State Formation and Decay, Hurst & Company London, p.146
[4] Ibid, p.147
[5] WRITENET, Kenya Since the Elections, 1 January 1994, https://www.refworld.org/docid/3ae6a6c2c.html
[6] UNHCR (2021), Dadaab Operational Update 1-31 May 2021, https://www.unhcr.org/ke/wp-content/uploads/sites/2/2021/08/UNHCR_Kenya_Dadaab_May_2021_Monthly_Operational_Updates.pdf, p.3.
[7] Médecins Sans Frontières (2021), Disease, floods and drought: southern Somalia hit by repeated emergencies, https://msf.or.ke/en/magazine/disease-floods-and-drought-southern-somalia-hit-repeated-emergencies
[8] UNHCR (2021), Global Trends in Forced Displacement, https://www.unhcr.org/statistics/unhcrstats/60b638e37/global-trends-forced-displacement-2020.html, p.18.
[9] UN Security Council (August 2021), Situation in Somalia: Report of the Secretary General, https://undocs.org/en/S/2021/723, p.9.
[10] UNHCR (2021), Kenya Statistics Package, 31 July 2021, https://www.unhcr.org/ke/857-statistics.html, p.3.

Timeline of Dadaab camps

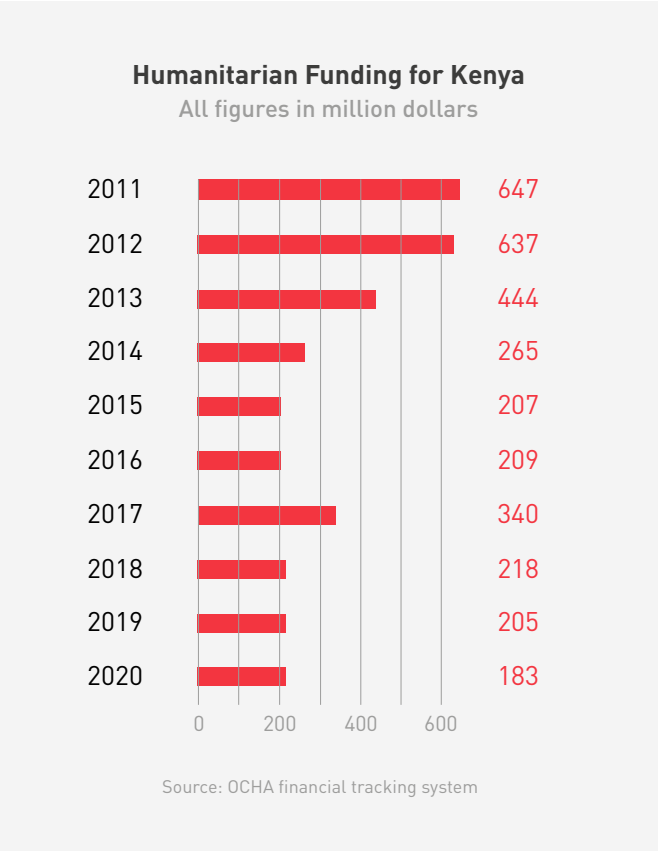
1991	The first Dadaab camp is established in 1991, as inter-clan violence breaks out in Somalia, following the fall of the Siyad Barre government, leading thousands of Somalis to escape to Kenya.
1992	Somalis hosted across several sites across Kenya, with little access to humanitarian aid, are brought together in three camps in Dadaab—Dagahaley, Hagadera, Ifo. *Between 1996 and 2005, violence reduced, and the refugee population in Dadaab largely remained constant.*
2000	The Djibouti peace conference leads to the signing of the Arta Declaration, which establishes a Transitional Federal Assembly.
2004	A Transitional Federal Government (TFG) is constituted, which functions from Kenya.
2006	The Transitional Federal Government meets for the first in Somalia in Baidoa; Islamic Courts Union opposes the TFG; Ethiopian troops enter Somalia; violence escalates, sending more people fleeing into Kenya, and seeking refuge in the Dadaab camps.
2007	The UN Security Council approves a six-month African Union 8000-strong peacekeeping mission, which includes troops largely drawn from neighbouring countries. *Between 2006 and 2011, violence across Somalia escalates, with Somalis continuing to look to Kenya for protection.*
2011	The UN declares famine across several regions of Somalia; a massive displacement crisis ensues with hundreds of thousands forced to cross borders into Kenya; two new refugee camps, Ifo 2 and Kambioos, are set up to host the new arrivals; Dadaab's population reaches over half-million, making it the largest refugee camp in the world; two MSF workers are kidnapped from Dadaab; Kenya launches operation Linda Nchi (protect my country), with Kenyan troops entering Somalia.
2012	Attacks on aid workers in Dadaab continues; Norwegian Refugee Council staff attacked; Dadaab completes 20 years.
2013	Tripartite Agreement on voluntary repatriation between the Kenyan and Somali governments and the UNHCR signed in Nairobi.
2016	In the wake of several terror attacks, Kenya calls for the closure of Dadaab.
2017	Kenya's High Court blocks the closure of Dadaab, saying the government's decision to close is discriminatory and amounts to collective punishment. Official returns to Somalia reach over 34,000.
2018	Registered refugee population in Dadaab almost halves, falling to some 250,000.
2019	Kenya orders the closure of Dadaab yet again because of security concerns. No follow up action is taken; but a Dadaab solutions roadmap spearheaded by the county authorities gains momentum.
2020	COVID-19 pandemic reaches refugee camps in Dadaab; all resettlement and voluntary repatriations are put on hold. Progress on Dadaab solutions roadmap stalls.
2021	Dadaab completes thirty years. Kenya and UNHCR release a joint statement, announcing the closure of Dadaab by June 2022.

The present: diminished hopes, increasing needs, and heightened uncertainty

Already before the call to close the camps in March 2021, UNHCR and WFP had announced that due to funding shortfalls they were being forced to undertake significant cuts for their refugee operations in Kenya—up to 40 percent—for 2021. In a joint press release appealing for more funding, the two organisations noted that *"protection concerns are growing [for refugees across East Africa]. Food ration or cash cuts are resulting in negative coping strategies to meet their basic food needs—such as skipping or reducing meals, taking loans with high interest, selling assets, child labour, and increased domestic violence"*[11]. According to another survey, almost one-third of Dadaab refugees said they were not satisfied with the quality of humanitarian assistance they received[12]. The findings also suggested that many refugee households were food insecure. The camp closure announcement has added a further dose of uncertainty for refugees.

Refugees in Dadaab have enjoyed safety from armed conflict, but at the cost of their dignity. Most refugees in the camp today say that they feel safe from armed violence. But they have had to trade safety for the right to move freely outside the camps, to access university education and employment opportunities. They cannot extend their business activities outside the camps and remain confined and dependent on humanitarian assistance for years on end. They have physical safety from conflict and armed violence but experience social, economic and cultural deprivation.

Humanitarian assistance for refugees in Dadaab has kept fluctuating. Until 2006, when a new spurt in violence in Somalia sent refugees fleeing into Kenya, the Dadaab camps had seen funding decline consistently, resulting in high levels of malnutrition and frequent outbreak of diseases[13]. Funding peaked in 2011, along with media attention, when many more refugees fleeing the ravages of famine arrived in Dadaab, making Kenya among the top ten recipients of humanitarian assistance that year. But since then, funding has fluctuated and in the last years has seen constant decline. The impact of reduced funding has been felt most acutely in the availability of food rations, which has reduced consistently year-on-year.



Many refugees have come to rely on survival strategies to compensate for reduced assistance. With refugees unable to participate in the formal economy, the Dadaab refugee camps have become a vast complex of informality. Those with some capital have started businesses, catering to needs for goods and services among refugees not available in the camps. But such 'refugee entrepreneurs' remain a minority. Most others supplement their subsistence needs by working as volunteers for international organisations; selling firewood; doing casual work as porters for small businesses in the camp or undertaking odd jobs such as washing clothes. Some earn income through livestock, still others depend on remittances from relatives living abroad. A strong sense of community ensures refugees can rely on each other when food and money run out.

[11] UNHCR (2021), WFP, UNHCR appeal for funding for over 3 million refugees hit by ration cuts in Eastern Africa, https://www.unhcr.org/news/press/2021/3/603dec5f4/wfp-unhcr-appeal-funding-3-million-refugees-hit-ration-cuts-eastern-africa.html
[12] REACH (2020), Multi-sectoral needs assessment - Dadaab refugee complex - Key findings presentation (October 2020), https://reliefweb.int/report/kenya/kenya-multi-sectoral-needs-assessment-dadaab-refugee-complex-key-findings-presentation
[11] Hakim Chkam (2016), Aid and the Perpetuation of Refugee Camps: The Case of Dadaab in Kenya 1991–2011, Refugee Survey Quarterly, pp. 79–97.

> ***"Schools here have no teachers and the ones hired are not qualified. Plus, we are treated as incentive staff, so our motivation is very low due to poor pay"***
>
> *40-year-old male refugee from Dagahaley camp*

Over the years, humanitarian services have declined in quantity and quality. With decreased funding for Dadaab refugee operations, the impact on humanitarian services cuts across sectors, but is most acutely felt in the availability of food assistance and shelter, upkeep of sanitation facilities as well as maintaining education services. Reduction of food rations and the limited variety of food offered is widely raised by refugees as one of their major concerns. Most recently, in August 2021, WFP announced further food rations cuts for refugees, citing severe funding shortfall. In a press statement, it said it was forced to reduce the food basket to only 52 percent of a full ration, and warned that if more funds did not materialize, it would have to cut all food rations for refugees[14]. At the same time, with fewer humanitarian agencies operating in the camps today, employment opportunities have also shrunk, limiting refugees' chances to diversify their sources of food through extra income. Many refugees also say that the quality of education in the camps has declined with fewer and less qualified teachers as compared to actual needs. Early this year, the number of teachers in the camps was decreased by half because of funding cuts. Funding shortfalls have also impacted sanitation services, with increased littering and dumping observed in all three camps.

Undocumented refugees face particular challenges and live on the edge of precarity. Kenya stopped registering new refugee arrivals from Somalia in 2015 altogether. New arrivals, along with those who had opted for voluntary repatriation but have since come back to the camps, do not enjoy the same rights as registered refugees. For those refugees, UNHCR conducts what is called a profiling exercise, where the presence of new arrivals is noted, but they are not registered. So-called profiled refugees can stay in the camps but cannot apply for asylum and do not receive humanitarian assistance except for food for the most vulnerable among them. There are some 18,800 profiled refugees, of which 20 percent were returnees[15]. However, actual number of undocumented refugees could be higher.

> ***"As women sometimes we encounter torture while trying to earn some form of livelihood. People just attack you in the bushes as you are looking for firewood to sell and earn something"***
>
> *44-year-old woman from Dagahaley camp*

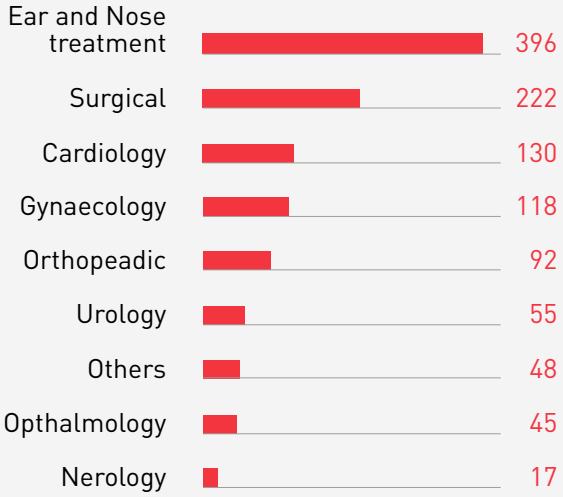
Camp experience is gendered, with women encountering additional challenges. Many women respondents in Dagahaley noted that they were subjected to early marriages, frequently suffered gender-based violence and experienced discrimination when seeking employment. They noted that most jobs in the camp were held by men and the few who were engaged as volunteers confided that they underwent torture and harassment in their jobs. While some of these practices may be widespread irrespective of whether women live in camps or outside, what aggravated their condition, according to many, was that most men in the camps had little to occupy themselves with and felt helpless. This meant they off loaded their frustration on to women, often by being violent. At the same time, women also ended up doing all the hard work of managing the household, looking for firewood and caring for children.

A new family arrives in Dagahaley and sets up a makeshift tent which will be their new shelter © Paul Odongo/MSF

Access to specialized health services remains out of reach for many, piling needs over time. Although refugees can access a range of health services in all three camps in Dadaab, advanced or specialised treatment including a range of elective surgeries requires referrals to Garissa or Nairobi. With refugees' freedom of movement restricted, only those requiring urgent, lifesaving treatment are allowed and supported to seek care in specialized facilities. As a result, the number of people with specialised healthcare needs has been accumulating each year. In Dagahaley alone, over 1,200 people are waiting for elective surgeries and other specialised health services. Since late last year, all elective surgeries have been put on hold as a result of COVID-19 movement restrictions. Insufficient treatment for certain non-communicable diseases also remains a challenge for many camp residents. Some 50 people require continued care for diabetes in Dagahaley alone, while a further 300 need regular medication for chronic diseases such as HIV/AIDS, tuberculosis, and a variety of cancers, as well as neurological disorders.

[14] WFP (2021), WFP institutes further cuts on food rations for refugees in Kenya as funds dry up, https://www.wfp.org/news/wfp-institutes-further-cuts-food-rations-refugees-kenya-funds-dry
[15] UNHCR (2021), *Dadaab Operational Update* 1-31 July 2021, https://www.unhcr.org/ke/wp-content/uploads/sites/2/2021/09/UNHCR_Kenya_Daddab_July_2021_Monthly_Operational_Updates.pdf p.2.

Pending elective cases in Dagahaley camp
All figures from MSF medical records (end 2020)



MSF's chronic care programme in Dagahely
(All figures from end 2020)

Patients on TB treatment	**42**
Patients on antiretroviral therapy	**36**
Patients on home-based insulin management	**45**
Patients on palliative care	**50**

COVID-19 increased desperation among refugees, resulting in several suicide attempts: Testing capacity remained limited at the Dadaab camps, which meant few people were diagnosed with COVID-19. Although evidence from an MSF-led seroprevalence study suggests mortality rate was slightly higher during the peak of the pandemic in Dagahaley camp, this could also have been a result of many people not being able to seek timely care because of COVID-19 restrictions and stigma. The pandemic has also affected refugees in other, more indirect ways. The number of health consultations at MSF-run health centres in Dagahaley have reduced by almost one-third, and have yet to come back to pre-pandemic levels, despite the easing of restrictions. Women refugees also reported that gender-based violence has increased in the wake of COVID-19 containment measures. Others noted that businesses in the camp had been adversely affected with curtailed movement of goods and services and expressed concern that service delivery by humanitarian agencies has also reduced. COVID-19 linked disruptions to education services meant some children even dropped out of school; whereas those who had completed secondary education in the camps found themselves adrift not knowing what to do next. Faced with grim prospects, some even attempted suicide. All through 2020, only in Dagahaley, three people committed suicide, with some 25 suicidal attempts reported.

Host communities in Dadaab have largely benefited from the presence of refugees. For Dadaab's Kenyan residents, who live in one of the most marginalized areas of the country, the gradual consolidation of the camps has led to increased employment opportunities, improved availability of basic services including health and expanded infrastructure. They have benefitted from services provided in the camps, which remain open to them. Over the years, host communities and refugees have also established close links through business and intermarriages. For host communities, the presence of large numbers of refugees creates a robust market for their goods and services, while cultural affinity has meant taboos often associated with intermarriages are less present. But with refugees largely dependent on firewood for cooking, they have had to resort to cutting down trees, which has led to significant deforestation in the area—one of the few causes of discord among refugees and host communities. The presence of large camps with poor sanitation has also resulted in environmental degradation and risk for disease outbreaks among refugees and host communities

Vanishing solutions

In recent years, Kenya has signed on to several global and regional initiatives to resolve protracted displacement. It was among 193 Member States that adopted the 2016 New York Declaration on Refugees and Migrants, which underlined the need for greater international cooperation to assist host countries and communities. In 2017, Kenya also signed on to the Intergovernmental Authority on Development (IGAD) led Nairobi Declaration to catalyse the search for durable solutions for Somali refugees. And in endorsing the Global Compact on Refugees in 2018, Kenya made several pledges to promote refugees' self-reliance and inclusion.

But progress in finding solutions has been limited, especially for refugees in Dadaab. Since 2014, some 85,000 refugees have returned to Somalia. But several thousand of them have since come back to Dadaab or become internally displaced in Somalia[16]. In the last two years, some 2,400 have chosen to return—a considerable decline from previous years, and most occurring in 2019. This coincides with a spike in conflict and disaster-related displacement in Somalia, and hints to the fact that as long as people cannot access safety and basic services, returns will remain a distant prospect.

[16] UNHCR (2021), Somalia Monthly Refugee Returnee Update as of 30 June 2021, https://data2.unhcr.org/en/documents/details/87783

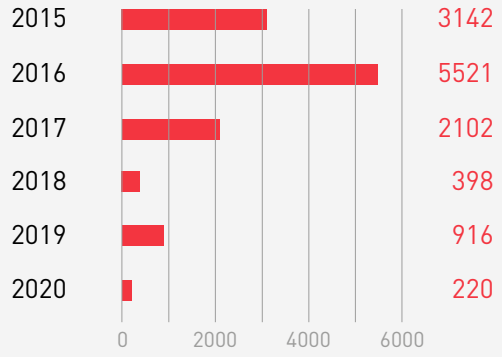
	Returns to Somalia from Kenya	People internally displaced in Somalia
2015	6,096	1,223,000
2016	33,792	1,107,000
2017	34,718	825,000
2018	7,543	2,648,000
2019	2,142	2,648,000
2020	190	2,968,000

Data from IDMC and UNHCR

Resettlement opportunities have also dramatically declined over the last years. Resettlement of Somalis peaked in 2016, when over 5,500 were resettled. It has declined considerably since; only 3,600 departed to third countries from Kenya in 2017 through 2020. Last year saw a mere 220 refugees resettled from Kenya.

Efforts to integrate refugees have also stalled. At the first Global Refugee Forum—an offshoot of the GCR—Kenya pledged to support refugees' inclusion in county development plans. Kenya also endorsed the IGAD-led thematic declarations to include refugees in its national education system and improve their livelihoods and access to labor market. Progress was observed in Kalobeyi, a new refugee settlement near Kakuma refugee camp, where Turkana County has developed the Kalobeyei Integrated Social and Economic Development Programme together with UNHCR and the World Bank, which aims to improve the socio-economic conditions of refugees and host communities. But a similar effort to develop the Garissa Integrated Development Plan for the socio-economic inclusion of Dadaab refugees has stalled since its kick off in July 2019.

Somali refugees resettled to third countries from Kenya



Source: UNHCR

A review of Kenya's 2006 Refugee Act, which is currently in force, has also been underway since 2011. After a failed attempt in 2017 to pass a revised text, a new draft Refugee Bill was introduced in parliament in 2019. Section 35 of the Bill provides for the inclusion of refugees in the national and county development plans. The bill was debated and reviewed in the national assembly in February 2021; it went for a second and third reading in the national assembly early this year and was opened again for public participation. On November 17, this year, President Kenyatta signed the Bill into law.

Top five resettlement countries for refugees in Kenya

	UK	Sweden	Canada	Australia	USA
2015	308	238	174	514	3610
2016	267	83	452	580	7665
2017	248	4	725	475	2585
2018	111	579	480	398	633
2019	163	201	356	666	392
2020	19	63	93	49	74
	1116	**1168**	**2280**	**2682**	**14959**

Data from UNHCR

Asher collects water from a community tap. She belongs to a generation whose parents fled Kenya from Somalia.
© Lindokuhle Sobekwa/Magnum

Refugees collect water at a water point in the camp © Paul Odongo/MSF

Kenya's international commitments to support refugee inclusion

2016	**New York declaration of Refugees and Migrants:** in adopting the declaration, Kenya expressed profound solidarity with those who are forced to flee; and reaffirmed its obligations to fully respect the human rights of refugees and migrants.
2016	**Leaders Summit on Refugees:** Kenya pledged to undertake several self-reliance and inclusion measures for refugees in Kenya.
2017	**IGAD Nairobi Declaration on Somali Regugees:** Kenya endorsed to deliver durable solutions for Somali refugees, while maintaining protection and promoting self-reliance with the support of the international community.
2018	**Global Compact on Refugees**: In adopting the Compact, Kenya agreed to one of the four key objectives of the Compact: to enhance refugees self-reliance.
2019	**IGAD Kampala Declaration on jobs, livelihoods, and self-reliance:** Kenya agreed to the inclusion of refugees in its national labour market and improve refugees' livelihoods.
2019	**Global Refugee Forum:** Kenya made several commitments including supporting the inclusion of refugees in country development plans Strengthening support to refugee and hosting communities education.
2020	**Refugees Bill 2019:** Section 35 of the Bill - now signed into law - provides for the inclusion of refugees in the national and county development plans. The Bill also calls for facilitating access to an issuance of the required documentation to refugees.

The future: enduring search for dignity

In late April this year, the government of Kenya and UNHCR released a joint statement, where they formally announced the closure of Dadaab and Kakuma refugee camps by 30 June 2022. The announcement came shortly after the UN High Commissioner for Refugees, Filippo Grandi, met with President Uhuru Kenyatta. This followed an earlier call by the Kenyan government, where it expressed its wish to wind down the camps, and asked UNHCR to submit a roadmap for the closure. In focus group discussions, many refugee respondents said they were not consulted in this decision, which will have a life-changing impact on their lives, and underline that they only heard of the announcement through the radio.

While the roadmap is only expected to be finalised later this year, the initial proposed plan for UNHCR includes: 1. enhanced voluntary repatriations; 2. alternative stay arrangements for refugees from the East Africa Community including granting of work permits; 3. issuing of national identification cards to Kenyans registered as refugees; 4. resettlement to third countries of a small number of refugees who face protection risks.

> ***"Let them look at other better solutions like integrating in host community and granting us freedom to move in Kenya. I love my country but for now it is not an option for me"***
>
> *25-year old female, and a former returnee from Somalia, from Dagahaley camp*

For a large section of Dadaab camp residents, especially those who will not be recognised as Kenyans,[17], the initial roadmap presented by UNHCR leaves very little choice: either they will have to return to Somalia or continue living in Kenya without basic assistance and legal rights. With no possibility to seek secure work, refugees will have no choice but to turn to the informal market to sustain themselves, which will expose them to abuse and exploitation. But survey after survey shows that refugees in Dadaab have been consistent in their intention to not return to Somalia. An MSF survey, in 2013, confirmed that four out of five refugees were unwilling to return. Similarly, in 2014, an IOM-UNHCR return intentions survey found that only 2.6 percent of refugees in Dadaab intended to return to Somalia within the two years following the survey. The main reason cited for not returning was lack of security in Somalia. Yet again, in 2016, an MSF survey confirmed that 86 percent of those surveyed were unwilling to return to Somalia anytime soon.

Ifrah escaped to Dadaab for safety. Through an NGO programme, she learnt how to create Tie and Dye.
© Paul Odongo/MSF

Since then, the situation in Somalia has deteriorated further. The year 2018 saw a sharp spike in internal displacement in the country, which rose almost three-fold, with the number of people internally displaced reaching over 2.6 million by the end of the year[18]. Some 578,000 people were estimated to have been displaced because of conflict and violence alone—the highest yearly increase in ten years. Widespread insecurity combined with an erratic cycle of droughts, floods and disease outbreaks has created a deadly cascade of emergencies, especially in southern Somalia, sapping people's resilience and forcing many to move constantly in search of food and water. Ten years after the 2011 famine, a severe drought-like situation has again taken hold in Somalia today[19].

[17] A verification exercise is underway in Dadaab camps to ascertain the number of Kenyans who may have registered as refugees to access basic services.
[18] Internal Displacement Monitoring Centre, Somalia Country Page, https://www.internal-displacement.org/countries/somalia
[19] Government of Somalia and Office for the Coordination of Humanitarian Affairs (2021), Somalia: Humanitarian leadership declares drought, https://reliefweb.int/report/somalia/somalia-humanitarian-leadership-declares-drought

Irfah shares her skills with other women in the camp and also collaborates with other NGOs that run skills programme for women.
© Lindokuhle Sobekwa/Magnum

Instead, almost all refugee respondents from Dagahaley said they would see integration in the host community with the right to move freely in Kenya as their preferred solution[20]. Refugee respondents cited resettlement to third countries as a second-best option. When asked what would make them feel safe to return to their home countries, many said political and economic stability, while others underlined that conditions for return were not yet suitable in their home countries.

In response to what support they would need to integrate locally, almost all refugees said they would require legal documentation, which allows them to move freely, access education opportunities and start a new life. Women noted the need for legal protection, while youth underlined the need for support to access jobs and higher education opportunities. Others said they would prefer to have some capital support to start small businesses. Age and gender considerations also influenced the choices of where refugees would like to settle: while young refugees said they preferred settling in urban centres such as Nairobi, Mombasa or Kisumu, many others including women underlined the need to stay in Garissa County, where they enjoyed cultural affinity with the host population. Camp leaders who already have businesses in the camp wanted to stay put in Dadaab as well.

Local integration

A blueprint for refugees' integration in Dadaab exists. The Garissa Integrated Socio-Economic Development Plan, or GISEDP, developed through a series of meetings led by UNHCR along with the participation of county authorities and other agencies working in the camps, laid out sector specific and area-based roadmaps for agriculture, education, health and nutrition, and water and sanitation. Expected to be launched in early 2020, a shift in priorities since the COVID-19 outbreak along with lack of involvement of national-level Ministries in the planning process has dampened donor interest. After much delay, the plan was awaiting finalization by March 2021, but the camp closure announcement, has cast further uncertainty over its viability and potential implementation.

However, the broad outlines of the plan can help concretise the gradual of integration of refugees in Garissa County. Recent steps have been taken to register camp schools in Kakuma, Kalobeyei and Dadaab as public learning institutions[21]. This could be a first step in a broader roadmap, which allows County authorities to gradually take over service provision including health, water and sanitation in the camps.

[20] Focus Group Discussions in Dagahaley Camp in June 2021.
[21] Laura Hammond, Caitlin Sturridge, Kalyango Ronald Sebba, Michael Owiso, Mohamed Mahdi, Farah Manji, and Abdinasir Ali Osman (2020): Regional leadership on education, livelihoods and durable solutions, Research and Evidence Facility, EU Trust Fund, p.42.

For inclusive public health services in Dadaab, the GISEDP has already laid out steps to register health facilities in the camps through a process of inspection and certification by a County Health Management Team. The plan also foresees upgrading the existing public health facility in Dadaab Sub-County to a district level hospital, which would expand its capacity to accept referrals from health facilities in the camp. At the same time, to protect refugees and host communities from incurring exorbitant out-of-pocket expenses, the plan envisages the enrollment of refugees and host communities in the national insurance scheme provided by the National Hospital Insurance Fund (NHIF) – although how vulnerable refugees will pay the premium for the insurance is not addressed.

The Dadaab camps already have active businesses which offer a range of goods and services. Their annual turnover is estimated to run into millions of dollars[22], although the proceeds are thinly distributed, raked in by a few at the top of the camp hierarchy. Should these businesses be formalised, the Kenyan state through tax collection, could further stimulate entrepreneurship, and ensure some basic services for camp residents. However, businesses in the camp directly or indirectly benefit from enormous resources that humanitarian agencies inject in the camps, including through tenders, contracts and salary payments, which stimulate demand. If the camps were to close as announced next year, and humanitarian agencies were to pull out, the informal market economy would collapse. Instead a more phased approach, starting with relaxing the right to move, work and carry out businesses would create the foundations for a more sustainable economy for the Kenyan state to take over service provision as humanitarian agencies gradually withdraw. It is vital that undocumented refugees are also considered for local integration.

For local integration to succeed, however, increased donor funding will be essential. Hit hard by COVID-19, Kenya will struggle to prioritise the inclusion of refugees, if left to manage the costs all by itself. Kenya's domestic revenue declined by 10 percent in the fiscal year 2020 as compared to the previous year. Deficit financing partly helped the government limit the impact on the budget, which only reduced by 0.3 percent[21]. At the same time, Kenya's public debt has also ballooned in the last eight years: from $16 billion in 2013, it now stands at close to $70 billion. Almost one-fifth of Kenya's budget goes towards interest payments on public debt[22]. All this combined means Kenya will have limited fiscal space to extend public services to refugees.

With the passing of the Refugee Bill 2019 into law, Kenya must now accelerate efforts in translating the law into practice by ensuring refugee inclusion in national and county development plans.

Resettlement

In the spirit of responsibility sharing, and in line with many refugees wish to resettle, there is an urgent need to reinvigorate efforts to resettle Somali refugees to third countries. For now, UNHCR's camp closure roadmap considers resettlement only for a small number of refugees who face protection risks. But developed countries governments must demonstrate that they are willing to share responsibility with Kenya to offer protection and solutions to refugees.

For 2021, UNHCR projects only 24,417 Somali refugees will need resettlement from Kenya—11 percent of the total Somali refugee population in the country. By August this year, only 268 refugees from Kenya had been resettled, 126 of whom were Somalis[25]. Considering the imminent camp closure next year, UNHCR must revise these figures, reviewing its protection and vulnerability criteria in order to provide enhanced access to resettlement opportunities for camp-based refugees in Kenya. This must include refugees who require continued medical treatment for chronic diseases. For example, some 50 people require continued care for diabetes in Dagahaley alone, a camp of over 70,000 people, while a further 300 need regular medication for chronic diseases such as HIV/AIDS, tuberculosis, and a variety of cancers, as well as neurological disorders.

At the same time, UNHCR could work with resettlement-offering countries to ensure refugees in Kenya benefit from: complementary pathways including expanded family reunification for those whose relatives have already been resettled in third countries; scholarship offers for youth; employment visas, with many refugees having spent decades working for humanitarian agencies in the camps; and community sponsorship programs offered by countries such as Canada.

Offers of resettlement from developed countries have been in steep decline for some time now, with 2020 being a record low—a mere 1.5 percent of global resettlement needs were met. Even though the African continent accounted for almost half of all resettlement needs in 2020—over 660,000—refugees from African countries did not feature in the top three list of nationalities which were offered the most resettlement places.

Canada, the EU and the United States have recently announced that they are committed to providing protection by stepping up resettlement and complementary legal pathways[23]. They now have an opportunity to do so by resettling refugees from Kenya who will find themselves without protection once the camps close.

[22] Marlen de la Chaux and Helen Haugh (2020): When formal institutions impede entrepreneurship: how and why refugees establish new ventures in the Dadaab refugee camps, Entrepreneurship & Regional Development, DOI: 10.1080/08985626.2020.1789752

[23] The decline has been marginal, from 2.8 trillion Kenya shillings in the fiscal year 2019-2020 to 2.790 trillion Kenyan shillings in the fiscal year 2020-2021.

[24] Development Initiatives (2021): Domestic financial flows in Kenya before and during Covid-19, https://devinit.org/resources/domestic-financial-flows-kenya-covid-19/#downloads, p.20.

[25] UNHCR (2021), Kenya Statistics Package, 31 August 2021, https://www.unhcr.org/ke/wp-content/uploads/sites/2/2021/09/Kenya-Statistics-Package-31-August-2021.pdf

[26] European Commission (July 2021), Providing protection through joint leadership: stepping up resettlement and complementary legal pathways, https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_21_3628

Refugees and host communities trade wares in this market in Dagahaley camp. © Paul Odongo/MSF

Given the poor record of resettling refugees living in long-term displacement, especially from the Africa region, UNHCR should mobilise states to pledge increased resettlement slots during the High Levels Official Meeting. The meeting will be held in December 2021 to take stock of progress made in achieving the objectives of the Global Compact on Refugees. Next year, the UN Secretary General and UNHCR should bring together a critical mass of states to organize a solidarity conference for refugees in Kenya who risk no longer having access to protection following the camp closure.

Voluntary repatriation

Irrespective of age, gender and country of origin, all respondents categorically said that returning is not an option for them. Following Kenya's call to close the camps in 2016, several refugees opted to return, but many of them have since come back. In face-to-face interviews as well as in focus group discussions, returnees from Somalia confided that they had been exposed to direct violence upon their return to Somalia, and that the experience had left deep psychological scars. They say their choice to return has now left them stranded—they have lost their refugee status, have no identification nor ration cards and struggle to access basic services, otherwise available to officially-registered refugees. Elderly refugees also fear that upon return many of their children may be forced to join armed groups.

Instead, those refugees who following a free and informed choice do decide to return, should be allowed to keep their refugee status for a fixed amount of time, even after returning to their home countries. This will give refugees the confidence that they are not signing a one-way ticket to a lifetime of insecurity and deprivation. At the same time, it allows many who were born in the camps, and have never set foot in Somalia, to experience the country and make a choice based on first-hand experience.

> ***"I went back to Somalia; I was chained and abducted. My son was abducted by Al Shabaab. You cannot tell me to go back. Let me just settle here where I can have some peace because I am still traumatized"***
>
> *30-year-old female, from Dagahaley camp*

Conclusion: from a decade of displacement to a decade of solution

Somali refugees in Dadaab refugee camp carry their sick and malnourished children to a new feeding center run by MSF at the outskirts of the sprawling refugee camp. © Brendan Bannon

The year 2021 marks the 70th anniversary of the 1951 Refugee Convention. To mark this key milestone, the UN High Commissioner for Refugees, Filippo Grandi, has emphasised that the "Convention is clear as to the rights of refugees and remains applicable in the context of contemporary and unprecedented challenges", and has appealed to governments "to uphold the key principles of refugee protection as laid out in the Convention"[27]. Besides explicitly prohibiting refoulement, the Convention encourages hosting states to provide refugees with wage-earning employment and social security as well as to facilitate their free movement within their territory.

With the decision to close refugee camps, Kenya is at a crossroads: it could abandon refugees to their plight, and follow other States in ignoring the provisions of the Convention, thus making it increasingly irrelevant; or it could use the camp closure as an opportunity to afford refugees' social and economic rights, thus enabling their inclusion in the host society while supporting host communities access increased development assistance. In doing so, it would be affirming the centrality of the Convention in guaranteeing protection to refugees as well as addressing forced displacement.

UNHCR has referred to the period starting 2010 until 2019 as a decade of displacement to underline the widespread and prolonged nature of displacement. Refugees in Kenya, especially those in Dadaab, are a stark illustration of this trend, where many have remained displaced for decades without any solutions in sight. In addressing the Dadaab refugee situation, Kenya, donor governments and development actors have an opportunity to set in motion a decade of solutions.

[27] UNHCR (2021), The 1951 Refugee Convention: 70 years of life-saving protection, https://www.unhcr.org/news/press/2021/7/6100199a4/1951-refugee-convention-70-years-life-saving-protection.html