

IN SEARCH OF DIGNITY: REFUGEES IN KENYA FACE A RECKONING



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Executive summary:

A bargain unravels

Thirty years ago, the Kenyan government and donor countries struck a deal: Kenya would offer a haven to large numbers of refugees from neighbouring countries, while donor governments would provide the funding to run the camps in which the refugees were confined.

This arrangement suited everyone – apart from the refugees themselves. By containing people in camps, Kenya avoided the social and economic consequences of integrating hundreds of thousands of refugees within its territory, while donor governments minimised the risk of large numbers of refugees finding their way to their own countries.

For the refugees in Dadaab and Kakuma camps, the protection on offer has always been an unwelcome compromise: they are shielded from conflict and provided with basic assistance, yet they cannot travel freely within Kenya, study at university or engage in formal employment outside the camps. Physically they may be safe, but they have been stripped of their civic, political and economic rights. The protection they have received has come at the cost of their dignity.

In recent years, donor countries have grown tired of providing funding to run the camps and have failed to keep their half of the bargain. Kenya, meanwhile, has called for closing the camps. This year, the bargain unravelled altogether. In March 2021, the Kenyan government issued an ultimatum to the UN Refugee Agency (UNHCR) to come up with a roadmap for the closure of Dadaab and Kakuma refugee camps by June 2022.

While refugees from Burundi, South Sudan, Rwanda and Uganda could be granted work permits and allowed to integrate into Kenyan society, the proposed roadmap grants very limited options for refugees from Somalia. Some 220,000 registered refugees from Somalia in Dadaab — as well as an estimated 19,000 refugees without official recognition — will be left staring into a void.

At its peak, Dadaab hosted some half a million people, mostly Somalis fleeing civil war in their country. Many residents of the camps have lived there for three decades; many others were born in the camps and have known nowhere else.

Somalia is still riven by violence and political instability, battered by climate change and suffering from a critical lack of infrastructure, with even basic services, including healthcare and education, often unavailable.

With the announcement that Kenya's refugee camps will close next year, the majority of Somali refugees face the prospect of either going back to Somalia or remaining in Kenya illegally, without assistance or legal rights. With no chance of seeking secure work in Kenya, refugees will be forced to turn to the informal market to sustain themselves, exposing them to abuse and exploitation. This would be a huge failure of international refugee protection.

There is an alternative. The closure of the camps represents an opportunity for Kenya and donor governments to share responsibility for the refugees and demonstrate solidarity with them. It is a chance to advance and expand refugees' rights and freedoms, in line with the commitments made in the 2016 New York Declaration and the 2018 Global Compact on Refugees.

Kenya can do this by offering refugees the opportunity to integrate within Kenyan society, while donor governments can support Kenya by providing increased development assistance, at the same time as expanding opportunities for refugees to resettle in their own countries.

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.

In this 70th anniversary year of the 1951 Refugee Convention, 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 allow refugees their social and economic rights, affirming the centrality of the Refugee Convention and setting an example the rest of the world can follow.



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

Main points

- The closure of the refugee camps in Kenya in 2022 is an opportunity to put into practice the principle of sharing responsibility which underpins the Global Compact on Refugees. By allowing refugees to integrate within Kenya, Kenya can lead by example, while governments and international financial institutions can take a share of the responsibility by increasing their development support to Kenya. This would be a win-win situation, not only for refugees and host communities, but also for Kenya and its international partners.
- Pushing refugees to return to Somalia is not sustainable in current circumstances, with continuing violence, political instability and increasing displacement across the country. Such an action would likely set the stage for a new displacement crisis.
- Closing the camps completely would force humanitarian agencies to withdraw from the region due to a lack of funding and would result in the total collapse of the camp economy, wiping out the refugees' only source of income and disrupting host communities' livelihoods. This would make the refugees and host communities increasingly dependent on aid, just as that aid evaporates.
- Undocumented refugees in the camps have little access to humanitarian assistance and are already struggling to survive. Closing the camps would put them at increased risk, especially if they are forgotten in the search for solutions.
- Many refugees in the camps have chronic medical conditions and will need continued access to quality medical care, especially those with conditions requiring lifelong treatment, such as HIV and other congenital diseases.
- Any solutions for the refugees should provide a means for them to live safe and dignified lives, where they can fulfill their aspirations to move around freely, to work and to study.

The existing situation in the camps is unsustainable

Refugees in camps in Kenya are protected from conflict, but at the cost of their dignity and their rights to freedom of movement, employment and further education.

Humanitarian assistance in the camps has declined drastically over recent years in both quantity and quality. Even before the call to close the camps in March 2021, UNHCR and WFP had announced cuts of up to 40 per cent for their refugee operations in Kenya. The impact has been felt most acutely in terms of food rations, shelter, upkeep of sanitation facilities and education services.

Undocumented refugees face particular challenges. Kenya stopped registering new arrivals from Somalia in 2015. Along with those who opted for voluntary repatriation but have since come back to the camps, new arrivals do not have access to the same rights as registered refugees: they cannot apply for asylum and most receive no humanitarian assistance whatsoever.

Women in the camps face challenges, including sexual violence, early marriage and discrimination when seeking employment within the camps. They do most of the work of managing the household, searching for firewood and caring for children. Meanwhile, most men in the camps have little with which to occupy themselves and some vent their frustrations – often violently – onto female family members.

Specialist medical care, including elective surgery, is out of reach of most refugees. With restrictions on their travel, only refugees who require urgent, lifesaving treatment can be referred to specialist medical facilities in Garissa or Nairobi. In Dagahaley (one of the three camps that make up Dadaab), more than 1,200 people are currently waiting for specialist treatment, including elective surgery.

Potential solutions have dried up

In recent years, Kenya has signed up to a number of global and regional initiatives to resolve protracted displacement and has pledged to promote refugees' self-reliance and inclusion. But progress in finding solutions has been limited, especially for refugees in Dadaab.

Since 2014, more than 85,000 refugees have returned from Dadaab to Somalia, but several thousand have since come back to Dadaab. In the past few years, the number of people opting for voluntary repatriation has fallen sharply, exacerbated by COVID-19 travel restrictions and coinciding with a rise in violence and displacement within Somalia.

Opportunities for refugees to be resettled in third countries have also fallen dramatically over recent years, from more than 5,500 in 2016 to just 220 last year.

Efforts to integrate refugees within Kenyan society have also stalled, despite the government's pledges to include refugees in its national education system and improve their access to the labour market. Some progress was made in Kalobeyi, a refugee settlement near Kakuma camp, but a similar effort in Garissa for refugees from Dadaab has seen little progress over the past two years.

What do Dadaab's refugees want?

Survey after survey has shown that refugees in Dadaab are unwilling to return to Somalia without political and economic stability. Almost all refugees in focus group discussions organised by MSF in Dagahaley in June 2021 said that their preferred solution was integration into the host community with the right to move freely within Kenya; re-settlement to third countries was the second-best option.

To integrate locally, almost all refugees said they would require legal documentation allowing them to move freely, access educational opportunities and start a new life. Most women cited the need for legal protection, while younger refugees cited the need for support to access higher education opportunities and jobs.

In general, younger refugees said they would prefer to settle in urban centres such as Nairobi, Mombasa or Kisumu, while the majority of women voiced their wish to stay in Garissa county, where they have a cultural affinity with the host population. People running businesses in the camps also expressed a preference to stay in the area.

Integration into Kenyan society

Recent steps have been taken to register schools in the camps as public learning institutions, which could lead to county authorities gradually taking over the provision of services including health, water and sanitation in the camps.

The Dadaab camps already have active businesses which offer a range of goods and services and have an estimated annual turnover of millions of dollars. If these businesses were formalised, the Kenyan state could collect taxes to stimulate entrepreneurship and ensure some basic services for camp residents.

If the camps closed completely and humanitarian agencies pulled out, the informal market economy would collapse. Instead, a phased approach, starting by easing restrictions on refugees' rights to travel, work and run businesses, could create the foundations for a more sustainable economy.

Kenya's economy has been hit hard by COVID-19 and its public debt has ballooned over recent years, so increased donor funding will be essential for local integration to succeed and for public services to be extended to refugees.

Resettlement

The current roadmap for closing the camps considers resettlement for only a small number of refugees who face protection risks. In the spirit of responsibility sharing, and in line with the wish of many refugees to resettle abroad, governments must demonstrate that they are willing to offer solutions for refugees, including complementary pathways such as family reunification for those whose relatives have already resettled in third countries, scholarships for young people, employment visas and community sponsorship programmes.



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

Recommendations

- Refugees must have uninterrupted access to humanitarian assistance throughout the camp closure process, until such time as they have certainty about their future and can become self-reliant.
- Kenya should adopt a phased approach to closing the camps, first relaxing constraints on refugees' ability to travel within the country and to find employment, so that they can achieve a degree of self-sustenance. This would also give humanitarian agencies time to develop transition strategies.
- The closure of the camps must lead to durable solutions for refugees. With the passing of the Refugee Bill, Kenya should accelerate its efforts to integrate refugees including Somalis within Kenyan society, while donor countries should ensure that humanitarian assistance is maintained to support refugees as they transition from camps to integration within Kenya. Donor states and financial institutions such as the World Bank should work with Kenyan authorities to create 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 2021.
- Refugees who arrive in Kenya after the closure of the camps should be given protection and access to basic assistance. At the same time, undocumented refugees should not be allowed to fall through the cracks in the search for solutions.
- UNHCR and the Government of Kenya must strive for continuous dialogue with the refugees to ensure that the refugees have all the information they need to make choices and decisions about their future as well as to prevent the spread of disinformation and rumours.
- The search for solutions should involve the refugees' meaningful participation and voluntary consent. There is no one-size-fits-all solution; solutions must be adapted to people's specific aspirations, needs and vulnerabilities, including their medical needs.