

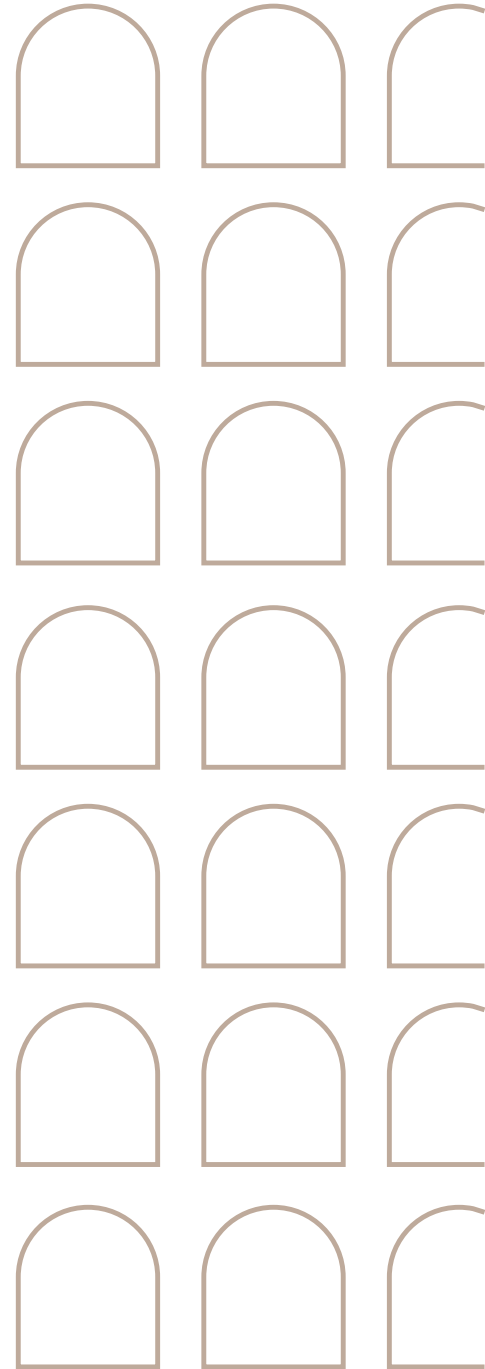
STG Policy Papers

# POLICY BRIEF

## REFUGEE POLICY IN THE HORN OF AFRICA: WHAT CAN DEVELOPMENT PARTNERS LEARN FROM KENYA'S POLICY CHANGE?

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## EXECUTIVE SUMMARY

Recent evolutions in refugee policy, diverging markedly from previous governmental strategies in the country, make Kenya a compelling case. Its refugee policy has transformed over time in response to evolving security threats, regional geo-political dynamics, and strategic interests. Hence, over the years the country has moved from a policy of integration to an encampment policy and now back to a policy enhancing the inclusion of refugees into national systems, granting broader access to services under the framework agreed in the Comprehensive Refugee Response Framework (CRRF). This policy brief provides an overview of the refugee policy shift in the country, shares examples of programmes developed as a result of policy transformation, and provides recommendations based on lessons learned from this process. With its recommendations, this brief delineates a strategic framework for development agencies to work in supporting African States hosting growing refugee populations by:

- (1) clearly presenting the socioeconomic benefits of implementing the CRRF in terms of promoting self-reliance not only for refugees, but also for local communities and the national economies of host countries;
- (2) maintaining support for host countries' efforts to engender self-reliance for refugees and commend host countries that implement CRRF;
- (3) considering the insights from Kenya in addressing contextual issues in other host countries that will agree to implement the CRRF;
- (4) providing sustained financial contributions under responsibility sharing, which would provide more incentives for host countries to remain committed to implementing the CRRF.

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This policy brief is addressed to bilateral and multilateral development agencies working in Africa to support African Governments, African Regional Economic Communities, and the African Union (AU) in sustainably addressing the needs of refugees within the region.

Views expressed in this publication reflect the opinion of individual authors and not those of the European University Institute

## 1. CONTEXT

At the most recent Global Refugee Forum in 2023, Filippo Grandi, The United Nations High Commissioner for Refugees, characterized the [global refugee situation as a crisis](#). One in 78 people are forcibly displaced, with the number of refugees and internally displaced now standing at more than 100 million people.<sup>1</sup> The large numbers of displaced persons are driven by conflict, political instability, drought, flooding, food shortages, localized violence, insecurity, and human rights violations. Developing countries, mostly in Africa, are hosts to a disproportionate number of refugees. In 2023, an estimated 30 million internally displaced persons, refugees, and asylum seekers were living in Africa, constituting nearly one-third of the global refugee population.<sup>2</sup> Of these, 4.9 million refugees and asylum seekers, and 12 million internally displaced people in 2021,<sup>3</sup> were located in Eastern Africa. Notably, countries including the Central African Republic, Chad, Egypt, and South Sudan joined the host countries like Ethiopia, Kenya, and Uganda in accommodating these substantial refugee populations.

Much of the donor engagement in refugee host countries has concentrated on delivering humanitarian aid. The OECD reported that only 34% of the total Official Development Assistance (ODA) for refugee situations in developing countries was for development financing.<sup>4</sup> In a challenging

post-pandemic environment, the funding and programming gap continues to widen. Critical needs such as food, health and education are underfunded, leading to detrimental outcomes for refugee populations, secondary movements of refugee populations, and security challenges within host regions.<sup>5</sup>

## 2. THE CASE OF KENYA

### Key Figures

In 2023, UNHCR listed Kenya as the fifth largest refugee-hosting country in Africa and the thirteenth largest asylum country in the world.<sup>6</sup> The majority originated from neighbouring countries, with a notable migration from Somalia, South Sudan, and Ethiopia. There were also smaller numbers of refugees from other countries in the region, such as the Democratic Republic of Congo (DRC) and Burundi. The country also hosts four of the world's largest refugee camps.<sup>7</sup> 84% were hosted at the Kakuma and Dadaab refugee camps, and 16% lived in various urban areas in the country (See Figure 1). The number of refugees in Kenya was expected to rise because of the extended drought and famine in the Horn of Africa. While there were only about 20,000 new arrivals in Kenya between the months of January and September 2022, there were over 80,000 by the end of the year. In addition, well over 50,000— 8,973 in Kakuma and 35,232 in Dadaab — further

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1 See UNHCR Global Trends Report 2022. Retrieved January 23, 2024, from <https://www.unhcr.org/global-trends-2022-media-page>

2 See Africa UNHCR. Retrieved January 23, 2024, from <https://www.unhcr.org/about-unhcr/where-we-work/africa>

3 See UNHCR Global Trends Report 2021. Retrieved January 23, 2024, from <https://www.unhcr.org/media/global-trends-report-2021>

4 See OECD, In-donor refugee costs in official development assistance (ODA). Retrieved January 23, 2024, from <https://www.oecd.org/dac/financing-sustainable-development/refugee-costs-oda.htm>

5 Luecke and Schneiderheinze (2017), More financial burden-sharing for developing count.

Retrieved January 23, 2024, from [https://www.global-solutions-initiative.org/wp-content/uploads/2022/11/03a\\_Forced\\_Migration\\_COCHAIR\\_LUECKE\\_More-Financial-Burden-Sharing-for-Developing-Countries-that-Host-Refugees.pdf](https://www.global-solutions-initiative.org/wp-content/uploads/2022/11/03a_Forced_Migration_COCHAIR_LUECKE_More-Financial-Burden-Sharing-for-Developing-Countries-that-Host-Refugees.pdf)

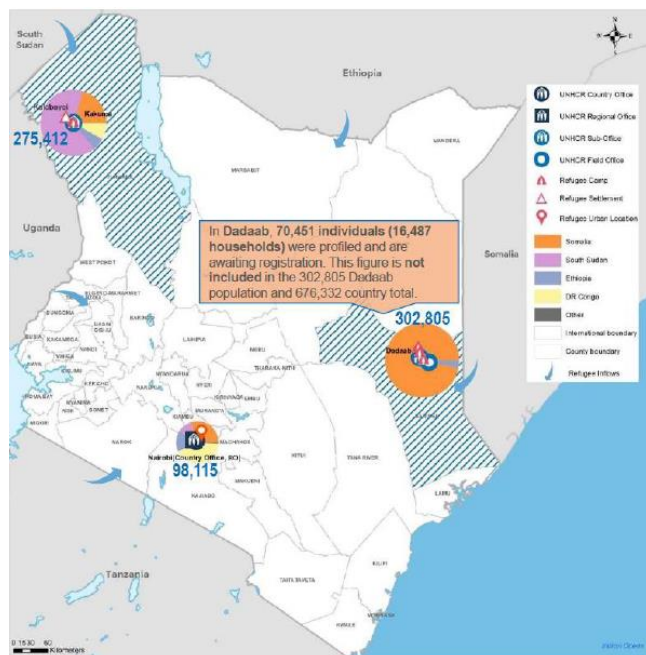
6 See key figures in Kenya. UNHCR Kenya. Retrieved January 23, 2024, from <https://www.unhcr.org/ke/figures-at-a-glance>

7 See the 7 largest refugee camps in the world – Refugee Council USA. (2020, September 3).

<https://refugeecouncilusa.org/largest-refugee-camps/>

arrivals were recorded between January and August 2023.

**Figure 1. Refugees in Kenya at a glance**



**Source:** [UNHCR - Kenya Infographics \(30 October 2023\)](#)

### Key Challenges

For a long time, refugee camps in Kenya have been overcrowded and under-resourced, with difficult conditions for residents who had limited access to resources.<sup>8</sup> Refugees living in camps encounter additional challenges and obstacles, including limited access to basic services like education, healthcare, and employment. On the other hand, refugees residing in urban areas confront insufficient housing conditions and endure

marginalization. They face the threat of neighbouring arrest and detention, refoulement, harassment, extortion, vulnerability to sexual and gender-based violence (SGBV), and human trafficking.

Data on urban refugees is also extremely scarce compared to that of their camp-based counterparts. For example, refugee populations in Kenya are not included in national household surveys (NHS), which results in a lack of comparable socioeconomic data of forcibly displaced people and their hosts both in rural and urban settings.<sup>9</sup>

### Policy Evolution

Kenya has hosted refugees for more than three decades. Over the years, the country has transitioned from an integration policy to adopting a restrictive refugee policy; it has now shifted to embrace the inclusion of refugees.

In 2021, Kenya took a significant step forward with the adoption of the Refugee Act 2021, aligning its policies with the aim of fostering economic inclusion and granting the right to work to refugees. This law repealed the Refugee Act of 2006, a restrictive refugee policy that mandated the country's encampment policy, which had been in place since the 1990s. It signalled both a break with the past and a move by the country to embrace the spirit of the CRRF and Global Compact on Refugees (GCR).<sup>10</sup>

<sup>8</sup> Provost, C., & Mohamed, H. (2011, March 24). Dadaab refugee camps: 20 years of living in crisis. *The Guardian*.

<https://www.theguardian.com/global-development/2011/mar/24/dadaab-refugee-camps-living-in-crisis>

<sup>9</sup> Understanding the Socio-Economic Conditions of Urban Refugees in Kenya: Results from the 2020-2021 Urban Socioeconomic Survey - Kenya | ReliefWeb. (2021, November 15).

<https://reliefweb.int/report/kenya/understanding-socio-economic-conditions-urban-refugees-kenya-results-2020-2021-urban>

<sup>10</sup> The GCR was adopted by the United Nations General Assembly (UNGA) in December 2018. Its main objectives are easing pressure on host countries, enhancing refugee self-reliance, expanding access to third country solutions, and supporting conditions in countries of origin for return in safety and dignity. It came after the adoption of the New York Declaration for Refugees and Migrants by the United Nations Summit for Refugees and Migrants in September 2016, which outlined a Comprehensive Refugee Response Framework (CRRF). The CRRF aimed to provide a more systematic and sustainable response, benefitting both refugees and the communities that host them through a multi-sectoral approach that engages a broader range of stakeholders.

The catalyst for this policy reversal was the selection of Kenya as one of 15 countries<sup>11</sup> to pilot the implementation of the CRRF. The government of Kenya launched its CRRF, titled [Support for Host Community and Refugee Empowerment \(SHARE\)](#), in October 2020; UNHCR Kenya also developed the [Kenya Comprehensive Refugee Programme 2019-2020](#) in line with the principles of the 2030 Agenda and the Sustainable Development Goals (SDGs), CRRF and GCR. These new approaches were formulated in line with its commitments outlined 1) at the UN Summit for Refugees and Migrants in September 2016 to integrate refugees more effectively and involve them in national and local development planning processes; and 2) in the Nairobi Declaration and Action Plan on Durable Solutions for Somali Refugees and Reintegration of Returnees in Somalia (NAP) in March 2017 to pursue (with other member states in Intergovernmental Authority on Development – IGAD) a comprehensive regional approach to deliver durable solutions for Somali refugees, whilst maintaining protection and promoting self-reliance in the countries of asylum. It also aligned with similar commitments at a regional level made in 3) the Djibouti Declaration on Refugee Education in IGAD Member States; and 4) the IGAD Kampala Declaration on Jobs, Livelihoods, and Self-reliance.

In accordance with these pledges, Kenya's CRRF centres around three fundamental pillars: (1) enhancing the protection space for asylum seekers and refugees; (2) supporting immediate and ongoing needs for asylum seekers, refugees, and host communities; and (3) promoting regional

cooperation and international responsibility sharing in the realization of durable solutions for refugees. Under the second pillar, various barriers to achieving refugee self-reliance have been identified: a lack of documentation and non-recognition of existing documentation. Additionally, legal and policy barriers impact access to work opportunities, encompassing freedom of movement, obtaining work permits, securing business licences, and acquiring other essential documents. Other challenges include inadequate access to skills training, financial exclusion, and exclusion from development planning at both the county level—beyond the designated 'refugee-hosting' areas—and at the national level.

As a result, the CRRF called for an overhaul of the legal and policy framework on refugee protection to overcome these barriers. In response to this call to action, the Refugee Act of 2021<sup>12</sup> emerged as a proactive measure. It brought into place four pivotal policy changes aimed at solidifying refugee self-reliance by providing access to the formal labour market, facilitating documentation to undertake economic activities, introducing a refugee identity document, and promoting meaningful participation in the formulation of national development plans (See Box 1).

**Box 1.**  
**Policy Reforms in Kenya's Refugee Act 2021**

***The right to work***

Section 28(5) of the act guarantees a refugee's right to engage in gainful employment or enterprise. It is a recognition of the rights of refugees to work and is the basis for economic

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11 The CRRF was rolled out in 15 countries across Africa, Asia and South America: Argentina, Bangladesh, Brazil, Cameroon, Chad, Colombia, Djibouti, Ethiopia, Iran, Kenya, Mexico, Niger, Pakistan, Rwanda, and Uganda.

12 It also formed the basis of the domestication of the 1951 Refugee Convention and its 1967 Protocol, and the 1969 Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, both ratified by the Kenyan government; and all non-binding international and regional instruments relating to refugees that Kenya is a party to.



inclusion of refugees in the country.

#### **The right to access documentation**

Section 28(4) of the act outlines the right of refugees to access and be issued with documentation to facilitate their ability to undertake economic activities. Such documentation may include registration documents, work permits, business licences and movement passes.

#### **The elevation of the refugee identity document**

Section 28(7) of the act elevates the status of the refugee identity card to a status similar to the alien card, thereby providing a legal basis for the recognition of the document for the purpose of access to both public and private services.

#### **The right to participate in the formulation of development plans**

Section 35 of the act mandates the national and county governments to take into consideration refugee matters when formulating sustainable and environmental plans.

is to facilitate a shift from humanitarian assistance to development-oriented interventions in a protracted refugee situation. It is a 15-year multi-sectoral and multi-stakeholder initiative targeting 250,850 refugees and 255,976 members of host communities, as of December 2022. In phase one (KISED P I), which ran from 2018 to 2022, the focus was on the peaceful co-existence of refugees and the host community, delivering improved access to basic social services. This was achieved through the inclusion and participation of refugees in legal and policy frameworks, enhanced socio-economic integration and interaction among refugees and host communities. KISED P I received funding from multiple donors, including the International Finance Corporation (IFC), the European Union (EU), and UNHCR. In phase two (2023-2027), the focus will be on creating an enabling environment: this involves strengthening inclusive service delivery and local capacities, improving legal frameworks and policies, and promoting an environment conducive to investment and job creation, and enhancing communities' resilience. This will also involve building people's skills and capabilities to successfully function in this new environment, thereby expanding the overall local economy.

## **Emerging Gains: New Programmes**

There are already gains as a result of the adoption of this new policy. New programmes developed under the new policy are underpinned by the humanitarian-development nexus approach, which focuses on promoting self-reliance for refugees and economic empowerment for the communities that host them:

### **The Kalobeyi Integrated Social Development Programme (KISED P):**

This partnership involves the National Government, the Turkana County Government, the UN Refugee Agency (UNHCR) and other non-state actors. Its aim

### **Garissa Integrated Socio-Economic Development Plan (GISED P):**

This multistakeholder initiative was developed along the lines of KISED P, aiming to enhance livelihood opportunities for refugee communities. However, it could not be launched because of the unprecedented desert locust invasion and the Covid-19 pandemic. During the last quarter of 2020, work on GISED P was carried out through virtual consultations. A new GISED P calendar was finalised with the government and all stakeholders. The aim was to launch this by mid-2021 following a fundraising forum. However, the border

conflict between Kenya and Somalia, compounded by the perception of the Kenya government of Somalis as a threat to national security contributed to a failure to implement the initiative.

### **The Refugee Agricultural Value Chains for Economic Self-Reliance (RAVES) Programme:**

This partnership between the Food and Agriculture Organization of the United Nations (FAO) and the IKEA Foundation leverages the groundnut value chain as a potential crop for sustainable income generation, as well as nutrition security for both the host and refugee community in Turkana County in Kenya. Implemented in close collaboration with Turkana County Government, UNHCR, INSTA Products Ltd., the World Food Programme (WFP), Egerton University, and IFC. There are 9,000 beneficiaries who are expected to produce 12,000 tonnes of groundnuts and earn a gross income of USD 2.5 million by the end of the project period.

### **Oracle Workforce Development Programme:**

This programme is a partnership between the UN Refugee Agency and Oracle, a computer technology company where young refugees in Kenya are provided with a workforce development programme courtesy of Oracle University. Refugees receive professional learning courses designed by UNHCR as well as programming courses from Oracle University. Upon completion, they receive a course certification from Oracle University, enabling them to seek jobs in the IT industry.

### **Future Direction**

As the next step, the Kenyan government has announced its commitment to transforming refugee camps into integrated settlements through a multi-year

programme called the [Shirika Plan](#). The plan also incorporates provisions for safe returns, alternative stay options in Kenya, and departures to third countries. It is built upon the SHARE initiative and is aligned with national and local development plans. It was prepared via a multistakeholder consultative approach with the dual aim of supporting the socioeconomic inclusion of refugees and creating opportunities for the host communities.

## **3. ANALYSIS**

### **Significance of Recent Developments**

The policy evolution in Kenya demonstrates the country's commitment to providing comprehensive and sustainable solutions to the refugee challenge in the country and the region. It enables Kenya to meet its commitments to various international protocols, especially the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol in 1981, as well as the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.

The emerging programmes encourage self-reliance and integration with the local community. Their focus is on transitioning refugees from reliance on humanitarian aid to employment and entrepreneurial opportunities. In addition, they attract much needed additional resources—for example private sector investment—to areas hosting refugees.

### **Importance of Kenya**

As a host to such a large refugee population, policy developments in Kenya are a roadmap of how to transform programmatic interventions to better meet the needs of refugees. Most host nations in Eastern Africa, with the exception of

Uganda,<sup>13</sup> have a refugee response model that requires refugees to live in camps or settlements. These are typically in remote and economically-challenged areas where host communities are also struggling. Kenya's experience shows that these models entrench cycles of poverty and forced reliance on aid for extended periods of time. They also create tension between refugee and host populations, exacerbating the precarious conditions faced by displaced people for several years.

Policy evolution in Kenya, a member of the East African Community (EAC) could lead to policy transformation in partner states within an expanding region.<sup>14</sup> The same could be said of its influence on member states within IGAD. This could have a positive outcome on a large proportion of the global population of refugees.

### Context Related Challenges

In 2016, the Kenyan government made a statement to the effect that refugee camps were losing their humanitarian nature.<sup>15</sup> This changed the identity of the camps from places of refuge to places of significant importance in the global fight against terrorism, which stems from a long tradition of treating refugees as security threats and scapegoats for political gain.

The geo-political context accounts for the variations in implementation of the programmes, with the Kenyan government implementing the CRRF in Turkana (KISED) but holding back in Garissa (GISED). Complex relations between Kenya and

Somalia, coupled with a maritime border dispute, have a strong bearing on Kenya's policy towards Somali refugees. Both factors present the risk that Kenya could backslide to its restrictive policies of limiting refugee rights.

## 4. RECOMMENDATIONS TO DEVELOPMENT PARTNERS

Kenya's Refugee Act introduced substantial alterations in policies regarding refugee economic inclusion, and the opportunities for refugees to make meaningful contributions to both the national and local economy. Based on the promising example of Kenya, the recommendations delineate a strategic framework for development agencies. This framework guides agencies to work in supporting Kenya and African States hosting growing refugee populations in the following four ways.

(1) Clearly presenting the economic and social benefits of implementing the CRRF in terms of promoting self-reliance not only for refugees, but also for local communities and the national economies of host countries

Kenya's pathway to policy reform was paved by its own commitments, and support received from donors, to implement its CRRF. Adoption of the GCR and development of a national CRRF are, therefore, critical components in enabling a country to transition from a humanitarian-based approach to refugee management to a sustainable development driven approach. Development agencies should, therefore, invest in and allocate resources to

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13 Uganda adopts a progressive settlement approach instead of a camp model. This means that refugees have the freedom to move within settlements and also to travel in and out of nearby towns and cities.

14 The Democratic Republic of Congo (DRC) recently joined the EAC and there is the likelihood that one day Somalia could also be a member.

15 Kenya: PS Karanja Kibicho explains why the government is shutting down refugee camps - Kenya | ReliefWeb.

(2016, May 11). <https://reliefweb.int/report/kenya/kenya-ps-karanja-kibicho-explains-why-government-shutting-down-refugee-camps>



make countries aware of the benefits of adopting and implementing CRRF. This effort aims to facilitate the policy transition by ensuring the social and economic inclusion of refugees and fostering their meaningful participation in national development plans.

(2) Maintaining support for host countries efforts to engender self-reliance for refugees and commend host countries that implement CRRF

Successful implementation of its CRRF led Kenya to feel confident about making policy reversals in refugee policies. Development agencies should therefore mobilize resources to support states that develop CRRFs to ensure successful implementation of the same to increase the likelihood that the countries will transition to a more progressive refugee policy.

(3) Considering the insights from Kenya in addressing contextual issues in other host countries that will agree to implement the CRRF

Contextual issues—geopolitical rivalries coupled with the threat of terrorism—pose a threat to the gains Kenya has made in managing refugees with the new policy being implemented differentially based on location. Donors should collaborate with partners to address such contextual issues so as to ensure the successful transition to development-based approaches in inclusion of refugees.

(4) Providing sustained financial contributions under responsibility-sharing, which would provide more incentives for host countries to remain committed to implementing the CRRF

Policy reform in refugee management has enabled more stakeholders to engage with the refugee challenge in Kenya. These new stakeholders have brought with them new technical capabilities, networks, and resources. To sustain their engagement and

participation, the government of Kenya has had to enhance its capacity to generate and share robust data and analysis on economic situations and value chains to facilitate agreements on priorities and desired outcomes. Host states will require donor support to prioritize and sequence key enabling conditions such as infrastructure investments, capacity strengthening needs, and policy and legislative reforms. They will also need clarity from donors regarding responsibilities, timelines and investment requirements, coupled with agreements on how to measure impact and track investments so as to be successful should they decide to transform their policies.

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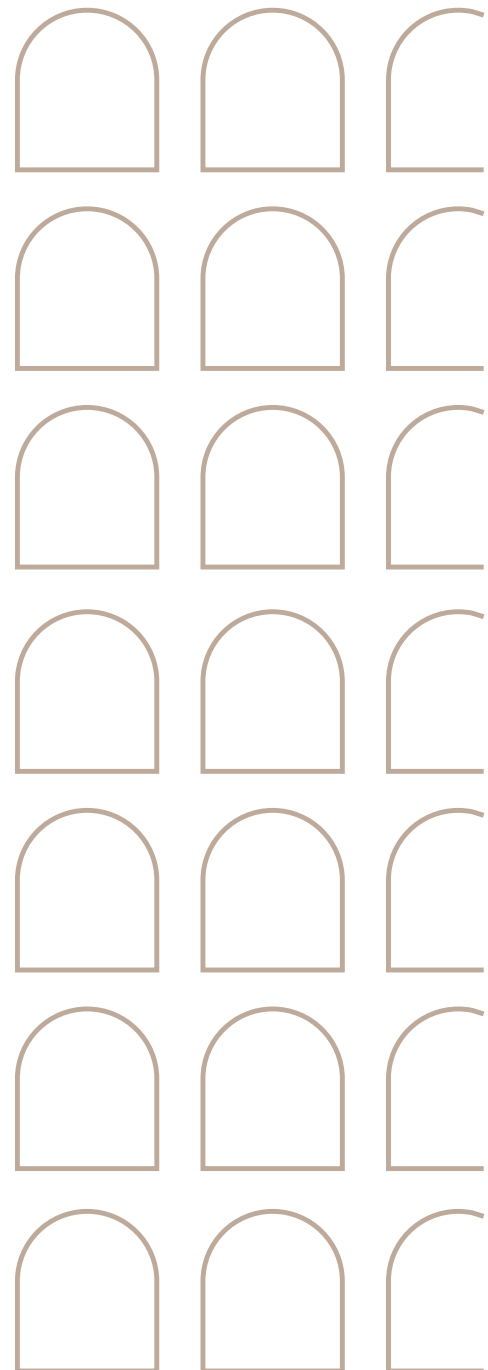
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