



Refugee Warehousing in Kenya: The Blame Game

By Chloe Canetti

Kenya's April decision to close its two largest refugee camps, Dadaab and Kakuma, has led to panic across refugee communities in the region. The camps are home to a combined 430,000 refugees, mainly from Somalia and South Sudan. Some of the refugees have been living in the camps for almost three decades, while their children were born and raised in the camps and know no other home.[1] Many refugees are scared of being forced to return to "home" countries they never really knew, and the United Nations High Commissioner for Refugees (UNHCR) expressed its concern early on that the closures could jeopardize refugee protection.[2]

But negative reception of the announcement did not end there. News outlets reported that the Kenyan government's decision to close the camps was "retaliation" against Somalia for an inter-country dispute.[3] Rights groups, such as Médecins Sans Frontières, urged the government to reconsider, saying that refugees should only leave the camps when "they freely choose to do so." [4] Human Rights Watch stated that "Kenya needs to maintain asylum and consider allowing refugees at long last to integrate." [5] Humanitarian and former model Halima Aden spoke out urging the Kenyan government to work with refugees and integrate them into Kenyan society instead

of sending them back to Somalia.[6] Everyone who spoke out directed the onus back to Kenya to keep the camps open, to allow refugees to integrate, or to give refugees agency to decide for themselves when to return.

While advocacy for refugees who may soon be displaced by Kenya's decision is necessary and commendable, many of the recommendations put forth by the international community focused the onus on Kenya to continue caring for almost half a million refugees. Not only does such an approach perpetuate refugee warehousing practices, but it also allows rich donor countries to abdicate responsibility to create a solution.

Warehousing

Refugee warehousing is "the practice of keeping refugees in protracted situations of restricted mobility, enforced idleness, and dependency— their lives on indefinite hold— in violation of their basic rights under the 1951 UN Refugee Convention." [7] When refugees are kept in camps for long periods of time, they are deprived of their basic rights to move outside the camps, find jobs, own land, and receive proper

education.[8] Camps are often located in remote areas, so even when they are allowed to leave, they have little economic opportunity in the surrounding areas. Such lack of economic opportunity and ability to integrate keeps refugees in limbo and dependent on humanitarian aid for years at a time.[9] For refugees trapped in these conditions, it is easy to lose hope for the future. The increase in protracted displacement in camps, combined with the COVID-19 pandemic, has led to a spike in suicide attempts this year.[10]

Despite the physical and mental toll warehousing takes on refugees, the phenomenon continues to grow as displacement reaches an all-time high. In Kenya, the combination of protracted violence preventing refugees from returning to home countries, and restrictive policies on refugee movement, have made Dadaab and Kakuma prime models of warehousing.

Kenya has long been criticized for its encampment policies. The government has continuously used terrorist attacks by Al-Shabaab extremists from Somalia as an excuse to keep Somali and other refugees in the camps. In a response to attacks in 2013, the Kenyan government forced over 50,000 refugees living in urban areas back into Dadaab and Kakuma.[11] Several more attacks prompted more action in 2014, including an attempt to make the encampment policy permanent and a policy that refugees could not leave the camps without specific permission from a Refugee Camp Officer.[12] Since then,

Kenya has made two serious attempts to close the camps altogether, which have prompted international backlash. Kenya has long struggled to find durable solutions for its refugees. However, Kenya is a low-income country that lacks proper resources and funding to care for so many refugees.[13] Instead of asking what more Kenya can do to continue hosting 400,000 people in need of aid, we as an international community of refugee advocates must turn the scrutiny toward rich donor countries that sit silently while failing to use their wealth and power to donate more or resettle refugees themselves.

Donor Country Responsibility

In our 2004 World Refugee Survey, USCRI called out the role of rich donor countries in maintaining the harmful practice of refugee warehousing. Donor countries have continuously funded refugee programs that keep refugees in camps, while providing only the most meager funds for urban refugees, most of whom live in Europe or other regions that already have more resources to support them.[14] The problem continues in 2021 as the world faces unprecedented displacement with more than 80 million people displaced worldwide, almost 30 million of whom are refugees.[15] Despite increased displacement, donor countries have largely failed to provide alternative solutions to warehousing. As a result, warehousing will only increase as more people are displaced. The problem is exacerbated by an international rights framework that has been led by rich countries eager to continue placing the

onus of caring for refugees on the world's poorest countries.

In 2016, the United Nations General Assembly adopted the New York Declaration for Refugees and Migrants. All 193 member states adopted the Declaration, which created a set of relatively vague commitments to refugees, for instance, to "make efforts to collect accurate information" about refugee movement, and "encourage States to address the... specific health-care needs" of migrant populations.[16] The Declaration also outlined a Comprehensive Refugee Response Framework (CRRF) to attempt to implement the Declaration's commitments. However, the language outlining the CRRF is just as vague and non-committal as the rest of the Declaration. It states that resettlement countries should "[c]onsider making available or expanding... resettlement opportunities and complementary pathways for admission of refugees." [17] They should also "consider" broadening their resettlement program criteria and increasing program size.[18]

The 2018 Global Compact on Refugees (GCR), another document that came out of the New York Declaration, "provides a blueprint for governments, international organizations, and other stakeholders to ensure that host communities get the support they need and that refugees can lead productive lives." [19] However, the GCR was met by skepticism from those in the refugee rights community. The International Rescue Committee noted that the GCR "is not a strong document as it stands now. [The final] draft was a significant

step backward from what was a relatively low ambition document to start with." [20] Amnesty International gave a similar readout: "The final text simply entrenches the current unsustainable approach whereby wealthier states can pick and choose which, if any, measures they take to share responsibility. This will leave many refugees languishing in poorer countries which are unable or unwilling to support them." [21]

The vague language in these documents results from the refusal of richer countries to commit to more concrete obligations. While poor refugee-hosting countries do not have the resources or infrastructure to keep refugees out, rich countries that can largely control migration flows into their countries have always had more choice and less responsibility to share the burden of dealing with forced migration. Although the CRRF attempts to increase these states' burden-sharing responsibility, it falls short because these same states refused to agree to concrete commitments.

These documents have left poor host countries like Kenya to deal with refugee inflows largely on their own. As of March 30, 2021, donor countries had only contributed 27% of the funds UNHCR needs to house, feed, and provide other support for Kenya's refugees.[22] Lack of donor funding for the World Food Programme (WFP) has forced WFP to cut refugees' rations in East Africa by up to 60% this year, gravely increasing risks of malnutrition, anemia, and stunted child growth.[23] In addition to donor countries' failure to meet Kenya's refugees' financial needs, these countries have almost

completely abdicated responsibility to help resettle refugees. UNHCR found that only 4.7% of the world's 1.2 million refugees in need of resettlement were actually resettled in 2018.[24] The United States has resettled fewer refugees every year for the past five years.[25]

Less Blame and More Assistance from High-Income Countries

Given donor countries' massive failure to address protracted refugee situations both in Kenya and around the world, it is important to pause when considering the international community's outrage at Kenya for deciding to close Dadaab and Kakuma. As noted by Amnesty International, the "chronic lack of support from the international community to Kenya, which has been hosting refugees for decades, contributed to the government's decision to close [the camps.] The international community has consistently underfunded appeals made by the Kenyan government and [UNHCR,] and has failed to resettle a significant number of refugees from Kenya to other countries." [26] Kenya has been trying to contain large influxes of refugees for three decades, and is finally putting its foot down at a time when global need is at an all-time high and donor generosity is at a low.

It is time to turn to the donor countries that have chosen to remain on the sidelines for 30 years as Kenya crept towards its tipping point. For the United States, this means increasing funding to UNHCR and the World

Food Programme, and working to immediately rebuild and grow our refugee resettlement program, the U.S. Refugee Admissions Program (USRAP). The United States must commit to much higher refugee resettlement annually, with a floor of at least 125,000 admissions per year. We must prioritize refugees from the most protracted and overcrowded situations instead of using categorical caps to keep resettlement low. In addition to financial and resettlement support, the United States is one of only two countries in the world that refused to adopt the Global Compact for Refugees (GCR).[27] This is an abdication of our responsibility to fight warehousing, and we must adopt the GCR immediately. The United States cannot pride itself on its leadership in refugees' rights while poor host countries continue to shoulder such burdens without our help. Kenya has taken the blame alone for too long, and the United States must take immediate, drastic, and concrete actions to provide solutions for the refugees from Kakuma and Dadaab.

References

* Map of Kenya: "Kenya Court Suspends Move to Close 2 Refugee Camps." Voice of America (Apr. 9, 2021), <https://www.voanews.com/africa/kenya-court-suspends-move-close-2-refugee-camps>; Kakuma and Dadaab Statistics: "Kenya: Registered Refugees and Asylum-Seekers." UNHCR (Apr. 30, 2021), <https://www.unhcr.org/ke/wp-content/uploads/sites/2/2021/05/Kenya-Infographics-30-April-2021.pdf>.

[1] "Kenya Camps with More Than 400,000 Refugees to Be Closed Next Year." Voice of America (Apr. 30, 2021), <https://www.voanews.com/africa/kenya-camps-more-400000-refugees-be-closed-next-year>.

[2] "UNHCR Statement on the Government of Kenya's Intention to Close Dadaab and Kakuma Refugee Camps." UNHCR (Mar. 24, 2021), <https://www.unhcr.org/ke/19849-unhcr-statement-on-the-government-of-kenyas-intention-to-close-dadaab-and-kakuma-refugee-camps.html>.

[3] "Kenya Camps with More Than 400,000 Refugees to Be Closed Next Year." Voice of America (Apr. 30, 2021), <https://www.voanews.com/africa/kenya-camps-more-400000-refugees-be-closed-next-year>; Trigg, James. "Kenya: Camp Closures Weaponised as Relations with Somalia Sour." Global Risk Insights (May 25, 2021), <https://globalriskinsights.com/2021/05/kenya-camp-closures-weaponised-as-relations-with-somalia-sour/>.

[4] Amanor, Keminni. "Doctors Without Borders Urges Kenyan Officials to Consult Refugees Before Closing Camps." Voice of America (Apr. 29, 2021), <https://www.voanews.com/africa/doctors-without-borders-urges-kenyan-officials-consult-refugees-closing-camps>.

[5] Frelick, Bill. "Closing Camps Won't Solve Kenya's Refugee Problem." Human Rights Watch (Apr. 13, 2021), <https://www.hrw.org/news/2021/04/13/closing-camps-wont-solve-kenyas-refugee-problem#>.

[6] "Former Model Born in Kakuma Refugee Camp Reacts to Possible Closure." CNN (last visited June 7, 2021), <https://www.cnn.com/videos/world/2021/05/11/halima-aden-kakuma-refugee-camp-kenya-asher-intvw-oneworld-vpx.cnn>.

[7] Smith, Merrill. "Warehousing Refugees: A Denial of Rights, A Waste of Humanity." USCRI (2004), <https://refugees.org/wp-content/uploads/2021/06/Warehousing-Refugees-A-Denial-of-Rights-English.pdf>.

[8] Id.

[9] Id. [10] COVID-19 Inducing "Widespread Despair" Among Refugees, UNHCR Appeals for Urgent Support for Mental Health." UNHCR (Oct. 10, 2020), <https://www.unhcr.org/en-us/news/press/2020/10/5f80502c4/covid-19-inducing-widespread-despair-among-refugees-unhcr-appeals-urgent.html>.

[11] "New Encampment Policy Fuels Xenophobia in Kenya." Human Rights First (Feb. 8, 2013), <https://www.humanrightsfirst.org/2013/02/08/new-encampment-policy-fuels-xenophobia-in-kenya>.

[12] "Refugee Law and Policy: Kenya." Library of Congress (Dec. 30, 2020), https://www.loc.gov/law/help/refugee-law/kenya.php#_ftnref73.

[13] "Funding Needed to Halt 'Life Threatening Crisis' Facing Refugees in Kenya." UN News (Dec. 17, 2020), <https://news.un.org/en/story/2020/12/1080322> (noting that the World Food Programme was short \$57 million to continue to feed refugees in Kenya in 2021).

[14] *Id.* at 48.

[15] "More Uprooted, Fewer Return, Pushing Forcibly Displaced Above 80 Million." UN News (Dec. 9, 2020), <https://news.un.org/en/story/2020/12/1079642#:~:text=The%20number%20of%20people%20forcibly,a%20report%20published%20on%20Wednesday>.

[16] "Resolution Adopted by the General Assembly on 19 September 2016." United Nations General Assembly (Oct. 3, 2016), https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/1.

[17] *Id.*

[18] *Id.*

[19] "The Global Compact on Refugees." UNHCR (last visited June 3, 2021), <https://www.unhcr.org/en-us/the-global-compact-on-refugees.html>.

[20] Lieberman, Amy. "Global Compact for Refugees Moves Forward, But Without Clear Path for Implementation." Devex (Aug. 2, 2018), <https://www.devex.com/news/global-compact-for-refugees-moves-forward-but-without-clear-path-for-implementation-93179>.

[21] "UN Refugee Compact: World Leaders Not Up to the Challenge." Amnesty International (July 24, 2018), <https://www.amnesty.org/en/press-releases/2018/07/un-refugee-compact-world-leaders-not-up-to-the-challenge/>.

[22] "Funding Update 2021: Kenya." UNHCR (Mar. 30, 2021), <https://www.unhcr.org/ke/wp-content/uploads/sites/2/2021/05/Kenya-Funding-Update-30-March-2021.pdf>.

[23] "WFP, UNHCR Appeal for Funding for over 3 Million Refugees Hit by Ration Cuts in East Africa." UNHCR (Mar. 2, 2021), <https://www.unhcr.org/en-us/news/press/2021/3/603dec5f4/wfp-unhcr-appeal-funding-3-million-refugees-hit-ration-cuts-eastern-africa.html>.

[24] Campbell, John. "U.S. Refugee Resettlement Shrinking as Need from Africa Continues Growing." Council on Foreign Relations (Aug. 8, 2019), <https://www.cfr.org/blog/us-refugee-resettlement-shrinking-need-africa-continues-growing>.

[25] "U.S. Annual Refugee Resettlement Ceilings and Numbers of Refugees Admitted, 1980-Present." Migration Policy Institute (May 2021), <https://www.migrationpolicy.org/programs/data-hub/charts/us-annual-refugee-resettlement-ceilings-and-number-refugees-admitted-united>.

[26] "Respect and Protect the Rights of Somali Refugees in Kenya." Amnesty International last visited June 5, 2021), <https://www.amnesty.org/en/get-involved/take-action/refugees-forced-return-from-dadaab/>.

[27] Rush, Nayla. "Global Compact for Refugees Adopted Today." Center for Immigration Studies (Dec. 17, 2018), <https://cis.org/Rush/Global-Compact-Refugees-Adopted-Today>.