



From Global Refugee Norms to Local Realities: Implementing the Global Compact on Refugees in Kenya

Summary

Adopted by the United Nations (UN) General Assembly in December 2018, the Global Compact on Refugees (GCR) and its Comprehensive Refugee Response Framework (CRRF) point to a paradigm shift in international refugee policy. The social and economic independence of refugees in destination countries and communities in particular is to be increased. In return, the international community commits to engage in burden- and responsibility-sharing by supporting hosting countries and communities with knowledge and resources. With this new deal, the UN announced its intention to break existing vicious cycles of displacement and dependence on aid in order to ensure that refugees and host communities benefit equally from the measures.

The East African nation of Kenya is one of 15 pilot countries working to promote the implementation of the CRRF. The Kenyan Government pledged 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. It underscored its commitments in March 2017 in the context of the regional Nairobi Declaration and Action Plan (NAP). While the national operational plan announced at the time has not yet been adopted, individual commitments are already being implemented. These also include the (further) development of the integrated refugee settlement of Kalobeyei in Turkana Country in the far north-west of the country, a project supported by the international community as part of the

CRRF, but originally initiated at local level.

The example of Kenya and Turkana County shows that the (capacity for) implementation of global agreements depends not least on the specific interests of sub-national actors. Requirements of the CRRF, such as better infrastructure for refugees and host communities, are compatible with the local government's economic development priorities. The capacity of Kenyan counties to take action has also been improved as a result of the decentralisation process in 2010. To a certain degree at least, counties can challenge the national security-related narratives which restrict the opportunities of refugees to participate in society to this day. In neighbouring Tanzania, implementation of the CRRF failed due in no small part to the fact that barely any consideration was given to the concerns of local actors in the nation's centralised political system.

Based on our analysis, we make the following recommendations for German development policy:

- Local state and non-governmental actors should be involved in drafting global norms and dialogue between municipalities should be promoted,
- Partner governments should be made aware of the benefits of integrating refugees and political and administrative implementation should be supported,
- Local stakeholders should be actively involved and supported in the planning and prioritisation of refugee integration strategies.

Background: Paradigm shift in global refugee policy

Adopted by the UN member states in December 2018, the Global Compact on Refugees represents a paradigm shift in international refugee policy. According to the Comprehensive Refugee Response Framework (CRRF) contained therein, refugees' prospects should be improved primarily through their greater local integration and the promotion of their social and economic independence in the destination countries. This can be achieved, for instance, by improving access to local job markets, education systems and services. In this context, research publications and policy strategies from the last ten years have also pointed to the increasing relevance of cities and municipalities in the provision of humanitarian assistance and in dealing with refugees.

The CRRF is currently being implemented for the first time as part of two regional and 15 national pilot initiatives. The Intergovernmental Authority on Development (IGAD) adopted the Nairobi Declaration and Action Plan on Durable Solutions for Somali Refugees and Reintegration of Returnees in Somalia (NAP) at a regional summit in the Horn of Africa (Nairobi) in March 2017. At the same time, IGAD member states Djibouti, Ethiopia, Kenya and Uganda have committed to serving as pilot countries for implementing CRRF measures. Depending on their political priorities and institutional and political characteristics, these countries set different sectoral and procedural priorities.

Refugee policies and CRRF implementation in Kenya

While Kenya was the last of the aforementioned four pilot countries in the region to officially announce the application of the CRRF in October 2017, it played a leading role in the establishment of the regional initiative by hosting the summit at which the NAP was adopted. The East African country has taken in a large number of refugees for several decades now, most of them from its fragile neighbouring states of Somalia and South Sudan. Ever since Kenya's military intervention in Somalia and the high-profile terror attacks by the Al-Shabaab militia in the border region and the capital Nairobi, the country's policy on Somali refugees in particular has been shaped primarily by issues of domestic security.

There are around 500,000 refugees officially registered in Kenya at present, with most of them living in the two main refugee camps, Dadaab (approximately 230,000) and Kakuma/Kalobeyi (185,000) in the far north-east and north-west of the country respectively. While a large number of refugees are also found in Nairobi and other Kenyan cities, the official policy on camps leaves them in a legal grey area. The Refugee Affairs Secretariat, set up in 2016, is yet to establish a uniform position concerning options for refugees to register outside of camps or live in cities.

While the CRRF and the NAP provide a normative, strategic framework for re-orienting the way that refugees are dealt with, it is the responsibility of the respective national governments to implement this framework. After joining

the group of pilot countries in 2018, the Kenyan Government committed to:

1. Giving refugees the option of obtaining citizenship and/or residence through marriage or parentage (*jus sanguinis*).
2. Strengthening the self-reliance and inclusion of refugees and providing economic opportunities.
3. Making additional investments in social and technical infrastructure in order to improve access to opportunities and services in host communities.
4. Integrating refugees and local residents in a pilot settlement and involving refugees in local development planning in counties with refugee camps.
5. Promoting school enrolment for refugee children and young people and developing measures to increase refugees' access to the education system at all levels.

The fourth point refers to the implementation of the Kalobeyi Integrated Socio-Economic Development Plan (KISED) in Turkana, an arid region dominated by nomadic pastoralism. The sub-region of Turkana West is also home to Kakuma Refugee Camp, which was set up in 1992 and houses over 150,000 refugees, and the pilot settlement of Kalobeyi, which presently provides a home to around 30,000 refugees. Turkana West has seen a 49% population increase since the renewed outbreak of civil war in South Sudan in 2013 alone. Refugees (primarily from South Sudan, Somalia, Ethiopia and the Congo) currently account for almost 40% of the sub-region's total population (506,000).

The KISED originates from a 2014 initiative by the government of Turkana. Following a three-year preparation phase (2016 to 2018), the regional government officially launched phase one (2019 to 2022) in March 2019. The goal of this current phase is to draft a comprehensive development plan for the refugee and local populations in Turkana West. This represents an important shift in the Kenyan context, as dealing with refugees is the responsibility of the national government (Ministry of Interior) and has not been linked previously to issues of development.

The term of KISED (2016 to 2030) is divided into four phases of implementation. The programme is coordinated by the regional government of Turkana and UNHCR and supported by numerous international donors (UN-Habitat, Lutheran World Federation, etc.) as an area-based and multi-sectoral approach. The programme's eight components are largely geared to the areas of activity of the Turkana County Integrated Development Plan (CIDP) (2018 to 2022) and comprise measures to strengthen health care, education, water supplies, sanitation and hygiene, spatial planning, infrastructure, agriculture, livestock breeding, environmental protection, sustainable energy, the private sector, and protection of vulnerable groups (primarily children and refugees).

Local refugee integration in a multi-level context

While KISEDIP is only in the very early stages of implementation, the differences between Kalobeyei and conventional camps are already evident. The layout of the settlement indicates a long-term and integrated approach to planning. There are areas for shared commercial and leisure use, as well as accommodation, gardens, access roads and infrastructure such as energy and water supplies, and the schools are better equipped than those in Kakuma. Dependencies should be reduced by means of income-generating development projects, in contrast to the care and maintenance approach taken previously.

Unlike in nearby Kakuma, in Kalobeyei residents of local Turkana ethnicity feel entitled to request accommodation, school places and jobs from the national and international aid organisations. Furthermore, they visit the refugee camp in order to barter and sell firewood, charcoal and other goods to refugees. Group discussions between members of the host communities in October 2017 revealed that there is disagreement over whether the land on which the Kalobeyei settlement is being built has been leased temporarily or allocated permanently to the new arrivals. However, the discussion also made clear that there is great openness to and hope of everyone sharing in the benefits of the coming development work.

The relatively successful implementation of the CRRF in Kalobeyei and Turkana is due in large part to local development and political priorities. There was great interest in Turkana County in attracting international donors to the region, which barely has access to investments other than those made by aid organisations. The activities of these organisations are therefore extremely important when it comes to improving prospects in the region. Unlike the Dadaab complex, the refugee camps in this region are viewed not so much as a security problem, but rather primarily as offering potential for local development. The Governor of Turkana County called for host communities to be provided with reliable and lasting support to enable the refugees and the communities in which they live to determine their own future.

In this way, the efforts of the county government were based primarily on practical issues concerning the provision of basic services (schools, health centres and infrastructure, such as drinking water supplies and waste water disposal). There was also interest in prioritising the promotion of the local (agricultural) economy. As a result of the region being marginalised for decades and a lack of capacity on the part of local authorities for using the financial transfers provided by the central government to enhance local public services and development, the local population had poorer basic services than those enjoyed by refugees in the camps.

Furthermore, implementation achievements to date can be traced back to national and international framework conditions. The decentralisation process initiated in 2010 as

part of the constitutional reform has afforded local authorities the right to plan their own development and budgets. It has also become evident in neighbouring Tanzania that local authorities having sufficient scope for action is a key parameter in refugee integration (see Box 1).

As part of the CRRF and the NAP, the Kenyan Government has also committed to involving the refugee population in planning processes in counties with refugee camps. For the Kenyan Government, failure to live up to its commitments here would lead to a loss of face on the foreign policy front, even though such commitments run counter to its security focus. The government is especially interested in positioning itself at regional and international level as a broker in refugee matters and/or to consolidate its current role as a pioneer in this area.

Conclusions and recommendations

The example of Kalobeyei shows that the ability to implement global refugee policies, and in this case the CRRF in particular, depends significantly on conditions and interests at sub-national level. After all, the policy preferences of local actors are by definition geared largely to area-specific opportunities and challenges concerning situations of displacement. Nonetheless, it is necessary to view local policy priorities and perceptions in a multi-level context, as they are expressed in a framework of national priorities and institutional requirements as well as in response to external incentive and sanction structures.

We have derived the following recommendations for German development policy:

Box 1: Difficult conditions for the local integration of refugees in Tanzania

The Tanzanian Government joined the CRRF as a pilot country in 2017 in the hope of encouraging greater financial contributions from the international community. Since gaining independence, the nation has taken in a large number of refugees, affording the long-term refugees from Burundi full citizenship rights in 2014. There was also great interest at regional and district level in benefiting from the higher levels of aid funding and economic and infrastructural windfall effects. The district commissioners in the region of Kigoma, where all the refugee camps are located, undertook work to further institutionalise existing platforms for dialogue between the local population and the refugees and to make additional funding for host communities an official condition of agreements with aid organisations.

However, when the national government's financial and political expectations of the CRRF were not fulfilled, Tanzania withdrew from the framework agreement, the only country so far to do so. The centralised decision-making structures resulted in a discontinuation of the use of structures developed at regional and district level and an abandonment of efforts to promote local integration. Instead, pressure was stepped up at national and regional level, with regular threats being made to close the refugee camps. Finally, the return of the refugees was agreed as part of an accord between Tanzania, Burundi and UNHCR in 2018.

- At multilateral level, it should strive to ensure that local state and non-governmental actors and networks are involved to a greater extent in refugee policy processes. This could also entail the provision of targeted support for dialogue between municipalities in Germany and those in CRRF pilot countries.
- In the partner countries, it should highlight the benefits of comprehensively integrating refugees and the opportunities for (decentralised) implementation. This also involves taking specific account of the concerns of refugees in administrative procedures (e.g. development and budget planning).
- At local level, it should reach open-ended agreements with stakeholders concerning the pros and cons and priorities relating to refugee integration. This should also include support in the form of capacity building (e.g. participatory urban and spatial planning) or construction measures (e.g. social and technical infrastructure).

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