

HPG Working Paper

# The Comprehensive Refugee Response Framework

## Progress in Kenya

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# Acronyms

<b>CIDP</b>	County Integrated Development Plan
<b>CRRF</b>	Comprehensive Refugee Response Framework
<b>DRA</b>	Department of Refugee Affairs
<b>DRC</b>	Democratic Republic of Congo
<b>DRDIP</b>	Development Response to Displacement Impacts Project
<b>EU</b>	European Union
<b>EUTF</b>	EU Emergency Trust Fund for Stability and Addressing the Root Causes of Irregular Migration and Displaced Persons in Africa
<b>FAO</b>	Food and Agriculture Organization
<b>GCR</b>	Global Compact on Refugees
<b>HSNP</b>	Hunger Safety Net Programme
<b>IDA</b>	International Development Association
<b>IFC</b>	International Finance Corporation
<b>IGAD</b>	Inter-Governmental Authority on Development
<b>ILO</b>	International Labour Organization
<b>IRC</b>	International Rescue Committee
<b>ITC</b>	International Trade Centre
<b>KISEDIP</b>	Kalobeyei Integrated Socio-Economic Development Program
<b>KDRDIP</b>	Kenya Development Response to Displacement Impacts Project
<b>MFI</b>	micro-finance institution
<b>NGO</b>	non-governmental organisation
<b>NHIF</b>	National Hospital Insurance Fund
<b>RAS</b>	Refugee Affairs Secretariat
<b>RSD</b>	Refugee Status Determination
<b>SDG</b>	Sustainable Development Goal

<b>SME</b>	small- and medium-sized enterprises
<b>SNV</b>	Netherlands Development Organisation
<b>UN</b>	United Nations
<b>UNGA</b>	UN General Assembly
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	UN Children’s Fund
<b>WFP</b>	World Food Programme

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# 1 Introduction

## 1.1 Methodology

This study is part of an IKEA Foundation-commissioned research project by the Humanitarian Policy Group (HPG) at ODI. The overall objective of the research is to contribute towards realising the goals of the Global Compact on Refugees and the Comprehensive Refugee Response Framework (CRRF). The research takes stock of current progress towards reaching CRRF goals in Ethiopia, Rwanda, Kenya and Uganda, with an emphasis on refugee self-reliance in each country.

This paper on Kenya is one of four country papers, which together inform an overall thematic paper on the CRRF. It draws on an in-depth literature review of published and grey literature as well as 31 interviews with key stakeholders, including from national and donor governments, donor governments, non-governmental organisations (NGOs) and private sector actors.

## 1.2 Outline of the report

The paper is structured as follows: Section 2 describes the CRRF and the Global Compact for Refugees (GCR). Kenya's refugee-hosting model and the factors that influence it are discussed in Section 3. Section 4 examines the status of the CRRF in Kenya. It explores the challenges to the establishment of the CRRF architecture and process and sets out how, despite this, some progress on CRRF objectives are still evident. It examines shifts in donor funding and support towards more developmental approaches, consistent with those of the CRRF, as well as implications for aid delivery models. Section 5 outlines in more depth some of the achievements in Kenya in terms of applying CRRF objectives, in particular in Kalobeyi settlement. Section 6, the concluding section, ends with some strategic opportunities to catalyse greater refugee inclusion and self-reliance in Kenya.

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# 2 The Global Compact on Refugees and the Comprehensive Refugee Response Framework

On 19 September 2016, the United Nations General Assembly (UNGA) unanimously adopted the New York Declaration for Refugees and Migrants, reaffirming the importance of international refugee rights and committing to strengthen protection and support for people on the move (UNGA, 2016). The Declaration focuses on supporting those countries and communities that host large numbers of refugees and promoting refugee inclusion, ensuring the involvement of development actors from an early stage and bring together national and local authorities, regional and international financial institutions, donor agencies and the private and civil society sectors to generate a ‘whole of society’ approach to refugee responses (UNHCR, 2018a). Many of these concepts are not new. However, the adoption of the New York Declaration is viewed as a welcome sign of continued global solidarity and commitment to comprehensive responses to refugee protection at a time of unprecedented displacement and retrenchment from multilateralism.

The New York Declaration called upon the United Nations High Commissioner for Refugees (UNHCR) to develop and initiate the application of a CRRF in specific situations that featured large-scale movements of refugees and protracted refugee situations, with four key objectives:

1. Ease pressure on host countries.
2. Enhance refugee self-reliance.
3. Expand access to third-country solutions.
4. Support conditions in countries of origin for return in safety and dignity.

On 17 December 2018, UNGA affirmed the non-binding GCR, following two years of consultations (UNGA, 2018). The GCR is a framework for more predictable and equitable responsibility-sharing, in recognition that solutions to refugee situations require

international cooperation. The CRRF is incorporated into the GCR, and the two frameworks share the same four objectives (identified above).

The GCR sets out a ‘programme of action’ with concrete measures to help meet its objectives. This includes arrangements to share responsibilities; mainly through a Global Refugee Forum (every four years, the first in December 2019) and support for specific situations as well as arrangements for review through the Global Refugee Forum and other mechanisms.

Commentators have highlighted numerous challenges associated with the CRRF and GCR. Critical among them are the exclusion of key actors (such as communities and local authorities), insufficient financial support from the international community and the limited engagement of the private sector (Montemurro and Wendt, 2017; Thomas, 2017; ICVA, 2018). Commentators have noted, along with other shortcomings, that the CRRF lacks a monitoring framework even though it had been foreseen in the GCR (Huang et al., 2018). In 2018, UNHCR presented a Global Dashboard that assesses five outcome areas charting progress towards the CRRF objectives, but noted it will only be possible to measure this several years after the CRRF’s implementation (UNHCR, 2018c). However, with the first Global Refugee Forum scheduled for December 2019, there is interest among many stakeholders to capture progress under the CRRF.

As one of the 15 original roll-out countries for the CRRF, Kenya’s experience provides a unique perspective on how CRRF objectives can be achieved through working with county government, demonstrating the positive implications for refugee hosts of more inclusive approaches to refugee hosting in specific locations. This is despite Kenya not adopting a formal CRRF structure or process.



# 3 Kenya in brief: refugee hosting and its impacts

## 3.1 Kenya's refugee model

Kenya's refugee camp complexes – Dadaab and Kakuma – are among the largest in the world (see Figure 1). They are also home to some of the most protracted displaced populations: the average length of displacement for both Somali and South Sudanese refugees in Kenya is 26 years. Many camp residents were born into displacement (Okoth, 2018).

Most refugees in Kenya fled Somalia and South Sudan (see Table 1), with most Somalis living in the Dadaab complex of refugee camps, located in Garissa County (near the border with Somalia), and most South Sudanese living in Kakuma/Kalobeyei, located in Turkana County (near the border with Ethiopia, South Sudan and Uganda). Despite Kenya's policy of encampment, 75,000 refugees are registered in Nairobi. These registered refugees (and an unknown number that are unregistered) live as urban refugees outside the camps, with their presence implicitly endorsed by the Kenyan authorities (UNHCR, 2019a).

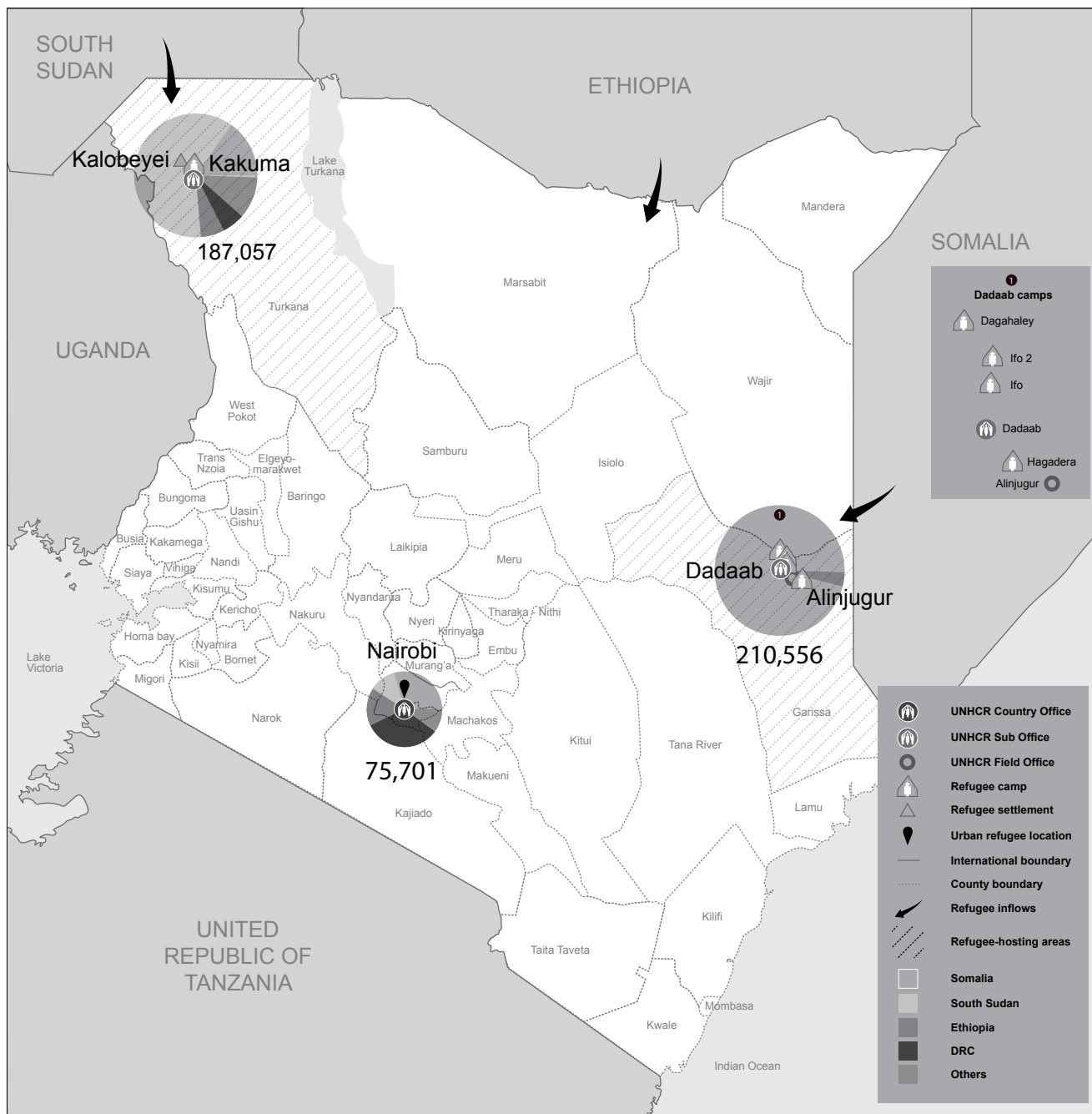
Although party to the 1951 Refugee Convention and its related 1967 Protocol, there was no national refugee legislation in Kenya until the 2006 Refugee Act, which recognised statutory and prima facie refugees. The Act established the Department of Refugee Affairs (DRA), which, in 2016, was replaced by the less well-resourced and politically powerful Refugee Affairs Secretariat (RAS). RAS now has responsibility for the management of refugee affairs, including refugee status determination (RSD), a function delegated to UNHCR until 2006 (O'Callaghan and Sturge, unpublished). Refugees have the right to work, but practical barriers, including requiring an offer of employment to gain a work permit and restrictions on working above a certain pay grade, frustrate the realisation of this right (Samuel Hall, 2018). Kenya's policy of encampment effectively prohibits refugees from leaving the camps. Movement passes are only granted for specific reasons and bureaucratic and financial difficulties fundamentally curtail refugees' ability to access formal employment and higher education (ILO and UNHCR, 2019).

Table 1: Refugees and asylum-seekers in Kenya, by country of origin

Country of Origin	Number of refugees and asylum-seekers	Percentage of refugee and asylum-seeker population
Somalia	257,905	54.49
South Sudan	114,813	24.26
DRC	42,288	8.93
Ethiopia	27,763	5.87
Burundi	13,736	2.90
Sudan	10,175	2.15
Uganda	2,418	0.51
Eritrea	1,777	0.38
Rwanda	1,705	0.36
<b>Total</b>	<b>473,314</b>	<b>100</b>

Source: UNHCR (2019a)

**Figure 1: Refugees and asylum-seekers in Kenya, by settlement**



Source: UNHCR (2019a)

### 3.2 Refugees in context: difficult economic conditions facing host communities

Economic growth in Kenya is stable, but youth unemployment, income inequality and debt risks remain persistent. Youth unemployment is at a worrying 22%, compounded by an additional 500,000 to 800,000 Kenyans entering the job market each year (Samuel Hall, 2017). Kenya’s 22-year development plan, ‘Vision 2030’, together with the President’s current ‘Big Four Agenda’,

which emphasises affordable housing, food security, manufacturing and universal health coverage, have set ambitious development targets. The outlook appears positive overall: poverty in Kenya has declined from 46.6% in 2005–2006 to 36.1% in 2015–2016, and growth remains relatively strong, projected at 5.7% for 2019. However, urban poverty rates have stood still and income inequality is extreme. Agriculture and manufacturing, both major employment-generating sectors, are stagnating. The informal sector is Kenya’s largest employer, with four out of five Kenyans working within it (World Bank, 2018a). Economic policy is also holding back women: despite 96% of rural women working on

farms, only 6% of women in Kenya hold a land title (Sanghi and Kiringai, 2016).

Kenya's major refugee hosting counties, Turkana and Garissa, face difficult conditions that include food insecurity, limited access to basic social services and poor livelihood opportunities (World Bank, 2018b). Turkana is Kenya's poorest county and Garissa ranks fifth lowest (KNBS, 2018). Both are among the five counties experiencing drought in 2019 – a regular seasonal event – once more leading to the deterioration of farmland and pastures, loss of livestock, higher food prices and reduced availability of water (Start Network and ACAPS, 2019).

### 3.2.1 A spotlight on refugee economies and self-reliance

Kenya's legal and policy environment in relation to refugees is restrictive and dominated by an encampment approach, but the reality is more nuanced and practice often diverges from policy. As outlined above, despite the encampment approach, at least 16% of refugees reside in urban areas, though often subjected to police harassment. Furthermore, in 2015, Kalobeyi – a dedicated settlement set up to host both refugees and locals – was established some 40km north-west of Kakuma camp to promote self-reliance<sup>1</sup> through enhanced service delivery and better livelihood opportunities for 60,000 refugees and 20,000 Kenyans (Odero and Roop, 2018). Despite restrictions on work, refugees, both skilled and unskilled, are employed both by aid organisations in Kakuma and Dadaab, where they are paid incentives (rather than full salaries), as well as in the informal sector. An active informal economy, dominated by longer-staying refugees, has emerged in the camps, while most urban-dwelling refugees rely on Kenya's extensive informal economy (Betts et al., 2018; O'Callaghan and Sturge, unpublished).

Refugees' main income sources are from employment, running businesses or remittances. Some refugees run small businesses in the camps, which usually involve retail, selling groceries in kiosks or hawking. Despite restrictions on livestock rearing, some people manage to work around this. Some refugees in the camps are involved in subsistence agriculture, though this is more prevalent in Kalobeyi where refugees have kitchen gardens. Remittances from family members living outside the camps and country are an important source of income for Somali refugees in particular. These transnational connections and the resulting money transfers are one of the main sources of

business finance for refugees in Kenya (Betts et al., 2018). Despite having better mobility and access to public services, urban refugees have largely given up access to assistance. They tend to operate small businesses, find daily casual labour opportunities and be employed in retail outlets.

Dadaab and Kakuma camps are an important source of employment for local communities. A 2016 World Bank study found the presence of Kakuma camp has increased local employment by 2.9% and increased the region's economic output by 3.4% (Sanghi et al., 2016). Other research has also revealed positive impacts on the host community in terms of taxation revenue deriving from refugee businesses, as well as host producers being able to sell their products in refugee markets (Manji and de Berry, 2019). Studies have estimated there are more than 2,000 businesses in Kakuma camp (IFC, 2018) and around 5,000 in Dadaab (ILO and UNHCR, 2019).

### 3.2.2 Refugees remain poor and dependent on humanitarian assistance

Despite widespread engagement in the informal economy, refugees in Kenya remain vulnerable. In a recent survey in Dadaab, only a third of respondents reported having access to an income and 70% of households stated that reliance on humanitarian aid was their primary livelihood coping mechanism (REACH, 2018). In Kakuma, when set against the Kenyan poverty threshold of 125 KSH in 2016 (approximately \$1.20), only 1.7% of surveyed households were categorised as not vulnerable (Kimetrica, 2016). Many refugee businesses are small, informal and underdeveloped and very few refugees have been able to diversify their incomes enough to meet a significant proportion of their basic needs from their own resources.

In Kalobeyi, refugees do not fare much better: new arrivals, be they in Kakuma or Kalobeyi are struggling economically and refugees in Kalobeyi have not achieved a measurable degree of self-reliance due to the lack of economic opportunities, underdeveloped markets, limited access to basic services (including water and electricity), inability to engage in agriculture and lack of capital. In urban areas, despite a presumption of self-reliance, many refugees also struggle to survive; only a few are able to run larger businesses or gain formal employment, with most working as casual labourers, petty traders and semi-skilled workers. Like the host community, women also face particular vulnerabilities: refugee

1 Self-reliance is defined by UNHCR as the social and economic ability of an individual, a household, or a community to meet essential needs (including protection, food, water, shelter, personal safety, health and education) in a sustainable manner and with dignity.

women in Kalobeyei and Kakuma are more likely than men to be in a caretaker role and rely on food aid and are less likely to be employed, educated or have access to credit (Betts et al., 2018).

### **3.3 Security and economic considerations result in different refugee approaches in Kenya**

Many interviewees highlighted that refugee issues are not a priority concern at the national level, as political, security, and economic exigencies predominate. Security concerns drive Kenya's overarching encampment policy and restrictions on refugee movement. However, they centre specifically on Somali refugees, underpinned by the historical discrimination against Somalis (including Kenyan Somalis) in Kenya; Kenyan military engagement in Somalia; concerns about Al Shabaab's potential presence in the Dadaab camp and, to some extent, in Nairobi; and, more recently, deteriorating diplomatic relations between Kenya and Somalia (Mutambo, 2019). Since 2011, this has led to a series of legislative and restrictive measures focused on Somali refugees, including border closures (2011), forced relocation of urban refugees to camps (2014) and repeated efforts to close Dadaab refugee camp and repatriate its residents. Between 2014 and 2019, more than 80,000 Somali refugees returned to Somalia (UNHCR, 2019a). In February 2019, the Kenyan government again indicated its intention to close Dadaab, highlighting the volatile situation in relation to refugees (Ombuor, 2019).

Despite refugee management historically being largely financed and governed by international actors in Kenya (especially as UNHCR was delegated responsibility for refugee affairs until 2006), refugees in Kenya are viewed as both an economic burden and competitors for Kenyan jobs (O'Callaghan and Sturge, unpublished). Economic factors also play an important role in determining the approach to refugees, sometimes consolidating, but at times overriding, security interests. For instance, along with security concerns, shortfalls in international funding were cited

by the Ministry of the Interior as one of the main reasons for efforts to close Dadaab in 2016 (Thurston, 2016). The promise of increased development funding, particularly from the World Bank, is thought to be a major driver for Kenya signing onto the CRRF in 2017 and the limited additional funding to date is also thought to play a role in Kenya not yet delivering on its CRRF commitments.

The inconsistent position exhibited by the national and county governments in relation to refugee affairs is also due to economics. Both Turkana West Sub-County (where Kakuma and Kalobeyei are located) and Garissa County struggle with high poverty rates, at 84% and 73% respectively, and the livelihoods of many pastoralists in these areas are at risk due to drought and famine (Manji and de Berry, 2019). Confounding national narratives that refugees are a burden, studies have shown that their participation in local economies brings significant benefits to host communities (Sanghi et al., 2016; IFC, 2018). Economics also helps to explain other anomalies between policy and practice, which are set out below.

These factors have resulted in inconsistencies in approaches to different refugee populations and different refugee-hosting locations. This has led to divergent approaches internationally and regionally, where the Kenyan government has signalled its commitment to promoting self-reliance and inclusion for refugees, while simultaneously taking steps to close Dadaab. It has meant a divide between national policy, which is rooted in security concerns, and county-level approaches, which are oriented towards encouraging development and maximising benefits for host communities. Because security considerations largely centre on Somali refugees, there is more leeway for non-Somali nationalities, as well as for locations aside from Dadaab. With refugee policy pivoted towards encampment, urban refugees exist in a policy vacuum, where they are largely ignored except in the aftermath of major security incidents. Turkana West, where the Kalobeyei settlement is located, mainly hosts Sudanese refugees and is viewed as a more fertile ground for testing self-reliance and more inclusive approaches for refugees.

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# 4 CRRF in-country: state of play and opportunities

Despite constraints and delays in implementing the CRRF in Kenya, promising developments are underway. As such, Kenya is an instructive case on the centrality of county governments in giving effect to the principles of the CRRF, as well as on the importance of pressing for policy change using evidence of what works for both refugees and their hosts in specific contexts rather than relying on top-down, internationally driven processes which, in the case of Kenya, do not have national- or local-level buy-in.

## 4.1 The CRRF in Kenya: a slow start and a stalled process

Although Kenya did not attend the Leaders' Summit in September 2016, it pledged to undertake several self-reliance and inclusion measures for refugees, including support for the development of the Kalobeyei settlement, facilitation of legal status for those refugees with citizenship or residency claims through marriage or parentage and facilitation of access for refugees and other non-citizens to basic education and training facilities. The CRRF was announced in Kenya relatively late, in October 2017. A CRRF roadmap was then developed by UNHCR and RAS and supported by a series of technical meetings involving different government ministries as well as NGOs. The roadmap contains many progressive elements aimed at empowering refugees and supporting their self-reliance. However, the process has stalled. By all accounts, publication of the roadmap has been 'blocked' by the Ministry of Interior since late 2018, and there is little hope among in-country stakeholders that it will be published. The CRRF technical meetings have not taken place since July 2018, and a more formal CRRF Secretariat has not been established.

Concurrent to the CRRF, the Kenyan government has made a number of regional commitments under the auspices of the Inter-Governmental Authority on Development (IGAD), which align with the objectives of the CRRF. These include the Nairobi

Declaration on durable solutions for Somali refugees (2017), which includes a number of commitments in support of refugee inclusion. In the Plan of Action that accompanied the Nairobi Declaration, Kenya made seven pledges including those relating to the enrolment of refugees in basic education and extending educational access at all levels; allocating resources to expand economic opportunities and social services in refugee-hosting areas and undertaking self-reliance and inclusion measures; facilitating and expanding business infrastructure and opportunities for sustainable livelihoods; providing access to health services; and facilitating legal status for refugees with claims to citizenship or residency in Kenya (IGAD, 2017b). Following the Plan of Action, Kenya signed the Djibouti Declaration on refugee education in 2017, which aims to support the integration of refugees in national education systems (IGAD, 2017a).

In March 2019, IGAD member states adopted the Kampala Declaration on jobs, livelihoods and self-reliance, which aims to advance livelihood opportunities and economic inclusion for refugees through strengthening policies related to freedom of movement and access to the labour market and services (IGAD, 2019).

### 4.1.1 Some (limited) signs of shifts in policy

While Kenya lacks an overall process and dedicated structure to implement CRRF (and also IGAD) commitments, there have been some recent policy developments that support refugee inclusion. With many of these developments pre-dating Kenya's international and regional commitments, the degree to which these commitments have spurred changes is questionable.

The most significant development at the national level is in the education sector. The Ministry of Education has developed a Refugee Education Inclusion Policy over a three-year period, which was inspired by the Sustainable Development Goals (SDGs) but accelerated by the IGAD Djibouti Declaration. Progress on this policy is also attributed to the fact that education is a clearly defined sector with a

**Table 2: Timeline of key milestones in Kenya's CRRF process**

2015	June	Establishment of Kalobeyei Settlement in Kakuma (pre-dates CRRF)
	May	Ministry of Interior directive that two of Dadaab's camps will be closed and the DRA disbanded
2016	September	Signing of the New York Declaration/Adoption of CRRF globally
2017	March	IGAD member states adopt the Nairobi Declaration on durable solutions for Somali refugees and its Plan of Action
	June	Refugees Bill passed by parliament
	August	Refugees Bill rejected by President Uhuru Kenyatta
	October	Kenya signs on to CRRF
	December	IGAD member states adopt Djibouti Declaration on refugee education
2018	Unknown	Garissa and Turkana County Integrated Development Plans for 2018–2022 include refugees
	March	Draft National Action Plan to implement the Nairobi Declaration as part of the CRRF Road Map shared
	June	Kenya's UNDAF 2018–2022 includes refugees
	December	Signing of the Global Compact on Refugees
2019	February	Government of Kenya issues note verbale to UNHCR indicating its interest to close Dadaab
	March	IGAD's regional thematic meeting on livelihoods and self-reliance for refugees, returnees and host communities in Kampala
	April	Launch of KISED in Kakuma
	July	Refugees Bill published
Yet to be completed		Publication of CRRF roadmap
		Establishment of CRRF Secretariat (RAS currently acts as focal point for CRRF)
		New Refugees Act

limited set of actors, providing a basis for consistent engagement. While not yet launched, the policy would formalise the current practice in Kakuma where schools have already been registered as public institutions, as well as support a shift towards the management and staffing of all camp schools through national systems. Financing has reportedly been one of a number of sticking points, with the Ministry keen to clarify donor commitments prior to publishing the policy.

Refugees are also, for the first time, recognised in some county-level development plans. For the 2018–2022 cycle, the Turkana and Garissa County Integrated Development Plans (CIDP) include refugees, although the new Garissa CIDP refers only to the presence of refugees and their detrimental impact on the environment. The Turkana CIDP is more promising. Though it has not yet been officially

approved, it refers to the Kalobeyei Integrated Socio-Economic Development Program (KISED, see below). The new Nairobi CIDP does not mention refugees (Manji and de Berry, 2019).

#### 4.1.2 Policy or legislative reform?

While much attention is paid to the CRRF among international stakeholders, in-country refugee experts emphasise the importance of the revision of the Refugee Act, indicating that national legislation and policy is key to the achievement of CRRF objectives. A Refugees Bill, which retained the requirement that refugees live in designated areas but indicated greater acceptance of refugee self-reliance, including the right to access land and work permits, was passed by parliament in June 2017 (O'Callaghan and Sturge, unpublished). Yet, the president refused to approve the Bill, ostensibly on the grounds of insufficient

public participation (Odero and Roop, 2018), though Kenyan experts indicate the real reason was that the timing coincided with national elections. Despite hopes that a new Refugees Bill would go further than the 2017 Bill to enact some of the progressive policies that Kenya has agreed to under the auspices of IGAD, a new draft Refugees Bill published in July (Government of Kenya, 2019), retains Kenya's encampment approach and focuses largely on refugee registration.

## 4.2 CRRF, responsibility-sharing and financing

### 4.2.1 CRRF: donor financing and responsibility-sharing

Donors in Kenya are strongly committed to the objectives of the CRRF in terms of development for refugee-hosting regions, refugee inclusion in national systems and self-reliance. On a strategic level, this support is linked to Kenya being a lower-middle-income country, where humanitarian support is declining and there is recognition that longer-term approaches are required. Displacement contexts like Kenya are also seen as opportunities to test 'nexus' approaches.

Kenya's Donor Group for Refugees has established a specific task-force on humanitarian–development nexus issues, which provides a platform for donor engagement on Kalobeyi. While donors have reportedly not been very well coordinated in the past, the process of engaging on issues relating to the nexus and Kalobeyi has resulted in a stronger collective engagement in relation to the proposed closure of Dadaab. Many (particularly European) donors have relatively limited influence and authority on refugee issues, linked in part to restrictive national policies for refugees in their home countries. Certainly, despite donor commitments to the CRRF, their interest and support has not had any effect on Kenya's engagement with the CRRF process at a national level.

### 4.2.2 The CRRF is not increasing overall funding, but is part of a shift towards development funding

International funding plays a major role in decision-making regarding refugee management in Kenya and the promise of additional funds was thought to have been instrumental in Kenya's decision to sign onto the CRRF. However, overall humanitarian funding in Kenya is diminishing and this is affecting refugee

operations. For instance, funding between 2010 and 2013 ranged between \$417 million and \$646 million per annum, while between 2015 and 2018 the range was between \$207 million and \$340 million.<sup>2</sup> Over the past five years, UNHCR has received only 40–54% of its funding requirements. By early April 2019, UNHCR's requirement for Kenya was only 14% funded (\$170.1 million) (UNHCR, 2019a).

While the CRRF influences donor approaches in Kenya, especially in terms of how current funding is spent, except for European Union (EU), Dutch and International Finance Corporation (IFC) funding there is little sign of 'additionality' as a result of the CRRF. Trust in government systems is not high: while it is relatively simple to track humanitarian funding, government representatives are unclear regarding the scale of development funding, indicating that there is little transparency from donors on this issue. Due to concerns about continuing high levels of corruption, no institutional donor plans to provide direct funding to the Kenyan government, which will limit the degree to which inclusion of refugees in national systems is possible.

The lack of predictable, additional funding is already affecting delivery of the inclusive education policy, which refers to 'collaboration' between the government and international partners. This wording is not strong enough for the Ministry of Education, which is concerned that it will ultimately be held responsible for financing refugee education and thus wants stronger guarantees of funding from international partners. This highlights a broader issue with the CRRF: leadership and international responsibility-sharing – the greater the level of refugee inclusion, the greater the national responsibility for refugee affairs. However, while donors appear committed, there is no guarantee of funding, especially over the longer-term, which highlights the limits of 'responsibility-sharing' between the international community and host countries. Donors are supportive of refugee inclusion in national systems, believing this approach to be more sustainable and cost-effective than humanitarian support. Inclusion in national systems is also welcomed by donor governments because it helps ensure refugees remain in their regions of origin. While it may prove to be cost-efficient in the longer term (although it has not been costed), inclusion of refugees in national systems is likely to be more expensive in the short term. Therefore, without greater joint ownership and funding

2 Data sourced from OCHA's Financial Tracking Service. These figures are indicative only as they include humanitarian funding for droughts and other emergencies and so do not relate to refugee support alone.

guarantees, there is little incentive for cash-strapped refugee-hosting countries to include refugees in national systems.

### 4.2.3 CRRF and newcomers: new partnerships and coalitions with a private sector focus

While overall funding levels appear not to be increasing, there are indications that the CRRF and the plan to shift towards longer-term approaches are resulting in new forms of funding and new partnerships. Many see this as the real benefit of the CRRF and GCR processes, as it also involves fresh thinking, development approaches and new capabilities.

Although access to World Bank funding is a major incentive for engagement with the CRRF in other contexts, this is not the case in Kenya where the World Bank is not viewed as a game-changer in terms of displacement.<sup>3</sup> The Kenyan government secured World Bank financing in 2017 through the Development Response to Displacement Impacts Project (DRDIP) facility. However, disbursements have been slow due to internal politics and capacity issues on the part of the government, leading to much frustration. Further World Bank funding through the IDA18 financing instrument<sup>4</sup> has been linked to the publication of a CRRF roadmap, and thus many believe it is unlikely to be pursued by the Kenyan government.

Of particular note in Kenya is the degree to which the private sector is believed to play a transformational role in supporting refugee self-reliance and the development of refugee-hosting counties, not least due to its relative vibrancy in the country. This has resulted in new donors, new actors and new partnerships. Here, the IFC is viewed as a key actor, particularly in Kakuma/Kalobeyei where it is developing a \$26 million challenge fund aimed at incentivising private sector engagement as well as promoting host community and refugee small- and medium-sized enterprises (SMEs). The IFC is also one of five development and humanitarian actors (with the World Bank, UN Children's Fund (UNICEF), International Labour Organization (ILO) and UNHCR) forming part of a global partnership spanning eight countries focusing on jobs and education. The partnership is still at an early stage, but with ILO on board it is already exploring the development

of value chains in Dadaab through a business plan competition, as well as an innovation competition aimed at supporting and de-risking the engagement of micro-finance institutions (MFIs) in refugee-hosting environments.

Equity Bank and Safaricom are active private sector actors in Kenya's refugee camps and have been brought into a number of partnerships – not only in terms of the provision of services, but also increasingly on policy engagement. Many commentators highlight how private sector actors in Kenya often have greater influence than public institutions on refugee policies. Finally, there are an increasing number of public-private partnerships. Some of these are bilateral (such as Netherlands Development Organisation's (SNV's) partnership with SunFarming), but there are others involving wider consortia. One example is the Smart Communities Coalition, which involves Mastercard and approximately 40 private sector and humanitarian/development actors. Kenya-specific projects so far include a livelihoods and energy project in Kakuma/Kalobeyei involving Mastercard, Norwegian Refugee Council, and the International Trade Centre (ITC) as well as Total and Bio. This is just one of a number of new partnerships and coalitions that illustrate how much the funding and partnership landscape is transforming. While the CRRF is not the only factor driving this, there is a sense that it has provided a framework for such developments.

## 4.3 Challenges to CRRF and its transformational objectives

### 4.3.1 Lack of 'whole of government' transformation

There is consensus that the whole of government transformation, as envisaged by the CRRF, has failed in Kenya. The Refugee Affairs Secretariat is viewed as having insufficient political clout to effect change and catalyse the engagement of other government departments, such as the Ministry of Education and the Executive Office of the President,<sup>5</sup> which appear unaware of the CRRF. As such, the CRRF process holds little sway with government and donors indicate that they now see it as largely unhelpful in government dialogue and

3 This may be related to the scale of funding involved. In May 2019, The World Bank approved a \$750 million (Sh75 billion) loan to Kenya for budget support. The loan marks the first time in years the World Bank has directly funded the Treasury where the loan can be used at the discretion of the government rather than channelling funds directly into projects.

4 IDA18 is the International Development Association's 18th replenishment of funds.

5 This department is responsible for the World Bank KDRDIP.



no longer refer directly to it. Instead they refer to the SDGs or regional commitments such as the Nairobi Declaration and Plan of Action or other commitments made under IGAD.

This is not simply an issue of terminology and tactics. While there have been significant shifts, particularly at county levels, these are occurring in spite of the prevailing policy environment, rather than because of it. Therefore, policy changes are doubly difficult in terms of time and resources and are risky due to the uncertain environment. Line ministries do not have the requisite knowledge and engagement to integrate refugees and, more significantly, the lack of buy-in into the CRRF may signal a resistance to changing the overall encampment approach. For example, while refugee schools may be included in national systems, they will remain in camps; while settlements may be developed, integration is limited without freedom of movement; and while an element of financial inclusion may be possible for refugees, its potential will be limited as long as they face barriers in accessing employment, land and livestock.

#### **4.3.2 The economic approach to self-reliance is resulting in neglect of vulnerable populations and protection**

Concerns were raised among multiple refugee agencies interviewed that the CRRF approach's focus on refugee self-reliance is consolidating the neglect of certain populations and of protection more widely. Dadaab and Kakuma are characterised as a 'tale of two camps' where Kakuma/Kalobeyi is attracting interest and funding for longer-term development, but basic needs in Dadaab are chronically under-funded due to uncertainty surrounding the future of the camp's residents. This is despite Dadaab hosting higher numbers of refugees and indications that Garissa may be a more conducive environment for development given the scale of cross-border trade with Somalia. Unlike Turkana, it also potentially has sufficient water and arable land that could yield high-quality produce (Okoth, 2018; ILO and UNHCR, 2019).

The plight of urban refugees is similarly concerning. There is currently no UNHCR strategy for them, little or no institutional donor support and scant information about their real numbers, socioeconomic status or protection needs. Although urban refugees are presumed to be self-reliant by many aid and government actors, NGOs working with them such as the International Rescue Committee (IRC) and RefugePoint highlight major gaps in protection and livelihoods support. UNHCR indicates that currently 5% of adult urban refugees in Kenya are assisted (UNHCR Kenya, 2019).

More widely, UN agencies and NGOs suggest that protection and humanitarian issues are overlooked in the CRRF approach. The KISED strategy currently does not address humanitarian issues, and its current budget doesn't include provision for basic needs. Indeed many raise concerns that the CRRF is being used as an opportunity for donors to withdraw from continued humanitarian assistance, rather than as a collective effort to enhance the socioeconomic conditions of refugees and their hosts so that the need for humanitarian assistance is reduced. Concerns have also been raised that the focus on self-reliance and private sector engagement in Kenya means that new arrivals and women, especially those with high numbers of dependents, may be disproportionately disadvantaged as they are less likely to achieve self-reliance in the short term.

#### **4.3.3 Resistance and capacity of humanitarian organisations to deliver on the CRRF**

The capacity and interest of humanitarian agencies to deliver the change required to move towards stronger development approaches was questioned repeatedly in interviews. This is particularly directed at UNHCR, which is seen as facing difficulty in its role of leading the CRRF/GCR vision and approach, while simultaneously having to transform itself to deliver these objectives as an agency. UNHCR's limited capacity to drive forward the KISED vision was noted by donors who revealed that progress on this front only accelerated once a technical expert from the Swedish government was seconded to the agency. UNHCR staff highlighted the significant cultural shift required to move from managing large budgets and operations towards a more catalytic and coordinating role. This is particularly the case in relation to livelihoods, where UNHCR's new strategic approach envisages the agency as having an implementing role only as a last resort (UNHCR, 2019b).

These difficulties are not unique to UNHCR. While the World Food Programme (WFP) is moving forward on cash-based interventions, its approach is primarily voucher-based in Kenya and has been slow to adopt unconditional cash transfers. The agency views this as risky in the context of an unclear regulatory environment in relation to the provision of cash to refugees. This has resulted in frustration among some donors who regard cash as offering greater choice to refugees and helpful in terms of the stimulation of refugee economics. They suggest that the real reason for delays relates more to inter-UN competition than to the policy environment. NGOs are also seen as slow to take on new approaches, but they claim that donors have unrealistic demands in relation to early delivery on the longer-term processes of self-reliance.

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# 5 Putting the CRRF principles into practice: achievements in Kenya

## 5.1 Kalobeyei: demonstrating the effectiveness of working with local government

Though established prior to the CRRF, in 2015, the Kalobeyei settlement is now presented as Kenya and UNHCR's effort to put the CRRF and other commitments into practice in Turkana West Sub-County. Indeed, it is increasingly presented by UNHCR as the leading global example of the CRRF in practice, although stakeholders in Kenya present a more nuanced perspective of its progress and challenges. There is widespread endorsement of the approach of improved service delivery and livelihoods for both host communities and refugees, but some suggest that Kalobeyei is over-hyped in an effort to prove the concept is possible in Kenya's unconducive environment. There is also widespread recognition that it is a long-term and costly endeavour and requires greater strategic focus, more effective coordination, stronger leadership from the Sub-County and a livelihoods overhaul for results to be achieved.

What Kalobeyei settlement demonstrates is that, despite unconducive legal and policy environments, working with refugee-hosting county governments, which have a more immediate understanding of the potential benefits of 'whole of society' and integrated approaches, can be effective. This is particularly true when there are strong and positive relationships with key political figures: the Turkana Governor is presented as a heroic figure who has been central to the settlement's development and the inclusion of refugees in county development plans. A strong political economy analysis is also central to such approaches and shows the benefit of having robust economic evidence to change the

narrative on the 'burden' of refugee hosting. Here, an influential study by the World Bank in 2016 – '*Yes, in my backyard*' – evidences the positive impact of the camp on the local economy (Sanghi et al., 2016) and a study by the IFC – *Kakuma as a marketplace* – highlighted how Kakuma camp and Town is a \$56 million marketplace, with the camp alone having more than 2,000 businesses (IFC, 2018). The Kakuma example also demonstrates the value of starting relatively small – in this case a settlement for 60,000 refugees and 20,000 Kenyan nationals<sup>6</sup> – to obtain proof of concept, before expanding further. KISED, the multi-year, multi-agency integrated refugee and host community strategy, extends this approach to Turkana West Sub-County.

KISED has attracted the support and interest of many stakeholders in Kenya. There are 48 donor governments providing financial support and almost as many implementing actors. However, a review for the EU Emergency Trust Fund for Stability and Addressing the Root Causes of Irregular Migration and Displaced Persons in Africa (EUTF), one of the original donors and instigators of the Kalobeyei approach, highlighted its weak design, poor coordination and a need for a significant change in livelihoods approaches to ensure sustainability and impact. It argued that UNHCR – which is viewed by some donors as not having the required leadership and development capacity to drive the model in the initial phases – should hand over coordination of different sectors to its sister UN agencies (UNICEF, Food and Agriculture Organization (FAO) and WFP) and focus on its core protection mandate. It also called for the development of a long-term strategic plan to underpin the approach, which resulted in the KISED plan, a strategy that has been widely welcomed despite its lateness and unrealistically high budget (Samuel Hall, 2018).

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6 Although a much smaller number of nationals have moved to the settlement.

## 5.2 Dadaab: the next Kalobeyei?

Although the Kenyan government's statement in February 2019 that they intend to close Dadaab was met with initial dismay among international actors, there is quiet optimism that this will result in a number of different solutions: 'reintegration' for the estimated 50,000 Kenyans who have been living as refugees in Dadaab,<sup>7</sup> voluntary repatriation for a small number of Somalis who would like to return, relocation of others to Kakuma and, potentially, an integrated settlement approach for the residual population. If these materialise, it again demonstrates the effectiveness of a context- and population-specific approach that puts the principles of the CRRF into practice from the ground up. It also shows that, despite the variety of factors influencing the Government of Kenya's position, the existence of a positive example in Kalobeyei can influence practice in other parts of the country.

## 5.3 Navigating ambiguity and creating opportunities for refugee inclusion based on practice

Despite the lack of a conducive policy environment for refugee inclusion, it has still been possible to make headway in some areas. One example relates to financial inclusion of refugees. Due to money

laundering concerns, refugees were not permitted to access mobile money banking in Kenya. Despite this, Dadaab is the site of significant levels of mobile money transactions, thought to be the result of an informal agreement or acquiescence engineered by Kenya's main telecommunications provider, Safaricom. Meanwhile, despite new Kenyan regulations requiring a Kenyan identification number (which is not available to refugees) to open a bank account, the main bank used by refugee communities, Equity Bank, continues to open accounts for some refugees. Both Safaricom and Equity Bank have, at times in collaboration with humanitarian organisations, advocated for the Kenyan government to allow refugees to open bank accounts.

Urban refugees have also been permitted to join the National Hospital Insurance Fund (NHIF), often with financial support from UNHCR. Again, this practice is being extended to other areas: it is now being piloted under the KISED plan for both host and refugee communities in Turkana West (UNHCR, 2018b).

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7 An estimated 50,000 Kenyan Somalis are estimated to have moved to Dadaab to take advantage of the services there.

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# 6 Supporting the CRRF: options for donors and advocates

Despite the difficult policy environment in Kenya, there is potential to work within the framework of the CRRF and support initiatives to put its objectives into practice. There are two principal areas for this: the first centres on creating an enabling environment for CRRF principles and objectives to be applied in Kenya; the second relates to project-level initiatives aimed at supporting the self-reliance of refugees and their hosts.

These two areas are interlinked. Experience in Kenya, most specifically in Kalobeyie, has shown that going beyond project-level impact to effect system-level change requires evidence-based interventions that provide economic opportunities for host communities and refugees. It also demonstrates that success may lie in supporting pilot or small-scale interventions that achieve results by navigating Kenya's ambiguous policy and regulatory environment, and then using these results to drive forward necessary policy changes. More structured, top-down interventions risk meeting political or bureaucratic impediments – as has been the case with the CRRF process overall. This suggests the need for all engagement to be informed by robust political economy and context analysis and, potentially, to work in partnerships so that different capabilities can be deployed and successful interventions scaled. Interviewees indicated the need for all livelihoods interventions to be accompanied by policy engagement and advocacy so as to strengthen the regulatory environment for refugee inclusion.

## 6.1 Creating an enabling environment for the CRRF

### 6.1.1 Supporting legislative and policy change in relation to refugees

Agencies with experience in refugee policy and programmes point to the significance of national (rather than international) legislation and policy in framing the environment for refugees in Kenya. Work is underway to build bipartisan political support for a more progressive Refugees Act; however, this

work faces major challenges in light of the Refugees Bill published in July. Of note here are the critical roles that Kenyan civil society actors, such as the Refugee Consortium of Kenya and Kituo Cha Sheria, have played in helping to hold the government to account for its obligations towards refugees under national and international law. Through assistance, advocacy, public condemnation and legal action, civil society has been involved in a number of important actions that have halted or delayed some of the most egregious efforts to undermine refugees' freedoms in Kenya, including halting summary security round-ups of Somali refugees in Nairobi and the closure of Dadaab (Amnesty International, 2017). Strengthening national refugee organisations' experts in navigating Kenya's political and legal systems is key to building an enabling, sustainable, long-term environment. National organisations are often most effective on this issue – as a result, the Refugee Consortium of Kenya was deliberately put forward as the lead of the taskforce for review of the Refugee Bill.

### 6.1.2 Incorporating humanitarian and protection concerns

A number of stakeholders have decried the limited attention to humanitarian and protection needs in the CRRF and are concerned that it will lead to a primarily economic perspective being advanced in Kenya. There is recognition that efforts to advance longer-term development approaches for refugees will need to be accompanied by continued humanitarian transfers for some proportion of the population (Samuel Hall, 2018). Increasingly, UN organisations with technical expertise (FAO in livelihoods, UNICEF in education, WFP in food security) are taking on leadership roles in relation to refugees, with UNHCR performing overall coordination, convening and advocacy roles and shifting away from direct implementation. At the same time, there is a well-established and successful Hunger Safety Net Programme (HSNP) in Kenya. Rather than establishing parallel systems for refugees and their hosts, the long-term objective must be to integrate refugees into existing national social protection schemes, a key feature of the CRRF.

Linked to this is the need for a central data manager to assess and make available to other actors the profiles of the skills, capacities and needs of different refugees in a way that manages data protection concerns. This can inform strategies and programmes aimed not only at demonstrating the potential of refugee communities to the private sector, but also at informing ongoing humanitarian or social protection schemes to ensure a safety net for populations that may struggle or require greater time or support to become self-reliant. In Kenya, although the World Bank and partners are currently undertaking a socioeconomic profiling exercise of refugees and host communities (which will include records of skills, education and financial inclusion), UNHCR is viewed as the most suitable organisation to retain a repository over the long term.

## **6.2 Supporting self-reliance activities for refugee and host community economic opportunities through project-level initiatives**

### **6.2.1 Consolidating approaches in Turkana West**

CRRF-aligned principles are increasingly being advocated by donors and adopted in the sphere of livelihoods programming, with a noticeable impetus for more integrated, development-orientated and multi-stakeholder approaches, particularly in Turkana West. Current self-reliance interventions are, to varying degrees, focused on stimulating entrepreneurship (through business management training and incubation, facilitating access to legal documentation); providing vocational and skills training (including life skills, technical and professional training); creating jobs (through linkages with the private sector); and extending micro-credit and access to financial services. Other interventions, particularly in Kalobeyei, include improving access to agriculture through the use of optimal water irrigation systems, but these are primarily geared to improving food security.

Despite the focus on Kalobeyei and the CRRF to date, it is still the location identified by the greatest number of stakeholders as ripe for investment. Although Kalobeyei has a large number of current donors, funding is still needed: recent evaluations indicate that

there is much long-term work to be done to ensure the refugee population's self-reliance and this will be costly. More broadly, the success of the objectives of the CRRF in Kenya rests on the success of the KISED strategy and ensuring that learning and approaches are adopted country-wide. There is also an opportunity to learn from the KISED model and apply this learning in other contexts – both in Kenya and in the region.

### **6.2.2 Moving towards self-reliance outside Turkana West: changing the narrative (and practice) in relation to Garissa and urban refugees**

The self-reliance and inclusion of refugees in Dadaab and in urban centres has been deprioritised by many donors due to the uncertainty surrounding the regulatory environment and political sensitivity. However, there is an opportunity for more independently-minded donors with higher risk thresholds to have a significant impact. The Dutch government and EU are already testing longer-term approaches in Dadaab and there are signs that government actors, at both country and national levels, may be open to a settlement approach as part of a package of options to reduce numbers in, rather than close, Dadaab.

What worked in relation to Kalobeyei was based on strong evidence demonstrating the positive economic impact of refugee hosting, using practice on the ground to challenge negative perspectives and policy constraints rather than waiting for conducive policies to be in place and partnering with a range of humanitarian, development and private sector actors to make the case. There is an opportunity now to work with other actors engaged in self-reliance and longer-term activities in Dadaab.

In urban centres, there is an urgent need to create opportunities for more developmental approaches. Longer-term plans are not on the current agenda of most institutional donors despite the potential for many refugees to be self-reliant in urban centres. This is more sensitive than in camps, requiring strong political analysis of what might change the narrative, which stakeholders may be best positioned and what tactics to employ. It also requires more technical work to establish how to develop programmes that benefit both host and refugee communities in urban environments.

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Cover photo: South Sudanese refugee Yel Luka, 32, was trained on the Teachers for Teachers scheme, and is now headteacher at Unity Primary School in Kakuma refugee camp, Kenya.

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