

CIVIL SOCIETY INPUT TO EU AFRICA COOPERATION ON MIGRATION:

THE INCLUSION OF REFUGEES IN KENYA

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When my family was displaced from South Sudan, then known as Sudan, they did not move far. As is the case for many other displaced persons, my family moved to the neighboring country of Kenya. Displacement in the region, as well as globally, has, for a long period, been met with three key solutions: voluntary repatriation; resettlement to a third country; and local integration. Whilst I believe that these responses are important to the many who are in dire need, it is also important to work with refugees to ensure that their skills and capabilities are utilized in not only implementation of these solutions but also exploring other solutions.

1. ANALYSIS OF COOPERATION BETWEEN THE EU AND KENYA ON ASYLUM AND MIGRATION IN THE LAST FIVE YEARS

Kenya is the second-largest hosting country of refugees and asylum seekers in Africa behind Ethiopia. According to UNHCR,¹ Kenya's population of refugees and asylum seekers is at 491,258 in Kakuma, Dadaab and urban areas as of 31st January 2020. The majority of forcibly displaced persons are from Somalia, South Sudan, Congo, Ethiopia, Sudan, Rwanda, Eritrea, Burundi, Uganda; 54% are under 18, 43.5% between 18 and 49, and 2.5% over 60 years old.²

The European Union (EU) has continued to provide humanitarian aid for refugees in Kenya. Indeed, both the EU and Kenya have collaborated to tackle root causes of forced displacement, peacebuilding, security, employment and voluntary return of refugees and asylum seekers. Moreover, through the EU Emergency Trust Fund for Africa, the EU is funding different programs on development, humanitarian aid, education and security.

As a developing country, Kenya is faced with poverty, weak social and economic infrastructure, internal tensions and institutional weaknesses, food crises and environmental stress. Notwithstanding the concomitant challenges that this presents, refugees and the host community are faced with additional hurdles in respect of the lack of information, transparency and accountability of EU programs which are supposedly developed to assist them.

Whilst these programs have been and will be beneficial to refugees and the host communities there has been little involvement of the community from the outset, namely in the design process. These programs view the refugee and host population only as beneficiaries rather than allowing their meaningful community participation as partners.

Moreover, there has been no accountability and transparency in respect of the affected community. They are only consulted when data is collected or when a follow-up and review of the program is needed. Feedback to the community is important as is empowering the community to understand what the program is about so that they can have ownership over it.

To that effect, it is suggested that a capacity development training is needed alongside support to staff leading

1 UNHCR, Figures at a glance, 19 June 2019, accessible at: <https://bit.ly/3bYhRlg>.

2 UNHCR, Kenya registered refugees and asylum seekers, 31 January 2020, accessible at: <https://bit.ly/32lthLJ>.

the various programs in understanding how to work with and for the communities. The EU can play a big role in this by supporting refugees and Kenyans through creating programs that strengthen their capabilities and, by the same token, recognize and utilize capacities within the communities.

2. THE IMPACT OF THOSE PRIORITIES ON KENYA AND THE INCLUSION OF REFUGEES SPECIFICALLY

The EU in Kenya has funded programs that deal with refugee operations in refugee camps, urban areas and support UNHCR. Most refugee-led actions are not funded, despite such actions bringing to the table innovative solutions which are aligned to EU priorities and its cooperation with Kenya. This is due, in part, to funding mechanisms not being sufficiently flexible to include refugee organisations within their criteria. As a result, these organisations cannot share their expertise, duplicate or learn from others.

The 'Enhancing self-reliance for refugees and host community project'³ is an example of a project funded by the EU with one of its aims being to enhance the Government of Kenya's asylum management and to support the government-led Comprehensive Refugee Response Framework (CRRF) roll out at both national and county level. However, this support, amongst other initiatives, has fallen short of tackling the majority of issues that refugees face. Most of the provisions under EU support are designed for survival rather than self-reliance. As a result, young refugees, constituting the majority of the refugee population, have limited access to opportunities and are left in limbo.

Security in Kenya is also a priority for the EU and it offers capacity training programs through its support to the International Organisation for Migration (IOM) and other agencies on border management and surveillance against human trafficking.⁴ Such programs equip persons at the front line, but, as mentioned above, if the affected community is not included in the programme's design and implementation the personnel will not be able to deliver services in a humane way. Indeed, in practice, such programs place a great emphasis on security and, as a result, refugees face increased discrimination and harassment, particularly based on ethnicity. There have also been instances where refugee documentation is not recognized by authorities who are unfamiliar with them.

Another priority for the EU has been education in Kenya. Whilst there has been more educational enrolment at all levels, only one-sixth of refugees has access to tertiary education, including technical and vocational education and training⁵. Thus, there is a lack of sufficiently diverse skilled labour among refugees. The market is, therefore, flooded with the same skills with little promotion of trade skills. As a result, young people often join gangs as a way to earn some cash.

It is evident that when refugees' skills and capacities are recognized and invested in in the host country, tangible benefits are presented for the host country, and in some cases, the country of origin. As an Albert Einstein German Academic Refugee Initiative (DAFI) alumni, most of my colleagues, who were beneficiaries of the DAFI scholarship funded by Germany, have gone back to their home countries to help rebuild them whilst others have created job opportunities for refugees and citizens in Kenya.

Notwithstanding the strong relationship between the EU and Kenya, there is a clear need for the EU to provide long term development and financial support to Kenya in order to better serve both the host community and refugees. In short, this means that the EU must implement proper support mechanisms which involve affected persons alongside their financial input. Indeed, if the EU insists on working to improve the conditions of the host country and the country of origin without such support mechanisms and without involving the affected persons and addressing the root causes of displacement, refugees in Kenya will not have access to services, which will ultimately lead to them being sidelined.

3 European Commission, European Emergency Trust Fund for Africa, accessible at: <https://bit.ly/2P5MLhP>.

4 IOM, IOM Conducts Training of Trainers for the Kenya Border Management Secretariat and Border Management Committees, 22 October 2018, accessible at: <https://bit.ly/39Izm74>.

5 UNHCR Kenya, Education, accessible at <https://bit.ly/37JbTBr>.

A suggestion for improvement in this respect is to open up training and capacity building to a wider range of actors in order for such actors to be aware of the policies in their respective countries and to take ownership of the projects. An example of this could be involving communities in monitoring human rights compliance and the identification of human trafficking. In the face of competing funding projects and a decreasing amount of resources, such projects are vital to ensure the autonomy and self-reliance of communities who may be otherwise alienated by governmental priorities.

A tangible example of such auto-sufficiency is the Kalobeyi refugee settlement, which is an expansion of the Kakuma refugee camp in Kenya. It was developed in 2018 to promote the self-reliance of refugees and host communities by providing them with better livelihood opportunities and enhanced service delivery.⁶ The Global Compact on Refugees calls on “a whole society approach” and to leave no-one behind. The EU, through the Emergency Trust Fund for Africa has worked with Kenya to create sustainable development through an integrated settlement approach where both the host community and refugees live together, have access to social services and work to build sustainable livelihoods. This approach is novel and, in the face of previous conflict over resources between the two communities, has promoted integration, peace within the communities and an understanding from Kenyan communities about the refugee situation and how they can play a role to support refugees. It is by no means perfect but should be looked into further to see how it can be duplicated.

3. RECOMMENDATIONS FOR THE EU’S FUTURE RELATIONS WITH KENYA IN RELATION, BUT NOT LIMITED TO, INCLUSION OF AND COOPERATION WITH REFUGEE COMMUNITIES

- Work with Kenya to facilitate refugees' integration in the national labor market and local economies in a way that benefits both refugees and the Kenyan community. This involves:
 - Formally and informally recognizing refugees' existing skills, capacities and qualifications;
 - Using incentive schemes to support private sector employers that employ refugees;
 - Supporting and investing in refugees and host community entrepreneurship; and
 - Enabling refugees' access to financial and banking services, including credit to support entrepreneurial activities.
- Ensure all services and support for refugees and Kenyans are available and appropriate for young people, with tailored services to meet the specific needs and challenges of the youth, including targeted services to groups with particular needs focusing on age, gender diversity, such as young women and unaccompanied or separated children.
- Ensure psychosocial support to promote well-being and involve refugees in the delivery of these services. Provide specialized mental health services for persons who suffer from more serious psychosocial distress or mental health challenges.
- Create platforms and opportunities to foster peace-building processes. This includes teaching peace education within national education systems to assist refugees and citizens to understand the root causes of conflict and to encourage communication, relationship-building and peaceful co-existence. An example of this has been the South Sudan High Level Revitalization peace process, which created platforms for refugees to take part in the discussion. This was through coordinated efforts of various stakeholders. South Sudanese refugees from Kenya were able to take part in the discussion, bring their expectations and communicate as to what is really needed for people. EU support for civil society through funding and capacity training development enabled civil society to advocate for the inclusion of refugees in the discussions.
- Invest in peacebuilding, reconciliation and planning for local and national development that engages

6 UNHCR, Kalobeyi Settlement, accessible at: <https://bit.ly/38EGrFr>.

returnees, including women and youth, to access their rights and reintegrate successfully.

- Engage in complementary pathways to resettlement, including:
 - Simplifying the financial and administrative procedures for host communities, the private sector and faith-based organisation's to sponsor refugees. This will increase alternative and complementary pathways to admission;
 - Supporting private sector labour mobility schemes that link employers in resettlement countries with skilled refugees whom they can sponsor by providing them employment opportunities;
 - Exploring the use of sports scholarships as an alternative pathway to resettlement;
 - Streamlining and simplifying family reunification processes and procedures to enable families to be more easily and quickly reunited.
- To support local integration, in a way that works for both refugees and the communities in which they live, states and civil society should:
 - Promote interaction, mutual understanding, tolerance and acceptance between refugee and host communities - integration can only be achieved through this 'two-way' process;
 - Invest in employment and livelihood opportunities that promote inclusion and peaceful coexistence.

We are not facing a refugee crisis. The more the EU and the world portray it this way, the more the hosting and potential resettlement countries and its citizens look at it that way. What we are currently facing is a humanity crisis where everyone distances themselves from assisting notwithstanding the power that they have to help.



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