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Mapping Displacement Governance in East Africa:

Towards coherence? The past, present, and future of refugee management in Kenya



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Mapping Displacement Governance in East Africa:

Part 1: Towards coherence?

The past, present, and future of refugee management in Kenya

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The past, present, and future of refugee management in Uganda

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The past, present, and future of refugee management in Tanzania

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Executive Summary

Like Tanzania and Uganda, Kenya has hosted large numbers of refugees since the 1960s. As a low or lower-middle income developing nation, it has done so despite having limited resources. It is not itself a major source country for refugees.

Exiled populations have generally enjoyed high levels of legally enshrined protection within Kenya's borders. As in Tanzania, restrictions on their mobility and right to work have limited the socio-economic potential of those in protracted situations of displacement. However, the removal of some of these barriers appears to be underway.

As in Tanzania (and to a lesser extent Uganda), refugees were perceived as a security concern and drain on resources during the 2000s and 2010s. From 2013 to 2021, Kenya openly considered abandoning its international obligations. At the same time, from 2015 onwards, there has been a growing trend towards aligning itself with international efforts to strengthen and revive refugee protection, embracing 'self-reliance' as a durable solution to protracted displacement. The paradox resulting from these two seemingly contradictory strategies has led some commentators to describe Kenyan policies as incoherent.

The Refugees Act of 2021, which promises refugees labour market access, appears to have resolved this contradictory tendency in the direction of the `Ugandan model'. So too the apparent adoption of a whole-of-government approach which views refugees as self-reliant agents of economic development.

Could a new era of coherence in Kenya's refugee management be on the horizon?

A close look at the way in which regulations accompanying the new Refugees Act were developed suggests it may be too early to assume Kenya has adopted a clear pathway toward progressive refugee management. Its move toward liberalization is likely to remain a contested process, in which parts of the Kenyan government and state resist implementation of new laws as a means of retaining control, perhaps even opting out of commitments that feel alien or threatening in practice.

In this context, the following priorities and areas of focus should be considered by political actors seeking to engage Kenyan policymakers in the field of refugee management:

(i) Forums of dialogue between government, stakeholders, civil society, and experts in refugee law are urgently needed to establish the mechanics of how displacement governance will be administered under the new Refugees Act and accompanying regulations. Many basic questions about the way in which it will change life for refugees are yet to be answered: Will refugees be issued an identity document that allows them to access the various services and rights availed in the Act of 2021? Will the authorities do away with the need to obtain Class M work permits for refugees to be entitled to work? Will refugees be allowed to leave camps and move freely? External actors can and should support public exchange on these crucial issues during the coming formative months and years.

- (ii) Sensitization via legal instruction and training of duty-bearers and stakeholders at community level is key to harnessing the potential of existing laws and regulations during this period of transition. Police constabularies and bureaucrats, as well as refugees themselves must be informed about the detail and spirit of the new Act and accompanying regulations. All must be continually educated and/or reminded of refugees' and asylum seekers' evolving rights and entitlements.
- (iii) Kenyan policymakers' growing emphasis on 'resilience' and 'entrepreneurship' may place unfair burdens on groups that cannot and should not be expected to generate income. Women and children (or 'youth' as they are increasingly described) comprise almost 80 per cent of refugees in Kenya. Those in need must be provided with basic food rations and services such as education in camps and cities. Funding for these essentials is integral to refugee management and cannot be substituted by the increased earning capacities of some refugees.
- (iv) Housing, services and employment for refugees in cities are emerging as major gaps in policy, with many of the growing number of refugees who move to urban areas struggling to cope. At the local municipal level, better alignment of refugee management with social policy, economic development and planning for climate/ environmental threats are essential for improving the condition of urban refugees and host communities. The kind of policy coherence required can be summed up as a wholeof-local government approach.
- (v) Despite the progress made by refugee-led organizations and their allies, there is currently no refugee advisory body or representative system by which refugees can formally appoint or elect individuals to advocate on their behalf in national and local policy consultations. The establishment of such bodies would be helpful in ensuring policies are informed by ground realities. They would also aid with mobilizing stakeholders to participate in policy processes, which currently do not sufficiently take on board the views of refugees and their leaders.
- (vi) Refugees in Dadaab displaced by droughts in Somalia in 2011 and more recently in 2022-23 may have been among those displaced within Kenya by severe floods in April 2024. The growing entwinement of conflict-induced displacement with environmental and climate factors at all stages of forced migration will require greater collaboration between migration and humanitarian agencies such as the UNHCR and IOM. The latter has in fact been engaged in regional forums of consultation such as IGAD to develop instruments to address disaster-induced displacement. Such technical and political forums to deepen and broaden this work can and should be supported as a priority.

Overview

If Uganda is often described (simplistically) as a kind of 'paradise' for refugees and contrasted favorably with Tanzania on account of the latter's declining hospitality, Kenya can be placed somewhere in between these contrasting poles. Oscillation between them has led to a policy described by critics as 'incoherent' and 'contradictory'.¹ This paradoxical trajectory became particularly evident under the previous administration (2013-22). On the one hand, it embraced the progressive language and gestures diffused by global frameworks such as the 2018 GCM [Global Compact for Migration], the 2019 GCR [Global Compact on Refugees] and the CRRF [Comprehensive Refugee Response Framework], as well as regional processes and forums. On the other, displacement governance became heavily securitized, characterized by containment and threats of camp closure as recently as 2021. Inclusion and local integration has remained hampered by limits on refugees' mobility within Kenya, leaving successive generations of refugees suspended in situations of protracted displacement in remote and economically marginalized peripheries.

The spatial concentration of the majority of Somalis in a single location - Kenya's North Eastern border - has resulted in something of a bifurcated system, particularly during moments of heightened security concern. Kenya is not alone in singling out its Somali refugees for focused attention. However, in Kenya the perception of Somalis as a troublesome population predates the rise of Al Shabab, and is rooted in historical tensions between the central state and ethnic Somali tribes. Compounded by contemporary geopolitical tensions between Kenya and Somalia, the consequences of this troubled relationship for Somali refugees in Kenya are severe, and indeed for Kenyan citizens of Somali origin, who endure discrimination and police harassment.

Since 2022, Kenya's new government has sought to distinguish itself from its predecessor by jettisoning threats of camp closure and embracing global trends in refugee governance. The Refugees Act [of 2021], which came into effect in 2022, envisions rights for refugees to work and access services. Policymakers and duty-bearers appear to have adopted the language of 'durable solutions' and 'self-reliance', signaling greater convergence with the progressive 'Ugandan model'. They also appear to be embracing Refugee-led Organizations (RLOs). The Department of Refugee Services is cooperating with civil society's demands to attenuate barriers to registration for RLOs in camps, and is responding positively to calls for greater inclusion of refugees in decision-making processes.

¹ Owiso, M (2022) "Incoherent policies and contradictory priorities in Kenya." Forced Migration Review 70: 71-73.

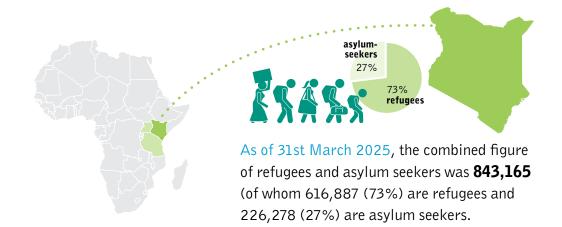
However, Kenya's emergent approach to refugee management is not a wholesale importation of Ugandan humanitarian concepts, even if these are an influential reference point. In political terms, the Refugees Act is a product of advocacy and policy processes that germinated in previous years. The Act brings displacement governance into line with Article 27 of Kenya's own 2010 Constitution, which enshrines equality and outlaws discrimination of any kind. In economic terms, the Kenyan concept of self-reliance is an evolution of the Kalobeyei Integrated Social and Economic Development Programme [KISEDP], pioneered by the government with the UNHCR, World Bank, Turkana County and private sector since 2018. Predicated on cash-based support and market-based opportunities to advance self-reliance, KISEDP helped pave the way for the current government's Shirika Plan, an ambitious collaboration with the UNHCR to expand the KISEDP integrated settlements model to the rest of Kakuma and Dadaab.

The EU has been supportive of KISEDP. Individual member states such as the Netherlands' have led multi-agency partnerships such as the Prospects programme, a collaboration with the ILO, UNICEF, UNHCR, IFC and World Bank, to boost refugees' access to quality education (including skills development and training), making them more attractive in the labour market by ensuring they have skills that are in demand, and that these skills are recognized and certified.

Common to each of these initiatives is a will to turn displaced persons into productive migrants by opening up pathways out of aid dependency, towards employment in formal labour markets. Even the new Refugees Act, ostensibly a document about rights and obligations, contains provisions allowing refugees from East African Community countries the option to rescind their refugee status and to pick up EAC citizenship status. While this would still come with a substantial cost to refugees, it underlines a preference for funneling displaced persons into economic activity. The government's portrayal of refugees as entrepreneurs whose 'resilience' will help drive national development is noticeable in government rhetoric surrounding the transition from a system of refugee management based on encampment to an integrated settlements model.

Refugee Population Profile

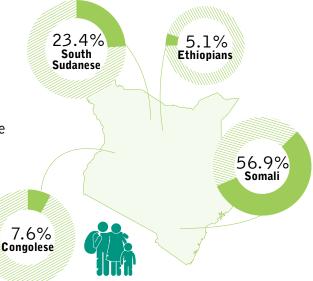
All three East African countries analyzed in this mapping share a number of characteristics and historical traits, above all a relatively hospitable approach to refugees. Though not quite as mammoth as the burden shouldered by Uganda, Kenya's intake has been among the highest in Africa (and indeed the top fifteen in the world) since the 1990s. Its population of refugees and asylum seekers leapt from under 15,000 in 1990 to 120,000 the following year, subsequently climbing to over half a million at various points during the 2010s, where it has more or less remained.

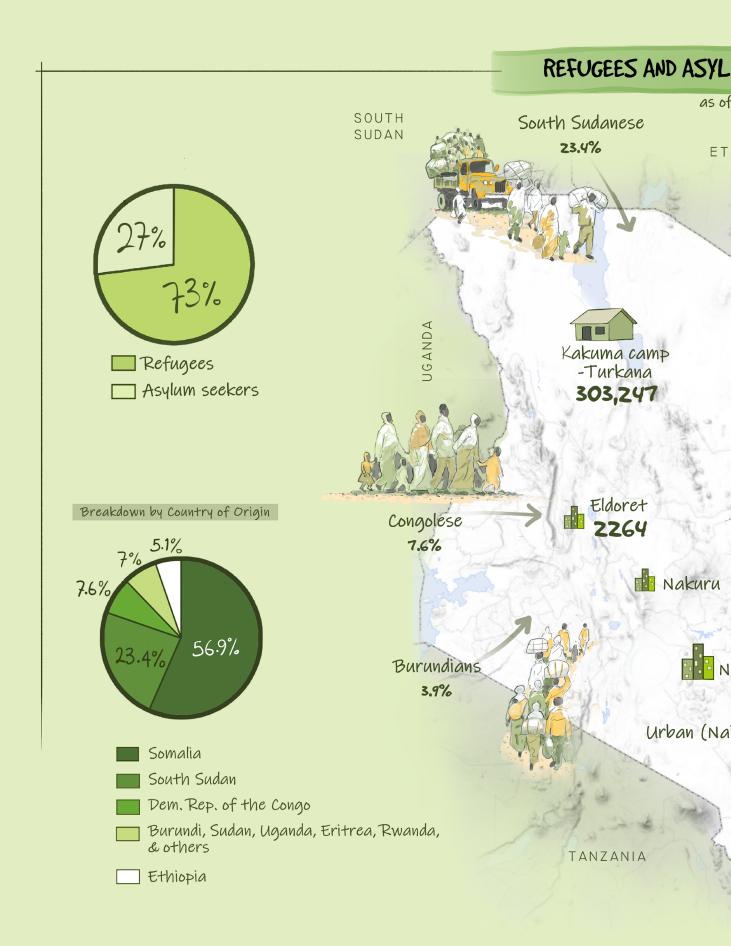


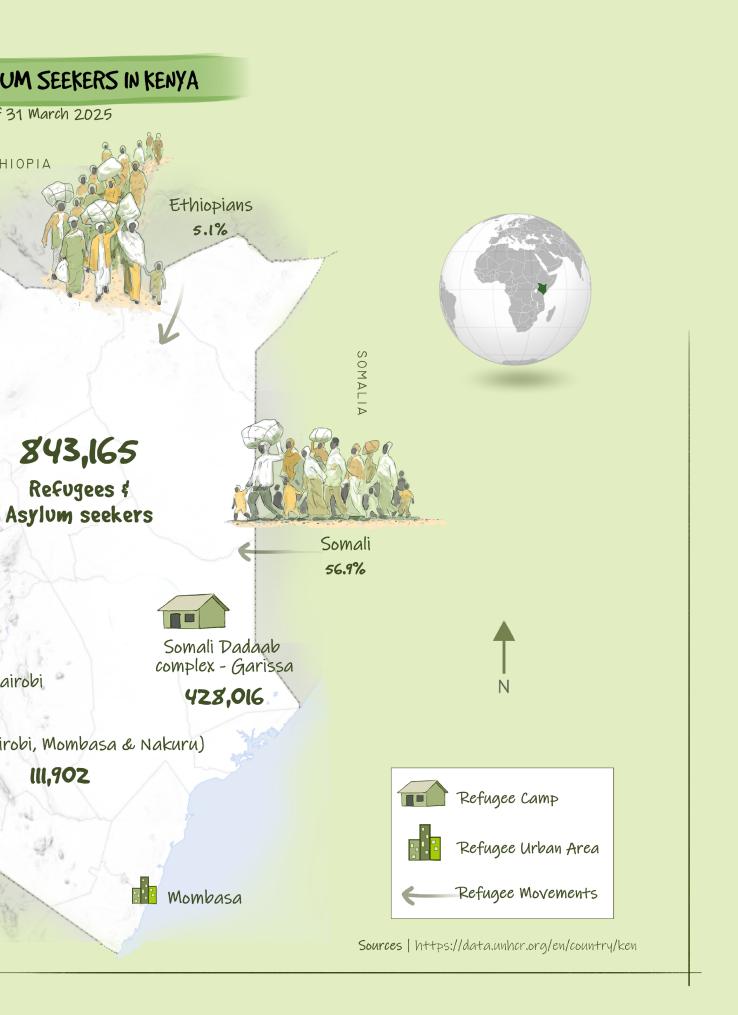
This significant number of asylum seekers, the highest in proportionate terms of the countries mapped in this series, is a point discussed below.

Kenya is not a major source of displacement, a fact attributable to its relative political and economic stability and comparatively open political culture. LGBTQ persecution and post-electoral violence constitute an important exception to this general picture. (Though neither have resulted in cross-border flight on a mass scale).

As in Uganda and Tanzania, most of Kenya's refugees and asylum seekers hail from the Horn of Africa and Great Lakes regions. As of 31st March 2025, the majority are Somali (56.9%). Other significant groups include South Sudanese (23.4%), Congolese (7.6%) and Ethiopians (5.1%); smaller cohorts of Burundians, Sudanese, Eritrean, Rwandese, Ugandan and others comprise the remainder.







Where Uganda's refugees and asylum seekers are spread across 13 settlements and can move freely, Kenya's are concentrated in two large encampments overseen by the government and UNHCR (a geographic distribution more akin to that of refugees in Tanzania): As of 31st March 2025, the predominantly Somali Dadaab complex (accommodating 50.7% of the overall refugee and asylum seeker population) in Garissa County near Kenya's eastern border with Somalia, and the more mixed north westerly Kakuma camp in Turkana accommodating mostly other nationalities (36%). Another 13.3% [114, 166] reside in urban areas (mainly Nairobi), a figure comparable to that in Uganda and significantly higher than in Tanzania, whose urban refugee cohort amounts to less than a single per cent of its overall refugee population.

As of 31st March 2025, 76 per cent of Kenya's refugee and asylum seeker population are women and children; children (aged 0-17) comprise 52 per cent. These figures are similar to the picture in Tanzania and Uganda, underlining the existence of a general set of refugee populations' demographic characteristics in the East Africa region.

Historical Evolution and Context

At independence in 1963, Kenya was already hosting refugees from Sudan, Uganda, and Ethiopia. Up until 1990, this population, which rarely exceeded 15,000, was managed by the Refugee Secretariat under the Ministry of Home Affairs.

Despite the absence of domestic legislation in the early post-independence decades, legal experts classify this period as a 'Golden Age' of refugee management in Kenya because exiled groups moved freely, worked and integrated themselves within the country's formal economy, oftentimes as professionals living in urban areas.

The sharp rise of the refugee population from 14,249 in 1990 to 120,163 the following year saw the end of the Golden Age. The Government handed over the responsibilities of RSD [Refugee Status Determination] and refugee management to the UNHCR and developed increasingly restrictive encampment policies. Refugees in situations of protracted displacement were left with few pathways to employment within the formal economy. Prospects of local integration and naturalization became minimal.

Mirroring developments elsewhere in a world gripped with fear of refugees during the 'War on Terror', refugee management became increasingly securitized following terrorist attacks on Nairobi's Westgate Mall (2013) and Garissa university (2015). Restrictions on mobility were hardened. Threats of camp closure and growing pressure to 'voluntarily return' became the norm. In 2016, the Kenyan government announced closure of Dadaab camp for security reasons following terrorist attacks by Al-Shabab. In 2021, it said it would close both Dadaab and Kakuma by June 2022.

During the latter stages of this two-decade period of shrinking space for asylum, Kenya developed a 'durable solutions' approach aligned with the UN's SDG-oriented 'New Way of Working'. The driver of this particular strand of Kenyan refugee management, which emphasizes refugee self-reliance as a means of attaining economic development, was the largely external, donor-led global progressive response to the so-called 'refugee crisis' of 2015 at Europe's borders, whereby international migration agencies and states mobilized to counter restrictive trends in displacement governance. Like Uganda (and at that time, Tanzania), Kenya opted to participate as a pilot country in the roll-out of the Comprehensive Refugee Response Framework [CRRF], a multi-partner initiative that envisages the abolition of refugee camps and free mobility for refugees within host countries, economic inclusion, and many other ostensibly progressive changes funded by donors.

In this context, the aforementioned Kalobeyei Integrated Social and Economic Development Programme [KISEDP] was pioneered by the Kenyan government with the UNHCR, World Bank, EU, Turkana County and private sector. KISEDP helped pave the way for the current government's Shirika Plan, an ambitious collaboration with the UNHCR to expand the KISEDP integrated settlements model to the rest of Kakuma and Dadaab. It also helped propel momentous legislative reform, namely, the passing of the Refugees Act of 2021, which came into effect in 2022.

Legal Frameworks

Kenya is party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, having acceded to these instruments respectively in 1966 and 1981. It is also a State party to the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.

It is not a signatory of the 1954 Convention relating to the Status of Stateless Persons (nor is Tanzania). Nor is it a signatory of the 1961 Convention on the Reduction of Statelessness (nor are Tanzania and Uganda). Nevertheless, Kenya has led in the eradication of statelessness efforts by according the Makonde, Pemba and Shona communities in Kenya citizenship status. In 2020, the Kenyan government announced it would grant citizenship to stateless persons of Rwandese descent, but only 10 individuals have gotten citizenship certificates to date. Civil societies in Kenya note that the legal and administrative framework is not adequate to deal with statelessness in Kenya. As such, statelessness remains a challenge addressed only periodically by governments in a discretionary rather than systematic manner, with citizenship conferred as a gift from the President rather than a political right.

The above global and continental commitments have been partly domesticated and elaborated by the Refugees Acts of 2006 and 2021 at national level. (**See figure 1**). (Prior to that, the Immigration Act of 1967, under which Class M work permits were accessible, functioned as a domestic law governing the right to work). Currently, the Kenya Citizenship and Immigration Act of 2011 governs the right to work for refugees together with the Refugee Act of 2021. The former provides for the provision of Class M work permits.

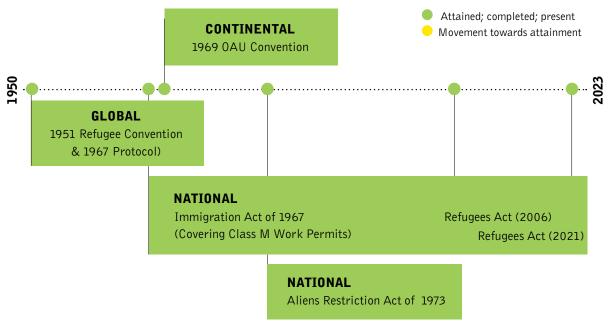


Figure 1: Layers of Law Matrix

During the period 1963-91, the terms of refugees' residence were not governed by elaborate laws. After 1991, however, as civil wars erupted in Ethiopia, Sudan, and Somalia, an influx of refugees led Kenya to set up the UNHCR-run Dadaab and Kakuma camps (next to temporary camps in Utange, Jomvu, Thika, Mandera, Banissa and Marafa). The Refugees Act of 2006 (supported by regulations published in 2009) established institutions that would manage refugee affairs in the country while incorporating some of the provisions of international conventions into Kenya's domestic legislative framework.

Under the 2006 regime, refugees struggled to acquire work permits and were required to reside in refugee camps unless they had authorization to travel elsewhere in the form of a movement pass (written authorization from the Kenyan government). Infringement could result in significant penalties including fines of up to 20,000 Kenyan shillings (200 USD in 2017) and even jail terms of up to six months².

The Refugees Act of 2021, which came into effect in 2022, promises refugees freedom of movement in designated areas and the right to work under section 28(5). It also grants access to financial services, and envisions the transformation of camps into settlements where access to education, healthcare, and other services will be administered by counties. The law also allows refugees to take up East African Community (EAC) citizenship (though doing so would mean losing refugee status).

These are all fundamental changes to refugee governance in Kenya. However, the accompanying regulations published in February 2024, have not clarified how many aspects of the Act of 2021 will be implemented. According to numerous civil society actors and experts in refugee law consulted for this paper, the regulations were compiled and published under less than transparent circumstances. Issues arising from this and the aforementioned lack of clarity are discussed at length below.

2 Refugees Act of 2006, Section 25

Institutions & Processes

The 2006 Refugees Act established the Department of Refugee Affairs (DRA) replaced in 2016 by the Refugee Affairs Secretariat (RAS) under the Ministry of Interior, tasked with overall responsibility for all administration, coordination, and management of refugee matters. Partial responsibility for refugee status determination (previously undertaken by the UNHCR) was assumed by the RAS.

Under the Refugees Act 2021, the Department of Refugee Services (DRS) was established as the most important statutory body mandated to undertake the management of refugees and asylum seekers in the country. Supported by the UNHCR, the DRS is in charge of refugee registration and status determination, coordination and provision of services to refugees and the issuance of identification cards and movement passes to refugees in the country.

The DRS does not have the kind of authority commanded by the Office of the Prime Minister (OPM) in Uganda to lead a whole-of-government approach to refugee policy, but its position is stronger, and the scope of its role broader than Tanzania's equivalent Refugee Services Department (RSD). Moreover, civil society actors consulted for this paper said a more holistic and comprehensive approach to refugee management may develop as coordination between diverse ministries expands under the Shirika Plan. The growing focus on refugees as agents of development has already reduced the extent to which displacement governance is framed as a security issue falling under the Interior Ministry. (Hence the amber in **figure 2**, below).

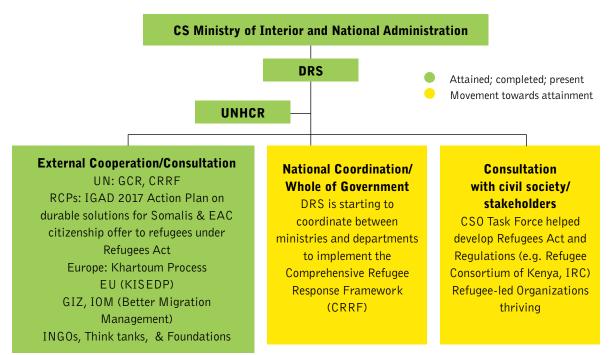


Figure 2: Institutions and Processes

Kenya participates in several Regional Consultative Processes (RCPs) with other states. As a signatory of the EAC [East African Community]'s 2010 Common Market Protocol (EAC-CMP), it works closely with neighboring countries to problem solve creatively. For instance, the Refugees Act of 2021 offers EAC citizenship to some refugees as an alternative to refugee status.

Similarly, IGAD has been engaged as a vehicle to develop policies for the Somali refugee diaspora. Its 2017 Action Plan saw member states convene to advance durable solutions for the 900,000 Somali refugees within the region (and for IDPs within Somalia itself). More generally, IGAD has given impetus to the integration of refugees in Kenya, whose adoption of the Djibouti Declaration in December 2017 granted refugees, returnees and host communities access to education, initiating the development of national costed plans of action on refugee education, paving the way for fuller refugee inclusion into national education systems. Also, the Kampala Declaration on Jobs, Livelihoods, and Self-Reliance for Refugees, Returnees, and Host Communities, signed in March 2019 by IGAD member states, contains commitments supporting refugees' right to work and access to economic opportunities.

Needless to say, the concrete impact of these political commitments has been varied and is not easy to measure. Nonetheless, they indicate that regional diplomacy is a significant sphere of displacement governance, in which national refugee policies can be advanced in dialogue with external actors.

Kenya also works with the EU, the UK, the US and other partners within the UN system, bilaterally and multilaterally, for instance through the Khartoum Process of cooperation. Its embrace of the GCM, GCR and CRRF are reflective of a broader alignment with progressive humanitarian and development agendas associated with liberal refugee governance. Nairobi in particular is a hub of knowledge production and project work by migration and development agencies like the UNHCR and IOM, as well as GIZ and many INGOs, Think tanks, and foundations. This allows for considerable openness to consultation with external partners and donors. The presence of liberal international voices can facilitate opportunities for externally supported and mediated consultation with Kenya's own civil society and stakeholders. This is in addition to direct engagement of CSOs by the government from time to time, for instance, for their input on the Refugees Act and regulations (**See figure 1**, above).

Policies: Protection, Rights & Inclusion, Durable Solutions

Despite the complexities and challenges in refugee management discussed in the previous sections, Kenya provides protection in a broad sense (including services such as food and education) to very large numbers of refugees and asylum seekers. Even where Somalis are concerned, refoulement is not a widespread norm, despite the tensions that have periodically surrounded their presence. However, registration at Dadaab in particular has been halted for periods, resulting in tens of thousands of undocumented migrants residing in limbo without humanitarian aid, experiencing varying levels of precarity and vulnerability.

Likewise, the relatively high number of asylum seekers in Kenya is a cause of insecurity. At over a quarter of the overall population of refugees and asylum seekers, those seeking asylum are considerably greater in proportionate terms than equivalent populations in Uganda (3 per cent) and Tanzania (17 per cent). This underlines the overwhelming administrative pressure on Kenya's asylum system, which urgently needs funding so that status determination can be carried out and refugees accorded their due rights and recognition more efficiently and quickly (see **figure 3**, below). This in turn points to the need for access to justice for those who may need legal representation when their cases are heard, a point also made in the Uganda study of this series.

Others contending with gaps in access to justice include young unaccompanied asylum seekers, some of whom are from Ethiopia. A thriving people-smuggling business between the Horn of Africa and South Africa via Kenya as a country of transit has developed. Reports of arrivals being jailed, fined, and in some cases forcefully returned to Ethiopia despite the continuing armed conflicts in several regions of the country are a cause for alarm. Some smuggled migrants who end up in detention are children who might well qualify for protection as refugees or asylum seekers.

In 2018, UNESCO found Kenya's education system to be among the most inclusive for refugees in the world. Along with other IGAD member states, it has been highly committed to this aspect of integration over the years and as recently as January 2022, it was reported in Kakuma that according to the UNHCR, 77 percent of children aged 6-13 there attend school, almost on par with the national average of 80 percent. Other UNHCR reports indicate that closer to 50 per cent of all school-age refugees (4-17 years) are out of school in Kenya, perhaps reflecting a significant drop at the secondary level. This is more representative of the grim global scenario.

Growing numbers of displaced persons and a global dip in humanitarian funding could have a further impact on the situation. Protests in May 2024 and March 2025 over extreme cuts

to food rations in Kakuma Refugee Camp and Kalobeyei Settlement in Kenya have drawn attention to food insecurity and its consequences - hunger, crime, and even despair leading to suicides. Until or unless these challenges are addressed, the picture in Kenya will remain mixed, with worrying levels of vulnerability and injustice amidst the larger success story of protection and hospitality (see **figure 3**, below).

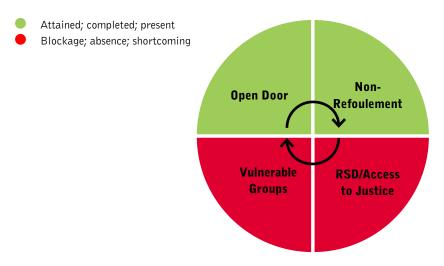


Figure 3: Protection Matrix

Where rights and inclusion are concerned, the prospects of refugees have been marred by the discrepancy between rights on paper and ground realities. To avail the right to work, for instance, refugees are required to obtain the Class M work permit, the acquisition of which requires a letter of recommendation from the DRS. These are awarded on a discretionary basis; the number of refugees who successfully apply for Class M permits is tiny, effectively rendering the right to work meaningless. Similar obstacles block pathways to citizenship and permanent residency, for which refugees are rarely considered in practice.

Time and again the issue of basic documentation has proven to be a principal challenge faced by refugees. The issuance of ID cards, itself an arduous process, is only part of the problem. Acute difficulties arise from question marks over the status of these identification documents within the economic mainstream of Kenyan society. Refugees routinely face serious challenges accessing private sector services such as SIM cards and bank accounts that, in a highly digitalized economy, are crucial for starting a business within the formal sector.

Whether the pivot towards local integration now explicitly called for in the Refugees Act of 2021 will change this scenario depends on the kind of policies and practices developed hereon. Among the most useful for refugees' economic inclusion would be a single identity document that allows access to resources, rights of residency, employment, government and private (e.g. financial) services such as bank accounts and sim cards. There is no certainty such a document will be forthcoming, but there are positive signs that refugees, refugee-led organizations and their allies are being heard as never before (See **figure 4**, below).

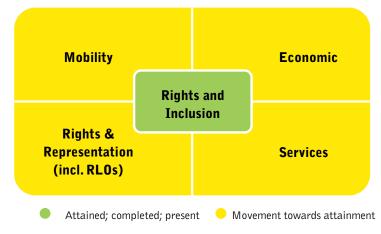
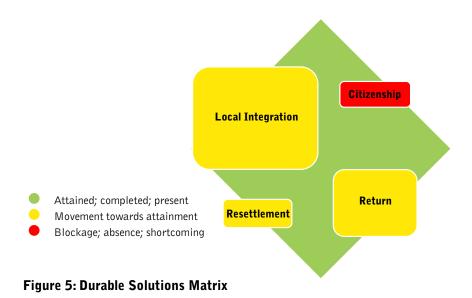


Figure 4: Rights and inclusion Matrix

Where durable solutions are concerned, Kenya has encouraged voluntary return and other restrictive measures and resettlement and complementary pathways. Nevertheless, the number of refugees in Kenya in fact increased between 2010 and 2020 (from 402,905 to 438,901), a reflection of the fact that by 2020, the East and Horn of Africa Region contained four of the world's top 10 refugee-producing countries (Somalia, Sudan, Eritrea, South Sudan). Moreover, unlike Tanzania, which also ramped up return to Burundi in this period, in Kenya there does appear to be growing acceptance among policymakers that return is unlikely for many refugees. (In 2022, around 80,000 unregistered new arrivals in Dadaab included individuals who had come back to Kenya after having been 'voluntarily returned' in the 2010s).

One area in which precious little progress has been made is naturalization (See **figure 5**, below). Here, Kenya, which rarely allows refugees to become citizens, would do well to take inspiration from Tanzania. The key to progress will be whether or not regulations and policies building on the Refugees Act of 2021 can be developed to provide refugees with pathways to citizenship.



Implementation: Gaps and Challenges

A number of specific gaps in refugee protection (including food provision and services), rights/inclusion, and durable solutions have been identified in the previous sections. As in Tanzania and Uganda, many of these arise from chronic funding pressures, with cuts to WFP rations in particular underlining the direct negative impact of reductions in donor funding. This must be the starting point of any conversation about what is to be done to support refugee management in Kenya.

In respect of the domestic situation, external actors would do well to recognize Kenya is in the midst of transition from a decades-old refugee management policy based on encampment to a new model predicated on self-reliance and local integration. The potential for progressive change is now enshrined in law. This must be the focus of political and policy work in months and years to come.

Notwithstanding the infancy of some of the incumbent government's initiatives, experts are tentatively optimistic that the Refugees Act (2021) and the Shirika Plan have the potential to mark a watershed in Kenya's approach to refugee management. However, the proof of the pudding will be in their implementation. A fundamental lack of clarity surrounding the practical application of law in particular has resulted in confusion. Stakeholders are unaware of new entitlements and how to access them, as are duty-bearers whose task is to dispense them. Sensitization must engage and draw on the knowledge of civil society actors with expertise in refugee law.

The all-important regulations which spell out in detail how new rights and obligations will be upheld and enacted have been formulated in a government-led process that, according to numerous civil society actors and experts consulted for this paper, lacked transparency, parliamentary oversight and meaningful public participation. Positive announcements of new directions in refugee policy are followed by silences that suggest ambivalence. It took several months, for instance, before a document appeared on-line providing details of Kenya's Shirika Plan following its initial unveiling. All this suggests the move to 'selfreliance' and liberalization of refugee management could remain a challenging process, in which parts of the administration resist implementation of new laws as a means of retaining control, perhaps even opting out of commitments that feel alien or threatening in practice.

In such a context, the importance of empowering civil society, refugees and refugeeled organizations cannot be understated. These actors must be enabled to participate meaningfully in the refinement of laws, regulations, and policies. Now is the time to seek clarification of specific issues concerning inclusion and local integration. For instance, will the authorities do away with the need to obtain Class M work permits for refugees to be entitled to work? Will the DRS ensure the relevant duty-bearers and private sector actors and others understand this and do not discriminate against job-seeking refugees in Kenya's national labour market? Will refugees be allowed to leave camps and move freely? What fate awaits those apprehended for lacking permission?

Beyond issues of law and its implementation, some of the larger questions around Kenya's emergent refugee policy relate to the consequences of its liberal economic orientation in a world of dwindling international donor funds. In Kenya, the accompanying ideological shift³ from humanitarianism to expectations of 'resilience' has been pronounced, even if it reflects global trends. The emergent order is one in which every man, woman, and 'youth' is expected to transform themselves into enterprising, productive individuals responsible for their own financial survival. Envisioned as means of attracting private sector investment, this paradigm assumes widespread applicability of the Kalobeyei model. Aside from the fact that Kenya's Kalobeyei experiment in fact produced mixed results, it threatens to overlook the needs of a population that is over 50 per cent children (aged 17 or less), including over half without access to education. April 2024 and March 2025 witnessed protests over drastic cuts to WFP rations in Kakuma, which plunged families into insecurity, compromising their wellbeing and triggering social unrest.

What of the growing proportion of refugees who chose to live in urban areas? The current figure of around 110,000 mainly in Nairobi, Nakuru, Mombasa, and Eldoret will surely grow. Many are of working age and receive little support in the form of aid disbursements. (A 2015 study in Nairobi found that the majority (97 per cent) of urban refugees rely on remittances, business profits and employment for income, with only 3 per cent dependent on NGO support for their sustenance). But the myth that they are self-sufficient hides the reality of acute struggles⁴ to sustain themselves in cities like Nairobi. Primary education is free and made available to many refugee families. However, without healthcare provision, many live with one foot in the camps, which they treat as a kind of safety net in case of misfortune in the city. Here it is important for the national refugee law and policymakers to engage local, city-level and municipal governments to ensure refugees can access essential services in cities alongside host communities.

A recently conducted study by the International Rescue Committee and Centre for Global Development, which explores the needs of urban refugees in Kenya (and Uganda), points out the difficulties they face in respect of access to services and decent housing; also the lack of diversity in their social networks, which undermines access to jobs and training opportunities. The solution to this lies partly in donors partnering directly with refugee-led organizations known to be effective in the realm of service delivery and capacity building in respect of livelihoods. RLO inclusion, both at the national level to improve policy design,

Brankamp, H. de Jong, S., Mackinder, S., Devenney, K. (2023) "The camp as market frontier: Refugees and the spatial imaginaries of capitalist prospecting in Kenya", in Geoforum, Volume 145. https://doi.org/10.1016/j.geoforum.2023.103843.

⁴ Bhagat, A. (2019). Governing Refugee Disposability: Neoliberalism and Survival in Nairobi. New Political Economy, 25(3), 439–452. https://doi.org/10.1080/13563467.2019.1598963

and at the community level to strengthen implementation, is crucial to the success of the Shirika Plan. Unfortunately, RLOs and refugees are not well inncorporated into the governance structure of the Shirika plan. More generally, there is no refugee advisory body or representative system by which refugees can elect individuals to advocate on their behalf in national discussions and consultations about policy.

A final point concerns the entwinement of refugee management with environmental governance. In 2024, severe floods in April displaced many refugees internally. Some of those in Dadaab had already likely been displaced by environmental disasters such as droughts in Somalia in 2011 and more recently, in 2022-23. Indeed, some proportion of the 110,000 Somalis who entered Kenya in this two-year period could arguably be described as 'climate refugees', since they have been uprooted by failed rainy seasons aggravated by global heating. (Somalia has known drought for centuries but their increased frequency and severity due to climate change is well-documented). Legal terminology does not recognize them as such, and there are no figures disaggregating such cohorts from those uprooted by conflict. In practice, many would have been displaced by a combination of conflict and environmental push factors, underlining what researchers, policymakers and practitioners increasingly refer to as the 'climate/conflict nexus'.



More than the UN humanitarian system, cross-border environmental displacement has been addressed within regional policy frameworks, most notably the historic IGAD Free Movement of Persons Protocol (2020), signed by Kenya in June 2024. Supported by international partners and agencies such as the IOM and EU, this protocol facilitates entry and lawful stay for those who have been displaced across borders, and even allows those at risk of displacement to move pre-emptively as a way of avoiding, or mitigating the impacts of disasters ('in anticipation of, during or in the aftermath of disaster'). Moreover, disaster-affected people are enabled to remain in another country as long as return to their country of origin 'is not possible or reasonable'. It is too early to assess the impact of this protocol. However, if deployed to its full potential as an instrument to govern (and benefit) populations and communities on the move, its impact could be considerable.

The IGAD protocol illustrates the importance of working not in silos based on outdated divisions between forced/voluntary and conflict/climate-induced migration, but rather, collaboratively, across professional fields and institutions, in a way that builds synergies between and among migration and development agencies. It also underlines the value of regionally driven processes of interstate cooperation which bring sending and receiving neighboring countries together to find joint solutions to common problems, with the funding and support of external actors like the IOM and EU.

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