



LERRN **WORKING PAPER SERIES**

LOCAL ENGAGEMENT REFUGEE
RESEARCH NETWORK

PAPER NO. 9 - MAY 2020

IS THE HUMANITARIAN-DEVELOPMENT NEXUS LEADING TO SOLUTIONS FOR REFUGEES?

**SELF-RELIANCE, DONOR INTERESTS, AND THE
KALOBYEI INTEGRATED SOCIO-ECONOMIC
DEVELOPMENT PROGRAMME IN KENYA**

ANGELINA ABBATICCHIO

*Arthur Kroeger College of Public Affairs,
Carleton University*

PUBLICATION INFORMATION

Title: Is the Humanitarian-Development Nexus Leading to Solutions for Refugees?

Author: Angelina Abbaticchio

Year: 2020

Working Paper No. 9

DOI: <https://doi.org/10.22215/glrnw/2031661>

Recommended Citation: Abbaticchio, A. (2020). Is the Humanitarian-Development Nexus Leading to Solutions for Refugees? Accessibility Institute at Carleton University, Ottawa. <https://doi.org/10.22215/glrnw/2031661>

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EXECUTIVE SUMMARY

Though the global refugee regime was developed more than 70 years ago to find solutions for refugees, progress on truly sustainable solutions remains scarce. The international community recognizes the need to strengthen the humanitarian-development (HD) nexus or, in other words, to promote closer collaboration between humanitarian and development programming, to find solutions for refugees. African states have paid attention to the HD nexus since the 1960s, demonstrating that efforts to merge humanitarian assistance with development are far from new. However, HD approaches practiced in Africa began to fade in the 1980s and 1990s due to prolonged displacement, a rise in refugee numbers, and the pressures of economic liberalization and structural adjustment. While renewed attention to the HD nexus and its latest manifestation – self-reliance – is recognized as vital to finding solutions for refugees, dwindling international support and cooperation has made it difficult to find solutions.

This paper examines the self-reliance model in the Kalobeyei Integrated Socio-Economic Development Programme in Kenya to assess whether or not the HD nexus is leading to solutions for refugees. State interests continue to dominate the global refugee regime and its functioning in Kenya. Consequently, the rights, dignity, and well-being of refugees – the majority of which are hosted in the global South – continue to deteriorate, and it is increasingly difficult to find permanent solutions to their plight.

As HD approaches are increasingly understood as important for finding solutions, these approaches including the self-reliance model in Kalobeyei must be centered on refugees' rights rather than state interests. Addressing the power asymmetry within the refugee regime and the corresponding lack of inclusivity of refugees and host communities in the development and implementation of programs and policies, is crucial to realizing solutions.

INTRODUCTION

Though the United Nations High Commissioner for Refugees (UNHCR) is mandated by the United Nations General Assembly (UNGA) to protect refugees and find long-term solutions to their plight, progress on truly sustainable solutions remains scarce (UNHCR 1950). Traditionally, refugee displacement has been framed as a “humanitarian, protection and human rights challenge, rather than a development issue,” and thus, primarily addressed by humanitarian agencies (Zetter 2019: 2). However, situations have become increasingly protracted with minimal prospect for sustainable solutions.

78% 

Some seventy-eight percent of refugees around the globe are trapped in situations of protracted displacement, the majority of which are concentrated in the poorest and most unstable regions in the global South (UNHCR 2008).

Situations become protracted when refugees have “been in exile for 5 years or more after their initial displacement, without immediate prospects for implementation of durable solutions” (Milner and Loescher 2011: 3). Protracted situations are a result of a lack of solutions in refugees’ country of origin, policy responses of the country of asylum and the lack of political will by other actors to provide solutions (Milner and Loescher 2011, Betts et al. 2017). Many refugees will spend years – sometime decades – living in exile, where their rights to adequate protection, basic

dignity, and economic and social well-being, are routinely challenged (UNHCR 2008; Milner and Loescher 2011). As solutions for refugees remain absent, the number of years in exile continues to increase, and more importantly, refugees’ lives continue to deteriorate (Fiddian-Qasmiyeh et al. 2014).

The global refugee regime was created to respond to refugee displacement after World War II in Europe as states recognized that the rights of refugees needed to be protected (Betts and Milner 2019). Despite long-standing recognition that cooperation is vital to the functioning of the regime, with no binding obligations on states to cooperate, contributions to supporting refugees and finding solutions to their plight is discretionary (Betts and Milner 2019).

Though recognizing solutions for refugees necessitates a global effort, international cooperation has proven difficult as interests, motivations and behaviours that dictate responses to refugees often have little underlying concern for enhancing access to protection and solutions for refugees (Betts and Milner 2019).

To illustrate this point, refugee containment in the global South remains a dominant political objective of global North countries (Zetter 2019). Since Northern states often make significant contributions to the UNHCR’s budget and are able to deter refugees or resettle them elsewhere, as in

the case of Australia, Northern state interests have defined the structures within which refugee responses are developed (Zetter 2019; Betts and Milner 2019). Additionally, the refugee regime has been used by the global South to strengthen their own power at the domestic and regional levels. Consequently, humanitarian agencies, such as UNHCR, have been left to respond to the needs of refugees and find solutions to their plight (Zetter 2019; Betts and Milner 2019).

While lifesaving protection and humanitarian assistance is critical at the outset, short-term humanitarian approaches prove insufficient in prolonged exile. The view that refugees are an ongoing humanitarian subject has led to a cycle of dependence on humanitarian assistance, causing the humanitarian system to become increasingly overstretched and unable to find solutions (Betts et al. 2019). Framing refugees as mere recipients of humanitarian aid has also reinforced the idea that refugees are vulnerabilities rather than capable actors, undermining their skills, qualifications and desire to contribute to society (Betts et al. 2019). Chronic and unresolved refugee situations are a result of political action and inaction, both in the country of origin and country of asylum. The political dimensions of protracted refugee situations cannot be addressed merely from a humanitarian perspective (Loescher and Milner 2006).

Thus, in order for comprehensive solutions for refugees to be recognized, sustained engagement from the humanitarian community along with broader peace, security and development communities is required (Loescher and Milner 2006).

However, the success of using an integrated approach to find solutions for refugees depends entirely on the cooperation and commitment of the international community, which is difficult to achieve (Loescher and Milner 2006; Bradley 2019; Betts and Milner 2019).

In recent global policy discussions, the international community has recognized the need to strengthen the HD nexus or, in other words, to promote closer collaboration between humanitarian and development programming (Dunbar and Milner 2016).



The aim of the HD nexus, defined by UNHCR, is to “implement a development-oriented response to reduce reliance on humanitarian aid, support the livelihoods of refugees and host communities, and ensure the dignity, safety and well-being of people” (Erdilmen 2019: 5).

Ultimately, HD approaches are believed to be vital to finding solutions for refugees (Erdilmen 2019).

African states have paid attention to the HD nexus since the 1960s, demonstrating that efforts to merge humanitarian assistance with development are far from new. Kenya along with many other African states adopted a self-sufficiency strategy in the 1960s and 1970s, which afforded refugees the right to movement and to work (Crisp 2000). While many refugees were self-reliant in Africa during this time period, self-sufficiency strategies did not lead to solutions for refugees (Rutinwa 2002). Moreover, HD approaches within Africa

began to fade in the 1980s and 1990s due to prolonged displacement, a rise in refugee numbers, and the pressures of economic liberalization and structural adjustment. With a declining commitment towards asylum, protracted situations in Africa have become increasingly complex and refugees have become increasingly reliant on relief aid (Rutinwa 2002).



Today, the HD nexus is specified in the UN's 2030 Sustainable Development Goals, the 2016 New York

Declaration for Refugees and Migrants, and the Global Compact on Refugees, discussed in greater detail later (Milner forthcoming).

Although the international community recognizes the importance of the HD nexus, the design and implementation of a coherent and comprehensive framework to find solutions are lacking (Betts et al. 2019; Betts and Milner 2019). Though the HD nexus is important in principle, it is important to be cautious of how it operates in practice. Self-reliance, in particular, aims to aid refugees through resilience building, yet self-reliance and the HD nexus more broadly have been framed in Western neo-liberal terms to suit the interests of states. As a result, the HD nexus has to do with making refugees less dependent on aid rather than finding solutions for refugees.

Despite the restrictive encampment policies in Kenya since the 1990s, the Kalobeyei Integrated Socio-Economic Development Programme (KISEDPP) was recently adopted in Turkana West, Kenya. Kalobeyei is an integrated community that was developed to

not only empower refugees through self-reliance but to also support the host community of Turkana (Betts et al. 2018). The Kalobeyei settlement has received a great deal of attention recently as it has paid attention to the HD nexus by enhancing self-reliance for refugees. However, Kalobeyei has primarily met the interests of both donor states and the Kenyan government, which means very little in terms of solutions for refugees.

Given the prominence of the HD nexus, it became a focus in the early work of the Local Engagement Refugee Research Network (LERRN). LERRN is a community of researchers and practitioners based in Canada and in the global South, who are committed to promoting protection and solutions with and for refugees. LERRN's goal is to "ensure that refugee research, policy and practice are shaped by a more inclusive, equitable and informed collective engagement of civil society" (LERRN n.d.: para 4). LERRN is important for the purposes of this paper as it challenges existing power asymmetries within the refugee regime and supports the voices of those who are often marginalized.

The purpose of this paper is to ask:

What factors explain the launch of

the Kalobeyei settlement experiment in Kenya, despite Kenya's prevailing policy approach to refugees?



This question is important for identifying the factors, actors and interests that led to the Kalobeyei approach.

This paper also asks: What are the implications for the Kalobeyei model for the principles of the refugee regime in Kenya?

This question is important for understanding whether the self-reliance model in Kalobeyei is furthering or hindering the goals of the refugee regime, namely protection and solutions for refugees. I situate Kalobeyei in the context of the HD nexus to highlight the motivations behind the Kalobeyei settlement. I examine whether Kalobeyei is meant to empower refugees or to reduce the obligations of donor states while also benefiting the Kenyan state.

In light of these questions, I argue that although the Kalobeyei settlement is important in principle, as it aims to bridge the HD gap and challenge the negative discourse surrounding refugees, state interests continue to dominate the global refugee regime and its functioning in Kenya. Consequently, refugees' rights are frequently violated, and it is increasingly difficult to find permanent solutions to their plight.



Kalobeyei is a new and prominent case in global policy discourse as it is providing wellness and

renewing hope for both refugees and Kenyans. The self-reliance model practiced in Kalobeyei represents an attempt to shift focus from humanitarian relief to the creation of sustainable livelihoods through development, making it important for Kenya and the wider world (UNHCR 2018).

Kalobeyei also challenges the negative perceptions of refugees as a burden to capable and dignified actors who can support sustainable development and help shape change (UNHCR 2018; Zetter 2019). While Kalobeyei is driving refugee policy in Kenya, there are a number of distinct

features which have enabled the implementation of the local integrative settlement in Kalobeyei. Local integration may only be appropriate in some countries and is dependent on a number of political, economic, and social conditions of the host society. Thus, the model of self-reliance in Kalobeyei cannot be generalized to examples of self-reliance elsewhere.

This paper was prepared as an undergraduate Honours Research Essay using publicly available research articles and documents and was also guided by my involvement with LERRN. This paper is limited as it does not involve fieldwork or primary research in Kenya, and thus, this paper cannot speak beyond what is available in the public domain. Notwithstanding the limitations of this paper, I think there is value in the argument that I make. This paper makes an important contribution to the understanding of the self-reliance model and the HD nexus more broadly in Kenya in relation to solutions to refugees' plight. I argue that the self-reliance model necessitates reframing and careful application in order to effectively respond to on-the-ground realities of refugees.

This means that HD approaches must promote policies and programs that more closely consider the rights of refugees and that focus on finding solutions to their plight rather than state interests.

Thus, I intend to make an important contribution by examining the pursuit of solutions to refugees' plight and by highlighting the role of self-interests when

responding to refugees. This paper also has value as it is a contribution to LERRN's ongoing engagement with the HD nexus and speaks to existing power imbalances in the refugee regime. Ultimately, I intend for this paper to contribute to finding sustainable solutions for and with refugees in Africa and in the world more broadly.

In the first section, I examine the international refugee regime to highlight the difficult task of protecting refugees and finding solutions to their plight. I argue that the global refugee regime is important for outlining principles to guide the protection and solutions for refugees. However, there are a number of gaps within the refugee regime that make international cooperation, which is vital to the functioning of the regime, difficult to achieve. This section has wider implications for Kalobeyei in terms of whether or not it has paid attention to the gaps within the refugee regime that are key to recognizing solutions for refugees.

In the second section, I examine the debates around the HD nexus and identify the conceptual problems with HD approaches. To do this, I examine the evolution of the HD nexus in an African context and in a contemporary international context. I argue that although HD approaches, namely self-sufficiency, have been practiced in Africa for decades, it has not led to permanent solutions for refugees. Despite renewed international commitment to the HD nexus, a number of institutional and conceptual gaps within the HD nexus make it difficult to realize solutions.

In section three, I provide an in-depth analysis of the practical implications of the HD nexus. I look at the latest manifestation

of the HD nexus – self-reliance – to identify what the HD nexus means in terms of solutions for refugees.

I argue that self-reliance is based on neo-liberal tenants that center around reducing aid dependency for refugees rather than finding solutions. While HD cooperation can play a transformative role in addressing protracted displacement and may contribute to future solutions, such approaches are not a substitute for a solution (Milner 2016).

In section four, I examine the evolution of Kenya's asylum policy in the context of Africa to identify the factors, actors and interests that played a role in Kenya's changing asylum policy. This section is important for understanding the context in which Kalobeyei emerged and whether or not Kalobeyei is leading to solutions for refugees.

In the final section, I situate Kalobeyei within the HD nexus to identify the problems associated with the self-reliance model. I argue that while Kalobeyei offers a potentially important model for changing the discourse surrounding refugees and creating sustainable livelihoods for refugees, a deeper examination of the actors and interests involved in Kalobeyei reveals that the settlement does not constitute a solution for refugees. Instead, Kalobeyei is being used by states as a justification to reduce their responsibility in the refugee regime in terms of protecting refugees and finding solutions to their plight. Thus, states' interests are prioritized over refugees' rights and host communities alike in Kalobeyei.

Finally, I propose recommendations around imbalanced power structures, participation, and gender inclusivity. First, I highlight the importance of challenging power asymmetries in the refugee regime that hamper efforts to recognize solutions. I then propose that the voices of refugees and host communities, both generally and from a gendered perspective, must guide the implementation of policies and programs like Kalobeyi.

1. THE INTERNATIONAL REFUGEE REGIME

In this section, I examine the politics of the global refugee regime more generally and outline existing tensions within the regime that make it difficult to protect refugees and find solutions to their plight. The weak and diffuse governance arrangements of the refugee regime itself, along with the limitations of its core organization, the UNHCR, have had severe consequences for the functioning of the regime and the ability to find solutions.

The interests and priorities of Northern states continue to shape the regime itself and the neo-liberal structures within which it functions, making it difficult to achieve international support and cooperation towards finding solutions.

The global refugee regime emerged to respond to the consequences of World War II and the early days of the Cold War (Betts and Milner 2019). The refugee regime is made up of sovereign states that have developed norms relating to the protection and solutions for refugees (Betts and Milner 2019; Betts et al. 2017). The process to create the refugee regime was conditioned by several competing interests and perspectives, but ultimately reflected the interests of the more powerful states in the international system at the time, in particular, the United States (US) (Betts and Milner 2019). The US influenced the creation of the refugee regime by ensuring the organization was “reliant on states and lacked political capacity or functional autonomy” (Betts and Milner 2019: 2). Thus, the interests of states in the global North have defined

the structures within which refugee responses are developed (Betts and Milner 2019 and 2011; Bradley 2019).



The regime itself “has always lacked a clearly defined system of governance” due to the diffusion of responsibility between states, competing perspectives, and weak governance arrangements for the regime itself that have hindered important forms of coordination, dialogue and political engagement (Betts and Milner 2019: 1).

While there are many organizations involved, the UNHCR is at the core of the global refugee regime and is mandated by the UNGA to ensure the international protection of refugees, and to cooperate with governments to find permanent solutions for refugees (UNHCR 1951). UNHCR’s efforts are guided by the organization’s 1950 Statute, along with the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol (UNHCR 1950; UNHCR 1951). The 1951 Convention outlines important principles and fundamental rights that States should afford to refugees (UNHCR 1951). Additionally, the UNHCR’s mandate proposes three durable solutions for refugees, including repatriation, resettlement into a third country or local integration into their host country (UNHCR 2008; Milner 2014; Bradley 2019). While the three solutions noted above have

traditionally been used to deal with refugees, they have not led to permanent solutions for refugees. As a result, the UNHCR has increasingly begun to work with partners to adopt solutions centred around self-reliance (UNHCR 2005).



Despite UNHCR's commitment to protections and solutions, the non-political mandate of the UNHCR coupled with its reliance on voluntary funds, is a barrier to the fulfillment of its mandate (Loescher et al. 2012; Betts and Milner 2019).

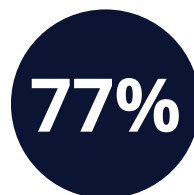
Since the High Commissioner was elected by the UNGA, it is required to follow policy directives issued by the UNGA and the Economic and Social Council (ECOSOC), or a future advisory committee established by the ECOSOC, and to report annually to the UNGA (Loescher et al. 2012). This means that the work of the High Commission is to be entirely non-political (Loescher et al. 2012). Even though the UNHCR's work is supposed to be non-political in character, refugee protection is inherently political and thus, the UNHCR must operate within a political context (Loescher et al. 2012). Though the UNHCR should not be 'politicized' in the sense of scrutinizing political actors, the UNHCR is required to be politically proactive, by taking into consideration the opportunities and constraints of particular historical junctures as well as state interest, to fulfill its mandate (Loescher et al. 2012: 87).

Additionally, according to UNHCR's Statute, all expenditures, with the exception of administrative expenditures relating to the office's functioning, are to be financed by voluntary contributions. Thus, contributions

towards alleviating and solving this issue are discretionary (Milner 2016). Given the concentration of financial support from a limited number of states in the global North, in particular the US, Western interests have played a significant role in shaping the activities of the UNHCR throughout its history (UNHCR 2017; Milner 2016; Betts and Milner 2019).



of UNHCRs funding comes from voluntary contributions



of which provided by just 10 donors in the global North

Approximately ninety-seven percent of UNHCRs funding comes from voluntary contributions, 77 percent of which provided by just 10 donors in the global North, with the US as the single largest donor (Milner 2016; Betts and Milner 2019).

By 'earmarking' their contributions, donors exercise additional control over the UNHCR, placing restrictions on UNHCR's ability to be a needs-based actor (UNHCR 2017; Milner 2016; Betts and Milner 2019). In 2017, "UNHCR recorded over \$638 million in multi-year funding, defined as contributions for which the implementation period is over 24 months" (UNHCR 2017: 3). However, nearly half of it – 49 percent – was earmarked, with only 26 percent unearmarked and 25 percent softly earmarked (UNHCR 2017). With nearly half of UNHCR's funding earmarked by donors in the global North, states in the North have more influence over the work of the UNHCR.



As a result, programs considered to be important by key donors receive substantial support, while those deemed less important, usually relating to solutions for refugees, receive less support (Milner 2016; Betts and Milner 2019).

At the same time, without flexibility, it is difficult for the UNHCR to deliver its core mandate of protecting refugees and finding solutions to their plight (Milner 2016; Betts and Milner 2019).

It has been difficult for the UNHCR to resist and influence the actions and interests of the more powerful states in the international system as it risks losing financial support from those states. The UNHCR's ability to fulfill its mandate has repeatedly relied upon being able to establish partnerships with other actors within and beyond the UN system (Loescher et al. 2012; Betts and Milner 2019). Thus, to fulfill its mandate, UNHCR has had to ensure that the interests of states and other actors are taken into consideration to ensure successful outcomes. If the UNHCR constantly adapts its mandate to world politics or to act in accordance with the interests of the most powerful states, it risks undermining its humanitarian principles and legitimacy (Loescher et al. 2012; Betts and Milner 2019). At the same time, if the UNHCR is unresponsive to change and ignores state interests, it risks irrelevance and inability to find solutions for refugees (Loescher et al. 2012; Betts and Milner 2019).

The governance of the global refugee regime remains constrained due to state sovereignty, the political nature of outcomes for refugees, and the...

non-binding nature of the regime itself (Loescher et al. 2012; Betts and Milner 2019).

States are primarily responsible for the protection of refugees, meaning states are responsible for identifying the number of refugees they allow onto their territory and are responsible for granting status and determining rights for refugees. The role of the UNHCR is to assist and oversee states in meeting their international obligations towards refugees, not to take on the role on their behalf (Loescher et al. 2012; Betts and Milner 2019). In addition, the mandates of different international institutions, such as development institutions, often overlap, leading to conflicting priorities that hinder efforts to find solutions for refugees (Loescher et al. 2012; Betts and Milner 2019). Finally, though the principle of international cooperation has been widely accepted by states since the origins of the global refugee regime, the regime contains no binding obligation on states to cooperate to ensure the functioning of the regime (Loescher et al. 2012; Betts and Milner 2019; Betts 2008). This means that the regime's core organization, the UNHCR, can only persuade, rather than enforce states to fulfill their humanitarian obligations towards refugees (Loescher et al. 2012; Betts and Milner 2019). While burden and responsibility sharing is central to the viability of the regime, states are becoming increasingly reluctant to cooperate and ensure the fulfillment of UNHCR's mandate (Betts 2008). Both the global North and South have employed restrictive asylum policies that prevent people from accessing asylum and exercising their rights. As noted above, Northern states have reduced their level of support by placing conditions on the funding they provide to UNHCR and have

also allowed a limited number of refugees on their territory (Loescher et al. 2012; Betts and Milner 2019, Milner 2016; Betts 2008).

In this section, I examined the politics of the international refugee regime and the limitations of the UNHCR to illustrate that the refugee regime is not equipped to find solutions for refugees. Powerful states in the global North initially shaped the regime and continue to exercise significant influence over the operations of the regime, demonstrating that there is an unequal power dynamic within the regime. Due to the weak governance of the refugee regime itself along with conflicting interests within the regime, there is also a lack of international cooperation. As a consequence of dwindling international support and cooperation, situations for refugees are becoming more miserable and solutions to their plight remain absent. The international community has recognized the need for alternative measures to address the challenges of the global refugee regime, one such approach being the strengthening of the HD nexus.

2. THE HUMANITARIAN-DEVELOPMENT (HD) NEXUS

This section examines the HD nexus in an African context and in the context of the international community. I first examine the self-sufficiency strategy adopted in African states in the 1960s, to highlight that self-sufficiency is important in principle but has not led to solutions for refugees. I also briefly discuss the shift away from the HD nexus in Africa in the 1990s due to changing national and international contexts. In the following section, I highlight that the international community has recently revisited the idea of the HD nexus, not to find solutions for refugees, but rather to reduce obligations towards refugees and to secure the containment of refugees in the South. In the following section, I examine the conceptual and institutional challenges that hinder efforts to bridge the HD divide and find solutions for refugees.

As noted above, while humanitarian assistance is critical initially, solutions cannot be reached entirely from a humanitarian perspective (Zetter 2019; Dunbar and Milner 2016). In recognition of this issue, attention is increasingly shifting away from traditional humanitarian solutions towards approaches that are centred on bridging humanitarian and development efforts (Erdilmen 2019; Dunbar and Milner 2016; Kaga 2019; Kaga and Nakache 2019). The humanitarian sector intends to provide immediate aid in emergency situations to fulfill the basic needs of those affected by crises while operating on a needs-based and non-political basis (Erdilmen 2019). On the other hand, development assistance aims to support and build state institutions and address the

structural causes of poverty by working to change the social, economic and political systems (Erdilmen 2019). The development sector is rights-based and political in nature, meaning it is not meant to operate as a “neutral, impartial or independent” body as the humanitarian sector intends to do (Kaga and Nakache 2019: 19). Similar to the protection mandate of humanitarian aid, “development approaches aim to uphold the rights of recipients of aid in accordance with relevant bodies of law” (Kaga and Nakache 2019: 1).



The aim of the HD nexus, defined by UNHCR, is to “implement a development-oriented response to reduce reliance on humanitarian aid, support the livelihoods of refugees and host communities, and ensure the dignity, safety, and well-being of people” (Erdilmen 2019: 5; UNHCR 2005).

A development-led response from the outset enables refugees to move towards self-reliance and self-sufficiency while helping least developed countries to cope with the social and economic burden of refugees (UNHCR 2005; Meyer 2006). Though development-led approaches aim to equip refugees with skills that help make them more resilient upon return, it engages only with the conditions in exile and does not address the root causes of displacement in the country of origin. Thus, the HD nexus does not generate conditions for solutions through return (Meyer 2006).

HD approaches centred around self-reliance have also faced a number of conceptual and institutional challenges, which has led to an impairment of its success in practice. Rather than leading to permanent solutions, HD approaches have focused on reducing humanitarian assistance budgets. As a result, HD approaches have not only made situations for some refugees slightly more bearable, it has also reinforced the policy of containment in the South.

2.1. HD NEXUS IN AFRICA: SELF-SUFFICIENCY

African states have paid attention the HD nexus for decades, namely through settlement self-sufficiency. In 1967, the UN Economic Commission for Africa promoted refugee settlement self-sufficiency as the mainstream HD approach (Meyer 2006). Settlement self-sufficiency was meant to occur “collectively at the level of communities and rural agriculture settlements” (Meyer 2006:11). By 1972, African states hosted just over one million refugees, many of whom were integrated into local and national economies through the zonal development approach to refugee settlement (Milner 2019; Crisp 2000). The zonal approach was rooted in the notion of self-reliance as it supported the idea that while refugees may impose a number of burdens on host states, they can also contribute to African-state building (Milner 2019; Crisp 2000).

As part of the refugee settlement approach, refugees enjoyed security rights, they were allocated land, granted the right to work and encouraged to pursue self-sufficiency through a range of economic activities (Milner 2019; Crisp 2000).

There was also a strong commitment to durable solutions in terms of local integration and some refugees were legally naturalized (Rutinwa 2002). Though several refugees attained self-sufficiency, and were thus, economically independent and able to contribute to the local economy, self-sufficiency brought limited concrete success (Crisp 2000).

Self-sufficiency in Africa was relatively short-lived and unsuccessful in terms of finding solutions for refugees (Crisp 2000).

In the 1980s, African states gradually became less committed to asylum due to changing political and economic contexts in Africa and on a global scale, which are discussed in greater detail in the following section. As a result, African states began to adopt restrictive asylum policies in the 1990s, moving further away from solutions (Crisp 2000; Milner 2009). African states confined refugees to isolated and often insecure camps, which placed significant limits on their rights and forced them to rely on declining international humanitarian assistance (Crisp 2000; Milner 2009). With solutions far from sight, prolonged exile in Africa worsened throughout the 1990s (Crisp 2000; Milner 2009).

2.2. RENEWED INTEREST OF THE HD NEXUS

As protracted refugee situations in Africa continued to worsen throughout the 1990s, the link between relief and development remained severely strained. Despite efforts by international actors, namely the UNHCR, to bridge the HD gap, refugees and development were treated as two distinct

issues for a significant period of time (Milner forthcoming; Rutinwa 2002). It was not until 2015, with increasing numbers of people seeking asylum in Europe, that the political will suddenly emerged to link humanitarian and development responses (Milner forthcoming). For example, with the support of key donor states, host states and development actors such as the World Bank, refugees are being integrated into Jordan's national economy through work opportunities in "Special Economic Zones" (Milner forthcoming: 13). The Jordan Compact is viewed by some as potentially a new blueprint for how refugees can be supported to be self-reliant, whereas others argue that it constrains the rights of refugees by relegating them to low-paid sectors of the economy (Milner forthcoming: 13). The importance of the HD nexus was first highlighted in a report by the then UN Secretary General in 2016 (Milner forthcoming; Dunbar and Milner 2016).



The report states "in safety and dignity: addressing large movements of refugees and migrants, the mandates and approaches of humanitarian and development actors are distinct, but both have a similar aim to ensure that people's rights are upheld and that they can live in dignity, as embodied by the Sustainable Development Goals" (Milner forthcoming: 4; Dunbar and Milner 2016).

The 2030 Agenda for Sustainable Development is also recognized as an important step because it called for the inclusion of refugees and migrants in national development planning (Dunbar and Milner 2016). This resolution acknowledged that migrants could positively contribute to

inclusive growth and sustainable development (Dunbar and Milner 2016). More recently, the link between humanitarian operations, durable solutions, and development initiatives were emphasized with the Global Compact on Refugees in 2018 (Milner forthcoming). The Global Compact calls for a greater focus on development-led responses, along with a greater role for refugees themselves in the process of planning and programming (Milner forthcoming). Though the Global Compact on Refugees is non-binding, it is being promoted by the UNHCR to address the limitations of the refugee regime, including equitable burden-sharing and the integration of HD approaches (Milner forthcoming).

Recent debates have also placed emphasis on linking humanitarian and development aid to the political and security objectives in fragile states

(Dunbar and Milner 2016; Hinds 2015; Milner and Loescher 2011).

These approaches call for not only humanitarian and development aid, but also peace-building which aims to build resilience at societal and political levels (Dunbar and Milner 2016; Hinds 2015; Milner and Loescher 2011). Though international documents that support the HD nexus are widely accepted in principle, it has been difficult to bridge the gap and find solutions for refugees. As mentioned in the first section, this is largely due to weak governance structures of the refugee regime that undermine cooperation and reinforce power asymmetries.

With the rise of the HD nexus, development-

oriented international organizations such as the United Nations Development Programme (UNDP), the World Bank, and the World Health Organization (WHO) have started to collaborate with major agencies in the humanitarian field (Milner forthcoming; Apurva et al. 2016). The World Bank, for example, is working with several partners and donors to advance the policy, operational and financial shifts required to enable the broader understanding of humanitarian operations and development needs in refugee contexts (Milner forthcoming). The collaboration between the World Bank and other agencies has resulted in new policies as well as the institutional recognition of the benefits of the HD approach through the 2016 Declaration (Milner forthcoming). Though partnership between development and humanitarian agencies is beneficial in terms of bridging the HD gap, interests from donors within the development sector must be taken into consideration. I consider further implications of the involvement of development agencies in relation to finding solutions in the final section.

The recent renewed interest for development-based responses raises a number of critical questions relating to the interests that HD approaches intend to promote.

While the international community, namely the global North, has emphasized the need to bridge the gap between humanitarian and development efforts, it is important to note that efforts to close this gap are aligned with state interests.

These interests are rooted in the agenda of containing refugees in the global South,

which has very little to do with finding solutions for refugees. While there is a strong international commitment to the HD nexus in principle, successful HD approaches have proven difficult to achieve. Like traditional humanitarian responses, HD approaches depend entirely on the commitment of the international community to adequately protect refugees and find solutions to their plight (Loescher and Milner 2006). Though the international developments described above are important as they bring attention to issues relating to responsibility-sharing and the integration of the humanitarian and development sectors, they are non-binding and involve several competing interests (Loescher and Milner 2006). This suggests that compliance with HD principles is discretionary and the principles themselves are subject to varied interpretations.

2.3. CHALLENGES TO BRIDGING THE HD GAP

Although the HD nexus has been practiced broadly in Africa for six decades and has been widely recognized as important, integrating humanitarian and development areas of aid has been difficult. There are a number of conceptual differences and institutional barriers that make it difficult to bridge humanitarian and development efforts. Consequently, HD approaches have failed to adequately protect refugees and lead to solutions.



Increasing attention to the HD nexus has forced the humanitarian sector to shift from a needs-based approach towards a rights-based approach.

Theoretically, rights-based policies transfer a significant amount of power to persons

affected by crises, leading to a number of challenges for the humanitarian sector (Kaga and Nakache 2019). For example, UNHCR's commitment to a rights-based and community-based approach includes "efforts to engage and empower persons of concern in decisions that affect their lives" (Kaga and Nakache 2019: 9). However, programs and policies suggested by affected persons may be difficult for humanitarian actors to deliver due to controversy over what needs to prioritize (Kaga and Nakache 2019; Sande Lie 2017). To illustrate this point, while humanitarians may prioritize meeting food security and health needs, people affected by crises may argue that "nationality, freedom of movement, access to justice [and] peace and security is equally – if not more – important" (Kaga and Nakache 2019: 10). In addition, it may be difficult to advocate on behalf of refugees' rights as advocacy with government bodies could be seen to violate the principle of neutrality and undermine their ability to remain engaged in crisis situations (Kaga and Nakache 2019). These examples illustrate that the shift towards a rights-based approach could jeopardize humanitarian principles and further demonstrates that refugees' rights might not be the primary focus of programs and policies (Kaga and Nakache 2019; Sande Lie 2017).

Protecting refugees from a humanitarian perspective has been difficult due to conceptual differences about what protection needs are and what needs should be prioritized coupled with an increasing number of humanitarian actors (Kaga and Nakache 2019). Humanitarian organizations usually understand protection as "access to life-saving assistance and protection service"

(Kaga and Nakache 2019: 6). However, needs are wide-ranging, multidimensional and vary depending on the context, making it difficult for humanitarian organizations to meet everyone's protection needs (Kaga and Nakache 2019). This suggests that certain needs are often prioritized over others and certain rights may not be adequately addressed (Kaga and Nakache 2019). Furthermore, the humanitarian sector includes a diverse group of actors that interpret and implement protection obligations. As a result, protection needs are often interpreted by humanitarians to fit their own agendas rather than the interests of refugees (Kaga and Nakache 2019).

On the other hand, development organizations typically do not engage in emergencies in conflict-affected and fragile states because, unlike humanitarians, they must work with states and do not want to be perceived as supporting governments that violate human rights. Consequently, humanitarian organizations are left to respond to refugees on their own and as noted above, may not always prioritize the needs of refugees (Kaga and Nakache 2019).

The lack of prioritization over the interests of refugees severely impairs the ability to bridge the HD gap and reach sustainable solutions to refugees' plight.

(Kaga and Nakache 2019)

In addition to issues around the protection of refugees, it has been difficult to find solutions through HD approaches. Similar to protection, the term "durable solution" as it relates to refugees is not clearly defined, which has led to practical concerns about how to effectively implement a solution (Erdilmen 2019: 2).

In order to effectively implement solutions, it is vital to clarify conceptual questions including, “what ‘durable solutions’ mean, when solutions start and end, when displacement ends, what the term ‘durable’ refers to, and solutions for whom and by whom”

(Erdilmen 2019: 2).

For instance, initiatives such as the zonal development approach of the 1960s have been flawed in their conceptualization and implementation (Crisp 2001). Despite the intended objective of the integrated zonal development approach to support refugees and local populations through humanitarian assistance and development activities, it proved to be unsuccessful in practice (Crisp 2001). Though the donor community is committed to finding permanent solutions to refugees’ plight through HD approaches in principle, there remains a lack of commitment to burden sharing (Crisp 2001).



Furthermore, much of the focus on solutions has been in the global North, leading to a limited focus on the pursuit of solutions within the global South where most attention is needed (Erdilmen 2019).

While there have been efforts by donor states to reconcile humanitarian and development assistance in the global South, it is important to recognize that these efforts have been guided by a particular Western agenda (Erdilmen 2019). As previously stated, the primary goal of donor countries has been to contain refugees within the global South and ultimately minimize overall contributions to the refugee crisis. Thus, donor states have only begun to recognize the importance of and push for an HD

approach in protracted refugee situations “to make things work in hosting neighbouring countries so that there are fewer secondary movements of refugees to their own countries” (Kaga and Nakache 2019: 13). This demonstrates that the HD nexus has been promoted to meet the narrow objectives of states rather than to focus on refugees’ autonomy and dignity (Erdilmen 2019; Meyer 2006). The disregard for human beings and human communities in strengthening the HD nexus has made it increasingly difficult to find solutions (Kaga and Nakache 2019; Erdilmen 2019; Meyer 2006).

It is critical to find clarity on how humanitarian and development actors can work together through shared principles and objectives (Stamnes 2016; Hinds 2015). While institutions and conceptual challenges must be addressed to bridge this gap, more importantly, attention should be directed towards the needs of program beneficiaries: “the refugees, the stayees, the internally displaced or the hosts” (Meyer 2006: 13). That being said, the international community must develop a clear and unified consensus on what protection and durable solutions mean and how it can be achieved in reality (Erdilmen 2019: 2). Again, this necessitates support and a sustained commitment to solutions amongst the entire international community. Given the ‘broken’ global refugee regime along with the number of actors – all with different interests and priorities – international cooperation is difficult to achieve (Betts and Milner 2019: 6). In the following section, I highlight that though self-reliance offers an opportunity to bridge the HD gap, it cannot be treated as a solution to prolonged refugee situations, especially within the problematic framework of the HD nexus.

3. SELF-RELIANCE

3.1. ANALYSIS OF SELF-RELIANCE: IS SELF-RELIANCE LEADING TO SOLUTIONS FOR REFUGEES?

While the last section looked at bridging of humanitarian and development approaches in responding to refugees, this section examines the latest manifestation of the HD approach – self-reliance. A critical examination of the HD nexus is vital to understanding the motivations and agendas behind self-reliance strategies and the interests that self-reliance promotes. This paper understands self-reliance to be the process by which refugees are able to provide for their own needs in a sustainable manner with dignity and become less reliant on international humanitarian assistance (UNHCR 2005).

UNHCR claims that “self-reliance provides the basis for durable solutions” and should be applied at all stages of operations.

(UNHCR 2005: 2)

While self-reliance is important in principle, similar to the self-sufficient strategy adopted in Africa, self-reliance has been framed to suit the interests of states, impeding efforts to find solutions for refugees. The analysis from this section forms the basis of the examination of Kalobeyei in the final section.

With increasing situations of long-term exile, the international community has placed increased emphasis on bridging the HD gap through self-reliance. For example, Uganda

has been regarded as having one of the most progressive refugee policies in the world (Betts et al. 2019). Since the 1960s, Uganda has striven to uphold the rights of refugees by cultivating an environment that supports the collective self-reliance and resilience of entire communities, including the refugees among them (Clements et al. 2016; Kaiser 2005).



In 1999, the government of Uganda and the UNHCR formalized efforts to bridge the HD gap by establishing the self-reliance strategy. The overarching goal was to integrate the services provided to refugees into regular government structures and policies and, in so doing, to move from relief to development (Clements et al. 2016; Kaiser 2005).

Although the adoption of self-reliance in Uganda has led to problems such as the increased conflict between host populations and refugees, refugees have been afforded several rights (Kaiser 2005). Despite relative success, Uganda's self-reliance model has not led to sustainable solutions for refugees due to internal and external factors. For instance, self-reliance in Uganda has partially been unsuccessful as it has been implemented in Uganda as a 'one size fits all approach' (Betts et al. 2019: 1). Thus, Uganda's self-reliance model overlooks important contextual factors relating to personal circumstances and characteristics of refugees (Betts et al. 2019).

The objective of the self-reliance strategy in Uganda and elsewhere is to empower refugees towards self-reliance, yet this is flawed both theoretically and practically. On a theoretical level, the self-reliance strategy is linked to reducing costs of care and maintenance, which contradicts an adequate approach to refugee empowerment (Meyer 2006). On a practical level, the self-reliance strategy disconnects the process of self-reliance from the structural constraints to refugees achieving self-reliance (Meyer 2006). According to Crisp (2000), self-reliance lacks an account of rights and protections. Refugees cannot exercise rights, including “access to land and labour markets, legal status and documentation, insecurity and freedom of movement” to which they are entitled under international human rights and international law (Meyer 2006: 26; Crisp 2000).



For example, in Sudan refugees desire self-reliance but recognize that there are a number of constraints that prevent them from achieving self-reliance, such as a lack of access to education (Meyer 2006).

This highlights the importance of considering the material constraints and the limitations on refugees in host communities prior to the implementation of a self-reliance strategy (Meyer 2006).

While self-reliance is important in principle as it is premised on the idea that refugees should enjoy productive lives rather than rely on relief aid, this objective has been difficult to achieve in practice (Meyer 2006; Crisp 2000). Increasingly, the self-reliance strategy, once practiced in Africa as a

collective effort, has evolved to fit a neo-liberal Western perspective (Easton-Calabria 2018).

The promotion of self-reliance based on neoliberal tenets, rather than collectivity, involves minimal state intervention, unregulated markets, and individualism.

(Easton-Calabria 2018)

With a declining emphasis on collectively attained self-reliance in agricultural settlements, the focus has shifted on individuals' ability to navigate adversities alone. Self-reliance viewed from this angle presents refugees' aid dependency in a negative light as it suggests that self-reliance cannot be achieved if refugees are provided with external aid (Easton-Calabria 2018). The polarization of self-reliance and dependency provides aid agencies with a justification for reducing assistance to refugees without adequate economic structures, policies and protection measures in place to truly foster self-reliance (Easton-Calabria 2018). This problem is illustrated in Uganda as the implementation of a self-reliance strategy resulted in the immediate decline of funding from UNHCR and the transfer of responsibility to the host government (Easton-Calabria 2018).

The neoliberal tenets that underpin self-reliance risk eroding the protection of refugees who are unable to become self-reliant alone. Often when promoting self-reliance, personal characteristics and background elements of refugees are overlooked (Easton-Calabria 2018; Erdilmen 2019). For example, gender, age, and educational background play a significant role in determining refugees' ability to be

self-reliant (Easton-Calabria 2018). To illustrate this point, construing refugees as primarily economic actors disregards the unpaid work that women, the elderly, and youth perform in their households (Erdilmen 2019). Self-reliance is only truly achievable for those who are already comparatively well-resourced, formally educated, or have family ties in other countries, particularly in the global North. In order to ensure that socio-economic inequalities are not exacerbated within and between refugees, more careful consideration is needed to examine the effects of the self-reliance model on the socio-economically disadvantaged (Erdilmen 2019).

Careful consideration of the socio-economic inequalities within refugee contexts is equally important if sustainable solutions for refugees are to be reached.

(Easton-Calabria 2018; Erdilmen 2019)

To avoid undesirable consequences for refugees' well-being and to move closer to solutions for refugees, self-reliance must be critically interpreted and applied (Easton-Calabria 2018). In doing so, self-reliance must be promoted in ways that strengthen refugees' ability to meet essential needs with sustainability and dignity and provide a foundation for the pursuit of durable solutions (Dunbar and Milner 2016). It is also important to recognize that self-reliance is only feasible in hosting environments with conducive government policies and material conditions (Easton-Calabria 2018; Erdilmen 2019). As noted above, self-reliance is contingent on whether refugees are granted rights and entitlements such as the right to enabling working conditions. Similarly,

self-reliance is contingent on the socio-economic conditions of refugees that inhibit their ability to become self-reliant alone (Dunbar and Milner 2016; Easton-Calabria 2018; Erdilmen 2019).

Moving forward, it is vital to direct emphasis on the rights and freedoms of refugees rather than a withdrawal of aid provision. In certain contexts, this means that additional input of material resources is required (Meyer 2002; Easton-Calabria 2018; Crisp 2015). In addition, self-reliance necessitates a strong commitment and investment from the international community as a whole (Crisp 2015).



The international community must support not only refugees themselves, but also refugee-hosting communities by supporting their economies, strengthening their infrastructure and protecting their environment (Crisp 2015).

With declining support and cooperation amongst the international community, it has been difficult to achieve not only self-reliance, but more importantly, solutions.

In this section, I argued that self-reliance strategies that aim to bridge HD efforts are unsuccessful in terms of leading to solutions for refugees as they centre around state interests rather than refugee rights. Current self-reliance approaches appeal to the agendas of host governments, donors, and the UNHCR as they promote reduced aid dependency and containment in the South, rather than enabling conditions that foster self-reliance (Meyer 2006; Easton-Calabria 2018; Erdilmen 2019). At the same time, it enhances the interest of the Kenyan

government through development funding that is allocated towards supporting the country as a whole, and not necessarily towards solutions for refugees (Crisp 2001). In light of the current conceptualization and neo-liberal features of the HD nexus, it is questionable whether the self-reliance model in Kalobeyei will be successful in terms of moving closer towards solutions for refugees. I analyze this concern in the Kalobeyei settlement more fully in the following section.

4. KENYA'S EVOLUTION OF ASYLUM POLICY IN THE CONTEXT OF AFRICA

This section examines the evolution of Kenya's asylum in the context of Africa and importantly identifies the factors that have led to Kenya's changing asylum policy, leading up to the Kalobeyei settlement. This section is important for understanding the context in which the Kalobeyei settlement emerged.

4.1. KENYA'S ASYLUM POLICY PRIOR TO ENCAMPMENT

In the 1960s and 70s, African states were committed to asylum and adopted a self-sufficiency strategy to grant refugees rights and enable them to contribute to the economy. Through the 1969 Organization of African Unity (OAU), Africa implemented an 'open door policy'.

(Rutinwa 2002: 1)

As a result, the period between the early 1960s and early 1980s has been labelled the 'golden age' of asylum in Africa (Milner forthcoming: 6). In general, governments allowed large numbers of refugees to enter and remain on their territory where they benefited from a range of legal, social and economic rights. Considerable numbers of refugees were provided with land and encouraged to become self-sufficient (Crisp 2000).

While it seemed that African countries exhibited a very generous attitude towards refugees, Milner (2019: 72) argues that "Africa's open asylum policy existed for

specific political and strategic reasons." From the early 1960s until the late 1970s, refugees were the product of independence struggles and were granted asylum because they were fleeing wars of national liberation (Milner 2019; Crisp 2001). The zonal development approach allowed African states to attract international assistance to underdeveloped areas of newly independent states. Milner further argues that the zonal development approach was premised on several factors which made it possible for Africa to manage the situation (Milner 2019; Crisp 2001). These factors include manageable numbers of refugees, sustained international assistance and the ability to pursue policies in the absence of domestic or international opposition as it was the era of "monopoly statehood" in Africa (Milner 2019: 73). Though refugees were afforded a number of rights and conditions were generally liveable, self-sufficiency was not centered around finding solutions for refugees (Milner 2019; Crisp 2001).



Kenya, more specifically, did not experience large flows of refugees prior to 1987 (Milner 2009).

Additionally, the majority of those fleeing to Kenya were from Uganda, many of whom were skilled doctors and teachers, and thus, contributed to Kenya's development and relative prosperity (Milner 2009).

As a result, Kenya, like many other states in Africa, pursued an open asylum policy as the government recognized the social and

economic benefits of hosting refugees. Refugees enjoyed freedom of movement, access to employment markets, and the benefits of many of the social rights detailed in the 1951 Convention (Milner 2009). With increasing numbers of Somalis seeking refuge in Kenya in the late 1980s and early 1990s, Kenya's approach changed dramatically (Milner 2009).

4.2. KENYA'S ENCAMPMENT POLICIES IN 1991

With increasing numbers of refugees largely due to the country's location in a conflict-prone area, the Kenyan government implemented an asylum policy centred on the "abdication of responsibility and containment of the refugee population on the periphery of the state" in 1991 (Milner 2009: 88). The abdication of responsibility was based on the idea that refugees were the responsibility of the UNHCR, not the Kenyan government (Milner 2009). The second feature of Kenya's post-1991 refugee policy has been to contain refugees in camps, often located in isolated and insecure border regions (Milner 2009).



Kenya's policy of abdication and containment stands in contrast to Kenya's policy pre-1991 that allowed freedom of movement

and encouraged self-sufficiency. Instead, refugees' rights are severely restricted, and attention has shifted further away from finding solutions to their plight (Milner 2009).

Consequently, refugee populations have become increasingly dependent on international assistance to meet their basic needs (Milner 2009).

Refugees in Kenya primarily reside in the Dadaab refugee complex and the Kakuma Refugee Camp located in Turkana County, with Dadaab hosting the most refugees. Though Dadaab was founded in 1992 as a temporary encampment for individuals fleeing Somalia's civil war, it has become known as the largest refugee settlement in the world (Chkam 2016).



In the Dadaab camps, refugees' rights to freedom of movement, employment and security are severely restricted. According to Chkam (2016: 80), situations are managed as a "humanitarian regime of detention" whereby refugees are forced to give up their autonomy in exchange for international aid.

The situation in the Dadaab complex and Kenya more broadly, raises a number of issues concerning the reasons for restrictive encampment policies. As I demonstrate below, these policies were largely rooted in factors relating to the scale of the refugee crisis, unresolved conflict in Somalia, chronic underfunding from international donors, and the attitude of the government of Kenya (Milner 2009; Crisp 2000; Chkam 2016).

There are several reasons that explain Kenya's abandonment of its open-door policy to encampment policies that have led to increased reliance on humanitarian assistance. The most obvious reason is the pressure exerted on Kenya due to the growing magnitude of refugees (Milner 2009). To illustrate this point, while there were only around a million refugees in Africa in the 1970s, by the early 1990s there were almost six million refugees (Milner 2009; Crisp 2000). With large influxes of refugees,



Kenya was in desperate need of international assistance as it was struggling to assimilate and sufficiently aid the

incoming populations. However, with dwindling international support, namely a lack of funding from humanitarian agencies as the initial emergency phase was over, the situation in Kenya's Dadaab complex continued to worsen (Milner 2009; Crisp 2000; Chkam 2016).

The situation in Dadaab continues to be treated as an emergency intervention as Dadaab does not qualify for development funds, yet there remains a lack of resources to support refugees, let alone find solutions for them (Chkam 2016).

In addition to the sheer magnitude of refugees coupled with dwindling international assistance, the decisions of industrialized states have played a significant role in eroding the right of asylum and undermining the principles of refugee protection (Chkam 2016). For instance, since the early 1980s the countries of Western Europe, North America and Australasia have introduced several measures specifically designed to prevent or dissuade the arrival of refugees (Chkam 2016). Crisp (2000) argues that less developed states were likely following suit of states that were more developed. African countries often justified their actions referring to the precedents which have already been set in more prosperous parts of the world (Crisp 2000; Chkam 2016).

Similarly, Milner claims that Africa's shift to more restrictive policies was the result of the changing political context within the African context, and globally as "states in the global

North adopted more aggressive policies to contain refugees in their region of origin" (Milner and Loescher 2011: 5).

Likewise, in the 1960s and 70s, African economies were expanding and were able to meet the needs of both refugees and local populations. African governments established extensive welfare programs that delivered free education, health care and subsidized social services to their populations (Rutinwa 2002). As a result, refugees were perceived as beneficial to the economy and were generally accepted by local populations (Rutinwa 2002). After this short period, the economic decline and austerity measures imposed by the IMF and the World Bank in the 1980s and 90s, as a condition for economic aid, forced governments to withdraw all free services and to abandon welfare programmes (Rutinwa 2002).



Refugee-hosting countries themselves began to feel the strain of structural

adjustment and externally-imposed democratization (Milner forthcoming). Under these circumstances, governments provided refugees with goods and services, meanwhile local populations were required to pay.

This created tensions between refugees and host communities, causing governments to keep refugees contained within camps and transfer responsibility to humanitarian agencies (Milner forthcoming).

Finally, refugee policy formation became constrained by changing attitudes towards refugees. Refugees became increasingly perceived to have negative impacts on host states, including damage to the

environment, infrastructure, depletion of stocks, and increased security concerns (Rutinwa 2002). These attitudes came to the forefront for a number of reasons. For instance, in the 1960s and 70s, African states were generally sympathetic towards refugees largely because most refugees came from independent southern African countries, fleeing from racist, colonial and apartheid regimes (Rutinwa 2002). Though the Kenyan state was generally accepting of refugees coming from Uganda, the state claimed that increasing numbers of Somali refugees in the 1990s were threatening Kenya's national security.

The long-term encampment of refugees in Kenya “symbolizes a broken international refugee system”

(Milner forthcoming: 9).

As donors are able to reduce their contribution to the problem due to the design of the regime, and host states able to employ encampment policies that deny the rights of refugees, the situation for refugees becomes increasingly dire with solutions out of sight. This further suggests that encampment policies serve the interests of states rather than refugees.

4.3. THE KALOBYEI SETTLEMENT

Despite Kenya's harsh encampment policies of the past, in collaboration with UNHCR, World Bank, and other stakeholders, Kenya has recently embarked on a 15-year comprehensive multisectoral and multi-stakeholder initiative, also known as the Kalobeyei Integrated Socio-Economic Development Programme (KISED) in Turkana West (UNHCR 2018). This has been

made possible because of the increased political will of developing states to link humanitarian and development efforts. Currently, the Turkana West population is comprised of approximately 186,000 refugees and 320,000 host population (UNHCR 2018). The implementation of KISED is co-led by the County Government, and UNHCR, in close collaboration with all partners and with an initial financial support of the European Union complementing other multilateral and bilateral assistance in Turkana West (UNHCR 2018). The objective of KISED is to transition refugee assistance from an aid-based model to one that “promotes the self-reliance of refugees and host communities by enhancing livelihood opportunities and promoting inclusive service delivery” (UNHCR 2018: 5).



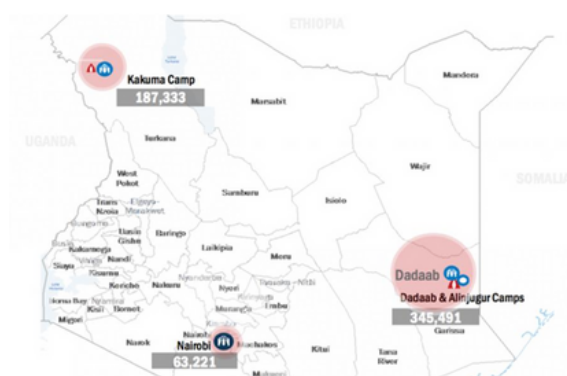
Importantly, Kalobeyei was developed around “choice theory”, which supported the notion of self-reliance by enabling refugees and the host population to maximize their potential

(UNHCR 2018: 5).

Thus, Kalobeyei moves past the initial emergency response phase based on aid dependency to more development-led solutions that aim to better protect refugees and lead to sustainable solutions (UNHCR 2018). Additionally, it presents refugees as actors with agency, dignity, and capabilities, thus challenging the perception that refugees are a burden (UNHCR 2018).

In principle, the Kalobeyei settlement challenges traditional humanitarian approaches, which has important implications for better protections and solutions for refugees. One issue with

traditional humanitarian assistance that the Kalobeyei settlement challenges is its focus not only on refugees, but also on host nationals who are equally in need of assistance (Betts et al. 2018). A focus on the development of Turkana West as a whole, rather than merely providing aid to refugees is important for a number of reasons. First, it may reduce conflict between host country nationals and refugees, leading to increased protection of refugees. It also challenges the idea that refugees are ‘burdens,’ who are ‘drains’ on the local infrastructure and environment. Instead, it recognizes refugees as important actors who can bring benefits to their hosting countries (Betts et al. 2018: 24).



Source: Operational Portal Refugee Crises. “UNHCR Kenya registered refugees and asylum seekers statistics map.” UNHCR <https://data2.unhcr.org/fr/documents/details/29349>

To conclude this section, I examined the internal factors within Kenya and Africa more broadly, along with external factors occurring within the international realm, that led to the adoption of strict encampment policies in Kenya. The Kenyan state generally accepted refugees when they were provided with funding from the international community. However, with the sheer

number of refugees and reduced international support, the Kenyan government lacked both the capacity and political will to respond to the needs of refugees. Structural adjustment and democratization imposed by Western states also led to restrictive asylum policies, suggesting that Western interests played a role in eroding development-led approaches in Africa. Given the changing international context with renewed interest in the HD nexus and an introduction of new frameworks around selfreliance, the Kenyan government has once again focused its attention on the HD nexus through the Kalobeyei settlement. This section is critical as it raises attention towards the motivations behind Kalobeyei that are largely unrelated to solutions for refugees.

Throughout history the Kenyan government implemented asylum policies corresponding to state interests rather than the interests of refugees.

These motivations were apparent both pre-1991 when refugees where refugees were afforded a number of rights and encouraged to be self-sufficient and post-1991 with the implementation of restrictive encampment policies. This section has important implications for the remainder of my paper as I examine whether or not the Kalobeyei settlement will lead to solutions for refugees or lead to more containment.

5. ANALYSIS OF THE KALOBYEI INTEGRATED SOCIO-ECONOMIC DEVELOPMENT PROGRAMME IN RELATION TO SOLUTIONS

In this section, I explore the actors involved and the approaches taken in the Kalobeyi settlement more closely to reveal whether refugees have adequate rights in Kalobeyi and if Kalobeyi is leading to solutions for refugees. I argue that the self-reliance model in Kalobeyi is neoliberal in nature and aims to secure donor interests relating to the containment of refugees in the South and secure the interests of the Kenyan government relating to funding. While self-reliance in Kalobeyi offers a potentially important opportunity to bridge the HD nexus, it does not constitute a solution for refugees.

5.1. DO REFUGEES HAVE RIGHTS IN KALOBYEI?



Similar to previous development-led approaches practiced by African states in the 1960s and 70s, refugees'

rights remain restricted in the Kalobeyi settlement.

For example, the Kenyan government is reluctant to give refugees travel permission for national security reasons, refugees do not own the plot of land where they live, nor the fixed assets they build on the land, and educational and vocational opportunities for children and adults are limited (Betts et al. 2018). This is problematic as refugees must be given rights in order for solutions to be found (Betts et al. 2018).

As noted above, self-reliance is heavily dependent on refugees' access to public

goods, which may be provided by the state, international organizations, NGOs or community-based organizations (Betts et al. 2018).

However, it is reported that refugees lack access to basic goods including healthcare, water, education, and electricity in Kalobeyi

(Betts et al. 2018).

Lack of access to water is a major constraint, for example, as it inhibits refugees' ability to engage in economic activity related to agriculture (Betts et al. 2018). Another example illustrating refugees' lack of access to public good is the inability to accommodate all school-aged children in the settlement. Though UNHCR has opened up schools in Kalobeyi, they are incredibly congested and there is an imminent need for more and better educational facilities (Betts et al. 2018).

Similarly, to promote self-reliance, the World Food Programme (WFP) has taken concerted action in the Kalobeyi settlement through two programmes: the Bamba Chakula and kitchen garden programmes (Betts et al. 2018). The Bamba Chakula programme is a cash-based intervention (CBI) that provides refugees with currency rather than food items. This provides refugees with choice as they are able to select food items that suit their preferences while also allowing refugees to support the growth of local markets (Betts et al. 2018). Another important component of self-reliance in Kalobeyi is agriculture.

This involves the household-based cultivation of farm plots located along the streams that run between the three villages. Many refugees in Kalobeyei have been encouraged to cultivate small kitchen gardens in the open spaces behind their homes (Betts et al. 2018). While the Bamba Chakula programme is designed to purchase food, refugees often receive insufficient funding and access to food remains a challenge in Kalobeyei. The Bamba Chakula programme is based on neo-liberal tenants imposed by Western agencies, suggesting that it was designed not to advance solutions for refugees but to secure the interests of states (UNHCR 2018; Betts et al. 2018).



Finally, while refugees often rely on networks for a variety of reasons, including employment

opportunities, psychosocial support, and financial cooperation, their ability to network is constrained (Betts et al. 2018).

With few economic opportunities due to a lack of access to public goods, markets and networks, refugees lack the ability to be truly self-reliant. These barriers have made the majority of refugees more dependent on international aid, making it difficult to foresee how Kalobeyei can reduce reliance on assistance. Further, it suggests that refugees' rights continue to be restricted in Kalobeyei, and without rights, refugees cannot be self-reliant and sustainable solutions will remain absent (UNHCR 2018; Betts et al. 2018; Milner forthcoming).

5.2. DOES KALOBEYEI LEAD TO SOLUTIONS?

While refugee presence in Kakuma has

generally been positive and refugees have boosted overall economic activity, leading to more bearable health and living conditions, Kalobeyei is not a sustainable solution. The line between humanitarian and development aid in relation to sustainable solutions in Kalobeyei remains an increasingly thin and blurry one. The conceptual differences regarding protection needs and durable solutions, coupled with an increasing number of humanitarian and development actors involved in the Kalobeyei settlement, is hampering the ability to find solutions for refugees. Similar to the past, the self-reliance model in Kalobeyei is about reducing refugees' reliance on international aid rather than truly fostering self-reliance. Further, it is a way for donor states to reduce their role in the protection of refugees and contributions to finding sustainable solutions to their plight. The Kalobeyei settlement is thus an attempt for donor states to prioritize their own needs over those of refugees and refugee hosting states.

At the same time, the Kenyan government is also benefiting from development-based programs such as the Bamba Chakula program by providing the state with additional funding that not being used to benefit refugees entirely.

Though refugees are living in less miserable conditions through Bamba Chakula, the funding is not being used to find truly sustainable solutions.

Despite some benefits afforded to refugees in the Kalobeyei settlement, the asymmetry of power in the international community continues to hinder efforts find solutions for

refugees. While industrialized states are prepared to support assistance programs in the developing world and admit a small percentage of refugees by means of organized resettlement programs, containment of refugees in the global South remains the ultimate goal of the North.

Consequently, there has been a lack of burden-sharing across the international community, especially from Northern states, and increasingly restrictive asylum policies.

More and more, developed countries have maintained and intensified restrictive practices in order to deter refugees from entering their territory (Crisp 2015). For example, the European Union has recently formulated a plan to “identify, seize and destroy” Libyan boats, in order to stop people from war-torn countries such as Somalia and Syria from crossing the Mediterranean (Crisp 2015). Similarly, Australia is blockading its coastline and sending the refugees and asylum seekers that it apprehends to poverty-stricken countries such as Cambodia, Indonesia, Nauru, and Papua New Guinea (Crisp 2015). With minimal efforts from the world’s more prosperous regions to contribute towards finding solutions for refugees, it has become increasingly difficult for self-reliance strategies to work in countries like Kenya (Crisp 2015).

As noted above, self-reliance is purportedly promoted as a development-oriented strategy to strengthen refugees’ social and economic ability to meet essential needs in a sustainable manner. However, in Kalobeyei,

self-reliance is being used as a strategy by wealthy countries to minimize the cost of prolonged refugee situations in Kenya. The promotion of self-reliance reinforces the idea that Northern governments and institutions are not only trying to ensure refugees are contained within the global South, but also finding ways to reduce their financial burden for longterm refugee populations (Easton-Calabria and Omata 2018). Ultimately, by framing refugee self-reliance in a positive light, the UNHCR and international community seeks to disengage from the burden of the long-term provision of aid to refugees (Easton-Calabria and Omata 2018).

This significantly undermines the ability of refugees to achieve self-reliance as

“

‘genuine’ self-reliance requires increased external inputs at certain points

(Easton-Calabria and Omata 2018;
Erdilmen 2019: 15)

”

The role of international development institutions in forced displacement has perpetuated existing asymmetries in the global refugee regime, with implications for the environment that Kalobeyei is operating within – one that is not enabling solutions to be found. The engagement of development actors, such as the World Bank, in refugee assistance has been praised by the international community, including humanitarian agencies, for merging humanitarian and development assistance and contributing to the well-being of refugees and host communities.

However, there are a number of potential issues that increasing involvement by large development and financial actors brings to refugee assistance (Easton-Calabria 2017; Erdilmen 2019; Apurva et al. 2016). For instance, while there is positive rhetoric surrounding the World Bank's involvement in forced displacement, it has questionable track record (Easton-Calabria 2017). In the 1980s, the International Monetary Fund (IMF) and the World Bank implemented Structural Adjustment Policies (SAPs) to restructure the economies of developing countries. Though SAPs aimed to reduce poverty and increase prosperity, they often failed to do so in practice (Easton-Calabria 2017). For example, since 1992, Jordan has undertaken a system of economic reform supported by the IMF and the World Bank. Although Jordan was "a model loan recipient and economic reformer in the 1990s," SAPs did not result in improved living standards, and "real GDP per capita in the early 2000s remained below the levels present in the 1980s" (Easton-Calabria 2017: 9).

Furthermore, as previously discussed, SAPs were a major factor in Africa's shift from development focused responses to encampment because welfare and social service provisions were cut (Easton-Calabria 2017). Consequently, both refugees and the host community were increasingly forced to survive without government support, suggesting that SAPs undermined the protection of refugees and hindered efforts to find solutions to their plight (Easton-Calabria 2017). The World Bank's problematic history of purported efforts to reduce poverty and increase development prescriptions is important to consider today in the Kalobeyei settlement (Easton Calabria

2017). While merging humanitarian and development sectors is important, it cannot be achieved at the cost of the dignity and human rights of people. It is important that the focus remains on finding solutions for refugees and not on state interests.

In theory, solutions for refugees are supposed to benefit refugees by promoting their rights, dignity and well-being (Bradley 2019). Solutions are also a matter of global justice as the vast majority of refugees remain in the global South, while Northern states fail to accept and enable durable solutions for refugees (Bradley 2019).

As echoed in the work of the Solutions Alliance, the lessons of past efforts towards solutions for refugees indicate that successful responses must be "comprehensive (considering all possible solutions), cooperative (involving countries of origin, asylum states and other states) and collaborative (drawing on efforts of humanitarian, development, peacebuilding, peace and security and other actors within the UN System)"

(Milner 2016: 1).

As I demonstrated throughout this paper, the divergent interests of host states and states of origin, donors, the UNHCR and other international organizations, non-governmental organizations, and members of host and return communities have and continue to hamper the ability to reach solutions (Bradley 2019). Furthermore, Kalobeyei has not addressed any of the conceptual or institutional constraints that make it difficult to bridge humanitarian and development efforts nor has it addressed

the issues within the overall refugee regime. Consequently, there remains a lack of clarity on what solutions mean and how to adequately attain solutions. Finally, the Kalobeyei settlement does not adequately address the challenge of international cooperation in the global refugee regime, which is fundamental to finding solutions for refugees. This suggests that Kalobeyei is really about securing state interests rather than recognizing solutions to refugees' plight.

In this section, I have demonstrated that the Kalobeyei settlement follows the same patterns that existed historically, as its ability to truly foster self-reliance is constrained by the neo-liberal agendas of states. With increasingly strict measures of Northern states to contain refugees in the global South along with donor interests at the center of the self-reliance model in Kalobeyei, refugees remain contained while solutions are out of sight.

Thus, Kalobeyei is making refugees self-reliant but only if that helps donors, showing that the system is still hampered by the nonpolitical nature of humanitarian agencies and its reliance on donor funding.

As a result, Kalobeyei means very little in terms of finding solutions for refugees, which is the whole point of the refugee regime.

CONCLUSION

In this paper, I addressed two key questions to understand the self-reliance model in Kalobeyei in relation to solutions for refugees. First, I addressed the question: what factors explain the launch of the Kalobeyei settlement experiment in Kenya, despite Kenya's prevailing policy approach to refugees? Through this question, I identified the factors, actors and interests that explain Kenya's evolution of asylum policy, leading to the Kalobeyei approach. The second question I addressed revolved around the implications of the Kalobeyei model for the principles of the refugee regime in Kenya. This question was important for understanding whether the self-reliance model in Kalobeyei is furthering or hindering the goals of the refugee regime, namely protection and solutions for refugees. To address this question, I situated the Kalobeyei settlement in the context of the HD nexus to demonstrate that the motivations and interests behind the Kalobeyei settlement have hindered the possibility of solutions for refugees. With this question, I demonstrated that Kalobeyei is meant to reduce the obligations of donor states and enhance benefits for the Kenyan state rather than to find truly sustainable solutions.

I argued that while Kalobeyei is important as it aims to bridge the HD gap and challenge the negative discourse surrounding refugees, both donor state interests and Kenyan state interests continue to dominate the global refugee regime and its functioning in Kenya. Consequently, refugees' rights are

frequently violated, and it is increasingly difficult to find sustainable solutions to their plight.

The Kalobeyei case study is important for understanding the practical challenges of the HD nexus, and for understanding the problems associated with the self-reliance model in terms of finding solutions. Kalobeyei matters both for Kenya and the wider world because it represents an opportunity to engage refugees themselves in the process of change.

Despite recognition in Kalobeyei that development is co-produced and necessitates the participation of refugees and host communities, power asymmetries within the refugee regime complicate efforts to enable self-reliance. Thus, in its current framework, Kalobeyei is not leading to more sustainable solutions for refugees. Instead, Kalobeyei supports the interests of states in the global North in achieving reduced contributions towards solutions and containment of refugees in the South, and also aligns with Kenyan state interests of receiving international funding for the purposes of state development and not necessarily solutions for refugees.

The argument of this paper contributes to the understanding of how programs and policies centered on self-reliance work in practice. I have emphasized the need to be aware that neoliberal western principles are infused within the HD nexus more generally and the self-reliance model in Kalobeyei.

The argument in this paper also contributes to the understanding of power asymmetries that hamper efforts to find solutions to refugees' plight.

It is crucial that these power asymmetries within the refugee regime are effectively addressed in order to implement policies and programs that better respond to on-the-ground realities of refugees. In light of the above concerns,

I highlight the importance of ensuring that the voices of refugees and host communities are at the centre of programs and policies. There needs to be a particular emphasis on the perspectives of women refugees who are often among the most marginalized voices in this process.

While refugees are the focus of these programs and policies in principle, it is important to better determine how they affect refugees in practical terms and how it may reinforce power asymmetries within the global refugee regime. The following recommendations highlight the importance of reducing the top-down programs and policies that seek to benefit donor states and the Kenyan state at the expense of refugees' rights and solutions to their plight.

RECOMMENDATIONS



Address power asymmetries within the global refugee regime to facilitate greater cooperation and meet the practical needs of refugees.

The first recommendation that I propose is the importance of addressing existing power structures that hamper efforts to find solutions for refugees. It has been challenging to foster various forms of international cooperation that are needed to fulfill the objectives of the global refugee regime, which is to protect refugees and find durable solutions to their plight (Milner 2017). The lack of an adequate normative or legal framework for responsibility-sharing in the global refugee regime is a challenge that it difficult to address due to the non-binding nature of international law. Since most of the world's refugees are concentrated in the global South, “the commitment of Northern states to support refugees through financial support or resettlement is discretionary, subject to their own priorities and interests” (Betts 2008: 159). Historically, Northern states have had little incentive to contribute to the protection of and solutions for refugees, as the issue has not directly affected them to a large extent (Betts 2008). With increasing numbers of asylum seekers entering European territories, the political will has suddenly emerged again to contribute to the problem. That being said, in order to address this issue, it is important to understand the ways in which power operates within the refugee regime and if it is possible to re-imagine international cooperation under these power structures. This understanding is important because the role of power in the global refugee regime not only leads to declining international support, but also leads to exclusion of many voices, including refugees and host communities, in the process (Milner and Wojnarowicz 2017). Thus, the notion of power in the global refugee regime should be openly discussed in order to challenge existing power hierarchies, garner greater support from Northern states, and better meet the needs of refugees on a practical level (Milner and Wojnarowicz 2017).



Enable refugees and host communities to participate in the implementation of programs and policies to facilitate an inclusive process.

Finally, I propose that it is vital to enable participation of refugees and host communities to ensure they are directly involved in the process not just in principle, but also in practice. The first step to achieving participation is to ensure that the conceptual definitions are geared towards ensuring refugees are protected and towards finding solutions to their plight. Moreover, HD approaches must build refugees' capacity to be "agents of development," ensuring participation in local livelihoods systems, markets and decision-making spaces (Sollis 1994: 47). Capacity-building is important if humanitarian and development efforts are to be merged in a coherent and comprehensive manner to make it possible to find solutions to refugees' plight. It is important to bring the interests, capacities and agency of refugees more fully into the discussion of where, why and how refugees can be included in discussions on international development policy and practice (Milner forthcoming). Rather than Western states employing strategies to resolving displacement on behalf of refugees, greater participation from refugees themselves is needed to better understand the needs of refugees. That being said, perhaps there is a need to adopt more traditional development approaches such as self-sufficiency practices that centre around community, as opposed to the current self-reliance models based on neo-liberal tenets.

Furthermore, participation must also be gendered in the sense that it addresses inequalities faced by women. A gendered approach is needed in Kalobeyei to promote self-reliance among women in Kalobeyei. Refugee and displaced populations are largely women and children, whose needs are traditionally accorded the least attention (Sollis 1994). Though women are considered in principle, they face severe challenges to attaining self-reliance in practice. Women in Kalobeyei are more likely than men to be in a caretaker role and to rely on food aid, and they are less likely to be employed, to participate in leisure or community activities, to be educated, or to have access to credit or savings (Betts et al. 2018). Efforts should be made to understand why women and girls are not participating in community groups and to rectify this disparity. Efforts should also be made to help women overcome barriers to employment and education, for example (Betts et al. 2018). Humanitarian relief and development assistance programs must consider gender if all refugees are to be adequately protected and if solutions for refugees are to be found.

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This research was supported by the Social Sciences and Humanities Research Council of Canada.