

# **What After the Right to Life ? Rights, Hopes and Economics status of Refugees**

## **– A case study in Kakuma refugee camp**

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**Abstract**— Under the protection of UNHCR, refugees are free from hunger; however, the following challenges are more complex. Refugees have difficulty accessing reliable legal enforcement; many cases were done locally with injustice results and bias. In the aspect of equality, refugees are often treated unfairly compared to host country residents. In addition, refugees face challenges such as an imperfect judicial system and employment discrimination. In terms of hopes and Economics, refugees hope to be resettled in developed countries, but opportunities are very limited. And, refugees in the area find it difficult to integrate into the local society and economic system to improve economically. Even with the policies of UNHCR and the life-skill training of NGOs, we still can't see solutions that can bring significant change.

However, many aspects of dignity and hope are based on the support of the state, which requires a certain amount of resources and effort. It seems complicated for developing countries to meet such demanding obligations as host countries. Furthermore, in the case of Kakuma, the Kenya government's policies and enforcement have done great as temporary measures or in short-term aspect. In contrast to the long-term policy's viewpoint, it is not only not enough, but it also needs to reconsider all the solutions for refugees.

**Index Terms**—Hope, Human rights, Refugee, Economic, Resettlement.

### **I. INTRODUCTION**

This qualitative study took place in Kakuma refugee camp (Kenya), interviews with refugees, and combined with quantitative data analysis, it is not a profoundly theoretical study.

Under the protection of the host country and the United Nations High Commissioner for Refugees (UNHCR), refugees are free from hunger. Every month, every refugee receives 6-7kg of food (rice or crop powder) and about 50usd in allowance. In a developed country, 7kg seems enough to live; however, in a situation without meat, food, and eggs, rice is the only food they eat, and 6-7kg is barely enough. In addition, hospitals and clinics aren't expensive under the UN's system; some public(official) hospitals are free, and private hospitals are affordable, even though some medication is expensive and patients have to pay their own bills.

The following challenges are more complex. After the right to life, Human beings not only survive in the world but also own a life with Dignity and Hope.

When we are talking about Dignity, we would like to know the suffering of these people and what conditions they are living in. In the research, we found that the Jurisdiction system and Equality are not well enforced in the region.

Looking forward into the future, refugees often have no doubt that they refuse to go back to where they are from and want to be resettled in a developed country. The truth is that most of them stay in the camp and fight for their living in bad economic conditions, and there is no way to go.

In the following paragraph, we will look into these infringements of rights that affect the dignity and the hopes of refugees and rethink the challenges and solutions that refugees face.

### **II. CHALLENGES TO RIGHTS**

#### **A. Right to Action and Distrust on Administration**

Jurisdiction is a critical path to protect people's own rights, which is the right to action. Although there may be alternative dispute resolution to solve the issue of private conflict, litigation proceedings go through due process, and

decisions made by professional judges are persuasive. According to Convention relating to the Status of Refugee Article 16, Access to courts is the right of every refugee.

In the study case, many refugees are afraid to use the court system; during the research, refugees said they may be denied to go abroad if they use the court system. In normal situations, the restraining order is usually used in criminal cases, seldom used in civil cases; however, refugees can't tell the difference between criminal and civil procedure, which causes them to lack trust and convincing from the court. Some of the civil cases are done locally by officers or chiefs, whose decisions may not be as justified as the court. In the local way, which means the lawyer and counsel are hardly able to join these cases to ensure the fine procedure and substantive law.

In addition, refugees don't trust the administration officers, either Kenyan or UN, and some corruption and bribery have been seen, which officers would increase the application fee for corruption; for example, the charge for small business permission is 3000ksh, but the officers charge for 5000ksh. Many refugees think those officers are reckless and unreasonable.

By the way, in the study, there are also some distrust cases that lead to conflict based on different understandings of the administration process and a lack of knowledge of the government and court due procedures. During research, although some refugees do propose exorbitant and excessive demands, during the research, UNHCR's officers still explained patiently that the budget allocation was planned last year, and any significant expenses or arrangements should be planned in the previous year; there are no funds for extempore events.

## B. Inequality

According to <Convention relating to the Status of Refugees> Article 16 2. A refugee shall enjoy in the Contracting State in which he has his habitual residence the same treatment as a national in matters pertaining to access to the courts, including legal assistance and exemption from *cautio judicatum solvi*.

The court decisions on the cases between Kenyans and refugees are sometimes biased; refugees rarely win the civil trial. Even with the cases done locally, the decision is made unfairly between Kenyans and refugees, Kenyans get more protection with benefits, and refugees lose and need to bear compensation.

Refugees living in the refugee camps would like to take a local job to benefit themselves and to promote better living conditions. Although there aren't many opportunities in the region, many refugees are still likely to be employed. Conversely, in the same job, the salary paid by the employer makes a significant difference between refugees and host people, refugees get paid 60% of the host people, and in some cases, the number even reaches 10%, which means host people get paid 90000ksh(Kenyan shillings, about 600usd now ) per month but refugees workers get 9000ksh a month. For example, refugee teachers at the Kakuma school receive 9000ksh, while Kenyan teachers are paid 30000 to 50000ksh.

Even with the unfair treatment and salary, the job market's demand exceeds supply; therefore, employers can easily find another refugee to replace the complained one, which makes refugees have no choice but to accept the salary and the job. Some of the employers say that the reasons for inequality are based on the food and water support of the WFP and the free service of UNHCR, which means refugees can get free food and clean water, but Kenyans need the salary to buy food and maintain their living. It does make sense when compared with host people and refugees; nonetheless, 50% or 10% of the normal wage may underestimate the contribution of refugee workers.

In some cases, refugee employees have no salary and are only given a small amount of money in the name of "motivation," and this only happens when the company is in a good financial situation.

## C. Fights and Safety

Without a war in Kakuma, people are not living together happily; the fusion of people is also not easy at all. In Kakuma, there are host people(Turkana) in town, and Congolese, Sudanese, and Somalian in the refugee camp, Races fight because of cultural misunderstanding, political problems, and sometimes girl issues.

The conflicts are not only between individuals but also in groups and tribes. Riots sometimes occur in the Kakuma camp and nearby Kakuma town; local police and army are necessary to hold the order with tear gas and guns. Even though the Kenya government does take care of local security, fights are still unpreventable. Although some interracial marriages happen in the camp, the fusion of races is still a difficult issue.

In contrast, conflicts between religions are less than we predict. People of the same religion usually live in the same zone, especially Islamic people. Although there are differences in religious beliefs, most people can accept the distinction and avoid conflicts. For example, a locally funded Islamic school held an opening ceremony, and the Muslim founder invited Jews and Catholics to debate [Who is the God-chosen one], with passion and enthuse argument, ended up with handshakes and true-heartily hugs.

#### D. Dignity

With the challenge of rights above, refugees are treated unequally, living in conflicts; some refugees thought it was disgraceful. People have the right to be respected and to self-respect, and they should not be subject to any form of insult or degradation. When refugees are forced to flee to another country, they should be treated with equality so that they can continue to live in the same status as host people in a foreign land instead of always living under the shadow of host residents.

### III. HOPES AND ECONOMICS

With the support of UNHCR and WFP (World Food Program), refugees are free from starvation, and their right to life is protected. As a human, being free from hunger isn't the final goal of humankind. People live life with the future and the expectation of a better foresee.

According to <Universal Declaration of Human Rights> Article 22, Everyone has the right to take part in sociality and enjoy the effort of the economic, social, and cultural rights indispensable for his dignity and the free development of his personality.

Regarding the future and hope, most of the common replies of refugees are to be resettled in a developed country and escape from Kakuma.

#### A. Resettlement

Resettlement is the permanent solution that moves refugees to a developed country, such as Canada, USA, Sweden, and UK. During the research, most of the refugees hoped they could get resettlement shortly and become citizens in a developed country.

In the statistics, we can see that there are almost 200,000<sup>1</sup> refugees in the Kakuma refugee camp; in the year 2019, about 229 people were resettled, the percentage is 0.0011(0.11%) of the resettlement rate, and the cases resettled are often the ones have families stay aboard. Furthermore, resettlement programs are also involved in corruption and bribery, the more affluent refugees have a higher chance to be resettled.

It is seldom complaints about why developed countries don't accept more refugees, the more advanced the government, the more consideration and evaluation in the resettlement plan, immigration will cause competition in the domestic job market, which affects the host people's employment rate.

Few of the refugees prefer to return to their own country, even if the war and inhumane treatment are over; in the quantitative research, only the ones with powerful social status (such as the son of the tribal chief or high-level officer) would likely return. In the statistics results of 2019, there were a total of 4350 refugees who have been back to their own countries (Somalia and Burundi), and 99 people in 2019 were assisted in returning. Compared with the new arrival amount of 5794, which is only 1.7% of refugees return.

Major of the refugees stay in the camp, continuing their lives, getting married, and having kids. Many of the married refugees have 3~5 kids, which is also a heavy loading of food supply; although WFP and UNHCR do offer food, raising children still causes lots of effort and additional expenses, and lower the living condition.

But on the bright side, refugee camps do provide a safer place for children to live and be educated. By the way, refugee camps do provide a more inclusive, compared to the refugee home countries, area for LGBT people to live in, although they are not free from discrimination, they are still obviously better than facing persecution and violence (even death) in their home countries.

Besides the life-changing resettlement, they would like to earn money and improve their living condition. Thus, it comes to economics.

#### B. Economic

In the case of the study, Refugees find it hard to fuse with host people, besides ethnicity and religious issues, and refugees find it hard to make economic connections with the locals. Most refugees cannot travel or be hired around the host country; they only stay in the camp or live near the camp. Economic growth is a human right of development and the only way people fight hard to make a better living; it is necessary to figure out the economic aspect of the difficulties refugees face.

<sup>1</sup> All data from, The United Nations High Commissioner for Refugees, "Briefing-Kit\_May-2019-approved," May 2019, pp 1-3.

Kakuma refugee camp is in a remote position without natural resources; in fact, it is almost a desert. Due to the regulations of the Kenyan government, all refugees must stay in the camp; moving into the city without permission is not allowed. Some refugees try to build their own agriculture and gardens, but with the climate and lack of water, they have no choice but to dig a well with workforce or simple machines, which limits the size of farming.

The Kakuma is far from the central city of Kenya, which has fewer opportunities to connect to Kenya's economic system, even though refugee camps have cheap and abundant human resources, without external investment and factories, the place doesn't offer regular jobs for refugees to participate in economic activities, which causes these refugees hardly to improve their living with hard work.

In the camp, there are people riding motorbikes for a living, which is the local taxi (piki piki). They offer a transportation service, which is one of the ways to make money in the camp.<sup>2</sup> Part of the refugees started businesses in the camp, offering daily life needs, small shops are seen in the refugee camp and Kakuma town. Goods delivered from major cities or ports take a high cost on transportation, and the items' price is higher than usual.

With the low startup capital and awful economic conditions, most of the refugees are not able to succeed in commercial business. Although there are reports<sup>3</sup> showing that the financial situation has improved, some refugees do own their own businesses, hire Kenyans as employees, and join the economy in the region, which is only a tiny portion of the refugees.

Compare Kakuma refugee camp with Kibera slum(ghetto) in Nairobi, Kibera is in the capital of Kenya; even if there is poverty and crime in the region, people are still able to wear decent suits and go to work, there are jobs in Nairobi available for slum resident, and they can leave Kibera whenever they have enough money. In other words, Kibera slum is only a poor region that is still economically linked with the capital city of Nairobi. On the other hand, refugees in the Kakuma camp are hardly able to find jobs in nearby regions. Even though many refugees are highly educated, with bachelor's or master's degrees, they are only able to find jobs as teachers in the camps, and they aren't linked with the nation's major economic system.

### C. Policy and support system

There are programs provided by UNHCR and NGOs for refugees in the refugee camp facility that teach refugees life skills and knowledge, which may give refugees hope and a bright future.

It has different categories in skills, agriculture, technology, technical, mechanical, etc. There are actual skills that are beneficial to refugees, such as agriculture skills, and refugees can plant their own garden and have little crops for additional food options. But it is limited by economic conditions; without the commercial use of skills and the employment market, most of the skills are only for self-maintenance.

Moreover, there are some courses about business management and singing, movie directing, and acting; these kinds of programs often go with the name of the youth program, and teens have a strong wish to become a world-famous singer or movie director. On the contrary, most of the celebrities who were born or used to live in (Kakuma) refugee camps have their process of achievement based on resettlement to developed countries. It seems that resettlement is the key to changing life instead of working hard on these skills and careers.

There are hundreds of supporting projects and plans implemented in Kakuma camp and nearby Kalobeyei(Integrated Settlement), which are promoted by the Kenya government, NGOs, and the UN. However, after the funds for the projects were exhausted, most of the projects no longer existed.

For example, there are some garden projects funded by Turkana County, the World Food Program, and the UN, which can provide refugees with crop and vegetable supplies. However, most of the fields are abandoned, and farms are deserted. This kind of project seems not to be continuing.

In the study in Kakuma camp, it is a strong feeling that even if life there in the camp is without fear and hunger, people are far away from any goal they can achieve. Despite some wealthier refugees having their own businesses, most of the refugees are living without goals, and the most important is that they aren't able to see the end of life in the refugee camp.

## IV. RETHINK OF CHALLENGES

### A. Expectation of Development

During the context of about, we might think the issues aren't necessary for now because the African world has an awful

<sup>2</sup> Sometimes there is shortage of fuel in the region.

<sup>3</sup> Nadine Fattah, Fatma Elzahra Elshhati, "We call it a camp, but it's really a city" THE OPEC FUND FOR INTERNATIONAL DEVELOPMENT , vol. OCT. 2018, pp. 60-61, Oct. 2018.

economy and limited resources for all the citizens to share the gain. So that once refugees have escaped from hunger, the rest depends on the host state.

From the above discussion, we can see that many parts of dignity and hope are based on the support of the state. This includes a sound judicial system, a fair system, a promising economic environment, and the opportunity to be resettled in developed countries. These are all crucial factors that can help refugees live better lives. However, it is essential to note that these factors are not easy to achieve. They require a solid economic foundation, which takes time and effort to build.

Most African states are not able to offer a sound judicial system, a fair system, or a promising economic environment to their own citizens, not to mention to provide these to external refugees. Refugees can't even get safety and security in their hometowns. Do they have the right to ask for more in a host state?

The standard for humanitarian and human rights from developed countries should be re-examined as the expectation of developing states' practice.

#### B. Refugee policies as a short-term solution

Kakuma refugee camp was created in 1992 and received the refugees who came from the South Sudan war (Lost Boys of Sudan). After that, Congolese, Ethiopians, and Somalians arrived in Kakuma and settled in the Kakuma refugee camp. In 2021, Kenya's government planned to shut down Kakuma and Dadaab refugee camps and repatriate refugees back to their countries. However, according to the international law of Refugees, Convention Relating to the Status of Refugees, Article 33 - Prohibition of expulsion or return ("refoulement")<sup>4</sup>, Host nations are not allowed to repatriate refugees back to their own countries.

Furthermore, how does the host nation deal with the keep-coming refugees? Despite that, there are Naturalization systems for refugees to join the host country; the more naturalized refugees get, means more responsibility for the host state to carry. Also, there are conflicts and resource competition between host residents and refugees; political pressure occurs in the host state.

Thus, some states treat refugee policies as a short-term stopgap, with the hope that refugees will be able to return home once the war and political turmoil in their home countries are resolved. But, since the endless war and conflict are still continuing in the region, refugee policies are no longer a short-term solution. In this case, many more people see the camp as their hometown, especially teens who settled in the camp at an early age or were born in the camp.

In the aspect of short-term solutions, the host state may prefer to minimize the cost of refugee policy and keep the region safe and stable; therefore, significant helpful measures are not being considered. It is unrealistic to expect the host country's government to build up significant economies and facilities in the camp, not to mention the African nations are still developing, with unstable politics and vulnerable economics. The resources must be prioritized for civilians, and refugee policies are in the latest turn.

In the short-term policies, the Kenya government and UNHCR are doing a great job coordinating with the World Food Program and the water program on education on medication; all of these have done well.

But this aspect is the reason for the above problems. To the government, refugee camps are for short-term settlement, but in practice, to refugees, refugee camps are the long-term residence. And the thought on policies didn't think in a long-term way. People can't melt together and think of refugee as an outsider(which cause inequality), the economic link is weak, and refugees have nowhere to go.

#### C. Refugee policies as a long-term solution

In the long term, no host country will likely accept thousands of foreigners joining their country and competing for limited resources with the host country's citizens. Also, as mentioned above, resettlement is not an effectively implemented solution; it is for a few people, not for all people. This means we don't have an available way to deal with refugees.

But facing the unstoppable war and fleeing of people, Kenya's government is still practicing short-term solutions for a long time. Refugees live in refugee camps and are unable to help him/her-self getting out of their poor situation, which is under the supplement of UNHCR and World Food Program.

The endless situation does make policies more difficult; war may end at any moment, today or tomorrow, or decades afterward. From a humanitarian viewpoint, if Kenya's (or the host) government can nationalize these refugees and offer a chance to fuse with local economics and people, it is the best solution for refugees to have a bright future. This truly settles

down the refugees and asks them to work hard on their own hands. It seems to be an idea to terminate the unsure, temporary, unstable situation of refugees. Food and Funds can help refugees start a self-sufficient life and a more efficient resource recycling, but only a temporary way. To create a long-term humanitarian policy, we must make refugees live like regular citizens, especially from an economic viewpoint; we can try to let refugees work and enjoy the results of economic development so that refugees can be treated like regular people.

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- [3] Bard A. Andreassen, Stephen P. Marks, "Development as a human right," Antwerp, 2. ed., 2010.

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<sup>4</sup> 1. No Contracting State shall expel or return ( " refouler " ) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.