

# Lives in Storage: Refugee Warehousing and the Overlooked Humanitarian Crisis

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Out of the 25.9 million refugees in the world today, 15.9 million—representing 78% of all refugees—are housed for years or decades in stagnant, segregated refugee camps or settlements that restrict their mobility and ensure only abridged human rights (UNHCR 2019a, 22). Even worse, 5.8 million have been living in these protracted situations for over 20 years (UNHCR 2016). According to UNHCR, the estimated average duration of protracted refugee situations (PRS) is between 18 and 26 years—an unconscionable length of time in which refugees are, in effect, warehoused pending alternative, durable solutions (UNHCR 2019a, 22).

In the early 1990s, the U.S. Committee for Refugees and Immigrants (USCRI) launched its global anti-warehousing campaign, objecting to the practice of warehousing and asking where, in international or domestic law, does it propose refugee encampment for decades. In 2004, USCRI gained support for its campaigns with the endorsement of over a hundred humanitarian rights organizations. For over 15 years USCRI has led the global public awareness campaign to challenge encampment and call out the failure recognizing the human rights of refugees living in protracted situations. Since then, human rights organizations have sought to address the crisis of PRS and refugee warehousing, and numerous reports—surging in the early and mid 2000s—focused attention to the crisis. However, these discussions have not sustained the momentum necessary to galvanize change.

In 2018, nine additional PRS have occurred (totaling 49 PRS worldwide as of last year), where the displacement of more than 25,000 refugees extended beyond five years, including South Sudanese refugees in Kenya, Sudan, and Uganda, Nigerians in Cameroon and Niger, refugees from the Democratic Republic of Congo (DRC) and Somalia in South Africa, Pakistani refugees in Afghanistan, and Ukrainian refugees in the Russian Federation (UNHCR 2019a, 22). In Pakistan, over 5 million Afghan refugees have been living in PRS since 1979, Sahrawi refugees in south-west Algeria since 1975, and Eritrean refugees have been living in protracted situations in Sudan since 1968 (Khan 2017; Coello 2018; “Eritrean Refugees” 2013). Further, despite mounting protests to stop the creation of additional camps, countries continue seeing encampment as a durable solution.

In this paper, the USCRI examines the issues currently facing PRS globally, the role of the aid model in its continuance, and the need for the international community to adhere to the principles of the 1951 Convention on Refugees and its 1967 Protocol and not operate in its omissions on encampment. Additionally, using a rights-based framework, USCRI offers recommendations as part of a long-standing campaign to address warehousing and call attention to the continuing crisis in a new decade. Refugee warehousing cannot be a viable solution in the absence of alternatives—not when its temporality is measured in generations and in the indefinite restriction of fundamental human rights.

## Background

Though prolonged encampment is rarely defended as a general principle by policymakers, it is justified as a viable option in exceptional circumstances—circumstances which have only increased in number over the last decade (USCRI 2004b, 42). While voluntary repatriation, permanent local integration, and resettlement are viewed as the main durable solutions for refugee outflows, refugee warehousing has emerged as a fourth solution—untenable and devastating as it is—when those prove insufficient.

In its 2004 refugee warehousing report, USCRI noted that encampment's history illustrates its entrenchment as a response to refugee outflows despite lack of substantiation in the 1951 Convention (2004b, 42). While the Convention defined the term refugee and enshrined the “most important refugee right, that of nonrefoulement” under Article 33, it says virtually nothing about the implementation of durable solutions to refugee situations, much less about the use of extended encampment (USCRI 2004b, 42). Advocates have had little success in promoting possible alternatives as well, considering the obstacles. Voluntary repatriation requires fundamental and lasting change in the human rights regime of the origin country to be viable for many refugee situations, and refugee resettlement is available to only a fraction of refugee populations (USCRI 2004b, 42).

Some argue that the Convention's framers envisioned permanent local integration as the most desirable outcome of refugee situations. A 1950 report by the UN Secretary General lays out the perspective that refugees should lead an “independent life” in the countries which have given them refuge and where they should be integrated in the economic system of those countries of asylum (USCRI 2004b, 42). Unless the refugee consents to

repatriation, the report continues, the final result will be the refugee's integration in the “national community which has given him shelter” (42). Yet, this view of integration into the host state has not been implemented widely or sufficiently.

Rather, this aid model has become the international framework for offering refugee relief: placing refugees in camps in accordance with concepts borrowed from economic development models and in line with postcolonial ideology (USCRI 2004b, 44). Functionally, this aid paradigm views refugees as passive aid recipients and camps as necessary mechanisms for the distribution of that aid. Critics of this model note the consequences experienced in African refugee camps in the 1980s as indicative of the framework's ill conception. As USCRI's 2004 report observed, the relief model—implemented in African countries such as Angola and Mozambique, among others—intended a short period of refugee-centered aid in camps followed by “transfer to an agricultural settlement somewhat integrated with the local economy” (2004b, 44). This did not happen. In fact, the report noted, the results were devastating:

**Local people resented the refugee-centered aid, host governments feared the refugees' competition with their own populations and obstructed their integration, and the refugees became impoverished by dependency on relief. Development agencies such as the World Bank, UN Development Programme (UNDP), and others collaborated in the segregation of the refugee settlements to avoid the opposition of host governments as, without rights to earn a livelihood, refugees would burden host country public services and the environment as they struggled to survive (44).**

Unfortunately, the idea persisted without alterations or consideration of refugee fundamental rights. Many saw the aid

model as ultimately detrimental not just for entrenching protracted refugee situations, but also in normalizing the lack of rights afforded to refugees in those protracted situations. USCRI's report observed that donor countries continued to put money into large-scale projects and programs to serve as permanent settlements for refugees but did not condition aid on "the enjoyment of rights" for the populations they were meant to aid (2004b, 44). Further, conferences dedicated to sponsoring aid to host countries at that time did not include refugee input and crucially evaded the issues of refugee employment, security of status, or free movement (44). In the decades since, research suggests a lack of improvement—even regression—in economies based on this aid model, though its principles continue to be applied.

Some activists have argued that long-term displacement and dependency for refugees in protracted situations has entered a stage of international inertia, seen as a commonplace occurrence. It is a consequence created by PRS existing on the periphery of borders, of their remoteness and isolation, and the continuous arrival of new refugee crises, redirecting the conversation. Likewise, the broadness and extent of protracted situations creates obstacles in addressing viable solutions to the issue. Nevertheless, international organizations, host countries, and governments must direct their attention to the very real and pressing issues facing refugees in PRS, and to understanding the extent of the problems in order to enable momentum for change.

### **Current Issues**

As numbers of refugees in PRS, as well as protracted situations themselves, continue to increase, so do the challenges facing not only the refugees living in these camps, but also the international community in addressing the crisis. Presently, refugees in protracted

situations experience unconscionable amounts of restrictions to their rights, exposure to violence, resource scarcity, and disempowerment.

### **Issue 1: Violence & Security**

PRS, defined by UNHCR as the displacement of 25,000 refugees or more for at least five years, creates entire populations housed within refugee camps, many of which are located within or close to boundaries of local authorities but who are not policed by them (UNHCR 2005, 115). Camps are often insufficiently equipped to deal with massive refugee populations indefinitely, as evidenced by the continued violence and problems facing protracted refugee settlements. This has created issues in camp authority, where camp administrators might not have jurisdictional control over the refugee population, operating "outside the host country judicial system with no checks on powers or legal remedies against abuses," making it difficult to find protection and recourse for refugees under their care (USCRI 2004b, 44). As noted in the UNHCR's 2003 Standing Committee, "Framework for Durable Solutions for Refugees and Persons of Concern", the high incidence of "violence, exploitation and other criminal activities are disturbing manifestations" of refugees remaining passive recipients of humanitarian assistance (USCRI 2004b, 39).

This violence can come from various actors inside or outside the camp, though it is disproportionately directed towards women, girls, and sometimes young men. In their 2005 report on protracted refugee situations, UNHCR stated:

**The reality of life for refugees warehoused in the periphery is a stark reminder of the limited protection afforded to the most vulnerable in our society. [...] Women and children, who form the majority of the refugee community, are often the most vulnerable, falling victim to exploitation and abuse.**

Various reports looking at refugee camps worldwide discuss the gendered nature of sexual violence in PRS, where women claim the frequent occurrence of marital and non-marital rape and that sexual exploitation, abuse and survival sex are commonplace (Juan-Torres 2017). Likewise, USCRI has noted in the past that “assistance-related sexual exploitation” is a consequence in warehoused situations where women, girls, and young men fall into various forms of “sexual concubinage,” including “sexual abuse by aid agency employees” (USCRI 2004b, 39).

Other forms of violence are also an issue, as protracted refugee settlements are often on the periphery of borders, neighboring factions, and other tense or hostile situations. In a 2004 report, USCRI noted that when refugees do not share the religion or ethnic make-up of host populations, “essential parallel aid streams” create additional distinctions between refugees and locals that can “artificially exacerbate animosity” (USCRI 2004a). In the past, rebels in Uganda have looted food and medicine from camps due to perceptions that refugees in the settlements were “better off” than them, a problem exacerbated by settlement seclusion (USCRI 2004b, 40).

There is likewise a possibility that refugees in some camps are part of military or militia groups and assert control over camps and surrounding areas, as in the case of Rwandan refugees in the Democratic Republic of Congo (DRC) (USCRI 2004b, 45). UNHCR has observed that protracted situations serve as “incubators for future problems” such as instability and conflict, noting that large, disaffected, and alienated populations relying on subsistence handouts are prime targets for recruitment into armed groups (2004, 3). Refugee camps in west Africa and on the Thai-Myanmar border have been known to fall under the control of political or military

groups, particularly because outside authority and international organizations have “little experience” in the area and less authority to dismantle followings (USCRI 2004b, 46). This poses numerous security threats to refugees, external communities, and the host country, and exacerbates tensions and controversy already associated with refugee populations.

## Issue 2: Resources

In addition to violence and security threats, refugee warehousing illustrates critical issues of resource scarcity and allocation. Poverty is extremely common in PRS, and refugees in camps are exposed to all dimensions of poverty: a lack of income or assets, “voicelessness and powerlessness in the institutions of the society”, and vulnerability to shocks or changes without the means to adapt (UNHCR 2004, 3). In Kenya, the third largest refugee hosting country, there are more than 421,000 refugees in the Dadaab and Kakuma camps, many who have lived in “legal limbo” for 27 years (Majok 2019). Many lack necessities like food or firewood. Only 30% of refugee households met their energy needs in 2018, forcing the remaining 70% to gather firewood from the bushes:

**This has an environmental impact and often caused tension with the host populations whose livelihoods depend on their trees. Searching for firewood is also dangerous. Recently, a torrential rain flooded a nearby river at Kakuma and swept away two refugee girls who were trying to gather firewood (Majok 2019).**

Limited resources can often force refugees to compete with host populations over food, health care, and education services, leading to the perception of “refugees as a burden” in the host country (Majok 2019).

In addition, refugee warehousing is increasingly expensive and a drain on host country resources. Many humanitarian agencies argue that inconsistent donor

commitments and limited funding lead to stop-gap solutions in an attempt to yield savings. UNHCR notes that the “prolongation of refugees’ dependence on external assistance” also squanders resources while “spending on care and maintenance is a recurring expense” and not an investment in the future (2005, 115). For example, in 2004, the then-largest and longest warehoused refugee population cost UN Relief and the UNRWA \$16.5 billion on care and maintenance for the 670,000 refugees it housed (USCRI 2004b, 47). The USCRI report at the time noted that few had believed the situation would “last that long” though that is the exact issue with protracted refugee situations (2004b, 47). And while billions of dollars are invested into PRS, refugees, restricted from contributing to regional development or fighting for their own economic security, sit in wait.

### **Issue 3: Human Rights**

Of course, one of the most egregious consequences of refugee warehousing is the restriction to freedom and ability to gain self-sufficiency for refugees themselves. UNHCR states that “the prolonged encampment of refugee populations has led to the violation of a number of rights contained in the 1951 UN Refugee Convention” (2005, 115). This includes the rights of employment (Articles 17-19), right of movement (Article 26), and right to education (Article 22) (USCRI 2004b, 38). The inability to seek wage earning employment prevents refugees from moving beyond the confines of the camps in order to pursue normal lives and become “productive members of their new societies” (USCRI 2004b, 38).

For some, the preclusion of rights also increases the risks of refugee exploitation (Juan-Torres, 2017). This has had a variety of consequences for refugees in PRS, including insecure or illegal employment and

prostitution. USCRI has observed that even when refugees manage to find work, their lack of rights limit their earnings and deters them from acquiring skills (2004b, 52). Studies on the effect of the United States legalizing undocumented workers in the late 1980s estimated that “prior lack of legal status” had held workers’ wages back by up to 24% (USCRI 2004b, 52). Denial of rights also greatly affects refugee women, who are frequently susceptible to relationship dependency in prolonged encampment for security and protection. In a camp in Ghana, this has led to commonplace teen pregnancy and further dependence on men for the wellbeing of the children (Juan-Torres 2017).

Preclusion from these rights can nurture the dissatisfaction and poverty of refugees in PRS, forcing them into a type of limbo, unable to fully control or participate in the conditions of their lives. This “disempowerment” translates to every facet of life contributing to idleness, wasted potential, low self-esteem, and lack of initiative (USCRI 2004b, 42).

### **Towards a Rights-Based Solution**

Refugee warehousing continues due to several factors colliding with and sustaining an arguably ineffective aid model and vice versa. The perspective of seeing refugee situations as temporary is a core problem that has informed encampment practices and contributes to PRS and refugee warehousing. The current model of offering refugee relief is ultimately short-sighted: while it can offer assistance in the immediate stages of a refugee crisis, it is ill-equipped to facilitate indefinite support for millions of refugees in protracted situations.

Protracted situations are both a “source and result of fragility,” where unresolved push factors such as persecution, violence, and human rights violations, as well as a “lack of political will” in the country of origin mean

refugees cannot safely return home (Majok 2019). Voluntary repatriation—a favored solution by most—requires “fundamental and lasting change in the human rights regime of the source country” which might take decades, invasion, or even foreign occupation, if it comes at all (USCRI 2004b, 34). In the absence of relative stability, refugees will continue to resist repatriation, and when regional actors fail to enforce peace, conflicts will continue, as will refugee warehousing (Khan 2017). A lack of other durable solutions for such large populations of refugees means that encampment becomes a default response, and long-term protraction a near-certainty.

USCRI seeks to highlight the need for recognition of refugee rights beyond refolement in order to both address the failing aid model on which encampment has relied and uphold the principles of the 1951 Convention and 1967 Protocol. This is a necessary component to all solutions to PRS going forward, without which real progress remains limited. USCRI’s recommendations for addressing warehousing are fundamentally reliant on continued momentum in recognizing refugees’ Convention rights, which requires cooperation from international organizations and governments across the globe. Refugee settlements were never meant to be a permanent solution. Yet, barring drastic policy change and action, warehousing remains a continuous option when feasible methods to address the issue fail to gain political or financial support.

### **Recommendation 1: Promote Self-Reliance and Integration**

UNHCR has been a strong proponent of fostering refugee self-reliance as a means and response to current aid models of humanitarianism, stating that guaranteeing rights for refugees is more important than “providing them with material aid” (USCRI

2004b, 52). Yet, UNHCR also noted that refugee self-reliance is often unattainable because of imposed barriers such as legal obstacles and “restrictions on refugees’ freedom of movement, employment or access to land” (2004, 4). Therefore, it is imperative that future approaches that tackle PRS uphold the basic rights protected in the Convention as a necessary first step to promoting self-reliance, including the right to employment and education.

Likewise, USCRI has attributed past resistance to seek integration focused policy to perceived fears that granting refugees freedom will lead to the “permanent settlement” of large populations of unwanted foreigners (USCRI 2004b, 53). The reluctance to integrate, however, should not mean the exclusion of Convention rights, and there is unnecessary confusion between integration as an “interim measure for enjoying Convention rights, on the one hand, and integration as a permanent durable solution, on the other” (USCRI 2004b, 53). Many scholars and activists agree that integration is the first step, along with area-wide assistance programs that aim towards integration, “not necessarily assimilation, and not excluding return” (USCRI 2004b, 53).

It is also a necessary step in reducing hostility and resentment towards refugee populations and improving the economic and personal well being of the vulnerable lives in encampment. Recent integration movements in Ethiopia illustrate the necessity of rights in integration policy where, in January 2019, Ethiopia’s parliament adopted revisions to its existing refugee law granting refugees work, education, documentation, and financial rights in order to fully integrate into the country (UNHCR 2019b). It is not only one of the most progressive refugee policies in Africa, it is a model for other nations hosting refugees around the world.

## **Recommendation 2: Provide National Identity Documentation**

Security considerations are a crucial problem in PRS and refugee encampment where security concerns often trump human rights. Refugee outflows stemming from ongoing military conflicts and across national boundaries can contribute to fears about refugees or result in security concerns for refugee populations in camps. Registering and identifying refugees is an essential step for providing refugee protection and easing security concerns.

USCRI has long stood by the need for registration and documentation not just for ration-distribution, but where the liberty and protection of refugees is at stake. While UNHCR has taken great strides to improving registration systems since 2003, the need for host countries to assume registration responsibilities to include refugees in national registries (and subsequent national identification documents) is essential in ensuring refugee protection.

## **Recommendation 3: Reimburse Host Countries**

Holding with past recommendations, USCRI stands with the need for donor countries to facilitate interim integration and compensate host countries for costs associated with granting refugees Convention rights (USCRI 2004b, 54). In 2004, USCRI's report noted that while donor communities fund assistance to refugee camps, they do not offer similar funds for self-settled refugees outside them, which serves as a "major structural disincentive" to ending warehousing (54). In recent years this has begun to change, as with some integration programs in Kenya or special economic zones in Jordan, though their success has been limited by the failure to recognize full rights (Majok 2019; Lenner & Turner 2019).

Lack of funding for public services like education and assistance prevents self-reliance and integration policies and puts undue burden on host countries. This can be mitigated with donor compensating hosts on a "pro rata basis for all such expenses" provided they allow refugees their Convention rights (USCRI 2004b, 53). While such reimbursement would only constitute the minimum commitment, supplemental incentives including capacity building grants, vocational training, target development assistance, and other supports could be individually tailored to the circumstances of host countries' protracted situation (USCRI 2004a, 3).

## **Conclusion**

These recommendations, while not exhaustive, provide a necessary, rights-based framework from which to proceed. They are the basis for further consideration, input, and development that USCRI plans to produce in our continued campaign against refugee warehousing and protracted refugee situations. Refugee warehousing contradicts the basic human rights outlined in the 1951 Convention, including the rights of employment (Articles 17-19), right of movement (Article 26), and right to education (Article 22) and further exacerbates protracted situations by denying refugees those rights (USCRI 2004b, 38). It is paramount that refugee organizations and advocates stand by the principles set out in our international mandates and uphold the Convention.

Temporary solutions cannot be allowed to inform our principles or practices as moral actors and humanitarian organizations. It is important now, more than ever, that we stand by the laws and protections we have long advocated for. Because resistance to ensuring refugee rights and integration will continue to be an obstacle, we will need dedicated



approaches by advocates, policymakers, and refugee organizations to prioritizing human rights under the Convention. This will go a long way in eliminating refugee warehousing and facilitating a rights-based approach

to replace our failing aid paradigms. By recognizing rights, we can expect progress. Without them, we guarantee that the mistakes of the past become our enduring legacy.

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The U.S. Committee for Refugees and Immigrants (USCRI), established in 1911, is a nongovernmental, not-for-profit international organization dedicated to addressing the needs and rights of refugees and immigrants. Through its network of field offices and affiliates, USCRI provides America's newcomers with a comprehensive package of essential services to meet their basic needs upon arrival. USCRI protects immigrant children who arrive in the U.S. without parents or resources, ensuring that the children receive the legal, social and health services they require. In addition, USCRI works with survivors of human trafficking across a multi-regional network of service providers in every state—providing emergency assistance including: access to housing; healthcare; education; employment opportunities; legal assistance; and language training. USCRI advocates for the rights of refugees and immigrants both nationally and globally, helping to drive policies, practices and law.

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