

Return of Somali refugees must be genuinely voluntary

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As the United Nations High Commissioner for Refugees visits Kenya, the Regional Durable Solutions Secretariat (ReDSS) wishes to express its support to the efforts of the Government of Kenya, the Federal Government of Somalia, and the United Nations High Commissioner for Refugees (UNHCR) under the already established Tripartite Commission launched in April 2015 and charged with overseeing the voluntary return of Somali refugees from Dadaab camps, as set out in the tripartite agreement of November, 2013¹. ReDSS looks forward to the commission expediting its work to oversee the voluntary return of Somali refugees.

The agreement established a framework governing the voluntary repatriation of Somali refugees. All parties to the agreement committed to the voluntary nature of the returns and that they take place in safety and dignity. So far, support to voluntary returns has been provided to Luuq, Baidoa and Kismayo in south Somalia, where around 2,000 refugees have been assisted to return since the pilot implementation of the agreement begun in December 2014.

Kenya has been subjected to increasing security threats and terrorist attacks, including the recent horrific attack in Garissa on 2 April 2015 which killed and injured hundreds of students. ReDSS wishes to express its condolences for the immense, painful loss for affected families and friends. ReDSS acknowledges the genuine security threat faced by people in Kenya, and acknowledges the Government of Kenya's efforts to bolster security in the country. ReDSS requests that this be done in line with Kenya's Constitution and international commitments, upholding human rights for all, and recognizing that all persons residing in Kenya, including refugees, face similar security related threats and risks.

ReDSS urges the Government of Kenya to assess the broad linking of security threats in the country with the presence of Somali refugees. Kenya also has a large population of Kenyan Somalis, some of whom have suffered increased discrimination as a result of such linkages. These communities should be seen an important ally as the Government of Kenya responds to security threats and consolidates, the gains made at strengthening national cohesion and integration in the country.

¹ The Tripartite Agreement between the Government of Kenya, the Government of the Federal Republic of Somalia, and the United Nations High Commissioner for Refugees Governing the Voluntary Repatriation of Somali Refugees living in Kenya, 2013. Can be accessed at <http://www.unhcr.org/528102b49.html> (accessed 28.04.15).

Most Somali refugees living in the Dadaab camps come from south and central Somalia, areas which remain highly volatile. Conflict continues, trade routes have collapsed, food prices have soared, while humanitarian aid has reduced. Somalia remains extremely fragile. ReDSS assessed conditions in south and central Somalia to indicate when a durable solution could be achieved for refugee returns, and found that most requirements to achieve this are far from met. Of 30 indicators considered, only two were considered to be adequate to achieve sustainable, durable solutions.² Crucially, the situation for people returning was found to be dangerous and most conditions for people to achieve physical, material and legal safety were far from met.

“Any mass movement of refugees from Kenya should be avoided, as it is likely to further worsen the already dire humanitarian conditions, and risk negating any gains made through the ongoing implementation of the pilot returns program” said Gemma Davies. “Such a movement may undermine the search for safe and sustainable durable solutions for Somali refugees.”

We support the efforts of UNHCR and others to support the Government in increasing protection and law enforcement in the camps, and ask the Government of Kenya to boost security by strengthening community policing and intelligence gathering in areas such as Garissa County to ensure an appropriate and targeted response to security threats.

ReDSS is committed to supporting the search for considered, long-term and sustainable solutions for refugees and IDPs in the region, and will continue to work alongside states, humanitarian and development actors to achieve this aim.

Signatory Agencies:

Intersos, Danish Refugee Council, Norwegian Refugee Council, International Rescue Committee, Oxfam

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² In Somalia, one indicator regarding the ability of a returnee to achieve an adequate standard of living was that there was no legal or administrative obstacles preventing returnees' children from going to school. This was found to be acceptable in comparison with the local population. An indicator in access to livelihoods were levels of unemployment compared to the resident population. It should be stressed that unemployment levels throughout Somalia are extremely high. So this is less an indicator of availability of employment, but rather that returnees would not be in a disadvantageous position compared to local populations. ReDSS, Unlocking the Situation: A Regional Solutions Framework for Somali Displacement