

March 20, 2012

Contacts:
Melanie Teff and Mark Yarnell

SOMALI REFUGEES: ONGOING CRISIS, NEW REALITIES

The United Nations has declared that famine conditions in south-central Somalia no longer exist. But the ongoing conflict in the country, coupled with a precarious food situation, will keep large numbers of Somali refugees from voluntarily returning anytime soon – this despite the rising insecurity in refugee-hosting areas of Kenya and Ethiopia. This insecurity poses a serious threat to protection and services for refugees. However, it also provides an opportunity to shake-up the unsustainable way that agencies have delivered services for decades. Despite security restrictions on access, donor governments must maintain their level of focus and funding for refugee operations in the region.

RESTART REFUGEE REGISTRATION

In mid-October 2011, the Government of Kenya suspended the registration of new refugee arrivals to Dadaab. The government justified its decision on two grounds – that the refugee camps were filled beyond their capacity, and that receiving more refugees would pose a threat to national security. Kenya deserves credit and support for hosting such a large number of refugees for so many years. However, as its military focuses on securing areas in southern Somalia, the Kenyan government seems to be moving away from its

decades-long tradition of being a generous host to Somalis seeking refuge from conflict and food insecurity.

As a party to the Convention on the Status of Refugees, Kenya is failing in its obligations under international law by suspending registration of new arrivals. Refugees are still arriving in Kenya despite the suspension of registration. However, without registration, these new refugee arrivals cannot access all of the assistance to which they are entitled. RI heard of existing refugee communities – themselves food-insecure – having to collect food to share with new arrivals.

POLICY RECOMMENDATIONS

- ❑ The U.S., European, and other key donor governments must press the Government of Kenya to immediately restart registration of new refugee arrivals in the Dadaab camps and provide resources for a full reverification survey of refugees living there.
- ❑ The U.S., European, and other key donors must take a strong stance against any suggestion of forced return of Somali refugees by Kenya or any other government.
- ❑ The U.S., European, and other key donors must work with the Kenyan government to ensure that Kenyan police training programs for protection of refugees are effective

and that allegations of abuse are investigated and handled with due process.

- ❑ International donors, including USAID and the World Bank, should increase long-term development funding for Kenya's North East Province to build upon the UN Refugee Agency's (UNHCR) new operating strategy for Dadaab.
- ❑ The U.S. and UNHCR must work with the Government of Ethiopia to ensure that agencies with the proper capacities can operate and provide adequate services to refugees, and that there is appropriate oversight of refugee protection and assistance operations.

This has an impact on the nutritional status of the whole refugee community. The registration process in the past enabled the identification of particularly vulnerable individuals, as well as medical screenings. Without registration, however, vulnerable individuals are often not identified or referred for appropriate assistance, such as family tracing or medical care. Further, unregistered new arrivals are not allocated shelters, which leaves many of them living on the outskirts of camps, with greater exposure to sexual exploitation, abuse, and attacks.

The registration process also includes security screenings, which can identify individuals who should be excluded from refugee status, or who might pose a threat to camp residents, police, aid workers, and the Kenyan population generally. It is in Kenya's security interests to know who is residing in the camps. Kenya's Department for Refugee Affairs has signaled that it may resume registration at some point soon, but as of the publication of this report, this had not yet happened. The U.S. government and other key donors must engage with the Kenyan government to ensure that registration activities resume promptly.

Wide-scale reverification of all residents in the Dadaab camps, funded by the international community, also needs to be undertaken. Over the past 20 years, refugees have arrived both en masse and individually, and recording of demographic details has been inconsistent. There is a lack of clarity about the populations currently living in Dadaab, including information about their origins, their professional backgrounds and skills, and any particular vulnerabilities. UNHCR is planning a rapid reverification exercise for 2012, but a more comprehensive assessment is needed. A wide-scale reverification exercise, including the use of biometrics, would be an investment in Kenya's security. It would also allow for the identification of vulnerable individuals, the tailoring of programs to refugees' needs and abilities, and the targeting of skills and capacity-building programs. This would all lead to improved planning for durable solutions for the camps' residents, including voluntary return when and if the time is right.

"REFOULEMENT" IS UNACCEPTABLE IN ANY FORM

RI is alarmed by periodic statements by some Kenyan officials that the government intends to return Somalis to their country – potentially to areas in southern Somalia that the Kenyan military claims to have "cleared." At the UK-hosted London Conference on Somalia in February, Kenyan President Mwai Kibaki called for a "firm and durable" solution to the refugee crisis that includes "the return of these popula-

tions to their home country." Any return by Somalis to Somalia must be voluntary, safe, and dignified. Any forced returns – by Kenya, or other nations – would be a violation of international refugee law.

Forced return (or "refoulement") can also occur if refugees in Dadaab are made to feel so unwelcome and have such difficulties in accessing basic services that they will essentially feel as though they have no option but to return to Somalia. There have been numerous reports of abuse against refugees by Kenyan police – including arbitrary detention and sexual abuse. Some camp residents have reportedly fled Dadaab because of this. According to one Somali refugee RI met in Kenya: "We suffer two times. We suffer harassment by Al Shabab in Somalia, and then we suffer again in Kenya because people think we are Al Shabab." The Kenyan police work in a highly complex environment and have themselves suffered casualties while working in and around Dadaab. But abuse of refugees serves to exacerbate tensions in an already-volatile situation. RI has called in the past for an increased police presence in Dadaab, to provide security for aid workers and refugees alike. But those police must be properly trained in refugee and humanitarian protection before being deployed in Dadaab. And when alleged abuses take place, prompt investigation and due process should follow. Additionally, refugees themselves should be consulted extensively on existing security arrangements and alternative strategies.

THE "NEW" DADAAB?

Since October 2011, the Dadaab refugee camp has been rocked by a series of security incidents that altered the operating conditions of humanitarian agencies in the camp – perhaps irreversibly. Several aid workers were kidnapped, two refugee leaders who were involved in organizing security patrols were assassinated, and improvised explosive devices were used against Kenyan police. The deteriorating security situation forced the UN Refugee Agency (UNHCR) and many Non-Governmental Organizations (NGOs) to restrict the movement of aid workers. For several months, aid activities were limited to those considered "life-saving." Some NGOs suspended work entirely. Since mid-January, there have been no major security incidents, and aid workers are steadily increasing their presence in the camps. However, the threat of future attacks looms large, and a return to "normal" operating procedures is unlikely.

"Normal" operating procedures in Dadaab over the past two decades have been a temporary system of "care and maintenance" operations run by UNHCR and a plethora of NGOs for hundreds of thousands of refugees. Dadaab was

established in 1991 to host 90,000 refugees. But, as a result of last year's drought and famine in Somalia, Dadaab's refugee population has grown to nearly half a million. Dadaab is now essentially Kenya's third-largest city. However, its residents are stuck in a so-called "temporary situation" with limited options for education, employment, and mobility. Some refugees have been living in this "temporary situation" for 20 years.

The deterioration of security in Dadaab represents a major challenge. But it also presents an opportunity to rethink an unsustainable response. As one UN official stated: "Dadaab is not dying. It is going through a metamorphosis." To adapt to the new environment, UNHCR and NGO staff are devising ways to empower refugees to take on more responsibilities and build their capacity to manage and supervise services. This involves strengthening relationships with refugee leaders, giving refugee workers (who receive monthly incentive payments) more responsibilities, expanding training programs, and beefing up remote communications between the camp and off-site staff. These steps present an opportunity to create programs that focus on development and skill-building for refugees. UNHCR has devised an evolving Operations Continuity Plan, which "sees community involvement and engagement as the back bone...that keeps all the different methods and initiatives together."

This strategic shift, however, has its challenges. The shift would decrease the in-camp footprint of international and national aid workers. With this decreased outside supervision, marginalized groups within the camps could become more vulnerable. This makes it more important than ever that there is proper representation of minorities and women on camp committees. The new modes of working in Dadaab require a greater focus on ensuring that camp committees are fairly elected and represent their constituencies.

Further, the enhanced role for refugee staff that is envisioned in this plan is complicated by Kenyan laws that limit the amounts of money refugees can receive without work permits. More flexibility with regard to incentives needs to be devised.

Additionally, without the same level of technical help from the UN and its partners, solutions must be found for how to run services such as complex water systems, which cannot be run by volunteers. UNHCR must make plans now for how to continue essential services if security were to deteriorate again and access to the camps was even more severely reduced.

Services focused on protection of vulnerable groups are particularly difficult to adapt to the new circumstances. Since

the reduction in international and national protection staff presence, referrals of cases of violence against women and children have fallen (after a significant increase of gender-based violence cases reported during the July to September influx of new arrivals). Service providers think this drop in referrals may be due to a lack of options for assisting survivors in the current circumstances, as well as a fear of reporting cases within one's own community. There have been positive attempts to improve communications with refugees using mobile phones and texting systems—an initiative that should be supported. Further, there are valid concerns that, with reduced outside monitoring, sexual exploitation and abuse (SEA) of refugees by refugee incentive workers could increase. Mechanisms to strengthen the prevention of SEA in the new operating environment are essential.

While UNHCR has augmented its protection staff since the onset of this most recent refugee influx, it has long been inadequate for the needs in Dadaab. The current deployment is only 13 protection staff for nearly half a million refugees. Protection programs are still not in place in all the new camps/extensions where many refugees arriving in 2011 were settled. Given the lack of protection resources, and the fact that the new operating environment actually increases protection concerns, UNHCR must draw in resources from other agencies. This includes requesting that UNICEF and its implementing partners increase child protection staffing.

As UNHCR continues to restrategize service provision via its Operations Continuity Plan, it should seek support from development partners, including USAID and the World Bank. This new strategy provides an opportunity to focus on development projects for both refugees and the host community, who live in a particularly impoverished area of Kenya. The camp presents major economic and strategic opportunities, both for Kenya and for the future of Somalia. As one UN official said to RI: "Let's train them for the rebuilding of Somalia. We have human capital in this huge group of refugees."

OVERSIGHT OF REFUGEE PROGRAMMING IN ETHIOPIA IS ESSENTIAL

Ethiopia also received a large influx of Somali refugees at the height of last year's famine. The Government of Ethiopia, to its credit, has kept its border open and continued to register new refugee arrivals. During the recent crisis, Ethiopia also allowed an increased number of humanitarian agencies to work in the Dollo Ado camps. But despite these important steps, the situation of Somali refugees in Ethiopia is precarious and there are serious risks it could deteriorate.

Many of the new refugees arrived in Ethiopia in very poor health and mortality rates were extremely high. Actions taken by ARRA (the Ethiopian government refugee agency) to improve access to refugee assistance helped reduce this high mortality rate. However, malnutrition rates are still disturbingly high among the Dollo Ado refugees, with UNHCR recording Global Acute Malnutrition rates upwards of 30 and 40 percent (the emergency level is 15 percent). ARRA has appointed one agency to act as the nutrition lead in each camp, but there is no apparent overall nutrition strategy. UNHCR, which funds and works alongside ARRA, should seek staffing assistance from other UN agencies in order to reduce malnutrition – particularly UNICEF, which has expertise in the area of child nutrition.

There are also increasing security concerns in the Dollo Ado area. There have been attacks against refugees and aid workers, as well as increasing tension between the refugee and host communities. The tension includes discontent towards humanitarian agencies that are perceived as not providing sufficient employment opportunities to locals from the Dollo Ado area. The situation has not deteriorated to the same level of insecurity and reduced access as in Dadaab, but it is getting worse. Of particular concern are the restrictions placed on the use and availability of communications technology in and around the Dollo Ado camps. In order to ensure more secure working conditions for humanitarian agencies, the Ethiopian government must authorize appropriate communications equipment beyond the current level.

Further, while ARRA allowed greater space for international aid actors to conduct humanitarian operations last year, it is now limiting that space. This comes at a time when needs are still acute and capacity for ARRA to expand its implementation role may not yet be in place.

Most of ARRA's support comes through international funding via UNHCR. However, there appears to be inadequate donor oversight of its operations. For example, there is a need for more details about how resources transferred from UNHCR to ARRA are used. Some private funding for the Ethiopian refugee operation is anticipated, and while additional support is always welcome, RI is concerned that this could exacerbate the lack of oversight. UNHCR has a close working relationship with ARRA and should as such encourage a move toward greater transparency. UNHCR should also ensure that crucial activities – such as refugee registration, access to new arrivals, site selection for refugee camps, food distributions, and programs for host communities – meet international standards. In particular, RI was told that international UNCHR protection staff are not permitted

to oversee the registration of new refugees. By remedying this, Ethiopia would enhance its reputation for respect for refugee rights.

CONCLUSION

Continued investment in support of refugees remains necessary because large-scale voluntary returns to Somalia are not imminent. Despite positive comments about political and security advances within Somalia by politicians and officials at February's London conference, much of Somalia remains insecure and unstable. Several regions could return to famine conditions if the so called "long rains" – from April to June – do not come through. Conflict in Somalia persists on multiple fronts. Kenya is fighting Al Shabab from the south, while Ethiopia is fighting Al Shabab from the west. Finally, troops from AMISOM (the African Union peace-keeping mission) are conducting counter-insurgency operations against Al Shabab in and around Mogadishu. While last year Somalis were displaced primarily as a result of the drought and famine, this year they are fleeing their homes as a result of conflict. In January and February alone, 63,000 Somalis were displaced – some for the first time, others after multiple times. Even in areas where Al Shabab has been forced out, conflict continues between other groups, leaving these areas unstable. These military offensives have not resulted in improved access for humanitarian operations.

This is not the time to look at a return of refugees. Rather, the international community should focus on providing humanitarian assistance to and greater investment in the nearly one million Somali refugees to whom it does have access. This investment in the Somali refugee community is surely one of the best ways to build a more stable Somalia.

Melanie Teff and Mark Yarnell assessed the humanitarian situation for Somali refugees in Kenya and Ethiopia in February 2012.