



**UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES  
STRENGTHENING PROTECTION CAPACITY PROJECT**

Co-Funded by the European Commission and the Governments of Denmark, Germany, the Netherlands and the UK

**Strengthening Refugee Protection, Assistance and Support to  
Host Communities in Kenya  
And  
Comprehensive Plan of Action for Somali Refugees**

**Report on  
Kenya Stakeholder Consultation**

**Nairobi, Kenya  
Hilton Hotel  
17 and 18 May 2005**

*The views expressed in this report are those of its author and can in no way be taken to reflect the official opinion of the European Commission, Denmark, Germany, the Netherlands, or the United Kingdom*

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## (I) Introduction

### (a) Summary

1. On 17 and 18 May 2005, UNHCR and the Government of Kenya jointly staged in Nairobi a National Consultation on “Strengthening Refugee Protection, Assistance and Support to Host Communities in Kenya”, and on the “Comprehensive Plan of Action for Somali Refugees”. These are two projects being developed under the auspices of UNHCR’s “Convention Plus” initiative.\* The purpose of the Consultations was to deliberate on and highlight the substantive issues and concerns of these two projects as far as Kenya is concerned and elaborate on the relevant recommendations.
2. The purpose of the Strengthening Protection Capacity Project (SPCP) is to find ways to strengthen the capacity to receive and protect refugees in Kenya, including enhancing their means of self-reliance and expanding opportunities for durable solutions. On the basis of a comprehensive analysis of the gaps in protection and service delivery in Kenya, the SPCP seeks, through a consultative process, to identify means to address those gaps and to secure international commitment and support necessary to do so.
3. As far as the Comprehensive Plan of Action for Somali Refugees (CPA) is concerned its purpose, as its name suggests, is to find comprehensive solutions to an array of problems facing Somali refugees in the region, and those of the internally displaced within Somalia. Consequently, to name a few, the CPA seeks to find mechanisms to promote and facilitate voluntary repatriation to safe areas in Somalia; ensure sustainability of return and reintegration; improve refugees’ access to livelihood prospects in the respective countries of asylum; and enhance resettlement opportunities.
4. The projects overlap in Kenya, in so far as both address the situation of Somali refugees residing in the country. The SPCP, however, also aims to strengthen protection capacity with respect to other refugees in the country. The Somali CPA initiative extends beyond the borders of Kenya and also includes not only internally displaced persons in Somalia, itself, but also the Somali diaspora in Ethiopia, Djibouti, and Yemen.
5. The Consultation was attended by a wide range of stakeholders. The Government of Kenya was represented by the Head of the National Refugee Secretariat, Officers from other Government Ministries, District Commissioners and District Officers, Councillors from refugee hosting areas, and other senior government officials from different Ministries.

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\* Convention Plus is an international effort initiated and coordinated by UNHCR. Its aim is to improve refugee protection worldwide and to facilitate the resolution of refugee problems through multilateral special agreements. This will be achieved through a process of discussion and negotiation with States and other partners of UNHCR to mobilize support and bring about firmer commitments. In the past, UNHCR frequently was a party to special agreements with States. Such agreements generally focused on operational arrangements with Governments, often in relation to a particular group of refugees or a specific situation. Most of these agreements concerned voluntary repatriation operations. Using this experience, the Convention Plus process broadens the application of special agreements and increases the level of State and other stakeholder involvement.

Other participants included representatives of diplomatic missions; UN agencies; NGOs; refugees; and UNHCR staff from Headquarters, Branch Office Kenya, Branch Office Somalia, and the Sub-Offices in Dadaab and Kakuma.

6. The Consultation was structured in such a manner as to provide the maximum amount of time for participants to engage in constructive dialogue, and to reach consensus on the next steps to be taken. Consequently, most of the discussions took place in working groups in which participants addressed a specific set of identified protection and assistance gaps. At the end of each working group session a report was made to the plenary which further debated and, as necessary, modified the various recommendations the respective working group had generated. (An agenda is attached as “Annex II”)

**(b) Welcoming Remarks by the UNHCR Representative for Kenya, Mr. George Okoth-Obbo**

7. Mr. Okoth-Obbo welcomed the participants and identified the two questions which the Consultation sought to answer. First, what are the concrete steps which stakeholders can together propose and implement to strengthen protection, enhance assistance, and find durable solutions for refugees in Kenya in a manner which would also address the needs of host communities? Second, how can stakeholders work together to solve the problem of protracted exile of Somali refugees in Kenya?
8. Mr. Okoth-Obbo explained that, while the refugee protection system in Kenya has proved durable and adaptable, currently providing an umbrella for approximately 250,000 persons of concern, the gaps in this system need to be addressed. He outlined the links between UNHCR’s Agenda for Protection, and the Convention Plus Initiative. Kenya currently finds itself at the centre of this initiative which seeks to find ways of using resettlement more strategically, tackling the problem of secondary movements, and targeting development assistance to achieve positive outcomes for refugees.
9. The desired outcomes of the Consultation were identified. For the SPCP, the consultations should result in a platform for action to be undertaken straight away. For the Somali Comprehensive Plan of Action Project (CPA), the Consultation should provide a platform for a forthcoming international conference with a wide range of stakeholders to develop a final CPA. Mr Okoth-Obbo emphasised that donors are eagerly awaiting the outcome of discussions from this Consultation, and the project proposals which will follow.

**(c) Opening Address by the Assistant Minister of Immigration and Registration of Persons Honourable Mr. Anania Mwabosa**

10. Opening the Consultation on behalf of the Minister of Immigration and Registration of Persons was the Assistant Minister, Anania Mwabosa, who reiterated the Government of Kenya’s support for the CPA and SPC Projects. He noted that Kenya would gain from stability in neighbouring Somalia and Sudan, but recognised that repatriation to these countries is likely to be a slow process. Thus, in the interim, it was essential that refugees from these countries continue to receive protection in Kenya.

11. The Honourable Mr. Anania Mwabosa underlined that, while the presence of refugees has presented opportunities for development in parts of Kenya, equally this presence has resulted in environmental degradation which needs to be addressed. He informed the conference that the Kenya Refugee Bill is currently with the Attorney General's Office for fine-tuning, after which it will pass to Parliament for debate and possible adoption. The Bill outlines the rights and responsibilities of refugees in Kenya, and puts in place a system for refugee governance by the Kenyan authorities.

## **(II) First Session: The Strengthening Protection Capacity Project (SPCP)**

### **(a) Summary of Identified Gaps in Protection Capacity, by Ms. Ninette Kelley, Special Advisor, UNHCR Convention Plus Unit**

12. Ms. Kelley summarised the key gaps in protection capacity that have been identified in two reports titled the 'Analysis of Refugee Protection Capacity: Kenya' and the 'CPA for Somali Refugees: Framework for Identifying Gaps in Protection Capacity and Delivery'. Both reports were the central reference documents for these Consultations.
13. As a background, Ms. Kelley said that the Agenda for Protection (AFP) was a key impetus for these projects. Three elements of the AFP were especially important in this regard.\*\* First, refugee protection is foremost the responsibility of States, who receives, where necessary, from UNHCR, as part of its mandated responsibility, support and cooperation to fulfil this responsibility. Second, the AFP recognizes that to achieve the necessary cooperation on refugee matters, there must be sustained and close dialogue with all concerned stakeholders so as to meet the identified goals. Third, the consideration that capacity-building measures need to be reciprocal that is, refugees need to be incorporated into a country's development strategies, and also programmes aimed at benefiting refugees should benefit host communities.
14. Ms. Kelley underlined that the SPCP was not merely an identification exercise, but rather sought to enable concrete, legal, policy and programmatic interventions. It is envisaged that an Action Plan for Kenya would be developed as a result of the input of stakeholders during these consultations. With this Action Plan UNHCR and partners will seek financial support from donors to implement the identified priorities. Donors were keen to see concrete output from these consultations said Ms. Kelley, emphasizing again that the SPCP was not merely a theoretical exercise.

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\*\* The Agenda for Protection, which was endorsed by the 53rd session of UNHCR's Executive Committee in December 2001, is the first comprehensive framework for global refugee policy in five decades, combining clear goals and objectives with suggested activities to strengthen refugee protection. The Agenda for Protection has six main goals: strengthened implementation of the 1951 Convention and 1967 Protocol; protecting refugees within broader migration movements; sharing of burdens and responsibilities more equitably and building of capacities to receive and protect refugees; addressing security-related concerns more effectively; redoubling the search for durable solutions; and meeting the protection needs of refugee women and children.

15. Referring to the common framework which the SPCP used as a tool for analysing gaps in protection capacity in Kenya, Ms. Kelley explained that the objective of the exercise was also to identify difficulties which host communities may encounter as a result of refugee presence. With regard to the crucial importance of partnership in addressing all these problems and challenges, the participation of Government representatives, including those Ministries not directly concerned with refugee issues, yet whose work can impact the daily lives of refugees was highlighted. Likewise donors will provide not only financial support to the SPCP but can also contribute their expertise in humanitarian assistance and development. In addition, it was stressed that the consultative process necessarily had to include NGOs and UNHCR's sister UN agencies, who possess experience in a range of fields essential to the success of the project. The importance of the involvement of refugees was also emphasised. They, after all, know best what their needs and priorities are, and often know the most effective ways to address them.
16. While the emphasis in the SPCP is on gaps which remain in protection capacity in Kenya, Ms. Kelley acknowledged the contribution of Kenya over decades in providing protection to refugees. She also explained that, while the emphasis in the Gaps Analysis was placed on the Dadaab and the Kakuma camps, it was important to acknowledge that UNHCR and partners currently lack sufficient information about refugees living in urban areas, and that this is itself an important protection gap.
17. Moving on to the content of the Gaps Analysis, Ms. Kelley highlighted some of the major findings of the report. These included: the absence of a legal framework and system for refugee governance in Kenya; inadequate levels of assistance provided to refugees (with regard to food distribution, non-food items and healthcare); insecurity faced by many refugees, especially refugee women and children; the negative implications of the Kenyan government's encampment policy with respect to refugee self-reliance; continuing obstacles to the exercise of all three durable solutions; and the difficulties encountered by local communities in refugee-hosting areas. Ms. Kelley said that the objective of the SPCP was to help address these gaps, and that the SPCP sets out goals which are ambitious, yet achievable through partnership. In this regard, the Consultation will be vital in providing recommendations on these questions for follow-up and implementation. Obviously, it would be overly ambitious to expect that the SPCP would solve all those problems. Nevertheless, its every success would benefit not only refugees and host communities in Kenya, but could also assist and influence similar initiatives taking place elsewhere.

**(b) Plenary discussions**

18. The discussions which followed touched on a range of topics, but focused largely on issues related to durable solutions. These included requests for clarification or additional information on: the problem of backflows as refugees returning to Somalia are confronted with security problems leading them again to return to refugee camps in Kenya; the challenges in developing tripartite agreements necessary to facilitate voluntary repatriation in the case of Somalia where there is no settled government; the prospects for residual caseloads left in camps following any large-scale repatriation; the possibility of drawing on the examples of repatriation exercises already carried out from Ethiopia and Djibouti. The difficulties which vulnerable groups, in particular refugee widows, will face in case of repatriation were also highlighted. Participants also raised the issue of naturalisation, and

suggested that attaining Kenyan citizenship might facilitate the local integration of some refugees.

19. Specific questions were asked regarding the next phase of the Somali CPA project, the proposed international conference in Geneva, and possible donor fatigue. Regarding protection issues facing refugees in Kenya, the mental trauma which refugees endure as a result of extended periods of time living in camps was highlighted. It was also pointed out that refugees sometimes need to be protected from aid workers themselves. The continuing problem of SGBV in refugee camps, and the need for additional shelter for SGBV victims, also was raised.
20. Participants requested information on the current status of the Refugee Bill, and suggested that the inadequacy of baseline services, particularly for urban refugees, should be acknowledged. The need to give special attention to disabled refugees living in camps, and in any subsequent repatriation exercise, was also highlighted, as was the inadequate information on, and protection of, urban refugees. In light of the information gap highlighted in the Gaps Analysis, a question was also raised as to whether UNHCR in fact had access to government databases on the refugee population.
21. The plight of refugee youth also featured in the discussions, including that few opportunities exist for them. The lack of opportunity has an adverse psychological impact on the youth as they do not see any future for themselves. Hope was expressed that solutions would be found and that these consultations would specifically address these concerns.
22. Participants also highlighted the (often negative) impact which a large-scale refugee presence has on local communities in Kenya, in respect to environmental degradation, security, and availability of social services. Concern was also expressed regarding recent comments by the Kenyan Government regarding undocumented aliens, and whether refugees will be protected from such policies.
23. In response, it was pointed out that the two gaps analysis reports do address the issue of urban refugees, and highlight the difficulties associated with their protection. In addition, a Working Group on the second day of the consultations had been set aside to specifically discuss the urban caseload and the steps that need to be taken. Equally, the needs of disabled refugees were addressed in the gaps analysis, and this issue has been included in the annotated agenda for the Working Groups that was distributed to conference participants. Regarding additional information on protection problems for refugees in Kenya, it was confirmed that the gaps analysis would not be rewritten. However this would not prevent such concerns being taken into consideration in the planning of interventions.
24. Some of the obstacles encountered regarding the acquisition of information and providing assistance to the urban caseload were outlined. These obstacles included the fact that refugees tend to be dispersed across Nairobi, are often mobile between the camps and Nairobi, are in an irregular position in regards to the government's encampment policy, and are difficult to identify. Notwithstanding these obstacles, UNHCR plans to work closely with NGOs to better address the needs of the urban caseload in 2005.
25. UNHCR also plans to advocate for local integration of at least some categories of refugees in Kenya. While *de facto* local integration often happens anyway, it needs to be formalised



with the government, and this could be of great importance to any residual caseloads in the aftermath of repatriation exercises. UNHCR also agrees that naturalisation could facilitate the local integration of refugees especially those who have been in the country for many years (in some cases two or more generations), or those who are married to Kenyans.

26. Concerning the possibility of a tripartite agreement with Somalia, it was acknowledged that the absence of a settled government for the time being makes this difficult. In any event, conditions are not yet right for large-scale repatriation as insecurity persists in the central and southern parts of the country. UNHCR has little information on backflows. It is known that there is some movement across the border; however, most repatriation from Kenya has so far been to Somaliland and Puntland, where backflows appear to be less of an issue.
27. Answering the question on the purpose and role of the SPCP, it was explained that this project is part of a larger initiative which is a new focus for many donor countries, who are particularly interested in undertaking projects to strengthen the capacity of host countries to protect refugees.
28. As to the questions as to when the Refugee Bill was expected to become law, the Government representative informed the Plenary that the Bill was currently with the Attorney-General for fine-tuning and publication. It then will go to Parliament for debate and possible enactment. It is hoped that the Act will be in place by the end of 2005 at the latest. With regard to the possible relocation of refugees remaining in camps after repatriation takes place, the Refugee Bill in its current form was largely in line with the 1951 Refugee Convention. Following its enactment refugees should be free to engage in agricultural activities if they choose. With regards to the possibility of refugees being provided with arable land, this was complicated by the general insufficiency of arable land in Kenya, a problem which also confronts nationals. With respect to documentation the ways and means for implementing the policy announced by the government need to be discussed between UNHCR and the government. Persons who have not registered as asylum-seekers will be regarded as illegal aliens; however, recognised refugees and asylum-seekers awaiting determination of their claim will continue to be protected.
29. Turning to the questions raised with respect to the Somali CPA, participants were informed that this National Consultation was the first in a series which will also take place in Djibouti, Yemen, Ethiopia, and Somalia. The structure of the forthcoming international conference will be altered, primarily due to continuing political obstacles in Somalia. The conference scheduled for June this year will now be a primarily information-sharing exercise, but with a broader range of participants, including international financial institutions. The outcome of this consultation will be Kenya's contribution to this conference and the general CPA which will be developed thereafter. It remains to be decided whether the Somali CPA initiative will continue as envisaged, or will form part of the broader Somali reconstruction efforts, including the Joint Needs Assessment which is planned.

## **(c) Working Groups**

### **(c.i) Protection delivery and management**

30. A more detailed discussion of possible measures to address identified protection gaps, took place in Working Groups on the afternoon of the first day of the Consultation. The purpose and methodology of the Working Groups was explained to the participants in Plenary. Thereafter, participants broke into the following Working Groups:
  - a. Group I: Refugee Governance and Capacity Building
  - b. Group II: Admission, Refuge Status and Registration
  - c. Group III: Protection Delivery
31. Each Group was composed of participants drawn from different constituencies in order to ensure genuine dialogue. Each group followed a set of specific questions to assist in generating recommendations.
32. The discussions in the Working Group sessions were very constructive. Genuine shortfalls were acknowledged and recommendations to address these gaps were made by each group. Each group reported back to the Plenary which discussed and adopted them with the relevant changes and additions. The recommendations as adopted accordingly are attached to this Report.

### **(c.ii) Operational locations**

33. The second Working Group session began on the afternoon of the first day, and ended on the morning of the second day. These working groups were divided according to refugee-hosting areas, and dealt with a range of protection issues.
  - a. Group I: Dadaab Refugee Camp and Host Communities
  - b. Group II: Kakuma Refugee Camp and Host Communities
  - c. Group III: Urban Environment
34. The discussions in the Working Group Sessions were very constructive. Existing obstacles were highlighted and the recommendations to address these were made by each group. The respective recommendations, as adopted by the Plenary, are attached to this Report as Annex I.

### **(III) Second Session: Comprehensive Plan of Action for Somali Refugees**

#### **(a) Overview of CPA by Ms. Beverley Byfield, Senior Liaison Officer, UNHCR Geneva**

35. This session was chaired by Ms. Byfield who provided the background on the Somali CPA Project, and described the methodology used to generate the CPA Report on Kenya. She pointed out that project is financed by the European Commission and three EU Member States. She also highlighted some of the overlaps between the SPCP and the CPA. The first phase in each project included the preparation of a gaps analysis, for which a common framework was used. The overlap was inevitable as Somali refugees are not in a uniquely different position than any other refugee population living in Kenya. However, the CPA differs from the SPCP with respect to the end product. While the SPCP will lead directly to project implementation, the CPA project in Kenya is, in fact, a preparatory exercise that will feed into the larger discussion of Somali displacement in the region. Furthermore, the results of the various CPA's will feed into international consultations leading to a final CPA for Somali refugees.\*\*\*
36. A Steering Committee will then be set up to examine the outcome of each national consultation (including the National Consultation in Kenya), and assess common links and monitoring and evaluation mechanisms. Another important development affecting the CPA is the high-level donor conference and needs-assessment scheduled in the context of general reconstruction efforts for Somalia. It is not yet decided whether the CPA project will be incorporated into these general initiatives.
37. Discussing the nature of Somali displacement, she pointed out that the problem lends itself to a comprehensive, holistic approach to resolving protracted refugee situations, as it has now endured for almost fifteen years, with no immediate prospect of durable solutions in sight. The Somali political situation is complex and continually evolving, as is the continuing insecurity and sporadic armed conflict. Large-scale displacement at the internal, regional, and global level and human trafficking further affects some Somalis. To date, more than one million displaced Somalis have returned, primarily to northern parts of the country (Somaliland and Puntland). Nonetheless, there is a large and urgent need for reconstruction and reintegration efforts.
38. Ms. Byfield identified the objectives of the Somali CPA as: facilitating sustainable returns to Somalia, facilitating local integration of Somali refugees in countries of asylum, and enhancing the resettlement opportunities for Somali refugees. The CPA can be considered a comprehensive plan because of the stakeholders involved: governments from the region and beyond, IGOs, NGOs, regional and national actors.

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\*\*\* The CPA focuses on four asylum countries – Ethiopia, Djibouti, Kenya, Yemen and Somalia itself. In each of those countries a consultation, similar to the one held in Kenya, will be staged. The outcomes of each of those consultations will feed into a larger conference. The final outcome of the CPA will be a framework to comprehensively address the range of challenges of Somali refugees from protection to solutions, continued displacement both into Kenya and globally, and factors inhibiting return.

## **(b) Plenary discussions**

39. The discussions which followed covered a range of topics. The difficulties in identifying the Somali refugee population in Kenya was one of these. Further, it was highlighted that an important consideration was that Somali refugees have an 'image problem' and are viewed in a negative light in many countries of asylum, both within the region and further afield. These negative perceptions take on a range of forms, and are in fact one reason for widespread donor interest in the Somali CPA project. It was pointed out that many security problems encountered by Somali refugees in Kenya are caused by other Somali refugees. One proposal for addressing this problem was to raise awareness within this community by invoking best practices from Somalia, where grassroots peace-building has been successful particularly in the northern regions. It was also highlighted that Somali refugees in Kenya need to acquire skills and training which they can apply not only in Kenya but also upon return to Somalia.
40. The current situation in Somalia, notwithstanding continuing obstacles, raises cause for optimism as two-thirds of the country remains peaceful. The peace process is completed and a Transitional Federal Government (TFG) is in place. However large-scale repatriation from Kenya is not a realistic possibility within the next year, as the majority of the Somali refugees in Kenya are from the central and southern areas which remain insecure.
41. The issue of cross-border movements between Kenya and Somalia was also highlighted. It was pointed out that Dadaab camp is within 100km of the border, and suggested that much movement of combatants and cross-border recruitment takes place, creating insecurity in Kenya and aggravating the situation in Somalia. UNHCR acknowledged that cross-border movement takes place, but felt that this was not necessarily linked to prolonged insecurity as much of the movement is for positive purposes such as maintaining family links.

## **(c) Working Groups**

42. The Working Groups for the CPA began in the afternoon of the second day of the Consultation, and were divided thematically, as follows:
  - a. Group I: Durable Solutions
  - b. Group II: Coordination/cross-border issues with Somalia
  - c. Group III: Regional/extra-regional aspects
43. During the Working Group sessions, existing obstacles were highlighted and recommendations to address them were made by each group. These recommendations were presented to the Plenary, which discussed and adopted them. The recommendations are attached to this Report as Annex I.

## **(IV) Third Session: Next Steps**

44. The last session of the Consultation was chaired by Mr. Okoth-Obbo, who outlined a number of follow-up actions. With regard to the SPCP, it was confirmed that there is capacity for UNHCR and partners to undertake a certain level of implementation in the

short term, to be supplemented throughout 2005 and into 2006. For this reason Mr. Okoth-Obbo highlighted the urgent need for the most important areas of intervention to be prioritised.

45. Mr. Okoth-Obbo requested the participants to affirm the role of UNHCR in collating the list of priorities and devising key elements of project implementation. To this end, he suggested the creation of a small follow-up committee of stakeholders to sign off on projects and to secure immediate financing for implementation. Conference participants accepted this proposal.
46. Mr. Okoth-Obbo stressed the role of information-sharing, for purposes of agreeing on initial priorities, translating these priorities into concrete projects, and beginning implementation of these projects. He confirmed that information on developments will be shared with all conference participants.
47. As to the CPA, Mr. Okoth-Obbo pointed out that many recommendations made during the consultations lend themselves to direct implementation, and/or further exploration even as they move forward beyond Kenya as part of the elaboration of a CPA. The recommendations were extremely useful and UNHCR will attempt to incorporate many into its everyday activities. As to the eventual formulation of a CPA for Somali Refugees, it was necessary that the Kenyan contribution to the CPA, as elaborated by the consultations should be finalized as quickly as possible. Meanwhile, information on further and ongoing developments would also be shared with the participants and stakeholders.
48. Mr. Okoth-Obbo commended the participants for their attendance and active participation throughout the two-day consultations, noting the presence of numerous Kenyan government representatives, UN agencies, a wide range of NGOs, donor representatives. In particular, Mr. Okoth-Obbo expressed appreciation for the presence of refugee representatives from Dadaab, Kakuma, and Nairobi. (Attach to this Report at "Annex III" is a list of all participants.)

## **(V) Closing**

49. Closing the Consultation, Mr. Peter Kusimba, Under Secretary, National Refugee Secretariat, echoed the comments of Mr. Okoth-Obbo and thanked the participants for their active participation throughout the two days and the useful recommendations made. He expressed appreciation to the Kenyan government representatives who had illustrated their commitment to the issues being discussed by participating in both days of the Consultations. Mr. Kusimba also expressed appreciation for the support of donor countries, in particular the European Commission and the Member States (the UK, Denmark and the Netherlands) who financed the SPCP and CPA.
50. Mr. Kusimba closed the Consultation by reaffirming the willingness of the Kenyan Government to provide leadership to the SPCP and CPA. Further, he pledged to raise many of the issues discussed at this Consultation at the UNHCR High Commissioner's forum in Geneva, which he was going to attend on 20 May 2005.

## **Annex I**

### ***RECOMMENDATIONS***

**On**

**Strengthening Refugee Protection, Assistance and  
Support to Host Communities in Kenya**

**And**

**Comprehensive Plan of Action for Somali Refugees**

**17 and 18 May 2005**

**Hilton Hotel  
Nairobi, Kenya**

## **Strengthening Refugee Protection, Assistance and Support to Host Communities**

### **(I) Recommendations on Refugee Governance and Capacity Building**

#### **(a) Government Refugee Management and Coordination Machinery**

Kenya does not have national legislation specifically addressing refugee issues. Other legislation such as the *Immigration Act* of 1967 and the *Aliens Restriction Act* have provisions relevant to refugees yet cumulatively fall short of an asylum/refugee framework, and are not consistently implemented *vis-à-vis* refugees. The absence of specific legislation governing refugee affairs leaves refugees vulnerable to treatment that is not in accordance with internationally recognised protection standards.

1. The Government of Kenya (“Government”) should make every effort to adopt the Refugee Bill within the 2005 parliamentary calendar, incorporating the provisions of the 1951 Convention and 1967 Protocol and 1969 OAU Convention.
2. The provisions of the Refugee Bill should not be overridden by other legislation especially with respect to existing immigration and alien laws and, as importantly, the forthcoming terrorism law. Any conflict of law issues that may arise due to the Refugee Bill should be resolved in favour of refugee rights.
3. With support and close collaboration of UNHCR, drafting the Refugee Bill regulations should begin in a timely manner to ensure a comprehensive refugee/asylum framework.
4. Alongside the refugee legislation, a National Refugee Policy to complement the legislation should be promulgated, which should clearly state the Government’s strategy and commitments with regard to refugees and refugee issues, and address other vital overarching issues not necessarily of a legislative nature.
5. States, UNHCR and relevant partners should assist the Government in building the capacity of the National Refugee Secretariat including the drafting of administrative instructions clearly establishing the role and powers of this body.
6. Currently, there is a working group comprised of various government departments and UNHCR, whose purpose is to share information with respect to refugee matters. This working group, called the “Interdepartmental Working Group on Refugee Matters”, meets informally and sits on an ad hoc basis. It is recommended that clear Terms of Reference be devised for this Working Group in order to increase its effectiveness.
7. It is recommended that the Government should consider establishing a national forum for ongoing dialogue on refugee issues with all the stakeholders and players including refugees themselves. This forum could be established even prior to the promulgation of the Refugee Bill.

8. The Government should consider passing enabling legislation so that various International Human Rights treaties already ratified can be introduced into domestic legislation.
9. Similarly, consideration should be given to the possibility of ratifying the two international Conventions on Statelessness. Any advocacy encouraging Government to ratify these two Conventions is to be supported.

### **(b) Refugee Governance and Capacity Building**

The absence of specific legislation governing refugee affairs means that important areas of refugee governance which fall within the state's responsibilities are being carried out by UNHCR including: reception and registration of new asylum-seekers; refugee status determination; maintenance of data on asylum-seeker and refugee population; issuance of documents confirming status; management and co-ordination of the refugee camps; and, provision of secure arrangements for critical protection cases.

10. A clear transitional strategy for the Government to takeover responsibility for refugee management, including detailed time-frames, needs to be developed. A governance structure that will enable the Government to introduce proper and effective accountability mechanisms for refugee protection should form part of the transitional strategy. Thereafter, UNHCR should progressively focus on its mandated role of being a supervisory body to the refugee Convention, and an advisor to the Government on refugee matters.
11. The Government, with technical assistance from UNHCR, should consider as a matter of priority the establishment of a database, data management, a records keeping system, and the deployment of staff for registration in the camps. Concomitantly, an equal priority for the Government should be the issuance of identification documents to all asylum-seekers and recognized refugees in Kenya. This would also help reduce the risk of harassment of refugees and the potential for *refoulement*.
12. The Government should highlight to donors the institutional changes laid out in the Refugee Bill, assess budgetary requirements for the establishment of these institutions, and look for appropriate financial means to support institutional development.

### **(c) Partnership**

13. It is recommended that the Government, UNHCR and relevant partners should agree on coordination mechanisms to strengthen protection delivery. This should include a consultative process whereby refugee communities actively are encouraged to participate, and national NGOs are likewise able to participate in and provide training and operational input in matters concerning refugees.



#### **(d) Workforce and Training**

14. The most critical challenge that Government faces in establishing ample and extensive oversight, management, and coordination of refugee affairs is workforce, meaning personnel requirements at all levels and for all functions. Government should continue to highlight and give special priority to this question, including in the elaboration and adoption of the refugee legislation, and in seeking and securing Government budgetary support for the refugee management machinery. Donors are particularly encouraged and called upon to give special support to the Government in respect to its workforce requirements.
15. In particular, the Government should, in concert with partners, fine-tune the projected workforce requirements of the National Refugee Secretariat, develop a budget to meet these requirements, and follow-up with all relevant partners to mobilize resources and support necessary to ensure that the National Refugee Secretariat can function effectively.
16. Meanwhile, the Government should explore innovative means to address human resources issues and the current freeze on new government posts. Particularly, the Government should consider employing contract staff and accepting secondments from interested NGOs in order to address short term gaps in the workforce. Medium term plans should be put in place to ensure that the Government can fully staff a Refugee Secretariat as well as maintaining the possibility to retain contract staff if required by the demands of the situation.
17. Currently, UNHCR is primarily responsible for protection delivery; therefore, it is recommended that States support the strengthening of UNHCR and partner NGO capacities through addressing, among other needs, current human resources constraints.
18. The Government and UNHCR should consider, as a priority, the hiring of Government camp liaison officers and support staff for Dadaab and Kakuma camps, and ensure that Government documentation conferring Convention refugee status can be issued to successful asylum-seekers at the camp level.
19. UNHCR and the Government should develop a joint work plan to provide training in refugee law, protection, and refugee governance and management to the Refugee Secretariat staff and staff of line ministries. Particular attention shall be placed on the training needs of immigration and police officers in this regard.
20. It is recommended that UNHCR and the Government consider establishing on the job training programmes in registration and refugee status determination for Government officials. These training programmes would focus on in-depth training on RSD criteria, registration processes, and data management.

### **(e) *Refugee Issues and National Development Strategies***

Refugees are currently not included in national poverty reduction and development strategies. Even within the UNDAF agenda, refugee issues are not highlighted within the development context, and are not regarded as potential contributors to development.

21. Government and Kenyan civil society groups should include refugee-hosting areas in the formulation of National Development Plans to provide more coherent, comprehensive development planning. District Development Plans (including Emergency Preparedness Plans) should include refugees and refugee camps. Programmatic interventions should not be welfare/charity related but designed in consideration of community needs as expressed by community members.
22. It is recommended that UNHCR, States and relevant partners work in concert with the Government in the formulation of National and District Development Plans. This should not only include the potential and actual contribution refugees make to the overall development needs, but should also focus on achieving sustainable development for refugees rather than just short term relief.
23. Government and other stakeholders should get involved in initiatives to sensitize local communities on development issues, to change their perceptions, and to discuss strategies to improve livelihoods of local communities through cost sharing of mutually beneficial projects.
24. It is further recommended that refugees be permitted greater freedom of movement so as to facilitate economic exchanges between refugees and local communities. Access to business and trading licences and free movement will enable refugees to contribute more fully to the overall economic development of hosting areas.
25. The Government, UNHCR, donors, and NGOs should develop preliminary plans to cushion refugee hosting communities against collapse following mass repatriation, and additionally assist these communities with sustainable development.

### **(f) *Public Perception of Refugees***

Refugees are often viewed negatively by the host population who see them as a threat to security, specifically through alleged trafficking of arms and drugs, and a strain on both social services and the environment and as recipients of higher levels of assistance than local populations. In urban areas, the negative attitudes contribute to various forms of harassment of refugees by the police. In camp areas, negative perceptions have also led to conflicts between local communities and refugees. Efforts to address concerns of local communities, through environmental rehabilitation programmes and projects to supplement sustainable development are not presently adequate to meet needs.

26. Government, UNHCR, NGOs, Civil Society, advocacy groups and the Media should all be encouraged to work in concert to tackle xenophobic and negative perceptions of refugees in

Kenyan society. Refugees should be clearly distinguished from other migrant groups to ensure that criminal acts are not automatically or incorrectly imputed to them.

27. The public information machinery of the Government, UNHCR, and other relevant partners, should be mobilized to counter negative attitudes towards refugees by:
  - Increasing awareness of the reasons behind refugees' presence in Kenya;
  - Highlighting the positive contributions refugees make in Kenya; and
  - Supporting a study on the impact and contributions refugees make to the Kenyan economy.
  
28. Currently, there are a number of environment projects underway, such as the Green Belt Project, due to the environmental degradation that has occurred. Government, UNHCR, and partners should support an assessment of the environmental impact of refugees on hosting communities to determine the effectiveness of the various projects currently operating.

## **(II) Recommendations on Admission, Refugee Status and Registration**

### **(a) Admission**

There are no standard operating procedures or instructions to officials who admit asylum-seekers - whether on an individual basis or in situations of mass influx - and there is no systematic monitoring of border crossings. The absence of a requirement that UNHCR be notified of asylum-seekers at border crossings makes it difficult to ensure that the principle of *non refoulement* will be respected. Formal training has been provided by UNHCR to officials working in border stations, although not on an on-going systematic basis due to a lack of human resources.

1. Immigration officials at border entry points have insufficient knowledge as to how to process those seeking asylum. In order to achieve a consistent understanding as to an immigration official's responsibilities, the Government, as a priority, should clarify and codify applicable admission procedures and criteria in line with international standards.
2. Similar to the lack of clear admission procedures, there also are no Standard Operating Procedures to guide government officials when confronted with asylum-seekers or refugees. This has led to inconsistent responses and actions by those officials, and consequently, Government and UNHCR should coordinate and develop Standard Operating Procedures.

### **(b) Refugee Status Determination**

Refugee Status Determination (RSD) undertaken by the Government was discontinued in the early 1990s; consequently this responsibility has fallen on UNHCR. Asylum applicants are given an oral interview by UNHCR, which has access to relevant, publicly available country of origin information. Applicants are not provided with information regarding the RSD process in advance of their interview. Although a negative decision can be appealed, either limited or no reasons at all are provided upon which to base an appeal. The time frame from application to decision varies between 4 to 9 months depending on the location of the applicant.

3. In order for the Government to effectively assume the responsibility for RSD, it is recommended that UNHCR transfer this responsibility to the Government in phases; thereby allowing for a sufficient amount of monitoring time to ensure that Government has built the capacity to assume the RSD role.
4. Asylum-seekers should receive information and advice on RSD procedures before attending their interview at UNHCR. This could be provided by an organization familiar with RSD procedures, possibly in the context of a community centre where other services are provided as well.

5. RSD is labour-intensive and time consuming. Currently, UNHCR is unable to provide decisions within a reasonable amount of time due to limited staff resources. Consequently, waiting periods are more than double the established standards. As a result, UNHCR requires adequate staffing resources in order to properly manage the inflow of asylum-seekers and to reduce RSD waiting times to a reasonable level.
6. UNHCR should provide written reasons for the rejection of an asylum claim. Once Government takes over the RSD process, it should continue with the policy of providing written reasons for rejection.

### **(c) Refugee Records/Documentation**

Convention Refugees are issued Alien Identity Cards which will be valid for only two years. Mandate refugees recognised under individual RSD procedures receive Refugee Certificates, valid for only one year. Most refugees are prima facie refugees and ration cards are their only form of documentation, held by heads of households. Therefore, less than 20% of all refugees possess individual documentation that confirms the status of the bearer. Moreover, there is a significant backlog of applications for birth certificates in Kakuma district.

7. The Government should document all asylum-seekers and refugees, and should issue them with identification documents/cards containing appropriate security features.
8. Currently, when asylum-seekers arrive at points of entry, no document is issued confirming that the asylum-seeker has presented him/herself to a Government official. This places the asylum-seeker at risk of arrest for illegal entry and even possible removal from the country. It is recommended that the Government implement a procedure to issue documents to asylum-seekers at points of entry, indicating where and when the asylum-seeker must report to file an asylum claim.
9. It is further recommended that once the Government has instituted the policy of issuing documents, the same should be widely advertised to encourage asylum-seekers to declare their intention upon arrival.
10. Having a birth certificate not only is a right, but on a practical level, often represents the only identification document a child may have. The Government, particularly in refugee hosting areas where refugees outnumber the local community, lacks the capacity to issue birth certificates in a timely manner. Therefore, it is recommended that UNHCR and donors provide financial and other resources to support the Government in improving its capacity to issue birth certificates in a timely manner.

### **(III) Recommendations on Protection Delivery**

#### **(a) Prevention, Protection and Prosecution of SGBV**

*Refugee women and children remain vulnerable to abuse and exploitation particularly when collecting firewood outside the camps. Domestic violence and rape continue to be problems and harmful traditions such as female genital mutilation and forced marriage are still practiced. Various prevention and response measures are in place in the camps but are not sufficient. Moreover, there are a number of obstacles to the effective prosecution of SGBV perpetrators. These include: lengthy investigations and procedural delays; lack of protection for witnesses and complainants; preference for traditional dispute mechanisms and the absence of medical evidence due to the high turn over of medical staff.*

1. A study sponsored by the Government, UNHCR, and States should be initiated to assess the reasons for SGBV prevalence, and the effectiveness of current prevention, response, and treatment programmes. The study should distinguish between different forms of SGBV, examine the causes of each, and recommend appropriate and targeted interventions.
2. Relevant stakeholders should increase their investment in strategies that are proven to be effective in combating SGBV. Examples of current proven strategies are:
  - Education and training awareness programmes including targeting religious authorities;
  - Provision of firewood and alternative forms of energy such as energy saving stoves; and
  - Provision of adequate levels of food and non food items to prevent sexual exploitation.
3. Government, with support from UNHCR, and States, should provide additional investment in law enforcement mechanisms including:
  - More female police officers to receive and investigate complaints;
  - Regular follow-through of prosecutions against perpetrators of SGBV;
  - Prosecuting parents who subject their children to harmful practices;
  - Monitoring and reviewing adherence to the Code of Conduct by law enforcement officials and investigating and prosecuting those believed to have abused women or children; and
  - Measures to ensure the protection of witness and complainants.
4. The Government, UNHCR, and relevant partners should coordinate SGBV prevention activities with those undertaken within the Kenyan community, recognising that SGBV is not restricted to refugees. Examples can be drawn from the Government's experience with the Maasai communities.
5. Stakeholders should review the traditional forms of justice practiced in the camps, including scope of their jurisdiction, protection afforded to witnesses and victims, and compliance with Kenyan law. All stakeholders should implement the recommendations reached to improve traditional justice systems.

## **(b) Protecting Children from Exploitation and Abuse**

Children are victims of SGBV including rape, sodomy, early/forced marriages and unwanted pregnancies. Abuse against children is presumed to be under-reported. There has not been a systematic survey of child labour in the camps; however it is known that girls are often required to work at home or as maids in other homes. Foster children have also been known to be maltreated by foster parents who are now requested to sign a commitment not to subject children in their care to SGBV, FGM, forced or under-age marriage and to facilitate their attendance in school. Although prevention and response programmes are in place in the camps, they are not sufficient to effectively address the problems.

6. Current programmes designed to protect children need to be reviewed by the Government and relevant partners and, if necessary, a new plan of action should be drafted to improve the protection of children. Some suggested activities could include:
  - Support to girls who drop out of school to enable them to return;
  - More activities for children in the camps;
  - Closer monitoring of the needs of vulnerable children including those in foster care;
  - Incentive, and support to ensure school enrolment; and
  - Education awareness campaigns to inform children of their rights.
7. Government, UNHCR, and relevant partners should look into the advantages and disadvantages of rescue centres where children who are threatened with a violation of their rights could seek sanctuary and assistance. These discussions should include lessons learnt, for example, from experiences working with the Maasai communities.
8. Child labour is a persistent problem, the depth of which is unknown. UNHCR, States, and relevant partners should undertake research into child labour, particularly domestic labour required of young girls, and formulate recommendations for addressing cultural practices and material needs.
9. UNHCR, States, and relevant partners should provide more funding to address the needs of disabled children including vocational training, skills development (e.g. brail), establishing linkages to institutions for the disabled, and the provision of wheel bicycles, hearing aids and medical assistance. In order to have an accurate understanding of what services precisely are required, a survey among disabled children should be undertaken.
10. Community education programmes on how to care for and live with disabled children should be instituted by UNHCR and relevant partners.
11. The level and degree of participation of disabled refugee children at primary and secondary levels of education needs to be addressed by the Government and other stakeholders.

### **(c) Security**

In spite of more robust policing and community involvement in security and significant drops in the incidences of serious crime, the Dadaab and Kakuma camps continue to be plagued by security problems including banditry, rape and murder.

12. It is recommended that the Government should be provided support by UNHCR and donors in order for it to increase the number of trained security personnel assigned to the Kakuma and Dadaab camps. Simply increasing the number of security personnel, however, is not sufficient. The support received should also include the provision of adequate equipment such as telecommunications, transportation and other logistical equipment necessary to fulfil their role in an effective manner.
13. Recognizing that many security problems in the camps are intra communal, UNHCR and relevant partners should conduct training for refugee and host communities on conflict management, as an additional tool to strengthen a refugee's personal safety and security.

### **(d) Role of Police, Judiciary, Immigration and Provincial Administration**

Mobile courts have improved access to justice but cases can move very slowly and there is no protection for witnesses or complainants. Further, a shortage of police and magistrates has led to administrative delays and prolonged pre-trial detention.

14. It is recommended that the number of police deployed in the camps be increased. Those deployed, given the out-of-the-norm setting they find themselves in, should receive additional training in investigative techniques and documentation of crime scenes.
15. The strengthening of law enforcement needs to be complimented by strengthening of the judicial capacity to ensure that perpetrators of crime are prosecuted effectively and decisively. It is recommended that this be achieved through the financial and technical assistance of UNHCR and donors.
16. In addition to strengthening the institutional response to crime, it is recommended that closer coordination between law enforcement personnel and refugee communities must be established in order to develop common strategies to address crime.
17. The Government, UNHCR, and States should strengthen the capacity of the Kenyan judicial system and assist in eliminating case backlogs. Similarly, the number of police staff and magistrates for the mobile courts should be increased and court sittings should be more frequent.
18. It is recommended that the Government, UNHCR, and relevant partners should support awareness campaigns in schools by advising children of the existent laws, that those laws are for their benefit and protection, and how to access the rights granted under those laws.



19. The Government should encourage exchange visits of District Commissioners between the camps in order to open lines of communication regarding the common problems camps are facing and the sharing of possible effective solutions.

#### **(IV) Recommendations on Urban refugees**

Most refugees living in urban areas do so without the authorisation of the government, and are in violation of the government's encampment policy. In light of this, and UNHCR's own limited resources, the programme of the Office is focused on camp based refugees with assistance to urban refugees reserved only for those whom there is a compelling reason for residing outside the camps.

##### **(a) Baseline Information on Urban Refugees**

Relatively little is known of the precise size and needs of urban refugee population living in Nairobi and elsewhere in Kenya. Different agencies have information on the population but are not necessarily UNHCR's Implementing Partners. Often, UNHCR does not know about these agencies; therefore, sourcing information may be difficult.

1. As soon as possible, a baseline survey of urban refugees should be undertaken in order to obtain accurate information about the urban caseload and its needs. The survey should not be limited to Nairobi but should also be conducted in other urban areas where refugees may be concentrated. The latter will allow UNHCR to assess whether there is a need for additional UNHCR staff or implementing partners in other urban areas.
2. It was noted that different organizations apply different definitions to the beneficiaries of their respective services, meaning that some organizations only deal with Convention refugees, while others deal with those who were not recognized as refugees, or never registered. Consequently, it is recommended that prior to commencing this survey, stakeholders should agree on a common understanding of who should be included.
3. It was further recommended that while there is an agreed international definition as to who is a refugee, UNHCR and its partners should explore the feasibility of including in the survey those people who consider themselves to be refugees, even though UNHCR has determined them not to be in need of protection.
4. Once a determination is arrived at as to who should be included in the survey, UNHCR should meet with the various agencies working with urban refugees groups to look at what services the respective agencies provide, what communities they work with, and what the scope of an agency's activities is in relation to the target community.

## ***(b) Priority Protection Problems and Issues***

The urban caseload is complicated and largely unknown. For example anecdotal evidence suggests that urban refugees face police harassment and are often asked for bribes especially if arrested. Further, many refugees live in neighbourhoods that are not very safe, or are some distance from health services and schooling for their children. The overall result is that many urban refugees live in a general state of physical and emotional insecurity.

5. Many refugees are in possession of expired Government or UNHCR documents, or are not in possession of any kind of document acknowledging that they have sought protection. In order to reduce the likelihood of refugees facing police harassment, it is recommended that the issue of inadequate documentation (e.g. expired documents) should be considered a priority issue.
6. The purpose of a refugee identification document/card is that it establishes that the person is a recognized refugee. Hence, it is recommended that a document/card, which confers such status, should not dictate a location where the refugee must live.
7. There is a misconception as to who should deal with the security concerns of urban refugees i.e. whether primarily the police or UNHCR. The Government and UNHCR should carry out capacity building and training for the police on refugee protection, in order for the police to understand that they are primarily responsible for refugee security. A similar awareness campaign should be carried out for refugees as well.
8. Currently, very few police officers are sufficiently familiar with refugee matters. It is recommended that police personnel should be identified who will act as refugee focal points at police stations. By instituting such a policy, UNHCR and relevant stakeholders will be in a position to contact specific police officers, and conversely that officer will know who to contact when faced with refugee issues.

## ***(c) Addressing Assistance Needs of Urban Refugees***

The kind of assistance that urban refugees are likely to require include: security; water/sanitation; non-food items; education; shelter; health. However, UNHCR and partners do not have resources to substantially provide health assistance to all refugees living in an urban environment. The full range of services which UNHCR and partners provide to refugees in camps cannot realistically be provided to urban refugees. Furthermore, there is some concern that if assistance is to be given to urban refugees, a group of people not clearly defined, a pull-factor to urban areas will be created.

9. Despite the encampment policy, there is a sizable number of refugees who live outside the camps, and who generally do not receive any assistance from UNHCR. Therefore, the Government, in consultation with UNHCR, should define who is eligible for individual assistance outside the camps.
10. The Government should consider removing the proviso requiring cost-sharing in hospitals so that recognised refugees do not have to pay even the nominal amount normally required. However, as a wholesale waiver may not be possible, it is recommended that UNHCR and

donors focus on capacity building at one Nairobi hospital (e.g. Kenyatta Hospital) to deal with specific categories of refugees. Similarly, it is recommended that in addition to supporting Nairobi hospitals, UNHCR and donors expand capacity building efforts of other social services such as agencies dealing with child protection so that refugees also have access to such services. This would avoid the creation of parallel social service systems.

11. All stakeholders who are dealing with urban refugees, some of whom are not currently involved in coordination meetings, should be included by UNHCR in such forums as a matter of priority.
12. What each organisation is offering or currently has in place, and who their target groups are, should be mapped and efforts made to ensure that there is an optimal and coordinated use of the available resources. This will avoid duplication of services.
13. In order to ensure better access to essential services, urban refugees should be provided with information on what services are available to them, who is responsible for providing them, and how they can be accessed. Urban refugees need to be made aware that UNHCR is not in a position to provide material assistance in the same manner as it is able to do in the camps.
14. NGOs should consider setting up community outreach centres where advice and information is available to urban refugees, as well as, possible referral of persons to UNHCR meeting defined criteria.

## ***(V) Recommendations on Refugee Assistance and Self-Reliance***

### ***(a) Encampment Policy***

The vast majority of refugees are required to live in the isolated Dadaab and Kakuma camps. The Government's encampment policy, which severely restricts freedom of movement, limits refugee access to markets, employment, and opportunities for self-reliance. It also inhibits the potential for refugees to contribute to local development.

1. It is recommended that the Government should review the encampment policy and take into account that the main rationale for the policy was to facilitate refugee access to protection and assistance. The review of the policy should include the drafting of a framework document that:
  - Reinforces the purpose of encampment as a means for refugees to access assistance rather than restricting their freedom of movement;
  - Makes provision for ensuring regularized movement accompanied by appropriate documentation recognised by all relevant authorities, including the issuance of travel permits on a general rather than exceptional basis;
  - Endorses the training and sensitization campaigns of law enforcement officials on the protection needs and rights of refugees;

- Provides for the issuing of work permits and licences to refugees to enable them to access employment and encourage self reliance; and
- Facilitate access of host communities to camp based services.

### **(b) Food Needs**

Minimum standards of life-saving assistance are provided but malnutrition rates, anaemia among pregnant women, low birth rates, and neonatal deaths are unacceptably high due to nutritional deficiencies in the food baskets and limited supplemental feeding programs.

2. UNHCR and relevant partners need to address the complex factors that can lead to nutritional deficiencies including:
  - Addressing the practice of using food for barter; and
  - Loan payments by strengthening other sources of income such as food for work/ income generation activities.

### **(c) Non Food Needs**

Distribution of clothing to refugees is *ad hoc*, based on infrequent donations provided to UNHCR or other agencies working in the camps. Firewood distribution falls short of meeting needs. Faced with shortages in non food items, refugees sell their food rations in order to purchase non food items, with attendant negative health consequences. Moreover, women and children are put at risk of attack when forced to leave the camp in order to collect firewood.

3. Many refugees have been living in the camps for a significant period of time, a period of time beyond the lifespan and usability of various non food items. UNHCR and relevant partners should be given the resources to replace such items in a timely manner so as to, for example, not to create the possibility of water contamination due to substandard water containers, or compel refugees to sell their limited food rations to buy essential non food items.

### **(d) Shelter**

Most of the refugee population in Dadaab lives in substandard shelter. Current and planned improvements to the situation will leave 25,000 families still in need. Approximately 10,000 refugees in Kakuma are accommodated in shelters which do not meet minimum standards.

4. Shelter maintenance and construction should be continued thereby allowing refugees to live in adequate housing, and just as importantly, providing them with personal and physical security.
5. While adequate shelters are left behind by those who have left the camp, and those shelters remain empty. UNHCR and Implementing Partners call on refugee leaders in Kakuma to prevail on the new arrivals to accept those shelters left behind.

### **(e) Health Care**

*There is a shortage of health care workers in the camps and turn-over is high. The recruitment of doctors, particularly female doctors, is exceedingly difficult.*

6. The Government and UNHCR should establish a mechanism to prioritise the management of chronic health conditions and, at the same time, the community should provide support and social services to the chronically ill living among them.
7. Through regular meetings, the Government, UNHCR and relevant partners should map out a strategy and possible solutions to address the more complicated long-term issues refugees face, such as infant feeding practices, HIV/AIDS, family planning, and FGM practices. Additionally, refugee community groups need to be part of any strategy including any preventative health care measures.

### **(f) Primary, Secondary and Tertiary Education**

A significant percentage of primary school children do not attend primary school (44% in Dadaab and 18% in Kakuma). Most primary school teachers have received no formal training. The drop out rate for girl students rises substantially in the upper grades. Access to secondary school is severely limited due to the extreme shortage of secondary schools and tertiary education is too expensive for those who graduate from secondary school.

8. An evaluation by the stakeholders should be undertaken during the course of 2005 to analyze the impact of current interventions designed to encourage greater girl attendance such as the provision of uniforms, books, extra food, extra time for assignments, allowing for a lower passing grade, girl only schools, and additional provisions of oil, rice, and kerosene. Those interventions that have had a positive effect in increasing or retaining girls at school are to be expanded.
9. Government, UNHCR and relevant partners should work with refugee men and women to address the problem of bride price, which acts as an incentive to marry off young girls before their schooling is complete.
10. UNHCR and relevant partners should strengthen awareness-raising activities, which promote school attendance using peer and youth counsellors and child-to-child promotion activities.
11. It is recommended that UNHCR advocate for the admission of secondary school refugee graduates to Universities on the same fee schedule as nationals.
12. Inclusion of refugees and refugee hosting areas in education programs should form part of any national development strategy.
13. Government and States should consider avenues to mobilise additional funds to make quality education available for all refugee and local children, and that those funds can also

meet the demands of the increasing numbers of students qualifying for secondary education.

14. It is recommended that UNHCR, NGOs, and donors, should find ways of increasing funding for scholarships to support refugee students through university and vocational training institutes.
15. UNHCR, States, and relevant partners should support and expand teacher training programmes, ensuring that teachers whose skills are being upgraded do not lose the incentives for doing so.

### **(g) Vocational Training**

The scale of vocational programmes is exceedingly small and opportunities for students to utilize their skills are extremely limited.

16. The Government, UNHCR, and relevant partners should ensure that education, skills and vocational training in the camps are designed in a way to fully capitalise on the potential contribution of refugees make to sustainable development.
17. The Government, UNHCR and relevant partners need to design certified vocational training programmes to help refugees acquire marketable skills that will be essential for their eventual reintegration. As far as possible, such vocational training projects should also be expanded to allow local communities to access them. Stakeholders should consider, for example, vocational and capacity building projects that teach or enhance managerial and small scale entrepreneur skills.
18. Given the role of youth in the future process of rebuilding and developing their respective countries, UNHCR, States, and relevant partners should provide additional funds and resources for training of youth in the camps.
19. UNHCR and relevant partners should establish and strengthen existing linkages with local vocational training centres in refugee hosting areas. At the same time, these links should expand to institutions, organisations and businesses where graduates of refugee vocational training programmes can obtain work experience and/or employment.

### **(h) Income Generation**

Income generating projects are permitted in the camps but the encampment policy which restricts access to markets for supplies and sales limits the potential for self-employment.

20. Government and UNHCR should ensure that priority is given to any refugee assistance programmes that include strategies for self-reliance and empowerment. In this regard, UNHCR needs to act as a catalyst in mobilizing financial and technical support for such measures.

21. Particular attention should be paid to refugee women, adolescent children, and host communities to ensure that they participate in the design and development of self-reliance programmes. Therefore skills, capital, and equipment should be made available to establish small scale industries.
22. UNHCR should endeavour to encourage that cross-border linkages are established in order to maximize opportunities with the relevant stakeholders, and to promote that qualified refugees who voluntarily return home have access to credit schemes for small business creation.
23. It is recommended that the Government allow refugees access to local and other markets at an equitable level so that they have a wider sales base for their products, as well as, sufficient access to supplies and materials. This in turn would promote trade, thereby allowing for growth not only for refugees but host communities as well.

## ***(VI) Recommendations on Support to Host Communities***

The host communities surrounding the Dadaab and Kakuma camps are, in many ways, more impoverished and desperate than the refugees in the camps. While members of the host communities can access some camp-based services, particularly in Kakuma, these communities continue to lack sufficient support for environmental rehabilitation, improving local infrastructure and stimulating economic development of these areas.

1. UNHCR should establish a joint task force (comprising of refugees, local population, UNHCR and NGOs) to address environmental issues in a coordinated and collegial manner, and through that mechanism ensure that an environmental impact assessment is conducted. This assessment, in turn, should lead to concrete recommendations that will improve the host community's environment. An example of such a recommendation would be the continued encouragement and support of tree planting campaigns.
2. Environmental issues should be part of any school curriculum to encourage children to think about protecting the environment. Therefore, UNHCR and relevant partners should automatically incorporate into the education curriculum environmental issues.
3. In order to encourage refugees and host communities to reduce the amount of firewood used, and thereby reduce environmental degradation, UNHCR, States, and relevant partners should evaluate alternative energy sources (i.e. solar, fuel-efficient stoves, bio-gas) and expand the promotion of those that are most effective, cost-efficient and appropriate).
4. It is recommended that greater coordination and consultation occur between the Ministry of Environment and agencies involved in environmental issues, with a view of addressing environmental problems in a comprehensive and effective manner.
5. Government, UNHCR and relevant partners should specifically call on local community intervention in areas where there is a need to improve and rehabilitate the infrastructure.
6. With the expectation of large scale repatriation and the eventual closing down of Kakuma camp, UNHCR and relevant partners should undertake a study on the effects that such a closing will have on the local population with particular attention to be paid to the effects on the local youth.



## ***(VII) Durable Solutions***

### ***(a) Voluntary repatriation***

Voluntary repatriation to Somalia and southern Sudan is hindered by insecurity, the absence of services in communities of return, and the lack of UNHCR monitoring presence in areas of return.

1. An assessment needs to be carried out in the country of origin to examine how people can access land and resources upon return. At the same time, UNHCR and relevant partners also should assess the absorption capacity and returnees' security.
2. It is recommended that UNHCR set-up a procedure to share country of origin information with refugees to enable them to make informed decisions and to facilitate dialogue between returnees and those considering returning.
3. The Government, UNHCR, and NGOs should facilitate vocational training of refugees in Kenya so that they have marketable skills upon return, thereby preparing them for a 'soft landing' in their country of origin.
4. The importance of States to follow through with their pledges of funds for Sudan and Somalia to support the reintegration process and sustainable return is wholly underlined.
5. Sustainable return should be facilitated by working with Governments and NGOs in countries of origin to create peace, guarantee the physical and legal safety of returnees, and ensure that they have access to basic services such as water, education, health facilities and food.
6. UNHCR and its partners should undertake negotiations with NGOs in Somalia to increase opportunities for employment of qualified young returnees.

### ***(b) Local integration***

Local integration is not explicitly permitted under government policy and is not viewed as an option for a significant numbers of refugees.

7. It is strongly recommended that the Government should adopt refugee legislation providing for local integration for refugees for whom other durable solutions are not foreseeable.
8. Additionally, it is recommended that the Government should reconsider how it applies its naturalisation laws to refugees, and consider extending naturalisation to specific categories of refugees such as Convention refugees and refugees married to Kenyans.

### **(c) Resettlement**

While relatively large numbers of refugees are resettled out of Kenya each year, the numbers are fairly insignificant in comparison to the entire caseload. Moreover, while resettlement activities provide effective critical coverage, they do not fully meet refugee needs or the expectations of resettlement countries due to insufficient resources.

9. It is recommended that UNHCR and resettlement States should expand resources to make the best use of resettlement opportunities.
10. UNHCR should reassess the resettlement programme in Kenya with a view to finding ways and means to limit its current drawbacks, such as the inevitable pull factor and distortion of population dynamics.
11. Resettlement States should refrain from making HIV/AIDS testing mandatory, and accept TB sufferers who have completed treatment.
12. Resettlement is a lengthy process and throughout this process, refugees in the resettlement stream often do not understand why it is taking so long. UNHCR and relevant partners should enhance transparency in the resettlement programme and ensure that refugees are kept informed throughout the entire process.
13. Because the process is not clear and transparent, refugees rely on information that all too often is inaccurate or plainly false. As a result, UNHCR should provide sufficient information to de-mystify the resettlement process so that refugees have better understanding of applicable criteria.

## **Comprehensive Plan of Action for Somali Refugees**

### ***(I) Recommendation on Durable Solutions***

#### ***(a) Repatriation of Somali Refugees***

1. The Government of Kenya should continue to support the peace process with a view to creating the conditions necessary for sustainable voluntary repatriation and reintegration.
2. The international community should provide the necessary financial and political support to the Somali Transitional Federal Government (TFG) to enable it to establish the administrative structures necessary for its effective functioning inside Somalia.
3. Regional institutions and the international community need to support the TFG in establishing local structures, state structures and, if requested, peace keeping operations to establish law and order.
4. The TFG, together with Somali civil society and traditional leaders, should implement programmes of reconciliation and peace building.
5. It is recommended that the TFG should ensure that its officials visit Dadaab camps, consult with refugees and take the lead role in developing a durable solutions process.
6. All stakeholders in the reconstruction process should ensure that reconstruction plans are viewed as a conduit and opportunity for economic development. Reconstruction should be designed to build the skills of the workforce and create employment opportunities. Reconstruction should be planned in a labour intensive way in order should stimulate employment and economic growth.
7. All stakeholders in the repatriation process should take into account the lessons learnt from the Somaliland and Puntland repatriations, particularly in terms of returnee monitoring data. Current knowledge, data, and statistics from Dadaab camps should be utilised in the planning process.
8. Accurate information on the return intentions of refugees should be gathered in order to better plan for their return to Somalia. Information on planned areas of return and information on the resolution of land and other property issues is essential and must be gathered during the planning process.
9. Skilled workers in camps, such as teachers and health workers should be given opportunities and incentives to return to contribute their skills and fill workforce gaps in Somalia, particularly in key public service sectors. Other pull factors such as small grants and loans for small businesses and other enterprises should be considered.

10. Particular attention should be paid to vulnerable groups during the repatriation and reintegration process.
11. Agencies on both sides of the border need to exchange information about possible skills gaps in Somalia which in turn should influence and inform the curriculum of vocational training programmes so that refugees will be equipped with those skills which are in demand on return.
12. The Government of Kenya and UNHCR should accept and recognize that short term movements between Somalia and the camps in Kenya are part of the repatriation process and should not be seen as a hindrance to Kenya's economic development or security. Repatriation must be viewed as an ongoing process over a medium term period, rather than a singular event.

### ***(b) Local Integration***

13. The Government should give priority consideration to the possibility that, among others, vulnerable individuals, long-stayers, and mixed couples and children of refugees who are married to Kenyan citizens should be granted naturalization.
14. Government's understanding of the term 'local integration' should include the concept of full naturalization for those who qualify. It is highly recommended that local integration and citizenship should be reflected in the forthcoming Refugee Bill.
15. It is further recommended that the Government should recognize the positive contribution of refugees to the economic development of Kenya. National development plans should thus reflect this contribution and refugees should be included in such plans.

### ***(c) Resettlement***

16. UNHCR should recognize that the criteria and process for resettlement needs to be transparent and known to the refugee community. Clear information, therefore, should be provided to refugees, which would reduce the current frustration among those who perceive the resettlement process to be arbitrary.
17. UNHCR, resettlement states, embassies, and resettlement agencies should give clearer feedback on the resettlement process, including case updates and explanations of reasons for rejection.
18. UNHCR, in collaboration with donor countries and institutions, should make every effort to increase the availability of scholarships for Somali refugees
19. Resettlement states must ensure that they recognize refugees' academic and vocational qualifications so that they may be better able to integrate into their new societies.

## ***(II) Recommendations on Coordination and Cross-Border Issues with Somalia***

### ***(a) Security Management***

Establishment and maintenance of security inside Somalia and along the borders with Kenya is a fundamental precondition for the voluntary repatriation of refugees and the return of Internally Displaced Persons (IDPs) to their places of origin. Support for the TFG on the ground is critical to the establishment and maintenance of security inside Somalia. In order for donors, UN agencies and other partners to assist the TFG and for them to pursue their own activities in the areas of development and cross-border operations, sound knowledge of the local security situation is vital. Women have been very active in grassroots peace and reconciliation activities but are not well represented at government levels. This dichotomy needs to be addressed. Finally, the issues of land and livelihoods are fundamental to the sustainability of any peace.

1. The international community and other donors should support the TFG in establishing key ministries, in particular a police force and border police. At the same time, support also should be given to the TFG to demobilize militia groups and reintegrate them into civil society.
2. Government should make every effort to strengthen the role of existing Kenyan authorities and elders who have knowledge of the local environment, such as District Commissioners, to build leadership capacity and to encourage their interactions with local Somali leaders in border areas.
3. UN Agencies, NGOs, and other partners should assist Somali women to transform their current involvement in grassroots peace and reconciliation activities into participation in government institutions at both local and national levels.
4. UN Agencies, NGOs, and other partners should participate in assisting the TFG to establish and operationalize a land reconciliation ministry; establishment of which is in line with the provisions of the TFG's Charter.
5. A mapping-type exercise should be carried out to better understand the various "leadership" or governance structures functioning in different areas of Somalia and to understand the constituency they represent (for example which clans, which warlords, etc. In order to better understand the complexity of the security situation and, looking forward, to understand the barriers to reintegrating vulnerable populations.)

### ***(b) Development Assistance inside Somalia***

Returns to Somalia and the implementation of development assistance activities inside the country will only be possible if there is a resolution of the security situation that persists in many of the proposed areas of return. It is development assistance and not merely humanitarian assistance that will lead to sustained peace and reintegration. Humanitarian assistance to

returnees and displaced people should, at a minimum, meet the same standards as refugees now receive in refugee camps.

6. In order to sustain a permanent return to a particular area, skills first need to be identified in that area, and matched with the skills of those wishing to return to that area. Support should be given to ILO and UNDP's exercise to map areas of return in terms of economic opportunities/livelihoods.
7. Various agencies currently undertaking activities in Somalia should consider coordinating their activities more closely where schools, hospitals, and other infrastructure-type activities are concerned. In particular, a mapping-type exercise of such infrastructure ought to be carried out in proposed areas of return.
8. In order to prevent conflict and strife, prior to allowing returnees to a particular area, issues of land rights first must be addressed through a distribution or re-distribution of land in a fair and systematic fashion. Projects such as the Land Allotment Project in Puntland ought to be initiated in Somalia.
9. Government, UN agencies, NGOs, and other partners should support and reinforce income-generation programmes that are already underway in the refugee camps, as these are key to self-reliance in the context of repatriation and reintegration.

### ***(c) Recovery and Rehabilitation in Targeted/Foreseen Areas of Return***

Self-reliance is also a key to the sustainability of peace and reintegration in Somalia. A mapping exercise is currently being carried out by ILO, UNDP and UNHCR of the potential for economical activity in areas of return. Returnees themselves ought to be the beneficiaries of work related to recovery and rehabilitation.

10. As soon it is available, UNHCR should share information on potential areas of return with the TFG to enable it to prioritize the implementation of security measures in these areas, in preparation for voluntary returns.

### ***(d) Cross-Border Operations and Mechanism for Systematic Coordination***

Information about what is happening on both sides of the Kenyan/Somali border and coordination of response are critical if meaningful planning is to take place and if programmes and activities are to be developed based on accurate information. With these objectives in mind:

11. OCHA should be requested to play a coordinating, cross-border role particularly with regard to convening meetings and opening lines of communication between stakeholders.
12. OCHA, in consultation with UN agencies and NGOs on the ground in Somalia and in the camps should create consultative positions for Somali nationals having knowledge of areas of return and able to provide that information to stakeholder meetings and consultations.

### ***(e) Information Sharing***

Mere information sharing will not be enough. Government and all actors working with refugees and other displaced persons must create appropriate forums through which populations can be engaged in discussions and their concerns addressed. In the process of engaging with community leaders, there must be awareness that religion plays a central role in Somali culture and politics.

13. In order that refugees and staff working with refugees can begin to be sensitized about prospects for return, accurate and relevant information must be provided to them on:
  - the means/facilities that will be available to returnees to support their survival in their areas of return in Somalia;
  - the opportunities for employment or other economic activity that are available inside Somalia;
  - whether their expectations are realistic and if not, what other opportunities exist; and
  - most importantly, how the concerns and needs of vulnerable populations will be addressed.

### ***(III) Recommendations on Regional and Extra-Regional Aspects***

The problem of Somali displacement is a complex and wide-ranging one. Somali refugees are present in neighbouring countries of the region, as well as in Europe and North America. Consequently, political, security, socio-economic, and humanitarian dimensions of the Somalia situation have implications internally as well as regionally and globally. The effective implementation of the peace process and the creation of conditions of stability and security will allow for the safe return and reintegration of refugees and IDPs. Given the CPA's focus on solutions, it is acknowledged that the peace process is central to the CPA and that the focus of attention and activities must necessarily therefore be on the country of origin.

#### ***(a) Understanding the nature of Somali displacement and crafting the proper approach to solutions***

1. All stakeholders should devote the attention required to properly understand the true nature and dynamics of the displacement or other movements of Somalis both within and outside the region including the causal factors and the particular and different reasons why Somalis move. While involuntary displacement for refugee-related reasons is an important reason, there are other non-refugee dynamics which include economic regression affecting Somalis at the household level, environmental degradation and lack of resources, the influence of regional and international geopolitical factors and social-anthropological reasons.
2. With particular respect to refugee-related movements, it is recommended that the focus should decidedly be on the country of origin itself; while initiatives to better improve the management and protection of Somalis who end up as asylum-seekers and refugees both

within and outside the region should also be promoted. It is, however, stressed that durable and long-lasting solutions to the problem of protracted displacement will be arrived at only if the causes of these movements inside Somalia itself, including continuing strife and the establishment of effective governance and security, and not only dysfunctions in protection delivery in the region, are tackled head on and decisively.

3. The most vital efforts of the international community should thus, be directed to supporting on-going efforts to create peace, and particularly to help the Somali Government return home from exile in Kenya, and to ingrain itself effectively in governance with the ability to provide physical, humanitarian and social-economic security for the Somali people at home.
4. The restoration of governance in Somalia, and particularly in the Central and Southern regions, is important for the entire population and not only in the context of refuge or other displacement. The Government of Kenya, together with the TFG and other regional and international actors, should explore all possible ways of involving militia groups in the efforts for reconciliation, peace-building, and governance initiatives.
5. The achievements that have been made by the North-Western (Somaliland) and Northern-Eastern (Puntland) regions of the country should be acknowledged, supported and promoted in a way that also accommodates the political and other sensitivities involved. Lessons learned from the experience in these regions can be applied in the other parts of the country in efforts to restore governance and peace.
6. In the meantime, UNHCR, acting in collaboration with all other partners and players, should explore all possible means to facilitate the return home in safety and dignity of those Somali refugees in Kenya who are ready and willing to repatriate. Simultaneously, UNHCR should undertake a survey among the Somali refugees in Kenya to determine their attitudes towards repatriation, the obstacles they face to return, and the conditions under which they would be ready to do so.
7. UNDP, in collaboration with IOM, UNHCR, concerned Governments, and other players, should establish a programme to assist those qualified, professional and skilled Somalis in the diaspora (such as doctors, nurses, teachers, etc) who are ready and willing to return to their motherland, especially as peace is recreated, to provide their services and contribute to nation-building and reconstruction, to do so. In the initial phases, at least, a data base of such skilled Somalis could be established.

#### ***(b) Regional and international dialogue on strengthening protection delivery for Somali refugees***

Current dialogue on issues relating to Somali asylum-seekers and refugees is both initiated and driven mainly by stakeholders from outside the immediate region of displacement. While countries in this immediate hinterland have critical pre-occupations of their own with regard to these movements and other factors of Somali refugee management, they do not have a standing forum for systematic regional dialogue on these or other related questions.

8. It is recommended that the countries of the Horn, East and Southern African region faced with Somali refugees and asylum-seekers should establish a standing forum accordingly, with the participation of other stakeholders, including UNHCR and countries from other



regions also faced with the same caseload and problems. The forum should of course also include the relevant authorities and entities of Somalia in the appropriate manner.

9. The broader dialogue to develop not only a regional but also a global approach to the Somali refugee question and to deliver protection to them as effectively as possible wherever they are usefully built on such a regional dialogue. This global dialogue should, however, be framed and prosecuted in the most open, transparent manner based on respect of internationally agreed standards for the protection of refugees, the spirit of international solidarity and burden-sharing, and fair and equal consideration for the concerns and pre-occupations of all the countries concerned.
10. A dialogue so constructed could and should also address issues such as the management of the migratory aspects of Somali movements, including combating illegal/illicit migration and trafficking in persons, the improvement of border management, and security concerns that have sometimes travelled along with Somali cross-border movements. The construction of the dialogue on the basis that the interests of one region have a given priority over those of another, or that Somali asylum-seekers will not be tolerated in one region and should be confined to only another, will not be able to provide the most productive basis for mutually acceptable solutions.

***(c) The problem of stereotypes associated with Somali asylum-seekers, refugees, and other migrants***

Many Governments, communities and individuals receiving or dealing with Somalis in their respective countries have developed a negative, stereotypical perception of them, resulting in several challenges in their reception, protection and integration and also hindering other forms of support and assistance. Among others, there is a perception that Somalis do not or cannot submit to normal legal regulation, and that they rather have allegiance to only their clan structures rather than to the State. That some of the cultural practices to which many of them still adhere have been criminalized in many countries, together with a perceived proclivity for violence in both personal and communal relations also adds a severely adverse effect in the way in which Somali migrants tend to be perceived. In countries outside Africa, Somalis are also seen as presenting special and intractable difficulties when it comes to full integration into their new communities, whereas, in countries such as Kenya where they may integrate easily in particular communities, this is also seen as a problem in itself.

11. Tackling and overcoming both the stereotypes and a stereotypical attitude and approach towards Somali asylum-seekers, refugees and other migrants will be a crucial part of any effort to find comprehensive and durable solutions for their problems. The relevant partners and actors of the international community should collaborate, including Somali communities themselves, to devise ways and means to combat these problems. Somali communities themselves will particularly have to accept a leading role and shared responsibility in these efforts.

## **Annex II**

### **Agenda**

**17 – 18 MAY 2005**

**Hilton Nairobi, Kenya**

**Tuesday      May 17, 2005**

08.30 – 09.00    Arrival and Registration

09:00 – 09:15    Welcoming Remarks

09:15 – 09:45    Opening Address (Hon. Linah Jebii Kilimo, Minister, Ministry of Immigration,  
Registration of Persons and Refugee Affairs)

09:45 – 10:00    Organizational Matters

#### **SESSION ONE – PLENARY** **STRENGTHENING PROTECTION CAPACITY IN KENYA**

10:00 – 10:15    Overview (G. Okoth-Obbo, Representative, UNHCR Branch Office)

10:15 – 11:00    Summary of Identified Protection Gaps (N. Kelley, UNHCR Special Advisor,  
Convention Plus)

11:00 – 11:15    Coffee/Tea Break

11:15 – 12:00    Discussions

## **SESSION ONE (continued) – WORKING GROUPS**

### **Focus on Protection Delivery and Management**

**12:00 – 13:00**

Working Group I: Refugee Governance & Capacity Building (Please refer to questions on pages 1 & 2 of Annotations to Thematic Working Groups)

- *Legislative Framework*
- *Government Refugee Management and Coordination machinery*
- *Development of Institutions and Procedures*
- *Workforce & Training Issues*
- *National Development Policy*
- *Public perceptions of refugees*

Working Group I Moderator: Mr. Kusimba, Under Secretary, National Refugee Secretariat

Working Group II: Admission, Refugee Status & Registration (Please refer to questions on pages 3 & 4 of Annotations to Thematic Working Groups)

- *Baseline Standards*
- *Registration of Asylum-Seekers and Refugees*
- *Refugee Status Determination*
- *Refugee Records and Documentation*
- *Refugee-Migration Aspects*

Working Group II Moderator: UNHCR

Working Group III: Protection Delivery (Please refer to pages 5 – 7 of Annotations to Thematic Working Groups)

- *Core Standards*
- *Key Protection Platforms in Kenya (Encampment and Freedom of Movement)*
- *Prevention, protection and prosecution of SGBV*
- *Protecting children from exploitation and abuse*
- *Role of Police, Judiciary, Immigration and Provincial Administration*
- *Information on dissemination on rights and responsibilities*

Working Group III Moderator: Ms. Judy Wakahiu, R.C.K.

13:00 – 14:00 Lunch

14:00 – 15:15 Working Groups – continued in same working groups

15:15 – 16:00 Report back to Plenary

16:00 – 16:15 Coffee/Tea Break

## **SESSION ONE (continued) – WORKING GROUPS**

### **Focus on Operational Locations**

**16:15 – 17:30**

Working Group I: Dadaab Refugee Camp and Host Communities (Please refer to questions on pages 8 to 11 of Annotations to Thematic Working Groups)

- *Review of Encampment Policy and Implications*
- *Resume / Highlight of Protection Challenges*
- *Adequately Addressing Baseline Assistance Needs*
- 
- *Confronting Self-reliance and Livelihoods*
- *Support to Host Communities*
- *Durable Solutions*

Working Group I Moderator: *Mohammed Qazilbash, CARE Kenya*

Working Group II: Kakuma Refugee Camp and Host Communities (Please refer to questions on pages 8 to 11 of Annotations to Thematic Working Groups)

- *Review of Encampment Policy and Implications*
- *Resume / Highlight of Protection Challenges*
- *Adequately Addressing Baseline Assistance Needs*
- *Confronting Self-reliance and Livelihoods*
- *Support to Host Communities*
- *Durable Solutions*

Working Group II Moderator: *Bobby Waddell, LWF*

Working Group III: Urban Environment: (Please refer to questions on pages 12 & 13 of Annotations to Thematic Working Groups)

- *Baseline Information on Urban Refugees*
- *Priority Protection Problems and Issues*
- *Protection Delivery in Nairobi and other Non-Camp locations*
- *Addressing Assistance Needs*
- *Durable Solutions*
- *Advocacy*

Working Group I Moderator: *Mr. Kusimba, Under Secretary, National Refugee Secretariat*

17:30 – 17:45 Day One Closing Comments

17:45 – 19:00 Cocktails

## **SESSION ONE (continued) – WORKING GROUPS**

### **Focus on Operational Locations**

**Wednesday May 18, 2005**

08:30 – 10:00 Working Groups continued

10:00 – 11:00 Report back to Plenary

11:00 – 11:15 Coffee/Tea Break

## **SESSION TWO – PLENARY** **COMPREHENSIVE PLAN OF ACTION FOR SOMALI REFUGEES**

11:15 – 11:30 Overview (George Okoth-Obbo)

11:30 – 12:00 CPA Gap Analysis Report (Rossella Pagliuchi-Lor)

12:00 – 13:00 Discussion: The Challenge of Protracted Exile (Mo

- *Policy/Approach of the Government of Kenya on Somalia/Somali Refugees*
- *Root causes of continuing displacement of Somalis as refugees*
- *Related movements of Somalis in the region or elsewhere*
- *Factors Militating Against Return*
- *Fostering Peace, Security and effective governance for Somalia*
- *Policy/Strategies of UNHCR*
- *Stakeholder Priorities*

*Moderator: Simone Wolken, Representative, UNHCR Branch Office Somalia*

13:00 – 14:00 Lunch

## **SESSION TWO – WORKING GROUPS**

### **Focus on Durable Solutions, Coordination/Cross-Border Issues and Regional Aspects**

**14:00 – 15:45**

- Working Group I: Durable Solutions
- *Protection and assistance priorities (Including resume of relevant conclusions/recommendations from SESSION ONE)*
  - *Voluntary Repatriation*
  - *Resettlement*
  - *Self-reliance and prospects for solution in asylum country (including resume of relevant conclusions/recommendations from SESSION ONE; placement of refugees within national development and poverty reduction programmes)*

Working Group I Moderator: *Hugh Fenton, Danish Refugee Council*

- Working Group II: Coordination/Cross-border issues with Somalia
- *Security Management*
  - *Humanitarian assistance inside Somalia*
  - *Recovery and Rehabilitation in Targeted/Foreseen Areas of Return*
  - *Cross-border Operations?*
  - *Mechanisms for Systematic Coordination*
  - *Information Sharing*

Working Group II Moderator: *Maxwell Gaylard, Somalia Country Office, UNDP*

- Working Group III: Regional/Extra-Regional Aspects
- *Regional and Extra-Regional Dynamics of Somali displacements relevant to Somalis*
  - *Stakeholder perspectives on Somali refugee and displacement dynamics*
  - *Regional protection aspects*
  - *Strengthening Protection in the region*

Working Group III Moderator: *Anne Maria Madsen, Royal Danish Embassy*

15:45 – 16:00 Coffee/Tea Break

16:00 – 17:15 Report back to Plenary

17:15 – 17:30 Wrap Up

17:30 **CLOSING PROCEEDINGS**

## Annex III

### List of Participants

**17 – 18 May 2005, Nairobi**

NAME	ORGANIZATION	TITLE/POSITION
ABDEL-MONEM, Mohamed	UNEP-ROA	Programme Officer
ABRAHAM, Bereket	Windle Trust	Student
ADIERI, Bwibo	NCKK	Director of Social Services
ALI, MOHAMED Dahir	Refugee Leader	Hagadera Camp
AROGO, G.O.	GOK	Senior Assistant Secretary – Office of the President
AWUYE, Sylvester	UNHCR	Consultant
BASHIR, Abdi Mohamed	JRS	Student
BONUKE, Helen	Royal Danish Embassy	Assistant
BOSCO, Mary	Refugee Representative	Kakuma
BUAHENE, Bediako	UNHCR	Consultant (Protection)
BYFIELD, Beverley	UNHCR	Senior Liaison Officer
CANSIZOGLU, Sukru	UNHCR	Protection Officer
CHANDA, Cosmas	UNHCR	Head of Sub-Office
CHEMUTTUT, Paul	GOK	District Officer
COOPER, Jeanine	OCHA Regional Office	Humanitarian Affairs Officer
DANESHVAR, Anoush	UNHCR	Manager Regional

		Support Hub
DERORE, Kathy	WFP Kenya	Program Officer
DOLA, Herbert	Handicap International	Program Support Officer
DRIESCH, WALTER von den	German Embassy	DHM
DUBE, Alfred	ILO/UNHCR	Livelihoods Consultant
ELIZABETH-NITE, Arinolah	Windle Trust	Student
ERIKI, Peter Dr.	WHO	Representative
ERIKSSON, Suzan	UNHCR	Programme Officer
EWORI, Lomojo Mary	GOK	Kakuma Women Welfare Group
FARAH MOHAMUD, Abdi	GOK	Councillor
FENTON, Hugh	DRC	Regional Manager
GAAS, Dati Ahmed	--	Refugee
GAYLARD, Maxwell	UNDP Somalia	Resident Representative
GEDALOF, Eddie	UNHCR	Deputy Representative
GICIRA, Roselyn	UNIFEM	Programme Officer
GOUGH VAUGHAN, Tracy	IRC Kenya	Prevention of Exploitation and Abuse Advisor
HARDING, Joel	UNHCR	Protection Consultant
HAUSER, Robert	WFP Somalia	Representative
Heuvel, Onno van den	UN HABITAT	Junior Human Settlements Advisor
KARAMAGI, Humphrey	WHO	Technical Officer Health Systems
KELLEY, Ninette	UNHCR	Special Advisor, Convention Plus
KENYI, Gideon	Refugee Representative	Kakuma
KÖNIG, Andreas	ILO/UNHCR	Livelihood Consultant
KOPŘIVA, Petr	Embassy of the	Ambassador



	Czech Republic	
KOSHEN, Hawa	UNHCR	Consultant
KUSIMBA, P.B.	Ministry of Immigration & RP	Head of Refugee Secretariat
LOSIKE, Patrick	GOK	Councilor Kakuma
LUDEKING, Annette	GOAL	Director
MACHARIA, Boniface	UNHCR	Associate. Protection Officer
MADSEN, Anne Maria	Royal Danish Embassy	Counselor Development
MALONDE, Muli N. (HSE)	Min. of Local Government	Deputy Secretary
MASHA, Christine	NCKK	Project Coordinator
MBUI-WANJIGI, Sophia	UNHCR	Assistant Protection Officer
MBUYA, Ester	Don Bosco Dev. Office	Project Officer
MIIRI, N. T.	GOK	DC Turkana

MOHAMED, Hassan	CARE Kenya	LAP Coordinator
MOHAMED, Omar Dr.	Somalia Demining Action Group	Director
MOINDI, Nancy	UNHCR	Protection/ Resettlement Assistant
MUCHANGA, Anthony S.	Min. of Planning & National Dev.	Principal Economist / Statistician
MUNALA, June	UNHCR	Assistant Protection Officer
MUNYWOKI, Janet	JRS	Advocacy & Policy
MUSAU, Jelvas N.	UNHCR	Associate Protection Officer
MUSISI, Rebecca	WRAP	Children's Social Worker
MUTELE, Agnes	UNHCR	Senior Community Services Clerk
MUYOKA, Christine	COVAW	Legal Officer
MWANGI, Dr. I.	UNCRD Africa Office	National Expert
NGONYANI, Fortunata	UNHCR	Community Services Officer
NIZEYIMANA, Imelda	JRS	Refugee Participant
NJERI, Mugo	Nation Media	Journalist
NJOGU, Marcemgu	CARE KENYA	Programme Manager
NYABERA, Emmanuel	UNHCR	Public Information Officer
NYANDORO, Oyaró J.	Ministry of Immigration	Senior Immigration Officer
ODHIAMBO, Simon	GOK	DO Kakuma
OGONJI, Janice	The Cradle/JJN	Programme Officer Research, Monitoring and Documentation
OKOTH-OBBO, George	UNHCR	Representative
OKWOYO, Lavenda	LWF	Planning &

		Monitoring Evaluation Officer
OLAT MOHAMED, Fatuma	Youth Refugee	Youth Refugee
OLKONNEN, Timo	Embassy of Finland	Second Secretary
OMALLA, Augustus Ben	LWF/DWS	Assistant Officer
PAGIULCHI-LOR, Rossella	UNHCR	Assistant Representative
PROSSER, Susan	UNHCR	Resettlement Consultant
QAZILBASH, Mohammed	CARE Kenya	Senior Manager. Emergency & Refugee Operations
ROJAHN, Harald	GTZ	Program Manager
RUSO, Serge	UNHCR	Senior Programme Officer
SHAKO, Rita	The Cradle/JJN	Child Rights Programme Officer
SHIHEMI, Joseph	GTZ	Project Manager
SONGA, David	JRS	Refugee Representative
SUGOW, Hon. A.	MP	MP Fuji & Assistant Minister for Water Services
TAPIS, Natalia	Film Aid International	Program Director
THAIS, Bi-Ndutiye Ide-Nite	Windle Trust	Student
WAKAHIU, Judy	RCK	Executive Director
WILLIAMS, Lois	UNHCR	Community Services Officer
WOLKEN, Simone	UNHCR Somalia	Representative
WOULDU, Asmeret	JRS	Refugee Participant
YOSEPH, Yacob	ARTES	Director
ZANARDI, Michael	GTZ	Dep. Program Manager