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SOMALIS IN KENYA: INVEST IN THE LONG-TERM

While the international community has not succeeded in bringing stability to Somalia, it can succeed in improving the lives of Somali refugees. The single most important way the donor community can assist the Somali people is through increasing educational opportunities. Humanitarian assistance alone cannot meet the needs of three generations of Somali refugees. Donors and the United Nations (UN) must provide greater development funding to refugees and host communities living in and around Dadaab. To improve urban protection UNHCR must dedicate more staff for registration in Nairobi, and, along with donors, prioritize support for local Kenyan NGOs assisting urban refugees.

BACKGROUND

Kenya has been a generous host to refugees for several decades. There are over 412,000 registered refugees and asylum seekers in Kenya, making Kenya one of the largest refugee hosting countries in the world. Though the Kenyan border is officially closed to Somali asylum seekers, there is still an average of 6,000 to 7,000 new arrivals each month. The Government of Kenya's efforts to officially re-open Liboi transit center on the border to screen and register refugees is a welcome step forward that will help ensure greater protection and security for Kenya.

There are now over 614,000 officially registered Somali refugees worldwide. Scores more remain unregistered. After Palestinians and Afghans, this makes Somalis the third largest registered refugee population in the world—with no end in sight to the growing numbers. In 2010 alone over 68,000 refugees have thus far fled fighting and conflict in Somalia.

Since 2006 only two Somali refugees in Kenya have approached UNHCR for voluntary repatriation. Thus far in 2010, just over 1,400 Somalis have departed Kenya for third country resettlement.

POLICY RECOMMENDATIONS

- In 2011 the UN High Commissioner for Refugees, Mr. Guterres, should organize a high-level international conference to increase development funding the Dadaab area and to increase resources for education for all Somali refugee children.
- Donor governments should support and UNHCR must dedicate more resources for registration and eligibility staff in Nairobi.
- UNHCR and other donors should prioritize support for local Kenyan NGOs serving urban refugees.
- The U.S. government should take a regional approach to the Somali displacement crisis and use the Complex Crisis Fund in an innovative inter-agency effort to bring humanitarian experience and development resources to the Dadaab camps.
- The Government of Kenya should build on its historic generosity toward refugees by working to reduce rising xenophobia directed against Somali refugees.
- The Government of Kenya, with support from UNHCR, should continue its efforts to re-open Liboi transit center and ensure effective screening and registration.

Despite this enormous, unfolding humanitarian disaster, the Somali refugee crisis has not received sufficient attention or resources from UN agencies and the international donor community. As the crisis continues unabated, more and more countries are reluctant to host Somalis, who are increasingly the victims of xenophobic attacks and discrimination.

Over the last 20 years the UN Refugee Agency (UNHCR), its partners, and host governments have attempted to provide protection and assistance to Somalis; however, the protracted nature of the crisis—coupled with large numbers of new arrivals, growing discrimination and xenophobia, and few durable solutions—has turned the situation into a highly complex one that must receive increased attention and resources from not only humanitarian actors but also from other UN agencies and development organizations.

For these reasons it is essential that Mr. Guterres, the United Nations High Commissioner for Refugees, convene a high-level international conference on the regional Somali humanitarian crisis in 2011. By bringing together officials from UN agencies, the World Bank, donor governments, host governments and the African Union, as well as non-governmental organizations (NGOs), researchers, journalists, and academics, the event may help bring global awareness to the crisis and begin to address serious protection gaps and development challenges.

INCREASE DADAAB DEVELOPMENT FUNDING

The Dadaab refugee camps are iconic and infamous for their sheer size and lack of basic assistance—over 288,000 refugees live in camps built to accommodate 90,000. UNHCR estimates that only 19 percent of households have adequate dwellings with appropriate space. Yet, this awareness has not significantly changed the way that humanitarian actors conduct business. After almost 20 years, the Dadaab camps continue to operate on an emergency basis. Refugees only receive 17 liters of water per day and some 190 people share a single tap. Both statistics are below basic UNHCR and internationally-recognized humanitarian standards.

The relationship between the refugees and host communities near the camp has often been quite hostile. Local groups, who are themselves impoverished and residing in one of the most underdeveloped areas of Kenya, together with government officials, have long argued that refugees are more advantaged and are provided more assistance than local

populations. While some efforts have been made to include local populations in certain projects, for the most part locals do not have access to refugee assistance. As a result local officials have been very reluctant to provide additional land to help ease the congestion in the overly populated camp. It took over two years to negotiate an extension of one of the camps, which will soon house about 30,000 refugees.

Humanitarian assistance alone cannot address the lack of basic infrastructure in the camps or the overall underdevelopment of the area. As one UNHCR official put it, “Half of the year UNHCR is scrambling to provide enough water to refugees, and the other half of the year UNHCR is responding to the raging floods that emerge from the rainy season.” Such a problem can only be addressed through the provision of better infrastructure, something which would require the political will and resources of the Kenyan government, international donors, and development actors.

To date there has been little to no development funding and few development actors who work to ensure that basic projects are implemented; yet, Nairobi is home to a massive UN presence, including the UN Development Program (UNDP). Kenya has long been a hub for international development efforts but little has trickled up to the remote corners of Kenya. Both small scale and larger scale development projects will help ease the tensions between the locals and the refugees and also improve the living conditions of refugees who live without work opportunities, education, or basic dignity. It may also help address Kenya’s reluctance to open its border to incoming refugees.

Currently refugees do not feature in the United Nations Development Assistance Framework (UNDAF), the key guiding document for UN work within a given country. This document is generated by the United Nations Country Team and endorsed by most UN agencies and their partners. Refugee and host communities and their particular needs should be mainstreamed into this document in 2013.

The “relief-to-development gap” is well known in humanitarian circles, but rarely addressed in a serious and productive way. Somali refugees in Kenya will continue to live there for years to come. It is past time for there to be greater initiative, cooperation, and coordination between humanitarian and development actors. A high level international conference focused on the Somali refugee crisis may help spark new ideas and fresh approaches to addressing the needs of both refugees and the host population living in and around the Dadaab camps. Certainly the role and support of the Kenyan government will be critical in such an endeavor.

SUPPORT EDUCATION

Humanitarian actors can begin now to greatly improve the educational opportunities for Somalis in the Dadaab camps and throughout the country. The current program in Dadaab serves just over 50,000 students. There are currently 19 primary schools and only six secondary schools and a handful of private schools. In order to be compliant with international standards, there should be 80 primary schools in the camps. Somali refugees are ready and eager to attend school and need opportunities to learn. As more time passes and the possibility for return to Somalia is ever more evasive, the Somali community has increasingly turned its attention and priority to education for their children. Indeed it is the key to their future and the foundation for a more stable and peaceful Somalia.

The U.S. government and other donors, with help from development actors, need to renovate existing schools and work to secure more land on which to build additional schools. Donors and development actors also need to design and implement a teacher training program to ensure the quality of the education being provided. UNHCR and NGOs can build partnerships with universities so that teachers-in-training are able to share their skills with the refugees. UNHCR and NGOs will have to increase information campaigns and efforts to ensure that more girls are enrolled in schools and work to ensure that programs addressing the needs of children with disabilities are expanded.

This is possible, but its achievement will require international political commitment and support from the Government of Kenya. As long as humanitarian actors—as well as those concerned about security in Somalia and the Horn of Africa—take a long-term approach to responding to the Somali refugee crisis, education initiatives can be achieved.

INCREASE SUPPORT FOR REGISTRATION

Since the early 1990s Kenyan authorities have required refugees to reside in one of the two established camps. While this is not written into law, it has been the working policy of the government for about 20 years. Nevertheless, there has always been an urban refugee population, concentrated mostly in Nairobi. Until recently these refugees lived largely without documentation or access to services and have had to confront police abuse and arbitrary arrest and detention with few interventions by UNHCR.

In the last few years, the Kenyan Refugees Act of 2006, coupled with UNHCR's new "Nairobi Initiative" has helped to resolve this problem. Today there are over 46,000 officially registered refugees and some 11,000 asylum seekers awaiting status determination.

Due to new partnerships and outreach activities initiated by UNHCR, today many refugees are able to enroll their children in schools and access public health clinics. Refugees are expected to pay the same fees as local Kenyans. Refugees can also purchase daily permits from the City Council to sell their goods on the street corner. Due to UNHCR and their partners' trainings, educational seminars, and outreach, police abuse and extortion has eased up. Judges and magistrates have been trained on refugee law and now regularly contact UNHCR or one of their partners if a refugee appears before their court charged with illegal presence or lack of documentation. Some programs for youth vocational training have been started and efforts to address the needs of young girls at risk have been made.

These are all positive steps that should be supported and reinforced by the Government of Kenya and the donor community. For the first time in decades refugees in Nairobi live with greater protection and dignity. The foundation of this protection is registration and identity documentation. Documentation provides access to services and offers some protection from police abuse. Documenting refugees is also an important security measure for Kenya. Indeed it is the only way to know who is residing in the country.

Currently registration and refugee status determination is being conducted largely by UNHCR on behalf of the Kenyan Government. Only recently the Government initiated a process to register those refugees in Nairobi already documented by UNHCR and seek to provide them with a Government of Kenya identification card.

UNHCR has five eligibility officers and one part time officer. They have the capacity to fully register 80 to 100 asylum seekers per day and yet average arrivals per day are between 200 and 250. (Over the summer in 2010 approximately 500 new arrivals approached the office daily.) Due to the high number of applicants, there is currently a two year waiting period for refugee status determination. This means that asylum seekers, including Somalis who are determined to be refugees on a prima facie basis, remain undocumented for two years before receiving an opportunity to lodge their claim and seek protection.

The backlog is due to (1) new influxes of refugees from Somalia since 2007; (2) UNHCR's proactive efforts to officially register refugees that have been residing in Nairobi and who may have hitherto lived without documentation and are only now coming forward; and (3) chronic understaffing and under-resourcing of the urban program. This last problem is in part because the Refugees Act of 2006 calls upon the Government to take over greater responsibilities in this area, and in part because refugees living in camps remain UNHCR's priority in terms of staffing and resources in Kenya. Donors, including the U.S., also tend to prioritize assistance for camp based refugees over those in urban areas. In 2010 the urban refugee program, serving almost 50,000 refugees, had a budget of about \$3 million, out of a total of \$69.5 million for the entire country.

It is desirable for the Kenyan Government to take on greater registration, status determination, and documentation responsibilities, but it is likely that UNHCR will continue to be the main provider of these services in the near term. Even when the Government is better equipped to take on greater responsibilities, the partnership and shared responsibilities between the two entities will likely persist for many years to come. It is therefore critical that in the short term UNHCR Branch Office Nairobi has sufficient resources to register and document refugees—in Nairobi and ideally in other urban centers across the country.

With some additional minimal resources and increased political will, UNHCR, in cooperation with local partners and the Government, can further enhance its ability to deliver successful protection strategies in Nairobi. By providing documents and ensuring access to services many refugees in Nairobi can enjoy more rights and live, largely self-reliant, with greater dignity in urban centers.

SUPPORT KENYAN NGOS IN NAIROBI

Much of the important work described above is carried out in partnership with local Kenyan NGOs. These organizations provide legal aid, training to officials on refugee law and UNHCR's Age, Gender, and Diversity Mainstreaming Initiative, sexual and gender-based violence referrals, and vocational training, among other things. Some of the organizations have more than 30 years of human rights experience in Kenya. Others have a proven track record of successful advocacy on behalf of refugees for over a decade. The staff is highly educated and has a lot of experience working with the government and other institutions in Kenya. Local staff connections to and relationships

with local and national government institutions are critical to carrying out successful protection work in cities. Many local staff also have a very personal commitment to ensuring that basic human rights are upheld and the rule of law prevails.

For these reasons and more, when it comes to urban refugee protection, UNHCR and donors should prioritize the work of local organizations. There is no lack of local capacity, nor any strong need for international NGOs to provide similar services. International NGO contributions should be aimed at improving conditions and services in public schools and health clinics frequented by refugees.

FOCUS ON REGIONAL ASPECT OF CRISIS

The above recommendations will help improve refugee protection in Kenya. It is however important for the U.S. government and other donors as well as UNHCR to begin to take a more regional approach to the Somali refugee crisis, which is both a protracted and unfolding crisis. Such an approach will be more comprehensive and could help to better funnel scarce resources to the most appropriate areas and projects. The relevant agencies and bureaus of the U.S. government are largely not structured in ways that lend themselves easily to such an approach. It will require leadership and commitment, but it is essential for the future of refugee protection and humanitarian response.

In the U.S. the Complex Crisis Fund (CCF) is one source of funding that may allow a genuine inter-agency partnership between the Department of State (DOS) and the U.S. Agency for International Development (USAID) in responding to both humanitarian and development needs of those living in Dadaab. CCF monies have already been programmed in other parts of Kenya. The account, funded at \$50 million last year, provides flexible funding to civilian agencies to help prevent and respond to emerging crises. While it is unclear whether DOS or USAID controls the account, the Fiscal Year 2011 Senate bill language provides for joint control. By bringing together humanitarian expertise and development actors, greater investments can be made in longer-term projects in and around the Dadaab camps and elsewhere in the region.

Senior Advocate Elizabeth Campbell and RI President Michel Gabaudan traveled to Kenya along with members of Refugees International's Board of Directors to assess the needs of Somali refugees.