

## Seeking Solutions to Somali Displacement in Kenya: Current and Potential Policy Approaches

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Two decades after the collapse of the Somali Republic, south-central Somalia remains a major epicentre of violence and displacement. The refugees who left in the 1990s have been joined since 2006 by people fleeing a dramatic upsurge of political violence and spreading famine in south-central Somalia (see map). Long-term refugees and newly displaced people have crowded into borderland camps, congregated in the Somali enclaves of regional towns and cities and attempted risky journeys onwards to other countries.

The prevailing conception of the Somali condition as an emergency, even though the situation has varied considerably over the years, has often been misused as justification for the failure to develop longer-term strategies to deal with displacement. This *Development Viewpoint* focuses on the situation in Kenya, which is the primary regional destination for people from south-central Somalia. This country hosts some 520,000 Somali refugees as of November 2011.

This Viewpoint highlights research on the causes of displacement and the responses of policy-makers and suggests several longer-term international policy strategies that move beyond current emergency responses (see Lindley and Haslie 2011 and Lindley forthcoming for a full account of this research).

### Why Are People Fleeing Somalia?

After a long period of localised conflict between multiple political factions, in 2006 the conflict in Somalia entered a new phase. In pursuing control of the state, both the internationally-sponsored Transitional Federal Government and the extremist group Al Shabaab have employed strategies that have resulted in gross human rights abuses and mass civilian suffering.

Foreign involvements in pursuit of counter-terror and regional-security agendas have further contributed to the political impasse. This is particularly true of the Ethiopian intervention in 2007-2008, which in fact fuelled the rise of Al Shabaab.

Meanwhile, the combination of governance failure across south-central Somalia and aid restrictions imposed by both Al Shabaab and western donors has allowed drought to escalate into a full-scale famine. Thus, Somalis are now fleeing their homelands for a combination of reasons: persecution and human rights abuses; political violence and insecurity; and progressive livelihood devastation, destitution and hunger.

### How to Respond to Displacement?

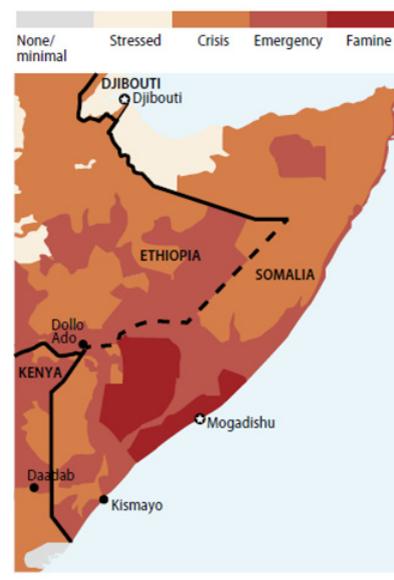
This *Development Viewpoint* explores five major types of responses to displacement: prevention, protection, and the so-called 'durable solutions' of return, as well as local integration and resettlement, which seek ultimately to reconnect refugees with their citizenship rights.

#### \*Caution on prevention and return

There has long been interest in Kenyan political circles in securing a buffer zone in southern Somalia to stem displacement and facilitate the return of Somali refugees. To this end, and in the face of mounting

### Food Security Status

September 2011



Source: Menkhaus 2011, based on FEWSNET, FASNAU/FAO data

domestic and cross-border security concerns relating to Al Shabaab, the Kenyan government recently deployed troops across the border against this organisation.

The abysmal history of foreign military intervention in Somalia does not bode well for this initiative. Moreover, trying to contain people in such a 'preventive zone' might further imperil the lives of civilians for whom mobility is a key survival strategy. Such a policy would serve the interests of both domestic actors seeking to control the population and host countries hoping to prevent people from seeking asylum.

To genuinely address the intolerable conditions from which Somalis are fleeing, broader-based political and humanitarian approaches are needed (see Hammond 2011 and Menkhaus 2011). Meanwhile, forcibly returning refugees to south-central Somalia, while it is engulfed in violence, political upheaval and drought, would be morally indefensible.

#### \*Protecting basic rights

Despite some significant progress over the years, the basic rights of many refugees in Kenya are not being upheld. The right to enter and seek asylum is far from guaranteed: there are frequent reports of newly arrived Somalis being subjected to arrest, detention and deportation. The Kenyan government has recently taken over refugee registration and continues to offer the vast majority of asylum-seekers *prima facie* refugee status. Yet significant registration backlogs remain and limited access to justice leaves many refugees insecure.

Somalis have been encouraged to settle in the Dadaab refugee camps, close to the border with Somalia, where the international community provides food, water, shelter and medical care. However, the deplorable and increasingly congested conditions prompt many to move to urban areas, where self-reliant refugees are informally tolerated but still subject to police harassment.

In such a context, donors must continue supporting the vital humanitarian operation in Dadaab, but also continue providing legal support to refugees and the training of the police and judiciary on refugee rights.

In addition, with state security priorities often overshadowing refugee-protection concerns, donors could usefully support the development of civil-service legal expertise and refugee-protection capacity. This might take the form of secondments of national civil-society-based specialists to train up a cadre of long-contract civil-service refugee officers.

Meanwhile, as the government takes over key functions in relation to refugees, UNHCR should be supported to expand its monitoring function, particularly in the border area, with a view to engaging in a more robust watchdog role on behalf of refugees.

### **\*Pathways to integration**

Keeping Somalis in camps on a long-term basis is a strategy designed to limit their rights and impede their broader participation in society. In response, refugees have engaged in a range of informal strategies to move on with their lives: obtaining Kenyan identification documents through unofficial channels, relocating to urban areas despite restrictions, and participating in informal employment, trade or business. But these forms of *de facto* integration are highly unevenly spread, accessible to some refugees but not others, and leave major questions about the legal rights of refugees unresolved.

It is not politically feasible for the Kenyan government to offer citizenship or more secure legal status to large numbers of Somali refugees, particularly in the current situation of mass influx. But since a large proportion have already spent many years, or their whole lives, in Kenya and are there to stay, it makes moral and political sense to find ways to help these people to be more productive and empowered members of society.

Legal integration is too often framed as an all-or-nothing question. Partial or gradual approaches—such as identifying eligible subgroups of refugees or defining progressive pathways towards an improved legal status—merit further exploration.

Meanwhile, it is important to remember that refugees live in marginal rural areas and poor urban neighbourhoods where social tensions and economic competition for work, resources and services are rife. There is considerable scope to support the wider development of refugee-hosting areas in ways that could help defuse these tensions, particularly if refugee specialist organisations are able to join forces with city authorities, decentralised government bodies and other development actors.

### **\*Maintaining resettlement**

The official resettlement of refugees in other countries is the only official channel through which Somali refugees in Kenya could regain

citizenship rights outside their country of origin. The small number of resettlements that are undertaken each year makes a minimal impact on the size of the rapidly growing refugee population. But these programmes offer vital protection to those who are selected, and create a significant backflow of remittances and increased hope for refugees in the region.

In light of the risks still faced by many refugees in Kenya, it is vital that foreign states continue to offer resettlement places to those in danger, and that they respond receptively to 'spontaneous arrivals'; those people who have by their own efforts made risky journeys out of the region in search of safety.

### **Conclusion**

In the mid-1990s to the mid-2000s, the international response to the problems faced by Somali refugees was woefully inadequate. Dominated by strategies for containment, the response stifled the life chances of hundreds of thousands of people. The current crisis of displacement seems to have reinforced this dominant policy approach, with its emphasis on a short-term emergency response and a focus on prevention and return.

In summary, our research suggests several longer-term policy approaches that the international community could usefully pursue:

- Broad-based political and humanitarian approaches to tackle the intolerable conditions from which Somalis flee;
- Support for the Kenyan government's capacity for refugee protection, alongside independent monitoring to ensure refugees' basic rights and tackle abuses;
- New thinking on partial and gradual approaches to legal integration;
- Broader developmental work in refugee-hosting areas; and
- Safeguarding the option of resettlement as a vital protection tool.

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