

Durable Solutions for Somali Refugees

A Case Study of the Involuntary Repatriation of Dadaab Refugees



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Cover: Somali refugees in Dadaab waiting to be repatriated. Photo: ©UNHCR/Assadullah Nasrullah

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Table of Contents

Executive Summary.....	1
Introduction	2
Methodology.....	5
Repatriation: Not Voluntary	5
Limited Information	9
Abandoned.....	9
Main Challenges.....	11
Refugee Camps to IDP Camps	11
Livelihoods.....	12
Education.....	13
Kismaayo Factor	14
Sustainable Return and Reintegration.....	15
Security	16
Conclusion.....	17
Recommendations	17

Executive Summary

Since 2014, over 73,000 Somali refugees have been repatriated from Dadaab – the world’s largest refugee camp in Kenya’s northeastern province. The majority of these returnees had previously fled from rural areas currently under the control of the Somali militant group Al-Shabaab. For four years, Kenyan authorities labored to shut down Dadaab, labeling it as a breeding ground for terrorists. Human rights groups dismissed such charges as fear mongering and victimization of already vulnerable refugees. In February 2017, a High Court judge in Kenya blocked the government’s plan to close Dadaab, saying it was “discriminatory” and “unconstitutional”. Over 45,000 refugees have since returned to Kismaayo, while significant numbers have returned to Baydhabo and Mogadishu. Most of the returnees do not have land, property or other support systems and safety nets in these urban areas. Somalia’s fledgling federal government has played little part in the repatriation program and offers no support. Local administrations in Jubaland (Kismaayo) and Southwest (Baydhabo) are even weaker, and there is a lack of resources and infrastructure to resettle the returnees. As a result, many of the repatriated Dadaab refugees feel that they have been abandoned.

Moreover, many of the refugees have spent a significant part of their lives in the camps and were not given any option other than to return to Somalia, a country which they do not know much about. With UNHCR

providing little information to the refugees, the Kenyan authorities took advantage of this information gap. Officials spread rumors suggesting that refugees who did not register voluntarily would be forced out and have to forfeit the \$400 support package available to those who returned voluntarily. Education and health services and food and water supplies have been sharply reduced in the camps, and Kenyan security forces have ratcheted up the harassment and intimidation of refugees. As a result of such coercive tactics, many returnees registered for repatriation. This process, which UNHCR continues to condone and collaborate with, cannot be considered as a voluntary repatriation. It rather resembles a refoulement – or forcible return – an illegal act under international law.

Returnees face a multitude of problems after arrival. The main challenges are limited information, little support from UNHCR and lack of shelter, job opportunities, and access to education and health services. Some of the refugees have lived in Dadaab for quarter of a century while others were born in Kenya and have never set foot in Somalia. The government of Kenya should be cognizant of this as well as its international legal and protection obligations. Kenya also needs to understand that the Somali refugees in its territory and Al Shabaab extremists who are wreaking havoc in Somalia and at times in Kenya are two separate entities. In the long term, forcibly returning refugees who are more Kenyan than Somali threatens Kenya’s security as such maltreatment could be a recruitment

tool for the extremists. Somali refugees in Dadaab do not require a kneejerk reaction from Kenya or complacency from the UNHCR but humane, legal and durable solutions.

There are only two realistic solutions for the plight of Somali refugees in Kenya. First, Kenya should seriously consider integration for those long-term refugees who have gone through the Kenyan school system and are capable of prospering in the country. Second, repatriation must be voluntary, safe and dignified. It also has to be free of both overt and covert coercion. International partners and the Somali authorities must also commit sufficient resettlement resources for those returning voluntarily. UNHCR and other international partners should cease colluding with Kenya's forcible repatriation. Full services must be resumed in the camps.

Introduction

Somalis constitute one of the largest protracted refugee populations in the world. Current estimates indicate that there are over two million Somali refugees in the East and Horn of Africa regions.¹ UNHCR statistics show that close to 900,000 registered Somali

refugees currently live in neighboring countries.² Kenya hosts the largest number of registered Somali refugees in the region, with 313,255 people scattered over various refugee camps.³ The majority are hosted in Dadaab - established by the UNHCR in 1991 following the ouster of Somalia's military regime and the subsequent outbreak of civil war. The Dadaab camps – Dagahaley, Hagadera, Ifo, Ifo 2 and Kambioos (now closed) – are some of the most complex and largest in the world.⁴ As of September 2017, they hosted 239,993 registered refugees.⁵



Aerial view of Dadaab refugee camp

The government of Kenya has been trying to close Dadaab for the past five years, following a wave of attacks on churches, malls, schools, nightclubs and public transport, mainly in Nairobi and the Somali-dominated north eastern province.⁶

¹ "ReDSS Solutions Statement: Somalia," ReDSS, June 2015 http://www.regionaldss.org/sites/default/files/2015_2105_ReDSSstatementSomalia.pdf

² "Refugees in the Horn of Africa: Somali Displacement Crisis," UNHCR, 1 September 2017, <http://data.unhcr.org/horn-of-africa/regional.php>

³ Ibid

⁴ See TY McCormick, "The World's Largest Refugee Camp Is Invited to Please Shut Down," Foreign Policy, 21 July 2016. <http://foreignpolicy.com/2016/07/21/the-worlds-largest-refugee-camp-is-invited-to-please-shut-down-kenya-somalia-dadaab>

⁵ "Operational Update, Dadaab, Kenya," UNHCR, 15 September 2017. <http://www.unhcr.org/ke/wp-content/uploads/sites/2/2017/09/15-September-Dadaab-Bi-weekly-Operational-Update.pdf>

⁶ See Murithi Mutiga, & Emma Graham-Harrison, "Kenya says it will shut world's biggest refugee camp at Dadaab,"

Efforts aimed at closing down the camps started in 2012 when the former president of Kenya, Mwai Kibaki, told the London Conference on Somalia that Dadaab was a serious security threat to Kenya and urged the international community to help repatriate Somali refugees.⁷

In November 2013, a tripartite agreement was reached between the governments of Somalia, Kenya and UNHCR. The agreement was expected to pave the way for the voluntary repatriation of Somali refugees in Kenya over the next three years under dignified and humane conditions.

Following the attack by Al-Shabaab militants on the University College of Garissa in April 2015, which resulted in the deaths of 148 students, leaders from Kenya's north eastern province and some senior members of the government demanded that UNHCR close the camps and repatriate all refugees back to Somalia.⁸ Kenya's vice president issued an ultimatum to UNHCR to close the camps within three months.⁹ However, after negotiations, Kenya, Somalia and the UNHCR re-affirmed their commitment to the tripartite agreement, which stipulated that the repatriation process would be voluntary.

The Guardian, 11 May 2016.

<https://www.theguardian.com/world/2016/may/11/kenya-close-worlds-biggest-refugee-camp-dadaab>

⁷ "Repatriating Dadaab refugees 'unrealistic'" IRIN, 16 August 2012.

<http://www.irinnews.org/report/96116/kenya-somalia-repatriating-dadaab-refugees-unrealistic>.

⁸ "Leaders want refugee camps closed down," Daily Nation, 6 April 2015.

<http://www.nation.co.ke/news/politics/Refugee-Camps-Dadaab-Garissa-Attack/1064-2677628-20t9bfz/index.html>

In April 2015, a tripartite commission was formally launched to oversee the implementation of the agreement.

Efforts to close the camps were intensified again in May 2016 when the Kenyan authorities announced that the camps would close in November 2016 when the tripartite agreement expired. The then minister of interior, the late Joseph Nkaissery, suggested that the camps had become "hosting grounds" for Al-Shabaab and claimed that most terror attacks in Kenya were planned from within the camps.¹⁰ The Somali government, which in the past had been passive about the refugee issues, started to take a more active stance and then president Hassan Sheikh Mohamud visited Dadaab in June 2016. The Somali president assured the refugees that his government did not agree with forced repatriation, saying, "let me assure you that we (Kenya, Somalia and the UNHCR) have never discussed and agreed on your quick return to an uncertain future."¹¹

When the tripartite agreement expired, Kenya extended the deadline to close the camps by six months after a request from the UN refugee agency. Nkaissery said that

⁹ "Kenya tells UN to close Dadaab camp after Garissa attack," BBC, 11 April 2015.

<http://www.bbc.com/news/world-africa-32269944>

¹⁰ "Dadaab: Kenya to close the world's biggest refugee camp," Newsweek, 31 May 2016.

<http://europe.newsweek.com/kenya-close-dadaab-worlds-biggest-refugee-camp-november-465065>

¹¹ "Somali President Visits World's Largest Refugee Camp," VOA, 6 June 2016. <http://www.voanews.com/a/kenya-somalia-refugees/3363860.html>

all refugees should be repatriated by May 2017.¹²

In March 2017, Kenya hosted a summit of the Inter-Governmental Authority on Development (IGAD) to explore durable solutions for Somali refugees in the region. Mohamed Abdullahi Farmajo, Somalia's president, pleaded with the heads of states of IGAD not to repatriate refugees by force amid the drought which was devastating Somalia. Kenya's Uhuru Kenyatta reiterated his government's decision to close Dadaab, claiming that the camps had become operational grounds for terrorists and criminals.¹³ Despite Kenya's demands, the assembly agreed to create "an enabling environment for safe, sustainable and voluntary return and reintegration of Somali refugees".¹⁴

In February 2017, the High Court in Kenya blocked the government's plan to close Dadaab. The judge characterized the decision as discriminatory and unconstitutional, because the government had not proven that Somalia is a safe place to which the refugees could return.

¹² "Kenya delays Dadaab refugee camp closure by six months," Al-Jazeera, 16 November 2016. <http://www.aljazeera.com/news/2016/11/kenya-delays-dadaab-refugee-camp-closure-months-161116130647820.html>

¹³ "IGAD Summit: Refugee camp never meant to be permanent home," Al-Jazeera, 28 March, 2017. <http://www.aljazeera.com/video/news/2017/03/east-african-leaders-call-somalia-aid-170326054303117.html>

¹⁴ "Communique Nairobi Declaration on Somali Refugees," IGAD, 25 March 2017. <https://igad.int/communique/1519-communique-special-summit-of-the-igad-assembly-of-heads-of-state-and-government-on-durable-solutions-for-somali-refugees>

Consequently, the court declared the government's decision to close the camps as "null and void".¹⁵ Judge John Mativo added that "the government's decision specifically targeting Somali refugees is an act of group persecution – illegal, discriminatory and therefore unconstitutional."¹⁶ The government said it would appeal, citing its responsibility to the security of Kenyan citizens.¹⁷

Despite Kenya's efforts to close the camps, the May 2017 deadline has passed and close to 250,000 people still remain in Dadaab. Uncertainty about their future looms large because of the repeated rhetoric and threats by Kenyan authorities to close the camps. The Somali government's disadvantaged position and the docile role being played by the UNHCR and other international actors have further compromised the refugees' already precarious status in Kenya.

¹⁵ "Kenyan High Court overrules on Dadaab refugee camp closure," Deutsche Welle, 9 February 2017. <http://www.dw.com/en/kenyan-high-court-overrules-government-on-dadaab-refugee-camp-closure/a-37468097>

¹⁶ "Kenyan closure of Dadaab refugee camp blocked by high court," BBC, 9 February 2017. <http://www.bbc.com/news/world-africa-38917681>

¹⁷ Ibid

Methodology

This research investigated the experiences of refugee returnees from the Dadaab refugee camps. A major focus of this study was to examine how the refugees made the decision to return, life in Somalia (the social, economic and security consequences of their repatriation) and the future outlook of returnees.

The research was conducted in Kismaayo, Mogadishu and Baydhabo. These three cities were selected because they were designated by UNHCR as return areas for refugees from Dadaab. Heritage Institute for Policy Studies (HIPS) researchers collected the field data between 10 February and 5 April 2017. The research utilized qualitative research methods: desk reviews, key informant interviews, focus group discussions, observations and empirical analyses of existing data.

A total of 66 individuals (41 of them returnees) took part. Forty-five in-depth key informant interviews were conducted in the three cities. The interviewees included returnees, local and federal authorities and local and international NGOs. Three focus group discussions were held for youth and representatives from the host community.

Repatriation: Not Voluntary

The majority of the refugee returnees interviewed sought asylum in Kenya at a time of severe droughts in 2009 and 2011. They left the country running for their lives and seeking safety and security across the border in Kenya. They lived in isolated camps for years and adapted to life as refugees. To make the decision on whether to return, they needed to have been given a genuinely free choice and been fully informed about conditions in their home country. The 1969 Organization of African Unity's (OAU) convention on refugees considers the principle of "voluntariness" in relation to the conditions in the country of origin and the situation in the country of asylum.¹⁸ While voluntary repatriation is the preferred durable solution for the majority of refugees, the principle of voluntariness is the most important aspect of international protection in respect of the repatriation of refugees. For a refugee to make an informed decision, they need to have full information about the conditions in the country of origin. They also need to know the situation in the country of asylum, for example, what choices are available to them should they decide to stay. The absence of these conditions will make the current repatriation program amount to refoulement – an exercise prohibited under the 1951 Refugee Convention.

¹⁸ See OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.
http://www.achpr.org/files/instruments/refugee-convention/achpr_instr_conv_refug_eng.pdf

Even though returnees from Dadaab reported that they were not physically forced to return, they reported that their return was not voluntary either. These returnees made the decision based on four conditions: no alternative option given, misinformation, intimidation and abuse by Kenya's armed forces and aid agencies cutting food, water and services.

Since the government of Kenya announced the decision to close Dadaab, UNHCR has been working to relocate non-Somalis to Kalobeyi camp (Kakuma). However, Somali refugees were not given the choice of relocation, leaving their only option as repatriation. All of those interviewed told HIPS researchers that it was made clear to them that the camp would be closed, and they had no other choice but to return to Somalia.

Misinformation and propaganda by the Kenyan authorities was another factor that influenced the refugees' decision to return.

False information was propagated that the assistance package and transport facilities were not enough to cover all refugees who wanted to go home. They were told they should take advantage of such assistance while it was available or face being forcibly removed without any help when the deadline to close the camp approached.

A 29-year-old, single mother of four children who lived in Hagadera camp in Dadaab, repatriated to Mogadishu in September 2016, recalls how she made the decision to return:

After Kenya decided to close the camp, I became fearful of what would happen to me and my children if I didn't take advantage of the flights leaving for Somalia. I have four little children, and I was fearful for them, otherwise, I would've stayed there.

This woman was only three when in 1991 her family migrated to Kenya after the fall of the military regime. She grew up in the camp, got married and had her children there. She had to leave the place she called home, because she became convinced that the Kenyan police would harm her if she did not repatriate to Somalia.

A 60-year-old father of seven from Kambioos camp, repatriated to Kismaayo in October 2016, recalls the dilemma he faced after he was told that refugees would be forcibly removed:

We were told to return to our country, and if we did not register to return, there would come a time when we would be forced to return without the benefits the UNCHR was giving to refugees who registered for the voluntary return. Then I became fearful for my children, thinking if forceful eviction comes, then my children and I would be in danger.

Intimidation and harassment by authorities in Kenya played a significant role in the decision making process of the refugee returnees. Government leaders in Kenya said repeatedly that Dadaab was a hosting

ground for Al-Shabaab insurgents and that terrorist attacks in Kenya were planned in the camps. Using the media, Kenyan officials from the vice president at the national level to the deputy county commissioner, painted the refugees as terrorists and terrorist sympathizers.

"The camp was a security threat, a haven for terrorism and conduit of contraband goods as well as a danger to the environment," said vice president William Ruto.¹⁹

He further ratcheted up his rhetoric, declaring: *"The refugee camp poses an existential security threat to Kenya."*²⁰

"We have witnessed over the years, and specifically in the recent past, that terrorist attacks have been planned [and] executed from these refugee camps," said Ruto.²¹

Other Kenyan officials also repeatedly claimed that the refugees posed a clear and present danger.

"The planning of the Westgate attack was finalized in the camps. The weapons used in the attack on Garissa University College

earlier this year were ferried and hidden in the camps," said interior minister Joseph Nkaisery.²²

"Dadaab refugee camp is another county [in Kenya] with [its] own laws and regulations and illegal, everything there is illegal. Crime, you know, rapists there, criminals there, thieves there ... we don't want them continuing flourishing in our territory," said Mohamud Ali Saleh, North Eastern Region Coordinator.²³

"The existence of the [Dadaab refugee] camp is a threat to our national security, because over the past few years most of the terror activities that have happened in this country have been traced in the Dadaab complex," said Harun Kamau, Deputy County Commissioner, Dadaab Sub County.²⁴

These statements from Kenya's top leadership emboldened security agencies already notorious for abuses and human rights violations against Somali refugees.²⁵ They escalated their campaign after Al-Shabaab attacked parts of Kenya including the north eastern region. Many young men were taken from the camps and never seen

¹⁹ "Decision to close Dadaab refugee camp final, Ruto tells UN summit," The Star, 23 May 2016. http://www.the-star.co.ke/news/2016/05/23/decision-to-close-dadaab-refugee-camp-final-ruto-tells-un-summit_c1356213

²⁰ "Kenya Blames Terrorists for Its Decision to Close the World's Largest Refugee Camp," VICE & Reuters, 24 May 2016. <https://news.vice.com/article/kenya-doubles-down-on-plan-to-shut-down-the-worlds-largest-refugee-camp>

²¹ See William Ruto at UN humanitarian summit in Istanbul, 24 May 2016. <https://www.youtube.com/watch?v=CIQUJ7bShVI>

²² "UN agency staff linked to terror," Daily Nation, 5 October 2015. <http://www.nation.co.ke/news/UN-agency-staff-linked-to-terror/1056-2900374-5k2xxqz/index.html>

²³ See Mohamud Ali Saleh, North Eastern Region Coordinator. <https://www.youtube.com/watch?v=CIQUJ7bShVI>

²⁴ See Harun Kamau, Deputy County Commissioner – Dadaab Sub County. <https://www.youtube.com/watch?v=CIQUJ7bShVI>

²⁵ "Somalis scapegoated in counter-terror crackdown," Amnesty International, 27 May 2014. <https://www.amnesty.org/en/latest/news/2014/05/kenya-somalis-scapegoated-counter-terror-crackdown/>

again. Others were returned after they were tortured while most were released after relatives paid the bribes demanded by the security forces.

“My eldest son is 20-years-old, and you must have heard about the victimizations of the Kenyan police? My son couldn’t go out of the house. He couldn’t go to school. He was arrested twice and beaten by the Kenyan police. The scars you see on my hand [showing visible scars on her hand] are as a result of the Kenyan police beating me while I was in a queue to collect food,” said a 37-year-old mother from Kambioos camp who was repatriated to Mogadishu.

“The way the Kenyan police treat refugees is something between life and death. I therefore chose to return, even if I have to die in Mogadishu,” said a 31 year old man from Dagahley.

The majority of those interviewed said that mistreatment by Kenya’s security forces was a regular occurrence in the camps. Kenyan police regularly rounded up refugees, particularly young people, and demanded bribes in order to release them. The majority of returnees interviewed said the police beat refugees without any reason when in queues for food rations. Women in particular were very emotional recounting their experiences. Most returnees said that they wouldn’t miss life in the camps, despite the uncertainty of life in Somalia.

Aid agencies sharply reduced services provided to refugees, making an already difficult life even more unbearable. *“The*

food ration was reduced, and life became difficult,” said a 45-year-old father of three in Kismaayo. *“They (aid agencies) reduced water, food rations, salaries of school teachers. Therefore, refugees started to register for repatriation,”* said a 23-year-old man who returned to Kismaayo.

Returnees recall how the meager hand-outs provided to refugees once a fortnight were drastically reduced. Food that they collected once every two weeks which was not enough to begin with was reduced even further. Water supplies were also sharply reduced, and returnees said they had to queue for many hours to get water. This was an indication to many that aid agencies had decided to collude with Kenya’s decision to close the camps.

Despite the tripartite agreement stating that the return of refugees should be voluntary, safe and dignified the experiences of refugee returnees interviewed shows that the process was far from that.

An aid worker in Kismaayo argued that the repatriations were not voluntary:

Refugees are not returning voluntarily, because these people are threatened, and they are leaving Kenya because of threats. When people have services in place, and they are returning to a place where there’s no service and support, it’s questionable whether these people returned voluntarily.

Some returnees reported that when they registered for repatriation, their application was not facilitated. This was due to the large number of refugees registering for repatriation and UNHCR not having the means to transport such large numbers. However, the fear among some was so great that they could not wait for the process to run its course. Some paid bribes to be repatriated more quickly.

A 24-year-old who returned to Kismaayo in December 2016 said:

After I registered to be repatriated, I waited for five months. No one was advancing my application. I had to pay Ksh1,000 (\$10), and then my application was processed for repatriation.

The rush to register for repatriation was triggered by the factors discussed above which made life in the camps harsh for many refugees. The majority of those interviewed for this research, who left Somalia at a time of severe droughts and insecurity, returned at a time when the country is still experiencing severe drought and insecurity. A UNHCR verification exercise in Dadaab in August 2016 revealed that “out of 341,574 individuals registered in the Dadaab camps, 283,558 individuals were verified as being physically present in the camps at the time.”²⁶ This means that 58,016 fewer persons were actually living in the camps.

²⁶ “UNHCR conducts joint verification of refugees with the government of Kenya” UNHCR, 24 February 2017. <http://www.unhcr.org/ke/10374-unhcr-conducts-joint-verification-refugees-government-kenya.html>

The refugees may have spontaneously returned to Somalia without any support or may have slipped into Kenya.

Limited Information

Many Somali refugees have been living in Kenya since the camps were established a quarter of a century ago. Before refugees are repatriated, they need to be given detailed information on areas of return to aid their decision making. Furthermore, they require information relating to the areas where they lived originally. Full information about the security situation of areas of return as well as the state of education and health care services helps the refugees to make an informed decision. However, this hasn't happened as many returnees HIPS interviewed reported that they were not provided with sufficient information.

UNHCR provided limited information in the form of a booklet. But not everyone saw a copy or could read. Many returnees told HIPS that they relied on anecdotal information, resulting in the rapid spread of misinformation.

Abandoned

When refugees register for repatriation and UNHCR prepares the logistics, some are transported in road convoys and others are ferried by air. When the returnees arrive in Somalia, they are processed at transit

centers where they spend 24 hours before moving on. Those travelling by air are given \$350 per person and \$400 is available for those travelling by road. During the first six months, the returnees are supposed to receive food vouchers amounting to \$15 per person, per month and \$200 health cover per family, per month.

The majority of returnees interviewed for this research felt that they were abandoned by the UNHCR and aid agencies, dumped in Somalia and left to fend for themselves. Almost all returnees interviewed reported that UNHCR and its partner NGOs had not fulfilled their promises of shelter, microfinance and livelihood opportunities. Refugees who were repatriated in 2014 and 2015 had the strongest grievances, reporting that they hadn't received any cash grants or non-food items from UNHCR and the partner NGOs. They said they were given sorghum and nothing else.

UNHCR has INGO implementing partners that manage transit centers for returnees in designated return areas,²⁷ while other partners manage programs such as education and health. These implementing partners are supposed to ensure that refugees receive their allotted support packages efficiently, however, many families interviewed complained of not receiving the support package. Returnees interviewed in Kismaayo, in particular, had not been given

full payment of the money allocated for health coverage and food vouchers.

A 65-year-old grandmother interviewed in Kismaayo said:

I have been here for four months, and I received the food vouchers. However, the \$200 monthly allowance we were supposed to receive, I received only the first month and haven't received anything after that. I didn't make any complaint, because I don't know where to go to file my complaints.

Some complained to the implementing NGOs and were either told to return another time or were ignored. Many others were not aware of how to complain or knew that they had the right to do so.

A 33-year-old father of five interviewed in Kismaayo said he hadn't "*received food vouchers and the \$200 allowance per month for the past two months.*" He added that he "*went to every office, and nothing was done to solve this problem.*"

HIPS researchers visiting the National Commission for Refugees and IDPs (NCRI) offices in Mogadishu and Kismaayo found dozens of returnees at the centers complaining of not receiving their entitlements. Staff at the centers record details of the complaint before passing it on to UNHCR implementing partners. Many

²⁷ Kismaayo transit centre (Mercy Corps), Afmadow transit centre (ARC), Luuq transit centre (DRC), Baydhabo transit centre (INTERSOS) and Mogadishu transit centre (IOM)

returnees in Mogadishu also complained of not receiving the education and health services that they were promised.

Main Challenges

Lack of shelter, livelihoods and education services are among the many challenges that returnees face after their involuntary return.

Refugee Camps to IDP Camps

Kismaayo is home to the largest number of returnees with 45,020 in the city as of September 2017.²⁸ Some live in a rented accommodation on the outskirts of town, but most are in IDP (internally displaced persons) camps. Interviewees in Baydhabo revealed that few have integrated into the city. HIPS researchers who visited the Baydhabo camps found one called IFO 2 – named after the refugee camp in Dadaab.

In Mogadishu returnees mostly live in IDP camps along the Mogadishu–Afgooye road. Returnees said they could not afford the high rents demanded by property owners in the capital. Some live in a rented accommodation in Dharkenley on Mogadishu’s southern edge where rent is cheaper compared with the rest of the city.

In Kismaayo, returnees told HIPS researchers that they couldn’t find space in IDP camps that were already overcrowded with drought displaced families. They were left with no other option but to rent accommodation on unregulated land on the

outskirts of the city. Researchers found four families sharing two rooms so that they could split the cost of the rent.

A 37-year-old mother of seven explained the difficulties she faced in renting accommodation:

We are unable to pay rent, and that’s our biggest problem. Four families share this two room house. There was another family that was sharing with us who moved out the day before yesterday. Five families were sharing this house.

This of course is not sustainable, but the returnees cannot afford to rent additional rooms without any source of income.

A cabinet minister in the Jubaland government told HIPS researchers that the authorities recognize that refugee returnees need land so that they can settle permanently. The cabinet minister said that Jubaland has allocated large swathes of land for returnees.

NRC and IOM have built 800 and 500 shelters respectively for returnees, IDPs and the host community in Kismaayo. However, this is not sufficient to accommodate the large number of refugees returning to Kismaayo. The IOM and NRC built shelters are primarily composed of one room and communal toilets. Although there are benefits to giving IDPs and returnees a permanent home, there are also challenges. For example, the

²⁸ Statistics provided by the Jubaland Commission for Refugees and IDPs

shelters visited by HIPS researchers are located on the outskirts of the town and have no facilities such as a paved road connecting them to the city, health facilities, schools or markets.



Accommodation built for returnees and IDPs in Kismaayo

Most importantly there are security issues as the shelters are outside the town. Some are built right next to an AMISOM base which increases the security risk to occupants in case of an Al-Shabaab attacks on AMISOM. The shelters were not occupied when HIPS visited, and it is possible that some or all of the missing services will be put in place in the future.

These newly-built facilities may in the future be labeled as refugee or IDP villages as has already happened in various cities in Somalia. The refugee returnees and IDPs should not be ostracized and labeled as strangers in their own homeland and should

rather be assimilated and incorporated into the wider community.

The majority of returnees interviewed previously lived in the countryside, and therefore do not have any land in the urban areas where they now live.

Kismaayo is experiencing massive unregulated expansion and is plagued by land disputes in which some returnees have become entangled. A local businessman in Kismaayo told HIPS researchers that *“some returnees who bought land are being told to vacate, because they bought the land from the wrong person and the rightful owner came forward.”* Others may experience difficulties regaining control of their land which they abandoned during the civil war including the threat of violence.²⁹

Livelihoods

Most of those interviewed for this research, particularly in Kismaayo and Baydhabo, were pastoralists before moving to Kenya. They lost their livestock due to severe droughts and mainly relied on food hand-outs from UNHCR while in the refugee camps. Now that they have returned to urban areas they are finding it difficult to re-establish themselves. They don't have the education, training and skills required for most jobs, and they don't have the financial means to establish a business. Some of those

²⁹ “Land Matters in Mogadishu,” The Heritage Institute for Policy Studies and Rift Valley Institute, February 2017. <http://www.heritageinstitute.org/wp-content/uploads/2017/02/Land-Matters-in-Mogadishu-RVI-Rift-Valley-Forum-and-HIPS-2017.pdf>

interviewed used the small grants received from UNHCR to rent accommodation. The majority reported that they cannot return to the countryside because of insecurity. For example, most returnees interviewed in Kismaayo originally lived in Jubada Dhexe (Middle Juba), a region which is entirely controlled by Al-Shabaab. Most of those interviewed in Baydhabo originally lived in areas outside of Baydhabo that are also under the control of Al-Shabaab.

The lifestyle of the returnees has also changed. Because they have been living in refugee camps and were receiving services not available in rural areas, they adapted to their new urbanized life. Their children were enrolled in schools, and they had access to health facilities. As a result of this changed lifestyle, many would find it difficult to return to rural areas.

The unemployment rate in Somalia is very high. To get a job of any kind, one needs skills, a fuller understanding of the city and society and perhaps connections and affiliations to those hiring that are often based on clan or familiarity. Refugee returnees who have been living away from the country for many years, especially those who do not have any skills, find it more difficult to secure employment.

Education

The majority of parents interviewed told researchers that they worry about the future of their children more than anything else. The refugees had free education in the camps which was of much better quality

than the education available in Kismaayo. Qualified teachers taught children in the camps the Kenya curriculum, unlike in south Somalia where the education system has been unregulated for over a quarter of a century and is poor as a result.

Education services are made available to some returnees depending on the return area. For example, the children of all of those interviewed in Kismaayo received free education as aid agencies were paying fees directly to schools. Some parents also received school uniform allowances from the agencies. In contrast, those interviewed in Mogadishu did not get free education for their children. These returnees cannot afford to pay the school fees so their children are now homebound and learning nothing.

Many of those in Baydhabo have not received education services for their children either. The families interviewed cannot afford the school fees and keep their children at home. However, a head teacher interviewed by HIPS reported that the school fees of a few returnee children in his school are paid for by aid agencies. Therefore, the service may be available, but information on how to access education is not reaching the returnee families.

A 34-year-old mother of six interviewed in Baydhabo said that her children *“are not going to school. I have a son who was in year seven, and when we were in Dhobley we were told that our children would have free education. When we arrived here we haven’t seen anyone telling us to take our children to*

schools, and we're not in a position to search for organizations, because we don't have roof over our heads, and we are struggling to get cover from the harsh sun."

A 44-year-old father of 13 children added that his *"children are not in education, because [he] cannot afford their food and drinking water let alone paying school fees."*

The returnees interviewed said that education is an important priority. Similarly, a recently published report by HIPS showed that education was the second most important issue for citizens across the country after security.³⁰ Since the state collapse in 1991, Somalia's education sector has become highly privatized, disadvantaging the poor who cannot afford to pay for private education. Seventy percent of Somalia's population is under 30, and only 30 percent of these children are in school, suggesting that the majority of the population lacks access to education.³¹ Somalia's education system is facing many challenges including poor infrastructure. Schools already struggling with capacity are now receiving large numbers of new pupils, particularly in Kismaayo, which is getting the bulk of returnees. A teacher in Kismaayo said, *"I see many students from Kenya arriving at school. A class that was 35 now holds 65 students."*

Kismaayo Factor

Kismaayo, which has been one of the most volatile cities in Somalia since the state collapse, has been enjoying relative stability after the creation of the Jubaland administration. This stability combined with the fact that large swathes of Jubaland, including the entire Jubada Dhexe (Middle Juba) region, are in the hands of Al-Shabaab made Kismaayo a top destination for refugees from Dadaab. There is irregular expansion of the city due to the large number of residents.

The city which has so far received over 45,000 returnees is expected to receive even larger numbers. Around 217,167 refugees in Dadaab in May 2016 indicated that they are from Jubada Hoose and Jubada Dhexe (Lower Juba and Middle Juba), according to UNHCR statistics. The data shows that close to 70 percent of all refugees in Dadaab came from the two Juba regions.³² As mentioned earlier in this report, large numbers of returnees have gone to IDP camps and others are struggling to pay rent in the irregular settlements at the edge of the city. The city's population, which has been struggling with unemployment and lack of basic services such as education and healthcare, will be swelled by large number of returnees from Dadaab.

³⁰ "A Memo for Somalia's New Leaders on the Priorities of Citizens," The Heritage Institute for Policy Studies, April, 2017. http://www.heritageinstitute.org/wp-content/uploads/2017/04/HIPS_Policy_Brief_013_2017_ENGLISH.pdf

³¹ "About Somalia". <http://www.so.undp.org/content/somalia/en/home/countryinfo.html> ; "Education in Somalia". <https://www.unicef.org/somalia/education.html>

³² UNHCR statistics

The Jubaland regional government has been actively advocating on behalf of the returnees. The administration at one point in 2016 stopped receiving returnees, accusing UNHCR of dumping them in Kismaayo without adequate support packages. However, after talks with UNHCR, Jubaland once again began receiving the returnees.

Some returnees interviewed in Mogadishu and Baydhabo told HIPS researchers that they now regret choosing them as their return destination. They said that they should have gone to Kismaayo, citing its free education and healthcare services.

A cabinet minister from the Jubaland regional government, NGOs and residents have all reported that the city is already struggling to cope with the number of returnees that have arrived and will be unable to deal with more unless aid agencies and the local and federal governments come up with a strategy.

If these refugees are returned to Kismaayo with no durable solutions there are security risks and the possibility of conflict between the host community and the returnees/IDPs.

Sustainable Return and Reintegration

Refugees returning to Somalia are facing a multitude of problems, mainly lack of or limited access to land, poverty,

unemployment, lack of services, insecurity and lack of infrastructure. Moreover, most returnees interviewed for this research originally lived in rural places, areas that are controlled by Al-Shabaab and have now been forced to live in overcrowded urban areas.

The Somali government has played almost no part in the repatriation program. The only active government organ, the National Commission for Refugees and IDPs (NCRI) created in 2013, relies on funding from non-governmental actors and works in partnership with UNHCR. In August 2017, the commission and UNHCR hosted ‘a national forum on durable solutions for refugees returnees and IDPs’ in Mogadishu and invited government authorities at both the federal and regional level as well as representatives of Somali refugees in neighboring countries, returnees, IDPs, civil society and INGOs. The prime minister of the federal government told the forum that his government would make the refugee issue a priority. In August 2017 the commission started to manage the returnee transit center in Mogadishu on behalf of UNHCR.

Somalia’s National Development Plan (2017-2019) mentions the need for durable solutions for returnees to support their reintegration.³³ However, aside from the text in the document, the government has not shown that the issue of refugees and

³³ “National Development Plan 2017 – 2019,” Federal Government of Somalia. <http://mopic.gov.so/wp-content/uploads/2016/11/SOMALIA-NATIONAL-DEVELOPMENT-PLAN-2017-2019.pdf>

other displaced populations is a task it can take on. A government official told HIPS researchers that *“the Somali government has not made the refugees and IDPs issue a priority 1, 2, 3 or even 4.”* This lack of interest or ability from the government and lack of coordination between aid agencies perpetuates returnees’ problems and negatively impacts their resettlement prospects.

A sustainable return and reintegration program promoting access to education and health care services, livelihood support and access to land is urgently needed to address the needs of returnees. Kismaayo and Baydhabo are already struggling to absorb those that have already arrived, and these cities would struggle to accommodate more people unless sustainable programs are put in place.

With no sustainable support, some parents are struggling to feed their children and are thinking of returning to Dadaab. The harsh reality of life after return has become unbearable for some. There is a reported case of suicide of a returnee parent who lived on the outskirts of Mogadishu as told by a fellow returnee. *“I can tell you that a gentleman who arrived in July from Dadaab who is well qualified and has certificates and who lived in Ceelasha committed suicide. He was a lone parent, and while he was in Kenya*

he was receiving the necessary support such as education and health, however, he didn’t receive such support here.”

Security

A recently published survey by HIPS of citizen’s priorities in five major cities in Somalia showed that over half had security as their top priority. Kismaayo residents were the only ones who had security as their second priority with education as their main concern.³⁴ The relative stability in Kismaayo and the widespread perception that Kismaayo is safe may explain why a large number of refugees from rural areas have chosen the city as their favored destination.

Despite most of the returnees reporting abuses at the hands of Kenyan security forces, many told HIPS that the camps were more secure than Somalia, particularly Mogadishu. Some interviewees in Mogadishu told HIPS that two returnees died in the capital recently when they became victims of a suicide car bombing.

The majority of those interviewed did not have jobs. Unemployed youth with no education or training opportunities may join either government forces or organized armed groups, putting their lives at risk.

“I am young and need something to do to keep busy. Even to play football you need to

³⁴ “A Memo for Somalia’s New Leaders on the Priorities of Citizens,” The Heritage Institute for Policy Studies, April 2017. http://www.heritageinstitute.org/wp-content/uploads/2017/04/HIPS_Policy_Brief_013_2017_ENGLISH.pdf

pay money. Nothing is free here. I am at home 24 hours a day. I was in form three when I was in Kenya, and I was busy with education,” said an 18-year-old male in Mogadishu.

Conclusion

Since the repatriation of refugees from the Dadaab camps began, over 73,000 have moved to Somalia – the majority of them to Kismaayo. The repatriation process cannot be described as voluntary as Kenya has not given the refugees any other option but to return home. UNHCR and aid agencies are also playing a role in forcing out the refugees. Services, food and water supplies are being reduced in the camps. Refugees are given very limited information from the UNHCR, and Kenyan authorities are spreading information that those who do not voluntarily register will later be forced out, forfeiting the package available to refugees who voluntarily registered for repatriation.

Returnees who have arrived in Somalia have received very little support from UNHCR and partner NGOs. No support has been received from the Somali authorities other than the Jubaland authority playing an advocacy role for the returnees arriving in Kismaayo. Lack of shelter, livelihoods, job opportunities and education and health services are the main challenges facing the returnees. The majority were pastoralists, and they are now returned to very congested cities, because their original homes are insecure. Kismaayo, which is the preferred destination for the majority of refugees, is struggling to absorb

the current numbers. Sustainable programs, livelihood opportunities, access to land, schools, clinics and shelter are needed in order to help the returnees integrate.

Recommendations

- The federal government should make the refugee issue a priority and should work towards finding a lasting solution to the problem. The government should also create conditions conducive to voluntary return and reintegration of refugees.
- The federal and regional governments must restore peace in the Jubaland and South West regions, which is where the majority of returnees originate. This is key for the voluntary return and reintegration of returnees.
- The federal government, regional governments, UN and other aid agencies should invest in public infrastructure such as schools and hospitals in areas struggling to absorb the returnees such as Kismaayo and Baydhabo.
- Regional governments should allocate land for returnee families to aid in their re-integration process.

- The tripartite signatories (UNHCR, the Somali federal government and the Kenyan government) should stop the repatriation of refugees until a sustainable return and reintegration program is put in place.
- The scaling down of services, food and water in the camps by UNHCR and other aid agencies is putting the lives of refugees at risk and is forcing many to return to Somalia. These agencies should stop colluding with the Kenyan government and resume full services in the camps to allow any repatriation to be voluntary, safe and dignified.
- The UNHCR should put in place mechanisms to monitor and evaluate the services provided to returnees by implementing partners. This will ensure that returnees receive their support packages.
- Kenyan politicians and officials should cease their fear-mongering tactics and the victimization of the most vulnerable members of society – refugees. Kenya should develop a scalable program to allow refugees who were born in Kenya, have family links and who have adjusted to the Kenyan system to integrate into their society. This would be preferable to shipping them to Somalia, potentially creating contingents of angry, Kiswahili-speaking, Kenya-savvy potential recruits for Al-Shabaab.

