Kenya, Jubaland and Somalia's refugees: no quick fixes

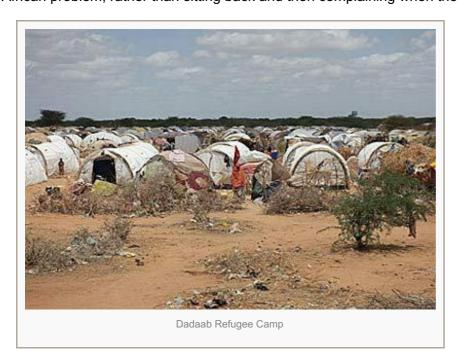**LSE** **blogs.lse.ac.uk**/africaatlse/2011/10/24/kenya-jubaland-and-somalia%e2%80%99s-refugees-no-quick-fixes/

Dr Katy Long is a lecturer in LSE's Department of International Development. As Kenyan troops march into Somalia on the pretext of countering recent border raids, Dr Long says that the real reason for the military incursion is the culmination of a long-incubated and self-interested political strategy.

In recent days, Kenya has launched a military incursion into Somalia , to push back the Al-Shabbab militants responsible for the recent murder and abduction of Western tourists and aid-workers from Kenyan territory.

Framed as a necessary security response to counter creeping extremist Islamist expansion, British commentators have largely applauded 'a brave move' painting Kenya as a state willing to 'step up to tackle an African problem, rather than sitting back and then complaining when the West tries to do it for them'.

Dadaab Refugee Camp

Such praise is misguided. Kenya's military advance into Jubaland is – far from a defensive response to border raids – the culmination of a long-incubated and self-interested political strategy.

Wikileaks cables show that UK and US governments repeatedly warned Kenya against attempting to shore up an autonomous Somalia "buffer zone", fearing likely failure. Yet even if successful, the Jubaland initiative is likely to have profound humanitarian consequences, above all for Somalia's refugees.

Kenya is – notoriously – host to the world's largest refugee camp, Dadaab. Though recent attention has focused on the arrival of those fleeing devastating famine in Somalia, other residents have spent over twenty years in the camp, having left Somalia in earlier cycles of crisis. Unable now to repatriate safely to Somalia, they are also unable – at least officially – to leave Dadaab and seek work. The West resettles some 2000 refugees a year. It makes little difference when 10 000 more Somalis currently arrive each week.

Kenya has long resented its "refugee burden", despite the fact that recent reports have suggested that activities in Dadaab actually add some USD $14m to the North-eastern province's economy. Security fears – closely related to the Kenyan government's complex relationship with its own Kenyan Somali population – have also fed an encampment policy that has created irregular migration flows and exacerbated pressure on services and markets within the camp.

The Kenyan solution? Jubaland. Kenya has long been advocating the creation of a Somali "buffer zone", and in April this year backed the creation of the semi-autonomous region of Azania . Kenya formally closed its border

with Somalia in January 2007, with limited practical impact, but a loaded political message. Immediately following the border closure, the Kenyan government argued that it "is not a written rule that when there is fighting in Somalia, people should run to Kenya" and that "UNHCR has provisions… to set up camps anywhere, including inside Somalia".

This latest effort to secure Jubaland is therefore likely intended not just to provide Kenya with security from Islamist incursion, but also facilitate the future removal of Kenya's unwanted refugees. Kenya has long declared repatriation to be the *only* solution for its Somali refugees.

In attempting to secure Jubaland, the likelihood of an early return of newer Somali arrivals – who have also frequently been portrayed as victims of drought rather than refugees from persecution – has increased. Yet while a "safe zone" may provide access to food aid and an end to the immediate threat of famine, it is not a substitute for the absence of a functioning state.

The longevity of Kenya's Jubaland initiative is uncertain. But Kenya's plans are the latest iteration of a worrying global trend to contain would-be refugee populations within their own border. "Safe zones" have been put in place by Western powers to facilitate repatriation before, while international borders were quietly closed at the same time. This happened in Northern Iraq in 1991 and in Afghanistan in 2000.

States are anxious to avoid the obligations of asylum as laid out in the 1951 *Convention on the Status of Refugees:* the language of "home" and the invocation of a "right to remain" provide persuasive cover for what is ultimately political self-interest. Certainly, "safe zones" and militarised humanitarian aid delivery may offer some protection to internally-displaced people (IDPs), but in cases like Somalia – where borders are closed as internal space opens up – their construction is also deliberately intended to prevent these same IDPs from becoming refugees.

This is because refugees, unlike IDPs, hold a recognised claim to international protection. Though the *Guiding Principles on Internal Displacement* stress that protecting IDPs must not become a means of preventing refugees claiming asylum, protection and containment can elide in practice. Similarly, presenting the recent influx of Somalis as solely in flight from ecological disaster ignores the fact that many may also hold valid convention claims to refugee status, and that a 'well-founded fear of persecution' will not disappear even when rain returns.

In 1991, a UNHCR official protested that returning Kurds to Northern Iraq from the Turkish border was ' a false repatriation…people did not return because it is safe in their country of origin: they returned because they were protected from the government of their country of origin'. The same sentiments could be applied to the Jubaland advance today.

There are no quick fixes to an absence of adequate governance. Returning refugees under such conditions to Somalia would require unprecedented international engagement, not disengagement. It would mark only the beginning of a process of "solution", not the end of a refugee crisis. It would also represent a fundamental blow to the basic right to *be* a refugee.

For these reasons, it is to be hoped that international actors publicly commit – as Human Rights Watch has urged – to protecting Somalis' continued access to asylum space, and ensure that Kenya's advance into Jubaland does not become anything more than the security pushback it ostensibly claims to be.

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