Tomorrow 7 April 2021 marks the end of the Government of Kenya 14 days ultimatum to the UN Refugee Agency (UNHCR) to announce a plan for the closure of the Dadaab and Kakuma refugees' camp. The ultimatum has recreated the fear that the principle of non-refoulement may be violated for the 500,000 refugees currently hosted by Kenya. There is no evidence of an escalated security risk arising from the camps in April 2021. Furthermore, the circumstances within the region has not improved significantly for most refugees to safely return to their countries of origin nor have other countries come forward to resettle them.

Conflict in Somalia and Ethiopia, pre and post-election violence in Uganda and Tanzania as well as the persecution of LGBTI+ communities in Uganda and elsewhere makes voluntary return safe and dignified untenable for most refugees. “Closure of Dadaab and Kakuma camps without an orderly approach that respects refugee rights invites a humanitarian disaster within the global COVID-19 pandemic”, says Amnesty International Kenya Executive Director Irungu Houghton.

The international community continues to undermine Kenya’s capacity to provide safety and sanctuary for refugees by inadequate humanitarian funding. Wealthier countries led by the new US administration must also fairly share responsibility by expanding adequate opportunities for third-country resettlement, mass COVID-19 vaccination programs and encourage calls by communities to host refugees. “Rather than persecuting refugees, the Government of Kenya can use its influence at the UN Security Council to demand that the international community shoulder its fair share of the responsibility to protect refugees,” says Amnesty International Kenya Executive Director Irungu Houghton.

Instead of a rushed decampment program, the Government of Kenya and UNHCR must also consider reviewing the encampment approach in line with regional and international best practices. Long-term camps deprive thousands of men, women and children of their dignity and reduce them to dependants of humanitarian aid. Local integration and self-reliance policies and programs are needed now to deliver the Governments’ Comprehensive Refugee Response Framework (CRRF). “The Government of Kenya must not abandon its history as a sanctuary nation in the middle of a pandemic or a diplomatic dispute with the Government of Somalia. Instead, it must use its international leadership on the UN Security Council to advocate for more resources and opportunities for both host nations and refugees,” says Amnesty International Kenya Executive Director Irungu Houghton.

Ends.
Background

The principle of non-refoulement guarantees that no one should be returned to a country where they would face torture, cruel, inhuman or degrading treatment or punishment and other irreparable harm.

The government of Kenya has an international obligation to the 512,000 refugees and asylum seekers, it hosts from all over the region. Dadaab Refugee Camp hosts over 220,000 refugees mostly from Somalia and Kakuma Refugee Camp hosts over about 206,000 refugees’s majority of whom are from South Sudan. There are over 81,000 refugees distributed in major towns including Nairobi, Mombasa, Eldoret, Nakuru and others.

2021, March 24 Ministry of Interior & Coordination of National Government Cabinet Secretary Dr Fred Matiang’i in a meeting with UNHCR issues a 14-day ultimatum for UNHCR to have a road map on the definite closure of Dadaab and Kakuma refugee camps. The tweet also reinforced that there was no room for further negotiations on the closure of Dadaab and Kakuma Refugee Camp.

2021, March 24 UNHCR issues a statement confirming that they had been informed of the Kenyan Government’s intention to close Dadaab and Kakuma refugee camps within a short timeframe. The ultimatum is the third in recent years.

Since 2015 all registration points in the Dadaab refugee camp have been closed despite the 2017 High Court Order. Over 15,000 Somali refugees who have arrived seeking safety remain unregistered to date.

Recent Timeline

- 2019 February 12 The Government of Kenya expresses its intention to close the Dadaab refugee camp within six months. This intention is not implemented

- 2016 May 6 Ministry of Interior & Coordination of National Government announces that the government would no longer host refugees and is disbanding its Department of Refugee Affairs, a body that was charged with the management of refugee of operations in Kenya. This removes prima facie refugee status for Somalis refugees, closure of registration points in Dadaab and blocks their right to asylum for Somalis.

- 2017 February High Court through Justice JM Mativo rules that the government’s calls for the closure based on concerns of security are discriminatory and amounted to collective punishment of Somali refugees. The court confirmed that the government’s May 2016 directives were unconstitutional, discriminated against Somalis and violated Kenya’s international obligations.

- 2016 High Court is petitioned by National Commission on Human Rights and Kituo Cha Sheria supported by Amnesty International on the constitutionality of the 2016 government’s directive to shut down the Dadaab refugee camp and the former Department of Refugee Affairs.

- 2014 Amnesty International documents a series of pushbacks by Kenyan authorities, especially against Somali refugees. It includes ‘Usalama Watch’, a counter-terrorism operation that has hundreds of Somalis were arbitrarily arrested, detained, and then deported back to Somalia, in violation of the principle of non-refoulement.