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PEACE AND SECURITY COUNCIL
590TH MEETING

14 APRIL 2016
ADDIS ABABA, ETHIOPIA

PSC/PR/COMM.(DXC)

COMMUNIQUÉ

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The Peace and Security Council of the African Union (AU), at its 590th meeting, held on 14 April 2016, adopted the following decision on the situation of Dadaab Refugee camps in Kenya:

Council,

1. **Takes note** of the Report of the Chairperson of the Commission on the Comprehensive Technical Assessment Mission to Dadaab Refugee Camps, in Kenya [PSC/PR/(DXC)] and the briefing provided by the Commissioner for Political Affairs on the matter. Council also **takes note** of the statements made by the representatives of the Republic of Kenya, the Federal Republic of Somalia and the United Nations High Commissioner for Refugees (UNHCR);
2. **Recalls** its previous communiqués and press statements on the Republic of Kenya's efforts in fighting al-Shabaab and its plan of relocating the Dadaab Refugee Camps, in particular, press statement [PSC/PR/BR.(DXXXVII)], and communiqué [PSC/PR/COMM.(DLIV)], adopted at its 537th and 554th meetings, held on 24 August 2015 and 3 November 2015, respectively;
3. **Reiterates** the importance of upholding relevant international and African instruments, including the 1951 United Nations Convention relating to the status of refugees and the 1967 UN Protocol relating to the status of refugees, as well as the 1969 Organization of African Unity Convention governing the specific aspects of refugee problems in Africa;
4. **Further reiterates** its appreciation to the people and Government of Kenya for upholding its international obligations on refugees, hosting large number of refugees in the country, particularly at the Dadaab Refugee Camps, since its establishment in 1990, despite the attendant security, economic and environmental challenges;
5. **Acknowledges** the legitimate security concern of Kenya that the Dadaab Refugee Camps, in existence for more than 25 years, have been infiltrated and have become hideouts of Al Shabaab terrorist group, which exploits the camps to plan and carry out attacks against Kenyan institutions, installations and civilians. Council **deplores** that the Dadaab Refugee Camps have been deprived of their humanitarian character and function by the Al Shabaab terrorist group;
6. **Agrees** with the findings of the Comprehensive Technical Assessment Mission, which aligns with the conclusions reached by the Government of the Republic of Kenya, that the Dadaab Refugee Camps constitute a serious threat to the security of Kenya. Council **reiterates** that no refugee camp should assume a permanent existence. In this respect, Council urgently **calls for** practical measures to accelerate the voluntary repatriation of Somali refugees in safety and dignity, to the liberated areas and safe locations inside Somalia;

7. **Underscores** the seriousness of the terrorist threat in Kenya, the region and the continent as whole. Council **reiterates** its strong condemnation of all acts of terrorism committed on the continent by whomever, wherever and for whatever purposes. Council **further reiterates** the AU's determination to rid Africa of the scourge of terrorism and violent extremism, which cannot be justified under any circumstances, noting that terrorism cannot and should not be associated with any religion, nationality, civilization or group. Council **expresses** the AU's full solidarity with the affected countries and the victims of terrorism;

8. **Notes with concern** that the repatriation of the Somali refugees to their country, as provided for in the 2013 Tripartite Agreement between Kenya, Somalia and the UNHCR, has moved at a slow pace and has consequently not achieved the desired results since the signing of the Agreement on 10 November 2013. Council **further notes** that the Tripartite Agreement is a working and living mechanism aimed at facilitating voluntary repatriation of Somali refugees and can be enhanced to boost its effective implementation in order to meet with expectations of concerned parties, including those of the Government of Kenya;

9. **Stresses** that it is the responsibility of any government to take care of its citizens. Council **appreciates** the readiness of the Federal Government of Somalia to welcome back its citizens and provide for their needs. In this regard, Council **stresses the need** for a speedy reconstruction of Somalia, in order to capacitate it to take responsibilities over its citizens. Council, therefore, **appeals** to the entire international community, particularly the United Nations, to further enhance its support to the AU Mission in Somalia (AMISOM) and the Somali Security Forces in their efforts to stabilize Somalia, a condition which will encourage Somali refugees to voluntarily return to their country;

10. **Reiterates its appeal** to the international partners to extend the necessary financial, logistical and technical support to the Federal Government of Somalia, to further strengthen its security forces and facilitate the effective delivery of the required social services, so as to create the conducive conditions, including pull factors, for the voluntary and safe return of the Somali refugees;

11. **Stresses** that shouldering the burden of refugees is the responsibility of the international community as a whole and not individual countries alone. In this regard, Council **strongly urges** the international community to increase funding to Somalia, Kenya, UNHCR and other humanitarian agencies operating in Kenya and Somalia, in order to enhance and support voluntary repatriation of Somali refugees. Council **calls on** AU Member States and partner countries, which are in a position to do so, to volunteer to receive Somali refugees, particularly those that request and qualify for resettlement in a third country;

12. **Calls on** the international community, particularly those who made pledges at the October 2015 Brussels Pledging Conference on Somalia, to honour their commitments to

facilitate the voluntary repatriation of Somali refugees in Kenya back to their country. Council **regrets** that, out of the US\$ 500 million that was pledged at the Pledging Conference, only US\$105 million has been redeemed. Council **renews its call** for donors to redeem the remaining gap of US \$395 million;

13. **Decides**, in light of the foregoing, that:

- i) Kenya, Somalia and the UNHCR, being signatories to the Tripartite Agreement, should urgently take measures to accelerate the voluntary repatriation of Somali refugees in the Dadaab Refugee Camps in Kenya, back to Somalia. In this context, **requests** that the signatories re-negotiate the Agreement with a view to resolving the limitations in it, that have so far hindered the voluntary repatriation process;
- ii) Accelerated repatriation measures be put in place aiming to maximize the voluntary return of the Somali refugees, particularly those from the Dadaab Refugee Camps, during the period 2016-2017, on the basis of either a re-negotiated Tripartite Agreement or a new mechanism to be negotiated and agreed upon by Kenya, Somalia and the UNHCR;
- iii) In view of the recommendation by the Technical Assessment Mission to the Dadaab Refugee Camps that the imperative of closure of the camps is a reality that must be confronted immediately and with the urgency it deserves, Council **requests** the Commission to investigate and present, within 30 days, a report on a mutual way forward regarding the paradox between conforming to international legality and fighting terrorism.

14. **Requests** the AU Commission to deploy the required efforts to provide support to Kenya, Somalia and the UNHCR in their efforts to achieve a balanced and realistic solution that fully takes into account the needs of the refugees and the Kenyan concern regarding the serious security threat arising from the exploitation and abuse of refugee camps in Kenya by the Al Shabaab terrorist group;

15. **Further requests** the AU Commission, through its relevant departments, in consultation with AMISOM, to embark on implementing programmes inside Somalia, particularly in the liberated areas, that will contribute to supporting the voluntary repatriation of the Somali refugees and also enhance the pull factors within Somalia, in order to promote the required momentum for voluntary repatriation;

16. **Decides** to remain actively seized of the matter.

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