STATEMENT

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ON

AGENDA ITEM 62:
"REPORT OF THE HIGH COMMISSIONER FOR REFUGEES"

IN THE
THIRD COMMITTEE

DURING THE
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UNITED NATIONS GENERAL ASSEMBLY

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Thank you, Mr. Chairman, for giving me the opportunity to make this statement.

My delegation thanks the Secretary-General for his report under this agenda item. We also thank Mr. Antonio Guterres, United Nations High Commissioner for Refugees, for presenting the report and participating in the interactive dialogue this morning.

Mr. Chairman,
The Secretary General's report indicates that the world has continued to witness an ever growing outflow of refugees, with more than 1.1 million people fleeing their countries of origin in 2012, due to persecution and conflict, primarily from Mali, Syria, Sudan and South Sudan and the Democratic Republic of the Congo. The movement of Somali nationals from their country to Ethiopia and Kenya seeking humanitarian assistance over the same period also continued, though it was somewhat overshadowed by the crises in the aforementioned countries. As a result of these displacements, the number of refugees in Africa in 2012 increased to 2.8 million people. Currently five countries in Africa host the highest number of refugees on the continent, with Kenya hosting the most at more than half a million.

The UNHCR has had to deploy enormous resources, including those of partners, to meet the needs of this ever-growing refugee population, placing a tremendous strain on the Office's human and financial resources. We commend the UNHCR staff for their dedication in delivering humanitarian assistance to refugees despite these difficulties, as well as the serious security challenges they often face when carrying out their work.

While UNHCR continues to receive extensive goodwill from various partner countries and refugee host states, it is a matter of continuing concern that the combination of new crises and protracted emergency situations have limited the capacity of the international community to address the root causes of conflict. Nevertheless, despite this, as well as the increasing gap between needs and resources available, it is notable that the UNHCR, while safeguarding the rights and well-being of refugees, continues to explore opportunities to achieve what refugees most need: a durable solution with real prospects for rebuilding their lives.

Mr. Chairman,
As a nation that has for over 40 years hosted refugees from neighbouring countries and which now hosts the largest refugee camp in the world, my Delegation considers it important to touch on the current status of refugees in Kenya and efforts currently under way to bring about a durable solution to the large scale population displacement that has been experienced by our neighbour, Somalia.
It is a historical fact that Somalia subsided into internecine tribal and clan conflict following the collapse of the Central Government in 1991. As a result, the country generated a large number of refugees and internally displaced persons. This problem was exacerbated by the debilitating drought and famine that affected the Horn of Africa region in the year 2011, which led to a further influx of refugees from Somalia, who at one point during the drought were arriving in Kenya at the rate of 1,200 people daily. Kenya is therefore currently hosting the highest number of Somali refugees in the World, of which 510,209 are documented and an equal number, estimated at 500,000 are undocumented. The total number of documented refugees of various nationalities in Kenya stands at 606,623, living both in the designated camps and in urban areas of the country and it is evident from these figures that Somali refugees far outnumber those from other countries.

**Mr. Chairman,**

The humanitarian crisis in Somalia due to the conflict and recurrent famine has over time evolved into multiple critical challenges for Kenya. The population of the Somali refugees in the country far outweighs Kenya’s capacity to host them, adversely impacting on the nation’s political, security, socio-economic and demographic dynamics. The camps for instance are vulnerable to infiltration by Al-Shabaab operatives, criminals and bandits disguised as genuine refugees, posing a growing security threat to Kenya and the region. Indeed, it has emerged from investigations that the recent attack on the Westgate Mall in Nairobi in late September 2013 which resulted in almost 70 fatalities and many injuries, was planned from one of the refugee camps in the country. In addition, the overcrowded refugee camps have resulted in extensive environmental degradation and competition for scarce resources which has in turn elicited conflict with host communities.

Numerous conflict resolution initiatives by external and internal actors aimed at pacifying Somalia have however, finally yielded positive results inspiring efforts to bring an end to the protracted refugee situation. Notably, significant milestones have been achieved since last year through a UN backed Somali Roadmap peace process that culminated in the delivery of a new constitution, the establishment of a parliament and the successful presidential election in Somalia.

The political developments in Somalia following the military operation by the Somali National Security Forces, with support from the African Union Mission in Somalia (AMISOM) forces, of which the Kenya Defence Forces are part of, has also brought about an enhanced state of peace and stability and created the conditions necessary for the country to focus on a reconstruction and nation building process. Indeed, the military troop presence has contributed to considerable reduction of piracy activity in the high seas off the coast of Somalia, which had had a severe impact on the cost of doing business globally, in addition to improving the conditions necessary to more
effectively tackle other challenges such as money laundering, arms smuggling, proliferation of small arms and light weapons and human trafficking. However, economic and social progress in Somalia cannot be achieved without the required manpower, hence it is clear that the country needs to harness its human resources capacity by bringing back its people in Diaspora, including those in refugee camps and elsewhere, to participate in the reconstruction and development process.

When all factors are considered, repatriation and reintegration offers the most viable and durable solution for the Somali refugees living in Kenya. With the education and skills acquired while in Kenya, repatriation offers limitless opportunities to enable the Returnees to contribute towards their country's reconstruction through participating in decision making and in leadership, including taking advantage of emerging economic and trade opportunities. The dividends of repatriation will also enhance peace, security, stability and prosperity, not only in Somalia, but also in the region and the world as a whole. Indeed, it is encouraging to note that a significant number of the refugees in Kenyan camps have already started returning spontaneously to rebuild their lives and their country, with current estimates of the people who have left approximating at 80,000.

In considering the situation of Somali refugees in Kenya, the country remains cognizant of and committed to its principle of good neighbourliness and respect for its international obligations regarding hosting and protecting refugees, pursuant to the Geneva Convention Relating to the Status of Refugees and the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (the 1969 OAU Convention).

Kenya also notes the general principles of international law on the right of all persons to leave and return to their country of origin as enshrined in Article 13 (2) of the 1948 Universal Declaration of Human Rights (UDHR) and Article 12 of the 1966 International Covenant on Civil and Political Rights (ICCPR).

At the same time, Kenya is mindful of the mandate given to the UNHCR by the General Assembly Resolution 428(V) of 14 December 1950, to seek permanent solutions for the problem of refugees and inter alia, facilitate the voluntary repatriation and reintegration of refugees to their countries of origin and that the attainment of this solution requires that the refugees will return in conditions of safety and dignity.

Mr. Chairman,
It is in recognition of the fact that the time is opportune to start implementing a durable solution to facilitate the return of Somali refugees in Kenya back to their homeland, that the Governments of Kenya and Somalia guided by the mentioned
tenets of international law, reached an agreement in principle on the orderly, voluntary repatriation and reintegration of the refugees in April 2013. This agreement was supported by the 21st and 22nd Extra-Crinary Summits of the Inter-Governmental Authority on Development (IGAD) Heads of State and Government. In tandem with this, the London International Conference on Somalia on 7th May, 2013 endorsed a tripartite dialogue between the Government of the Republic of Kenya and the Government of the Federal Republic of Somalia, as well as the UNHCR to develop a framework for the voluntary, orderly, sustainable return and reintegration of Somali refugees in their homeland. Consultations aimed at finalizing a Tripartite Agreement between the Government of the Republic of Kenya and the Government of the Federal Republic of Somalia, and UNHCR for the reparation of Somali refugees are therefore underway.

Mr. Chairman,

The international nature of refugee matters calls for collective responsibility among the global community in burden sharing. Consequently, cooperation and collaboration between the refugee host countries and the country of origin, the refugees, countries in the region, development partners, interested countries, all stakeholders and actors is indispensable. To that end, the Governments of Kenya and Somali will soon be convening an International Conference, during which the UNHCR, the International Community and all stakeholders will be called upon to support the voluntary repatriation and reintegration of Somali refugees. We hope we can count on the support and assistance of all concerned parties to ensure that the Diaspora population of Somalia, who have lived for so long in the refugee camps in Kenya will one day in the near future, be able to once again, proudly step on the soil of their motherland and say “I have come home”. We hope that we can all work towards giving them an opportunity to be part and parcel of the political and development processes in their own country.

In the meantime and despite the numerous challenges, Kenya continues to reaffirm its partnership with the UNHCR and the international community in providing protection and required services to refugees within our borders.

I thank you, Mr. Chairman.