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PEACE AND SECURITY COUNCIL 554TM MEETING

3 NOVEMBER 2015

ADDIS ABABA, ETHIOPIA

PSC/PR/COMM.(DLIV)

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The Peace and Security Council of the African Union (AU), at its 554th meeting, held on 3 November 2015, adopted the following decision on the situation of refugees in the Dadaab camps in Kenya:

Council,

1. **Takes note** of the Report of the Chairperson of the Commission on the refugee situation in Dadaab camps in Kenya [PSC/PR/2(DLIV)] and the briefing provided by Commission on the matter. Council also **takes note** of the statements made by the representatives of the Republic of Kenya 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), adopted at its 537th meeting held on 24 August 2015, in which Council agreed to undertake further consultations on this issue with all concerned stakeholders, with a view to contributing to the search for a sustainable solution that would take into account Kenya's overall national security concerns, whilst respecting relevant international and African instruments on refugees, and requested the Commission to submit to it a report on the issue, with recommendations on the way forward;
3. **Reiterates** its appreciation to the Government and people of Kenya for hosting large numbers of refugees in the country and particularly, at the Dadaab camps, since its establishment in 1990 despite the attendant security challenges. In this regard, Council appeals to the Government of the Republic of Kenya to continue extending necessary support to the refugees, while seeking a balanced and acceptable arrangement and in accordance with the Tripartite Agreement signed on 10 November 2013 between the Republic of Kenya, the Federal Government of Somalia and the UNHCR;
4. **Notes with deep concern** that the humanitarian character of the Dadaab refugee camps has been compromised by the activities of the al-Shabaab terrorist group which the Government of Kenya accuses of planning and launching attacks on Kenya from the camps, with the most recent being those perpetrated at Westgate Mall in Nairobi and Garissa University College in Northeastern Kenya. Council **stresses** that under no circumstances should refugee camps be used as places of recruitment or planning for illegal activities and radicalization leading to terrorist activities. In this regard, Council **strongly condemns** the use of refugee camps for such acts and **warns** those responsible that they will be accountable in accordance with the relevant provisions of both International Humanitarian Law and International Criminal Law. Council **stresses** the need for all concerned to extend the necessary support and cooperation to efforts aimed at preventing the use of refugee camps to plan and launch terrorist attacks and other criminal activities that may undermine and jeopardize the humanitarian character of the camps;
5. **Acknowledges** that no refugee camp should be permanent and **reiterates** its support to the Government of Kenya in its efforts to improve and strengthen security. Council **once again underlines** the importance of upholding relevant international and African instruments, including the 1951 United Nations (UN) Convention Relating to the Status of Refugees and the 1967 UN Protocol Relating to the Status of Refugees, as well as the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa;
6. **Further Acknowledges** that the Tripartite Agreement is a working and living Agreement to facilitate voluntary repatriation of Somali refugees and **urges** all parties to be fully committed to its

implementation. Council however, **expresses** concern over the slow pace of repatriation and **calls on** all to expedite the process. To this end, Council **further calls** for a humane, safe and dignified repatriation process that takes into account the security and other humanitarian need of the returnees and **urges** UNHCR, with the support of all concerned to accelerate the process;

7. **Stresses** that the shouldering the burden of refugees is the responsibility of the international community and not individual countries alone. In this regard, Council **strongly urges** the international community to increase funding to Somalia, Kenya, UNHCR and other partners operating in Kenya and Somalia in order to enhance the implementation of the Tripartite Agreement;

8. **Reiterates its deep concern** at the growing threat of terrorism and violent extremism and the resulting impact on peace and security on the continent. Council **commends** the work done by AU Mission in Somalia (AMISOM) in a challenging environment and its continued commitment to the promotion of lasting peace, security, stability and reconciliation in Somalia. Council **further appeals** to partners to continue funding the activities of AMISOM to stabilize Somalia, a condition which will encourage Somali refugees to voluntarily return to their country. In this regard, Council also reiterates its appeal to the international partners to extend the necessary financial, logistical and technical support to the Federal Government of Somalia to strengthen its security forces and facilitate the effective delivery of the required social services, so as to create the conducive conditions for the voluntary and safe return of the Somali refugees;

9. **Renews its appreciation** to Kenya for its contribution to the AMISOM and the sacrifices made in the search for peace, security and stability in Somalia and in the region;

10. **Decides** that the Commission should urgently undertake a comprehensive technical assessment mission, to Dadaab refugee camps, which will cover both security and humanitarian concerns with a view to facilitate the search for a balanced solution. Council decides that such mission will include the Commission and other key stakeholders, namely Kenya, Somalia and the UNHCR , and that the Commission should submit to it a report on this matter, with recommendations on the way forward, during the month of January 2016;

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