UNHCR POSITION ON RETURNS TO SOUTHERN AND CENTRAL SOMALIA (UPDATE I)

Introduction

1. There is general recognition of the fact that finding solutions to protracted large-scale displacement will be a major consideration in the stabilization and peace consolidation efforts in Somalia.\(^1\) Against this background, in November 2013 the Government of the Federal Republic of Somalia, the Government of Kenya and UNHCR signed a tripartite agreement that sets out the legal framework for the voluntary repatriation of Somali refugees from Kenya to Somalia.\(^2\) The agreement specifies that all returns should be voluntary and take place in safety and dignity. In July 2015, and while recognizing the fragile and fluid security situation in Somalia, the Tripartite Commission for the Voluntary Repatriation of Somali Refugees from Kenya agreed upon operational modalities to realize the safe, dignified and voluntary repatriation of Somali refugees from Kenya.\(^3\) To contribute to the creation of conditions in Somalia that are conducive to successful and sustainable returns and reintegration, a Ministerial Pledging Conference\(^4\) on Somali Refugees was jointly organized by the European Union and UNHCR in October 2015, for the purpose of mobilizing resources for both Kenya and Somalia under an Integrated Plan of Action for Sustainable Return and Reintegration of Somali Refugees from Kenya to Somalia.\(^5\)

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2. Access to basic necessities such as water and sanitation, as well as health care and education are absent in many parts of Somalia; where such services exist, their capacity is often limited.\(^6\) Warnings have been sounded that increased pressure on fragile services as a result of increased population numbers due to return movements from neighbouring countries could lead to tensions with local communities and IDPs living in the affected areas.\(^7\) Similarly, increased competition over land and property could trigger further conflicts and insecurity.\(^8\)

**Security Situation**

3. The general security situation in Mogadishu and the regions of southern and central Somalia remains volatile.\(^9\) Different conflict dynamics are playing out, involving Al Shabaab, clan militias and inter-clan disputes.\(^10\) Fighting between clan militias and other inter-communal violence is reported to be a major

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\(^8\) The increasing number of returnees has reportedly already led to an increase in the number of disputes over land and property, as well as an increasing number of forced evictions and relocations of IDPs. NRC/IDMC, Somalia: Over a Million IDPs Need Support for Local Solutions, 18 March 2015, http://www.refworld.org/docid/550fe8244.html.


4. Civilians continue to be severely affected by the conflict, with reports of civilians being killed and injured in conflict-related violence, widespread sexual and gender-based violence against women and children, forced recruitment of children, and large-scale displacement.12 Government forces, AMISOM troops and clan militia are reported to be responsible for grave human rights violations including killings, rape, other forms of sexual abuse and violence, and sexual exploitation.13 Civilian casualties have also been reported.

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12. For example, where pro-Government forces and AMISOM have forced Al-Shabaab to retreat from homes and land, disputes over land have arisen. United States Department of State, 2015 Country Reports on Human Rights Practices - Somalia, 13 April 2016, http://www.refworld.org/docid/571620a0.html. See also IRC, Annual Report 2014 - Somalia, 9 June 2015, http://www.refworld.org/docid/55e81313a.html. “Conflict throughout the Somali region, particularly in Southern and Central Somalia – has long revolved around access to fertile land and water resources […] The removal of Al-Shabaab as a governing authority in many regions has created a power vacuum, with neither the Federal Government of Somalia nor the fledging interim regional administrations sufficiently able to fill it […] There has been a marked increase in intercommunal conflict since the end of the transition in 2012 […] In Middle Juba – mostly still held by Al-Shabaab – inter-clan conflict […] over pastures broke out early in 2015 […] The Monitoring Group is concerned that, following the removal of Al-Shabaab from the region, historically marginalized communities will suffer at the hands of militarily stronger communities vying for fertile agricultural land for commercial exploitation along the lower reaches of the Juba river.” UNSC, Report of the Monitoring Group on Somalia, p. 15 (para. 28), and p. 16 (para. 32). The Rift Valley Institute (RVI) notes that there are frequently competing claims to land and property: by indigenous inhabitants with customary titles but no formal titles, by persons who obtained titles by force, and by others. For example, “struggles over resources within Somalia have tended to intensify parochial loyalties and harden notions of clan exclusivity […] Collective claims by others to ‘ownership’ of any portion of a territory lying within the acknowledged ‘home turf’ of another clan are unlikely to be acceptable to the hosts.” RVI, Hosts and Guests: A Historical Interpretation of Land Conflicts in Southern and Central Somalia, 2015, ISBN 978-1-907431-34-0, http://www.refworld.org/docid/54f86b8f6.html, pp. 5-8, 11, 18, 20, 32, 35. See also footnote 8.


are also reported to result from indiscriminate use of force by AMISOM, including at checkpoints, in reaction to assaults on its personnel and convoys, and in airstrikes.\textsuperscript{15} Further threats to the safety and security of civilians arise from armed clashes between Federated States over border demarcations, as well as from incidents of fighting between pro-Federal Government forces and Ahl al-Sunna wal-Jama‘a.\textsuperscript{16}

5. The police and security forces are reported to lack capacity.\textsuperscript{17} Civilian authorities do not maintain effective control over the security forces.\textsuperscript{18} Police officers and members of the military are reported to be responsible for serious human rights violations, including killings, rape and extortion of civilians.\textsuperscript{19} In and around Mogadishu, members of government forces, allied militias, AMISOM troops, and persons referred to as “men wearing uniforms” have been reported to subject civilians to sexual violence, including rape (see para. 5 above).\textsuperscript{20} The police and security forces are reportedly able to commit abuses in a climate of impunity. Law enforcement agencies are also reported to fail to prevent, or to respond to or investigate incidents of violence.\textsuperscript{21} The civilian judicial system is reported to be largely non-functional across the country.\textsuperscript{22} General crime rates have reportedly increased significantly in 2015.\textsuperscript{23}

6. Al-Shabaab reportedly continues to pose a major threat to peace and security,\textsuperscript{24} fighting against the Somali National Armed Forces (SNAF) and the African Union Mission in Somalia (AMISOM).\textsuperscript{25} In response to continued military operations conducted by SNAF, AMISOM, and allies, notably Kenya

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“In the cities from where Al Shabaab has been driven away, law and order has decreased. The police associated with SFG or their allies, lack the capacity and the integrity needed to be able to function.” Lifos (Swedish Migration Board), Security Situation in Southern and Central Somalia, 29 April 2015 (in Swedish, with a summary in English), http://lifos.migrationsverket.se/dokument/documentSummary?id=34553 (hereafter: Lifos, Security Situation in Somalia). “Police were generally ineffective.” United States Department of State, 2015 Country Reports on Human Rights Practices - Somalia, 13 April 2016, http://www.refworld.org/docid/5716120a8.html.

United States Department of State, 2015 Country Reports on Human Rights Practices - Somalia, 13 April 2016, http://www.refworld.org/docid/5716120a8.html. “The Monitoring Group also received allegations against regional security forces outside the control of the FGOS. In this regard, the unlawful use of force attributed to the forces of the Lower Juba administration (IJIA), including detentions, unlawful killings and torture, were the most frequently alleged.” UNSC, Report of the Monitoring Group on Somalia, Annex 6.1, p. 229 (para. 12).

See footnote 23.


Lifos, Security Situation in Somalia.


and Ethiopia, Al-Shabaab has reportedly enhanced its ability to engage in asymmetric warfare with “increasing efficiency and lethality”,26 which disproportionately affects the civilian population.27 During 2014 and 2015, there were several large-scale attacks in Mogadishu targeting civilians and civilian infrastructure, including hotels, government buildings (including Villa Somalia which houses the Office of the President), as well as a Mogadishu hospital and Mogadishu International Airport.28

The number of attacks in Mogadishu against humanitarian aid workers increased significantly in 2015, with 120 violent incidents being recorded, compared to 75 in 2014.29 Al-Shabaab is also reported to be responsible for a wide range of grave human rights abuses, including extrajudicial killings, abductions and disappearances, rape and other forms of sexual violence, forced recruitment of children, forced marriages to Al-Shabaab members, restrictions on civil liberties and freedom of movement, and restrictions on NGOs and humanitarian assistance.30

7. Support for Al-Shabaab by the general population has reportedly decreased.31 Al-Shabaab has reportedly been increasingly focused on eradicating what it perceives as espionage for or collaboration with 26


with the Federal Government of Somalia (FGS), with civilians accused of engaging in such acts reportedly being executed.\textsuperscript{32} More generally, the entity reportedly continues to engage in the targeted killing of civilians whom it views as the enemy, including government and security officials, members of regional administrations, members of pro-Government forces, humanitarian workers, NGO employees, UN staff and diplomatic mission staff, prominent peace activists, community leaders, clan elders and their family members, as well as people who express opinions opposed to it, such as journalists, politicians, teachers, religious and local leaders, and businessmen.\textsuperscript{33} Al-Shabaab is also reported to block key routes and access to some of the areas recovered by the SNAF and AMISOM,\textsuperscript{34} restricting freedom of movement of civilians and inhibiting trade, and negatively impacting humanitarian conditions. In July 2015, the threats posed by Al-Shabaab were considered too high for the UN to deploy a peacekeeping mission to Somalia.\textsuperscript{35}

8. While Al-Shabaab has reportedly lost control of many of the cities and towns in the regions of central and southern Somalia, they still control some smaller towns and most rural areas\textsuperscript{36} thereby limiting overall access by the FGS and other actors even to the urban centres under government control.\textsuperscript{37} Furthermore, even in those cities that have been recovered by AMISOM/SNAF, the presence of Al-Shabaab is reported to remain significant at the urban periphery and in some parts of these cities.\textsuperscript{38} Reports suggest that the entity often establishes illegal checkpoints to control movements of goods and persons on major supply routes and infiltrates cities mainly at night to launch attacks.\textsuperscript{39} Some analysts maintain that it is more correct to say that the FGS “has influence” over these cities than to say that the


\textsuperscript{35} Al-Shabaab appeared able to exploit the failure of its opponents to consolidate control, establish local administrations, provide security and build public trust.” UN Security Council, Report of the Monitoring Group on Somalia, p. 6.


\textsuperscript{31} “In many instances where it had officially ceded territory, Al-Shabaab continued to make its presence felt, creating a climate of fear which dissuaded humanitarian operations […] In areas officially ‘recovered’ from Al-Shabaab, the group continued to extort, facilitated by mobile money and other forms of remittance services.” UNSC, Report of the Monitoring Group on Somalia, Annex 5.1, para 4, and Annex 5.3, para. 18.
cities are under the effective control of the FGS.\textsuperscript{40} In parallel, rivalry among different clan-based actors competing for power reportedly continues to provoke instances of heavy fighting, while the city administrations are reported to remain dysfunctional.\textsuperscript{41} Even in Mogadishu the FGS reportedly continues to face significant challenges in providing basic security to civilians.\textsuperscript{42}

**Humanitarian Situation**

9. The conflict also continues to have a detrimental impact on the humanitarian situation, with vital humanitarian assistance reportedly being intercepted and confiscated by armed groups.\textsuperscript{43} Within a context of chronic food insecurity and a lack of sufficient health care services, the fluid security situation has reportedly made it increasingly difficult to maintain humanitarian access and supplies to vulnerable communities.\textsuperscript{44} Both pro-Government forces and militias have reportedly diverted humanitarian aid from beneficiaries; many international aid organizations have evacuated from or halted activities in Al-Shabaab controlled areas.\textsuperscript{45} Concerns have also been expressed about the negative impact on the humanitarian situation in Somalia of restrictions placed on remittances to Somalia by major banks, putting an estimated US$1.2 billion of remittances, or 20 per cent of the country’s GDP, at risk.\textsuperscript{46}


\textsuperscript{41} UNSC, *Report of the Secretary-General on Somalia*, 8 January 2016, S/2016/27, http://www.refworld.org/docid/5609a8b64.html, para. 22; Lifos, *Security Situation in Somalia*; DIS, *Security and Human Rights Issues in S/C Somalia*, pp. 9–10. “Significant territorial advances against Al-Shabaab by the African Union Mission in Somalia (AMISOM), the Somali National Army and other loosely aligned forces since the end of the transition have not been matched by the expansion of the capacity of the Federal Government of Somalia or the interim regional administrations to maintain security and offer an alternative form of governance […] The removal of Al-Shabaab as a governing authority in many regions has created a power vacuum, with neither the Federal Government of Somalia not the meddling interim regional administrations sufficiently able to fill it, or help to rebuild effective local administrations capable of maintaining security.” UNSC, *Report of the Monitoring Group on Somalia* on p. 10 (para. 11), and p. 15 (para. 28).


Political Developments

10. In its “Vision 2016” the Somali Government committed to holding a constitutional referendum in 2015 and national elections in 2016.47 Special Representative of the Secretary-General for Somalia and head of UNSOM, Nicholas Kay, has expressed his concern about Al-Shabaab’s intentions to derail the political process.48 In July 2015, President Hassan Sheikh Mohamud announced that while he was committed to holding elections before the end of his term in August 2016, it would not in fact be possible to organize a popular vote.49

Internal Displacement and Evictions

11. Armed conflict, military operations, clan and intercommunal violence, forced evictions and natural hazards continue to be major causes of internal displacement.50 While precise figures for the number of internally displaced persons (IDPs) are unavailable, estimates suggest that there are more than 1.1 million IDPs in Somalia, the majority in the southern and central regions.51 There are approximately 370,000 IDPs in Mogadishu.52 Approximately 70 to 80 per cent of Somalia’s IDPs are women and children,53 who are reported to be disproportionately at risk of serious human rights violations.54 Living

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conditions in IDP settlements are reported to be deplorable and durable solutions are unattainable for most IDPs under current circumstances. IDPs are also reported to face serious food insecurity, with many being above the emergency threshold for malnutrition; the situation is reportedly exacerbated by an ongoing drought.

12. Individuals’ families and clans are reportedly their most important support structures and a means of obtaining access to basic necessities, such as accommodation and food. However, the capacity of clans to provide such support has been overstretched, leaving many families and clan networks unable to respond to the needs of their displaced relatives. Members of minority clans often lack vital protection and suffer pervasive discrimination. The same applies to others who, being displaced, find themselves outside their normal social clan structures and unable to rely on the protection and support generally extended by such social networks. For instance, Somali ethnic Bantus, as well as some other minority clans, reportedly continue to be highly vulnerable to discrimination, severe poverty, exclusion and marginalization, and are reportedly disproportionately subjected to killings, torture, rape,

Somalia: Over a Million IDPs Need Support for Local Solutions, 18 March 2015, http://www.refworld.org/docid/550fcb244.html, p. 1. IDPs with disabilities are reportedly particularly vulnerable to human rights violations and risk being exposed to exploitation, rape, and poor living conditions. They are reportedly often stigmatized by government and are forced to live outside the law. The absorption capacity of Mogadishu is overstretched and mass returns to the city and its environs is reportedly exacerbated by an ongoing drought.


“The Somali clan system shapes social, political and economic life and is fundamental to understanding many aspects of contemporary Somali society. Extended family and clan affiliation is an essential source of protection and a determinant of the level of access to social assistance.” NRC/IDMC, Somalia: Over a Million IDPs Need Support for Local Solutions, 18 March 2015, http://www.refworld.org/docid/550fcb234.html, p. 5. “If a person returned to an area where he does not have strong [clan] connections, protection would tend to be weaker than if he/she could rely on clan and community support and solidarity. People without clan affiliations in areas of return have a higher risk of experiencing protection problems. […] For Somalis in Mogadishu, it is very difficult to survive without a support network, and newcomers to the city, particularly when they do not belong to the clans or nuclear families established in the district in question, or when they originate from an area formerly or presently controlled by an insurgent group, face a precarious existence in the capital. Often they are forced to settle in IDP settlements. […] [P]ersons leaving Al-Shabaab areas and attempting to relocate to cities or towns with aMBSoM/NSAF presence will be forced to settle in IDP settlements unless they have nuclear or extended family with the necessary resources to support them.” DRSRG/RC/CA on Internally Displaced Persons, Somalia, 2015-16 El Nino Country Report, 13 April 2016, http://www.refworld.org/docid/5716120a8.html. See also, NRC/IDMC, Somalia: Over a Million IDPs Need Support for Local Solutions, 18 March 2015, http://www.refworld.org/docid/550fcb234.html, pp. 5-6; Minority Rights Group International, State of the World’s Minorities And Indigenous Peoples 2015 - Somalia, 2 July 2015, http://www.refworld.org/docid/55a4fa4313f.html; OHCHR, Independent Expert Report, para. 43.
13. In 2015, there was reportedly a significant increase in forced evictions of IDPs from public and private lands and buildings in many cities and towns in Somalia, including Mogadishu, Kismayo, Baidoa, Galkayo, Bosasso, Hargeisa or Luuq. Over 116,000 people were reported to have been forcibly evicted during the first eight months of 2015. The majority of these evictions were reported to be unlawful, notably due to lack of adherence to due process and the provision of adequate alternatives. Most evictees in Mogadishu were reportedly forced to move to the outskirts of the city where security is a serious concern, rights violations are pervasive, living conditions in settlements dire and access to basic services is very limited. Forced evictions have exacerbated the humanitarian and human rights situation for Somali IDPs. Both the authorities and private individuals are reported to instigate forced evictions. Forced evictions have also reportedly been used by “a multitude of actors” as “a tactic of warfare in order to obtain and exert control.”

Deportations and Returns from War-Affected Countries


14. From December 2013 to September 2015, an estimated 70,000 Somali nationals were deported to Somalia from the Kingdom of Saudi Arabia. Many of the deportees were reportedly unable to return to their places of origin in Somalia, thus ending up in IDP settlements.69

15. As a result of renewed fighting in Yemen, more than 31,000 persons fled from Yemen to Somalia, including more than 27,000 Somali refugees who had initially fled from Somalia to Yemen and who subsequently fled from Yemen to Somalia. The remainder are Yemeni nationals and third-country nationals who fled from Yemen to Somalia.70 More than half of persons who arrived in Somalia from Yemen, including the returned Somali refugees, have expressed an intention to go to Mogadishu.71 Concerns have been raised about the limited absorption capacity in Somalia and the wide array of challenges faced by the returnees.72 At the same time and despite the conflict in Yemen, throughout 2015 thousands of Somalis arrived in Yemen.73

Refugee Protection under the 1951 Convention or Regional Instruments, and Eligibility for Complementary Forms of Protection

16. In relation to Somalis who originate from the southern and central regions of Somalia and who seek international protection in countries outside the AU, UNHCR would like to recall that many such


71 According to OCHA, “[t]he absorption capacity of host communities and Government institutional capacity needs to be strengthened to ensure sustainability. The influx of persons fleeing from Yemen to Somalia] adds to the longer standing situation of internally displaced persons in the country and Somali refugees in neighbouring countries.” OCHA, 2016 Somalia Humanitarian Needs Overview, 25 November 2015, https://www.humanitarianresponse.info/en/operations/somalia/document/2016-somalia-humanitarian-needs-overview, p. 9. “The influx of returnees and refugees fleeing the conflict in Yemen is increasing the burden on already limited basic services.” UNICEF, 2016 Humanitarian Action for Children: Somalia, http://www.unicef.org/appeals/files/HAC_2016_Somalia.pdf. “Reintegration of Somali returnees poses additional challenges as the widespread conflict and political strife have crippled essential infrastructure and more than three quarters of the population lack access to healthcare, proper sanitation and safe drinking water. […] The authorities in Somalia generally have limited capacity to manage a medium/large influx of arrivals, and many face a difficult environment characterized by conflict, violence, insecurity, protracted displacement, poor living conditions, and absence of functioning or effective institutions. […] Consequently, access to shelter, infrastructure, health, water and sanitation, education, and livelihood opportunities continues to be a challenge for refugees, returnees and IDPs alike; durable solutions remain limited. […] The sudden and rapid increase in the number of refugees, returnees and migrants from Yemen in 2015 has strained the capacity of agencies to provide adequate assistance, and urban areas like Hargeisa and Bossaso have struggled and continue to struggle to absorb the number of new arrivals looking for food, shelter and housing. […] return to places of origin/choice will be difficult for many Somali returnees from South Central regions of Somalia due to the prevailing conditions as conditions for mass return to Southern and Central regions of Somalia are not yet established.” UNHCR, Yemen Situation: Regional Refugee and Migrant Response Plan Overview, October - December 2015 / January - December 2016 (Preliminary Estimates), October 2015, http://data.unhcr.org/yemen/download.php?id=58, pp. 5, 37-38, 43. See also World Food Programme, On the Run Again: Somali Refugees Return Home from Yemen, 28 August 2015, https://www.wfp.org/stories/somali-refugees-yemen.

applicants have profiles that may bring them within the scope of the 1951 Refugee Convention. In Member States of the African Union, eligibility for international refugee protection under the 1969 OAU Convention should also be considered.

17. For UNHCR’s position on the availability of an internal flight or relocation alternative (IFA/IRA) in southern and central Somalia, UNHCR refers to its International Protection Considerations with Regard to People Fleeing Southern and Central Somalia. In relation to the availability of an IFA/IRA in Mogadishu in particular, UNHCR recalls that where an applicant for international protection has a well-founded fear of persecution at the hands of the State and its agents, there is a presumption that consideration of an IFA/IRA is not relevant for areas under the control of the State. Furthermore, UNHCR considers that in relation to a proposed IFA/IRA for Somalis fleeing persecution or serious harm by Al Shabaab, protection from the State is generally not available in Mogadishu even though the city is under the control of government forces supported by AMISOM troops. This applies in particular to Somalis who can be presumed to be on Al-Shabaab’s hit list.

18. For applicants for whom an IFA/IRA in Mogadishu has been deemed relevant, the reasonableness of the proposed IFA/IRA must be assessed. In this regard UNHCR considers that particular attention must be given to the extent to which the applicant can expect to receive genuine support from his or her immediate family or clan in the context of the general weakening of traditional protection mechanisms; availability of basic infrastructure and access to essential services in the proposed area of relocation; access to shelter in the proposed area of relocation; and the presence of livelihood opportunities.

19. Where the proposed area of relocation is an urban area where the applicant has no access to pre-identified accommodation and livelihood options, and where he/she cannot reasonably be expected to fall back on meaningful support networks, the applicant will likely find himself or herself in a situation comparable to that of urban IDPs. Under these circumstances, to assess the reasonableness of the IFA/IRA, adjudicators need to take into account the scale of internal displacement in the area of prospective relocation and the living conditions of IDPs in the location, as well as the fact that many IDPs are exposed to various human rights abuses, including forced evictions.

UNHCR Position on Forced Returns

20. Under the present circumstances, UNHCR continues to urge States to refrain from forcibly returning any persons to areas of southern and central Somalia that are affected by military action and/or ensuing displacement, remain fragile and insecure after recent military action, or remain under full or partial control of government forces. UNHCR considers that particular attention must be given to any persons fleeing southern and central Somalia that are affected by military action and/or ensuing displacement, remain fragile and insecure after recent military action, or remain under full or partial control of government forces. In these cases, UNHCR recommends that States consider the alternatives to forcible return.


76 UNHCR, International Protection Considerations with Regard to People Fleeing Southern and Central Somalia, 17 January 2014, HCR/PC/SOM/14/01, http://www.refworld.org/docid/52d7f6c5f4.html, pp. 13-15. 17. The consideration of possible internal relocation is not generally relevant to the determination of refugee status under Article I(2) of the OAU Convention. UNHCR, Guidelines on International Protection No. 4: “Internal Flight or Relocation Alternative” Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees, HCR/GIP/03/04, 23 July 2003, http://www.refworld.org/docid/3f791a144.html, para. 5. Article I(2) of the 1969 Convention extends the refugee definition to “every person, who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality” [emphasis added]. The same considerations apply to individuals coming within the refugee definition as contained in Article I(2) of the Bangkok Principles, which is identical to the refugee definition of the 1969 OAU Convention.
control of non-State armed groups. General *non-refoulement* obligations under international human rights law may be engaged in the context of forcible return of Somalis to southern and central Somalia.

Spontaneous and Organized Returns

21. Individual Somalis who are outside the country and who are considering return to southern or central Somalia in a spontaneous manner should be provided with as much detailed information on the situation in their place of origin as possible, so as to allow them to take into account the current situation as regards security, governance and livelihoods and to make a fully informed choice.

22. Individual Somalis who are outside the country and who are considering to return to Somalia, but who cannot return to their place of origin because of continued or renewed insecurity or other adverse conditions, should be provided with detailed information on the current situation in the intended place of settlement. Those who consider going to Mogadishu should be provided with information about the situation of IDPs in the city in terms of security, accommodation and livelihoods, as returnees who are not originally from Mogadishu will likely face similar problems as IDPs currently living there. Similar considerations apply to Somalis who consider going to other towns and cities in South and Central Somalia which are not their home towns.

23. The tripartite agreement governing voluntary returns from Kenya to Somalia\(^{77}\) does not affect the assessment of international protection needs of asylum-seekers from Somalia. As with nationals of other countries, the fact that individual Somalis may choose to return to their country despite the less than ideal circumstances does not change the fact that many Somalis\(^{78}\) continue to be in need of international protection, whether for 1951 Convention reasons, or for reasons that may bring them within the criteria of the 1969 OAU Convention, or for reasons that may bring them within broader criteria for international protection.\(^{79}\)

24. UNHCR supports voluntary repatriation to Somalia from neighbouring countries or countries in the region, subject to ensuring that the decision of refugees is fully informed and voluntary. Prior to extending support for voluntary repatriation to Somali nationals, UNHCR will verify and confirm the voluntariness of the decision to return to the specific location in Somalia, whether it is a location of origin or an alternative location, through individual interviews with all members of returning families.

25. Any assistance provided by UNHCR for return to Somalia aims at supporting individuals who, being fully informed of the situation in their places of origin or an alternative area of their choice, choose voluntarily to return. Any role of UNHCR in the support to voluntary repatriation movements to Somalia and any involvement by UNHCR in efforts aimed at sustainable reintegration for returnees and IDPs in Somalia should not be construed as implying an assessment on the part of UNHCR of the safety and other aspects of the situation in Somalia for individuals who have applied for international protection in countries of asylum. It should be noted in this regard that voluntary repatriation and forced return are processes of fundamentally different characters, engaging different responsibilities on the parts of the various actors involved.

UNHCR, May 2016

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\(^{77}\) See footnote 2.

\(^{78}\) In 2014, 19,857 Somalis applied for international protection in 44 industrialized States. UNHCR, *UNHCR Asylum Trends 2014*, March 2015, [http://www.unhcr.org/551128679.html](http://www.unhcr.org/551128679.html), table 3. In the 28 Member States of the European Union, in 2014 a total of 8,905 first-instance decisions were made on applications for international protection by Somalis. A total of 5,855 of these decisions were positive, or a protection rate of 65.7 per cent at first instance.

\(^{79}\) Outside the African Union, other broader international protection criteria may apply.