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1. INTRODUCTION

Since independence in 1960 from Britain and Italy, Somalia has experienced three different political periods. During the first nine years of independence, the internal situation was fairly calm and the governments were dominated by the Somali Youth League (SYL) which is the oldest Somali party created in 1943. In 1969, the assassination of then President Dr Rashid Ali Shermarke from the Somali Youth League was followed by a *coup d'état* led by Commander-in-Chief Major-General Mohamed Siad Barre. The political strategies of Siad Barre based on repression and ethnic favouritism made it possible for him to stay in power until 1991 when he finally lost most of his support from different clans and had to flee from the country¹. From 1988 onwards, Somalia has been plagued by a complex national conflict. It started as a fight with the objective of overthrowing the Siad Barre's regime and turned into a full scale civil war. The civil war in Somalia is difficult to disentangle mainly due to the high number of militant and political groups involved (mostly based on the Somali clan system) and to the shifting nature of the war in terms of the locations of the fighting.

Thirty clan-based factions are believed to be actively involved in militant activities². The most serious fighting has taken place in and around Mogadishu, at Baidoa, 250 kilometers to the North-west, and around the southern port city of Kismayo³. More than 800,000 Somalis fled the country during the civil war since 1988 and approximately 1,170,000 Somalis are estimated to be internally displaced⁴.

The major actors fighting in Mogadishu are the two faction leaders, Hussein Aideded from the United Somali Congress/Somali National Alliance and Ali Mahdi from the United Somali Congress/Somali Salvation Alliance. In the South-East of the country, the Gedo region, the two adversaries are the movement of the Siad Barre loyalists, the Somali National Front and the Islamic movement, Al-Ittihad al Islamia. In the two southern regions, Bay and Bokol, the two clans fighting each other are the Rahanwein Resistance Army and Hussein Aideded from the United Somali Congress/Somali National Alliance. The northern part of Somalia has been relatively calm compared with the southern and central parts of the country,

2. POLITICAL AND ECONOMIC DEVELOPMENTS 1997-1999

The latest significant peace agreement for Somalia is the Cairo Declaration of 22 December 1997 after which crucial developments regarding peace and the reconstruction of the country ensued. The main developments are the proclamation of the autonomous "*Puntland State of Somalia*" (North-East of the country) in July 1998 and the agreement on an installation of an unified civilian administration for

¹ Africa South of the Sahara 1999, 1998, p. 948ff.

² United Nations, Commission on Human Rights, E/CN.4/1998/96, 16 January 1998

³ Agence France Presse (AFP), 1 February 1998

⁴ UNHCR 1999 Global Appeal - Somalia; IDP Global Survey, p. 84

Mogadishu and the Benadir region⁵. However, the joint agreement between the two main faction leaders in Mogadishu, Hussein Aideed and Ali Mahdi Mohamed, has not led to a more permanent settlement. While these initiatives look promising, the recent efforts to restore peace and to built up a stable administration in the Gedo region and Jubaland (South of the country) have failed⁶.

Despite the peace efforts, however, the situation in Somalia has worsened, especially in the southern part of the country⁷.

However, two elements made the Cairo negotiations special for developments in Somalia: the subjects discussed and the participants. The negotiations went beyond the necessity of peace towards talks on the creation of state and government structures of Somalia. The consensus in Cairo was important because it was reached by two broad alliances that include most of Somalia's main political clan-based groups: the National Salvation Council led by Ali Mahdi and the Somali National Alliance led by Hussein Aideed⁸. Hussein Aideed, the self-declared President of Somalia had refused to take part in the national reconciliation process set out in January 1997 at the Sodere (Ethiopia) peace negotiations⁹. Mr. Aideed's reservations about these negotiations had centered on issues of membership credentials and foreign intervention, especially by Ethiopia¹⁰.

In the Cairo Declaration, participants pledged to set aside their differences and to "embark on a new path towards national unity and re-establishment of the basic rights, aspirations and freedoms of the Somali people"¹¹. Acknowledging previous peace efforts made in Nairobi (October 1996), Sodere (January 1997), Sanaa (May 1997), Cairo (May 1997) and the separate Cairo Understanding of 21 December 1997, the Cairo Declaration calls for the formation of a transitional government based on a system of federal governance and "bound by the rules of international law and the objectives and principles of the United Nations and all other international organizations in which Somalia is a member"¹². These future visions for Somalia made the Cairo Declaration different from the previous agreement.

The Cairo Declaration on Somalia issued after the negotiations was signed by 28 representatives of factions and alliances, including the two major warlords, Ali Mahdi Mohamed on behalf of the National Salvation Council (NSC), a coalition of 26

⁵ U. S. Department of State, Country Reports on Human Rights Practices for 1998, Somalia (US DOS Country reports), 1999, [internet].

⁶ Ibid.

⁷ Le Monde, Bilan Economique et Social, Edition 1999, p. 102.

⁸ The Economist, 14 February 1998.

⁹ United Nations, Security Council, S/1997/715, 16 September 1997.

¹⁰ Ibid.

¹¹ United Nations, Security Council, S/1997/1000, 22 December 1997.

¹² Ibid.

factions, and by Hussein Mohamed Aideed on behalf of the United Somali Congress/Somali National Alliance (USC/SNA)¹³.

While Mr. Aideed's participation at the Cairo meetings was seen as crucial to the success of the negotiations, the *Issaq* of Somaliland, which declared its independence in 1991, continued to refuse to participate in a process of national reconciliation in Somalia, and two *Darod* leaders who had been strong supporters of the Sodere Accord have distanced themselves from it, namely Abdullahi Yussuf Ahmed of the *Majerteen* Somali Salvation Front (SSDF), and General Adan Abdullah Nur (a.k.a. "Gabyo") of the *Ogaden* Somali Patriotic Movement (SPM)¹⁴. They demanded that the reconciliation conference be held in the Northeastern city of Bossaso, as agreed at Sodere, and that it should include more *Darod* delegates¹⁵. Other critics, including factions representing Somali *Bantus* and other minorities, claim that, unlike the Sodere Accord, which was founded on an equilibrium of representation between the four largest clans (*Darod*, *Hawiye*, *Rahaweyn* and *Dir*), the Cairo Declaration on Somalia appears to give the best share to the *Hawiye*, the clans of Ali Mahdi Mohamed (*Abgal/Hawiye*) and Hussein Mohamed Aideed (*Habr Gedir/Hawiye*)¹⁶.

Continuation of the peace talks and a National Reconciliation Conference was to take place in Baidoa (North-west of Mogadishu) commencing on 15 February 1998 (AFP, 30 December 1997). It was to be constituted of 465 delegates from all segments of Somali society, taking into account community balance¹⁷.

The continuation of the negotiations in Baidoa was, however, prevented by the two main faction leaders Ali Mahdi Mohamed (National Salvation Council) and Hussein Aideed (Somali National Alliance) the day before the conference was to begin¹⁸. The negotiations were postponed until 31 March by the two leaders who identified logistic problems as the main cause¹⁹. Analysts interpreted the postponement as a lack of commitment from the main actors in Somalia who on their side emphasized that there was no political reason for the postponement²⁰. An obstacle could have been that forces of Hussein Aideed were still present in Baidoa contrary to the demands contained in the Cairo Declaration²¹. Once again, the day before the National Reconciliation Conference was due, it was postponed, this time until 15 May 1998²². The principal reason was that Hussein Aideed still had his forces present in Baidoa and that clashes between them and the forces of the Rahanwein clans (Rahanwein

¹³ UN Security Council, S/1997/1000, 22 December 1997; Afrique Express, 2 janvier 1998.

¹⁴ The Indian Ocean Newsletter, 3 January 1998.

¹⁵ Africa Confidential, 9 January 1998.

¹⁶ The Indian Ocean Newsletter, 3 January 1998.

¹⁷ United Nations, Security Council, S/1997/1000, 22 December 1997.

¹⁸ Reuters, 14 February 1998.

¹⁹ AFP, 14 February 1998.

²⁰ Ibid.

²¹ Country Information & Policy Unit, United Kingdom Home Office, Country Report, Somalia, December 1998, p. 11.

²² Ibid.

Resistance Army, RRA) who originate from that region repeatedly took place²³. In May 1998, the hope for negotiations was further undermined by a third postponement. Lack of financial resources to organise the conference and continued fighting in the area around Baidoa were thought to be the principal reasons for the postponement. No immediate plans were made to set another date²⁴. The conference in Baidoa has not taken place during 1998 and 1999.

Along with the multiple delays of the National Reconciliation Conference, inter-clan fighting continued in southern Somalia primarily in Mogadishu, Kismayu, around Baidoa, in Gedo region and in numerous other towns and villages²⁵.

Thirteen peace initiatives have been pursued during the conflict in Somalia²⁶, of which eight were initiated by countries in the region including Egypt, Ethiopia and Kenya²⁷.

Ethiopia had soldiers in the Gedo region that they eventually withdrew: It was affirmed on 4 January 1998 that Ethiopian military forces left the Somali cities of Lug, Bula Hawo and Dolow in the South-western Gedo region that they had been occupying for several months²⁸.

Ethiopia, mandated by IGAD (the Inter-Governmental Authority for Development) and the Organisation for African Unity (OAU) to pursue the peace process, rejected the Cairo Agreement brokered by Egypt. Ethiopia feared that an Arab-backed regime in Mogadishu would ferment Islamic fundamentalism and thus constitute a threat for the mainly Christian Ethiopia²⁹. They also argued that the negotiations had not included all the clans in Somalia and in that way, it actually constituted a threat to the peace in Somalia³⁰. It was Ethiopia which hosted the former peace negotiations in Sodere in December 1996 and January 1997, 200 kms from Addis Ababa during which the National Salvation Council was established regrouping 26 factions³¹.

²³ AFP, 30 March 1998

²⁴ Lexis/Nexis, Deutsche Press-Agentur (DPA), 13 May 1998.

²⁵ Africa South of the Sahara 1999, 1998, p. 955.

²⁶ Regional initiatives: - Djibouti (June 1991) - Two Reconciliation Conferences; - UNITAF(Unified Task Force -Operation Restore Hope) (December 1992); - Addis Ababa (March 1993); - Addis Ababa (December 1993); - Anticipation of talks between Aidid and Ali Mahdi in Nairobi, first half of 1994 postponed five times; - Nairobi (October 1996); - Sodere, Ethiopia (January 1997); - Sanaa, Yemen (May 1997); - Cairo (May 1997); - The Cairo Agreement of 21 December 1997; Internal initiatives: - Abgal and Murusada communities. Agreement in January 1995. Bermuda area of Mogadishu; - Southern Mogadishu (June 1995) - Conference of reconciliation; - Baidoa, Somalia (planned for February 1998, postponed three times); (Africa South of the Sahara 1999, p. 948ff).

²⁷ Africa South of the Sahara 1998, 1998, p. 948ff.

²⁸ La Lettre de l'Océan Indien, January 10, 1998.

²⁹ Country Information & Policy Unit, United Kingdom Home Office, Country Report, Somalia, December 1998, p. 11

³⁰ AFP, 24 December 1997

³¹ Ibid.

As of March 1999, the National Reconciliation Conference appears to have been indefinitely postponed. What still appears to hold for Somalia today is the statement made by the UN Secretary-General in his September 1997 report to the Security Council:

Somalia remains susceptible to three types of emergency situations requiring immediate international response: natural disasters, such as floods, droughts and pestilence; epidemics, particularly of cholera and also those affecting livestock; and man-made disasters, typically war-related casualties, population displacements and famine³².

In 1997 too, the Secretary-General further reported that 13 UN agencies, in collaboration with 50 international and 10 national non-governmental organizations, provided emergency humanitarian relief assistance, focusing on the four priority areas of emergency, rehabilitation, reconstruction and governance assistance requirements³³. In April 1998, nine expatriates from the International Committee of the Red Cross were abducted and although they were released quickly afterwards, many humanitarian agencies subsequently suspended their relief work in Somalia³⁴.

ECONOMIC SITUATION

The continued presence of insecurity, the harsh environmental conditions (floods and droughts) and crop-destroying pests worsened the already dire economic situation of Somalia³⁵. In 1997, a rise in commercial activity led to a revival of livestock and fruit export³⁶. However, the continued closure of the Mogadishu seaport retained the export at a moderate level³⁷. Moreover, the Gulf states and Saudi Arabia imposed an import ban in 1998 on Somali livestock. This has in particular affected the northern economy of Somalia³⁸.

Somalia suffers under a chronic food deficit due to the political insecurity, droughts and floods. The latter left about 250,000 people homeless in the south of the country in November 1997³⁹.

Parts of the central and southern region were affected by floods brought on by heavy rains that started in October 1997 and caused the Juba and Shebelle rivers to overflow, destroying more than 60,000 hectares of crops and farmland and washing away thousands of tons of sorghum and other foods stored underground⁴⁰. At the end of

³² United Nations, Security Council, S/1997/715, 16 September 1997

³³ Ibid.

³⁴ Le Monde, Bilan Economique et Social, Edition 1999, p. 102.

³⁵ US DOS Country Reports 1998, 1999, [internet].

³⁶ US DOS Country Reports 1997, 1998, [internet].

³⁷ Ibid.

³⁸ UNHCR, 1999 Global Appeal, East and Horn of Africa.

³⁹ Ibid.

⁴⁰ Associated Press, November 1997 [Internet].

November, at least 2,000 Somalis were believed to have drowned in the floods⁴¹. The floods also forced another 122,000 mostly Somali refugees to flee their camps in northeastern Kenya⁴². Relief efforts were endangered by renewed clan fighting in Baidoa, in the heart of the flooded area, 200 km northwest of Mogadishu⁴³.

In August 1998, poisoned water killed 15 people in the Abudwaq district, Galgudud region in central Somalia. The water came from a private reservoir and the circumstances of the contagion are not known. Due to the prevailing insecurity, no humanitarian organisations provided assistance and relief in this region⁴⁴.

Floods and drought occurred in southern Somalia in the latter part of 1998 and the beginning of 1999 leading to hunger and starvation among the civilians⁴⁵. 300 people reportedly fled their village in the Juba region in southern Somalia as drought and fighting were threatening⁴⁶.

2.1 The Situation in the Different Regions of Somalia

Different conditions prevail in different parts of the country, which is divided into four major zones: the North-West, or Somaliland, which is conducting an experiment in democracy combined with centuries-old cultural traditions; The North-East which has lived in near total peace since January 1991 marked the end of the hostilities against former President Siad Barre in January 1991; to its south, the Central region from Galkayo to Belet Weyn, populated by *Marehans* and numerous *Hawiye* sub-clans, with its own share of troubles, and which serves as a passageway, especially at the commercial level, between the stable North-East and the war-torn South. It is in the South, from the area around Mogadishu to the border with Kenya, that the civil war has been waged for over six years⁴⁷.

The United Nations distinguish three regional trends in Somalia with different characteristics and needs: the South which is composed mainly of zones experiencing crisis, the relatively calm North and the rest of the country which are to different degrees pursuing a transition from crisis to recovery⁴⁸.

The North-West (Somaliland)

⁴¹ Time, 1 December 1997.

⁴² Associated Press, November 1997 [Internet].

⁴³ The Toronto Star, 21 November 1997; Deutsche Presse-Agentur, 19 November 1997.

⁴⁴ AFP, 23 August 1998.

⁴⁵ AFP, 3 February 1999

⁴⁶ AFP, 7 February 1999

⁴⁷ Prunier, G., Le Monde Diplomatique, Octobre 1997.

⁴⁸ United Nations, Commission on Human Rights, E/CN.4/1998/96, 16 January 1998

Somaliland was declared independent in 1991 by the *Issaq* clan-dominated politico-military movement, Somali National Movement (SNM), founded in 1981 and supported by Ethiopia⁴⁹. Though Somaliland has not yet been granted international recognition as an independent state, it has its own police force, courts and taxes which have been established in a co-operation between the SNM authorities and traditional structures and clan elders⁵⁰.

On 16 December 1997, the President of Somaliland, Mohamed Ibrahim Egal, notified parliament (*Guurti*) of his decision to step down from the post he has held since 1993 and to which he was re-elected in March 1997, and outlined the constitutional channels for his succession⁵¹. The move was labeled as "political blackmail" by Mohamed Ibrahim Egal, as it is believed that the opposition could not agree on one single candidate and instead feared "the political storms that could break around the empty presidential chair"⁵². Egal is said to be under growing criticism, especially over the issue of corruption, and he realizes his limitations in a society that is "increasingly rebuilding its bridges and where public opinion has a growing role"⁵³. As explained by a member of the opposition, the country's institutions are too young and fragile to withstand the shock of a coup d'état or an insurrection, and many electoral meetings will be held in the four years until the next elections⁵⁴. Consequently, Egal's resignation was rejected by parliament nearly unanimously⁵⁵.

Clashes between the *Issaq* clan and other clans from the North-Eastern part of Somaliland occurred in 1997. The SNM administration is limited in the eastern part and the other clans associate themselves more with North-Eastern Somalia. Subsequently, a semi-autonomous region, the 'Eastern Commonwealth', was established. Fighting subsided and tensions between the clans have allegedly been diminished. Traditional conflict-solving mechanisms along with reconciliation conferences were used⁵⁶.

Somaliland also continued its efforts to gain international recognition: in March 1997, President Egal reportedly demanded recognition of the "Republic of Somaliland" by the United Nations and its agencies, and the appointment of a UN Resident Representative in Hargeysa⁵⁷. In November 1997, Foreign Minister Mahmoud Salah Fagadeh Nour, traveled to Ethiopia and obtained an agreement from the Government of Ethiopia to work directly with the Government of Somaliland and not with the

⁴⁹ Country Information & Policy Unit, United Kingdom Home Office, Country Report, Somalia, December 1998.

⁵⁰ Ibid.

⁵¹ The Indian Ocean Newsletter, 20 December 1997.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Prunier, G., *Le Monde Diplomatique*, Octobre 1997.

⁵⁵ Africa Confidential, 9 January 1998.

⁵⁶ Country Information & Policy Unit, United Kingdom Home Office, Country Report, Somalia, December 1998, p. 16.

⁵⁷ Africa South of the Sahara 1998, 930.

clans or clan factions. Mr. Nour also visited the United States and France and met with representatives of both governments, as well as with officials of the French oil company, Total, the latter aimed of reviving a network of service stations in Somaliland⁵⁸.

The Northeast (Puntland)

The North-East area, also known as Puntland, is said to be the most stable region of Somalia with no violent clashes reported since 1993⁵⁹. The area which consists of three regions, Bari, Nugal and northern Mudug, has been controlled by the Somali Salvation Democratic Front (SSDF). It is a political coalition formed in 1981, representing the *Majerteen* clans of the North-East. Signs of consolidating the stability appeared during 1998. The autonomous *Puntland State of Somalia* was proclaimed on 23 July 1998 followed by the appointment of a nine-member cabinet and the inauguration of a 69-member parliament⁶⁰. It is here in the North-East where freedom of movement has reportedly been most respected. Other clans than the *Majerteen* are said to have been able to move in and through the territory that is administered by the SSDF. However, the only refugees who have repatriated to the North-East are *Majerteen*⁶¹.

Despite the well-functioning of the administration in place, it is fairly recent (in 1997) that cases of intimidation and incidents of violence were registered and that militias of the SSDF (in auto-proclaimed control today) were said to extort money through violent means⁶². The border dispute between the North-West (Somaliland) and the North-East (Puntland) still needs to be solved⁶³ as well as the internal regional border dispute between the regions of Nugal and Mudug in the North-East although the tensions have subsided⁶⁴.

Central and Southern Somalia

The central and southern Somalia is less homogenous in terms of clans compared with Northern Somalia⁶⁵. The heterogeneity is reflected in the large number of clan-based

⁵⁸ The Indian Ocean Newsletter, 13 December 1997.

⁵⁹ Country Information & Policy Unit, United Kingdom Home Office, Country Report, Somalia, December 1998, p. 15

⁶⁰ Ibid., p. 16

⁶¹ Ibid.

⁶² Piguet, F., OSAR-Jalons No. 47, Décembre 1997, 29.

⁶³ Gaabane, Beyond Power: A New Agenda for Peace in Somalia, Nomadnet Commentary [internet]

⁶⁴ Country Information & Policy Unit, United Kingdom Home Office, Country Report, Somalia, December 1998, p. 17

⁶⁵ Country Information & Policy Unit, United Kingdom Home Office, Country Report, Somalia, December 1998, p. 19

militia, some of which only control a small area. Reportedly, in the central and southern regions, a person will be safest in areas controlled by their proper clan⁶⁶. However, this will be the situation for other regions of Somalia as well. The major areas of conflict were still Gedo, Bay, parts of Bakool and Lower Juba⁶⁷.

Two southern regions, Bay and Bakol, endured fighting between two clans: the Rahanwein clans who constitute the overwhelming majority of the population in the two regions and Hussein Aideed's Hawiye-based USC/SNA (United Somali Congress founded in 1989/Somali National Alliance founded in 1992). In September 1995 the latter clan captured the two regions and the situation remains unresolved⁶⁸. Fierce fighting in July 1998 forced at least 12,000 civilians to flee South to the Juba valley. The fighting and consequent insecurity impeded farmers from cultivating their land. The World Food Programme reportedly estimated that the farming surface was diminished by 37 %⁶⁹. Seemingly, no peace initiatives have been taken and the fighting between the two warring clans is still a reality. Fighting was last reported in February 1999 where ten people lost their lives and 16 were injured⁷⁰.

Sporadic clashes between rival militias continued throughout 1997 in the regions of Baidoa, Shabelle and Bay, causing the displacement of nearly 27,000 people⁷¹. In March 1997, factional fighting broke out in the village of Began, in the Galgudud region, between *Abgal* clan supporters of Ali Mahdi Mohamed and *Murusade* supporters of Mohamed Qanyare Afraf, an ally of the *Haber Gedir/Hawiye Hussein Mohamed Aideed*⁷².

In October 1997 a truce was reportedly signed between Ali Mahdi Mohamed's SSA and Hussein Mohamed Aideed's USC/SNA. The agreement called for the cessation of hostilities, a cease-fire, the removal of roadblocks and the facilitation of humanitarian aid⁷³. The agreement, which was described as non-political, also called for the enforcement of *Shari'a* law to combat the increasing banditry⁷⁴. In early November machine-gun fire was reportedly exchanged between *Abgar* militias of Ali Mahdi Mohamed and *Hawadle* followers of Col. Omar Hashi Aden in the region of Mahaday, 117 km North of Mogadishu, resulting in the deaths of four militias and two civilians⁷⁵. At the end of November 1997, members of international humanitarian organizations were evacuated from North Mogadishu due to the worsening security situation (24 November 1997; 26 November 1997). The Spanish section of *Médecins sans Frontières*, the French organization *Action contre la faim* and the Italian

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Ibid., p. 24

⁶⁹ AFP, 29 July 1998.

⁷⁰ Courier, AP, 2 February 1999.

⁷¹ Agence France Presse, 3 November 1997.

⁷² Agence France Presse, March 1997 [Lexis/Nexis].

⁷³ Africa Confidential, 18 October 1997.

⁷⁴ Ibid.

⁷⁵ Agence France Presse, 3 November 1997.

organizations CEFA, *Intersos* and CINS announced the withdrawal of their staff from Mogadishu after two members of CINS had been kidnapped briefly during an attack to their offices in Daganley, 28 km north of Mogadishu⁷⁶. At least 13 Somalis, some of them employed by CINS, were killed during these attacks.⁷⁷

The Gedo Region which is located in the South-eastern part of Somalia was established by the former President Siad Barre in 1974 and it is one of the traditional home regions of the *Marehan* clan of which Siad Barre was a member⁷⁸. Although the *Marehan* clan does not constitute the most important clan in terms of numbers, the political control of the Gedo region is retained by the Marehan clan-based Somali National Front (SNF). The Somali National Front was founded in 1991 by Siad Barre loyalists with the objective of restoring the former regime⁷⁹. The parties of the civil war in the Gedo region were the SNF who fought against the Islamic Union Party (Al-Itihad al Islamia) which is a radical Islamic group aiming to unite Somalia and surrounding states in an Islamic State. Their area of influence is the region between Bardera and Luuq⁸⁰. Ethiopian forces were engaged in the conflict in 1996 and 1997 when they in co-operation with the SNF occupied parts of the Gedo region in retaliation for alleged attacks by the Islamic Union Party inside Ethiopia⁸¹. In June 1998, a peace agreement was signed between the SNF and the Islamic Union Party and since then a situation of general stability has been observed⁸². However, the reconciliation between the two parties has been described as weak since parts of the SNF were actually against the agreement. Another deteriorating factor is that the Islamic Union Party is said not to have handed in all its arms but instead placed them in different stocks in the Gedo region⁸³.

The Danish Immigration Service has stated that, in general, people do not experience persecution due to their political beliefs in the Gedo region. However, cases of political murder have taken place during the last four years⁸⁴. Although unconfirmed, the victims were probably sympathisers of the Islamic Union Party⁸⁵.

Mogadishu remains deeply divided with four main Hawiye clan-based administrations. The four faction leaders all belong to the same Hawiye clan and they are all members of the United Somali Congress which was the movement that overthrow Siad Barre. Subsequently, they split into factions and two new movements were established in 1992 and 1993 that however stayed linked to the United Somali

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Udlaendinge Styrelsen, oktober 1998, p. 8

⁷⁹ Country Information & Policy Unit, United Kingdom Home Office, Country Report, Somalia, December 1998..

⁸⁰ Ibid., p. 21.

⁸¹ Ibid.

⁸² Udlaendinge Styrelsen, oktober 1998, p. 22.

⁸³ Ibid.

⁸⁴ Udlaendinge Styrelsen, oktober 1998, p. 32

⁸⁵ Ibid.

Congress. The two new movements were: Somali National Alliance (SNA) founded in 1992 to regroup the members in favour of General Aideed; in 1993 the Somali Salvation Alliance (SSA) was created to regroup the anti-Aideed factions, led by Ali Mahdi. Some of the factions even have their own radio station, e. g. Aideed's 'Radio Voice of the Somali People and Atto's Pacification Radio'⁸⁶.

Initiatives to unify Mogadishu were taken during 1998. In February 1998, thousands of people demonstrated in the streets of Mogadishu in favour of peace. The three main faction leaders participated and promises were made to reopen the seaport and the airport of Mogadishu. Afterwards, Ali Mahdi crossed the 'green lines' dividing the city since 1991 and went to the southern part where he had not been since the division was established⁸⁷.

Following negotiations in early July 1998 in Tripoli under the auspices of the Libyan President Mouammar Kadhafi between the four main rivals, Hussein Aideed, Ali Mahdi Mohamed, Mohamed Qanyare Afarrah and Osman Hassan Ali "Atto", a unified civilian administration for Mogadishu and the surrounding Benadir region was established in early August 1998⁸⁸. Subsequently, a radio statement in the pro-Hussein Aideed Radio Mogadishu was made outlining seven points on the establishment of the unified civilian administration for Mogadishu. The four main faction leaders were cited as adhering to the agreement which among others declared that "Mogadishu leaders should forget the past and instead work towards a lasting reconciliation"⁸⁹. However, one of the main faction leaders (Osman Hassan Ali "Atto") withdrew his support from the agreement and other minor faction leaders expressed discontent with the arrangement as well⁹⁰. The fighting continued in Mogadishu and fire exchange was reported just before the civilian administration was officially announced and continued thereafter⁹¹. The fighting, especially fierce in north Mogadishu spilled over to the Middle Shabelle region just north of Mogadishu in the beginning of 1999⁹². The two warring sub-clans signed a cease-fire agreement in the beginning of February 1999⁹³.

3. OVERVIEW OF THE HUMAN RIGHTS SITUATION (1997 - 1999)

In the Cairo Declaration, participants pledged to set aside their differences and to "embark on a new path towards national unity and re-establishment of the basic rights, aspirations and freedoms of the Somali people"⁹⁴. Acknowledging previous peace

⁸⁶ AFP, 1 February 1998.

⁸⁷ AFP, 4 February 1998.

⁸⁸ La Lettre de l'Océan Indien, 18 July 1998.

⁸⁹ BBC, Summary of World Broadcast, 20 July 1998

⁹⁰ AFP, 4 August 1998

⁹¹ DPA, 1 August 1998; AFP, 9 August 1998; AFP, 3 November 1998.

⁹² AFP, 2 February 1999.

⁹³ Ibid.

⁹⁴ United Nations, Security Council, S/1997/1000, 22 December 1997.

efforts made in Nairobi (October 1996), Sodere (January 1997), Sanaa (May 1997), Cairo (May 1997) and the separate Cairo Understanding of 21 December 1997, the Cairo Declaration calls for the formation of a transitional government based on a system of federal governance and "bound by the rules of international law and the objectives and principles of the United Nations and all other international organizations in which Somalia is a member"⁹⁵. These future visions for Somalia made the Cairo Declaration different from the previous agreement.

The United Nations Special Rapporteur on Somalia stated in her last report of 16 January 1998 that *"the conditions of daily life of Somali citizens are generally harsh and highly unpredictable"*⁹⁶.

Minority groups, notably the Bantu, Bravanese and Benadiri people have been particularly disadvantaged and targeted by clan militia considering they were the only people in Somalia who, when Siad Barre was overthrown in 1991, did not have their own armed militia to protect them⁹⁷. It has been reported that 17 members of the Bantu minority, including four women and eight children were killed by faction militias in Janiya Misra village in Middle Shebelle region, and seven women were raped⁹⁸.

Somalia has not been governed centrally since 1991. Since then, an environment of lawlessness has reigned in especially the central and the southern part of Somalia. Amnesty International characterised the situation in their 1998 report as follows:

Human rights abuses against unarmed civilians, including women and children, were carried out by militias of clan-based factions. Abuses included scores of deliberate and arbitrary killings, as well as hostage-taking and rape⁹⁹.

A positive development was that several prisoners of conscience who were imprisoned in 1996 and 1997 were released during 1998¹⁰⁰.

3.1 The National Context

The Somali clan system on which the fragmented Somali state has been functioning since 1991 has controlled the choices of protection strategies of the Somali civilians in

⁹⁵ Ibid.

⁹⁶ United Nations, Commission on Human Rights, E/CN.4/1998/96, 16 January 1998.

⁹⁷ Country Information & Policy Unit, United Kingdom Home Office, Country Report, Somalia, December 1998, p. 23ff.

⁹⁸ Amnesty International 1998, Annual Report, Somalia (internet).

⁹⁹ Ibid.

¹⁰⁰ Ibid.

their daily life. It is generally acknowledged that: "an individual will be most secure in an area in which his or her clan are dominant and able to afford them protection"¹⁰¹.

It is difficult to discern a true pattern of who can live safely where in today's Somalia. General observations based on the available information can be made. In the North-West region of Somaliland, members of clans not holding power were reportedly able to pass freely¹⁰². Individuals who were able to settle down on permanent basis originated from the area of Somaliland although they were not members of the clan in power, the *Issaq* clan. No clan-based persecution is said to exist in Somaliland although occasional localised fighting within the *Issaq* clan may occur¹⁰³. In the North-East region of Puntland, the situation is such that a large number of internally displaced Somalis from differing clans than the *Majerteen* in power as well as minority groups from elsewhere in the country moved into the region in recent years. However, as noted earlier, the Somali refugees who moved to Puntland from Kenya were all members of the *Majerteen* clan although they originated from the south of Somalia¹⁰⁴.

The same pattern is valid for the divided city of Mogadishu. The Country Information & Policy Unit of the United Kingdom Home Office states that:

As with Somalia as a whole, an individual in Mogadishu will be most secure in an area in which his or her clan are able to afford them protection. Inevitably, members of small clans and minority groups are at more risk¹⁰⁵.

The Judiciary

The lack of a central government have given local faction militias the opportunity to exert juridical power in the local societies which they control. The results have been denial of fair trials, excessively harsh punishments and arbitrary detention¹⁰⁶. Another phenomenon was the introduction of an Islamic court based on Shari'a law, reportedly in function in Mogadishu, which imposed floggings and amputations as well as punishments which are cruel, inhuman and degrading¹⁰⁷. A fair trial can be connected to the clan system in the same way as with protection and security. In the Gedo region, it was observed that belonging to a dominant clan implied higher chances of receiving a fair trial¹⁰⁸.

¹⁰¹ Country Information & Policy Unit, United Kingdom Home Office, Country Report, Somalia, December 1998, p. 24.

¹⁰² Country Information & Policy Unit, United Kingdom Home Office, Country Report, Somalia, December 1998, p. 17.

¹⁰³ Ibid.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid., p. 18

¹⁰⁶ Ibid., p. 22

¹⁰⁷ Amnesty International 1998 (internet).

¹⁰⁸ Udlaendinge Styrelsen 1998, p. 31.

The United Nations Special Representative on Somalia, Mona Rishmawi, describes the rules of the justice system in Somalia as follows:

Various communities in Somalia apply different rules. These rules are based on either the traditional system, Sharia law, or Somali law that was applied during former President Siad Barre's regime, or before Mr. Barre's takeover in 1969, or a mixture of all or some of them¹⁰⁹.

As a result of the Siad Barre era, many Somalis have very little confidence in secular rules. The UN Special Representative for Somalia reports that many Somali jurists are of the opinion that in personal status matters as well as in some criminal matters, Sharia, as well as the traditional system must prevail¹¹⁰.

According to the same Representative, the perspectives for law enforcement in Somalia are that:

The efforts needed to restore confidence in the idea that a regular, effective, qualified and independent judiciary is capable of dealing with the requirements of today's world and of enforcing human rights, will be enormous¹¹¹.

Extrajudicial Killings and Torture

According to the US Department of State Annual Report on Human Rights Practices for 1998, extrajudicial killings were common during 1998. However, they were not necessarily politically motivated murders. Instead, they were often caused by conflicts over land or job disputes. In December 1998, two clans were competing for jobs with a Swedish relief agency in the South-western part of the country and the fighting left at least 60 people dead and over 150 injured¹¹².

There were no reports of the use of state torture by warring militias against each other or against civilians in 1998, the US Department of State reckoned that many incidents of torture were unreported¹¹³.

Arbitrary Arrest and Disappearance

Somali factions and armed militias continued to engage in arbitrary detention in the north as well as in the south of the country. In Hargeisa, a special security committee with members as the mayor of Hargeisa and local prison officials can order an arrest

¹⁰⁹ United Nations, Commission on Human Rights, E/CN.4/1998/96, 16 January 1998

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² US DOS Country Reports 1998, 1999, [internet].

¹¹³ Ibid.

without a warrant and sentence persons without a trial. Reportedly, this procedure was used against 100 individuals during 1998¹¹⁴.

Kidnapping remained a problem, especially for relief workers and for critics of faction leaders. Among the most notable incidents was the abduction in Mogadishu of ten relief workers from different humanitarian agencies among others the International Committee of the Red Cross in April 1998. The kidnapping which had the clear support of local leaders, ended two weeks afterwards with the release of the aid workers¹¹⁵.

Denial of Fair Public Trial

Shari'a courtshave been established in north Mogadishu, a segment of south Mogadishu, the Middle Shabelle and parts of the Gedo and Hiran regions. The court decisions are based on Shari'a law and certain offenses are punished with public whippings, amputations and stoning¹¹⁶. Somali human rights organisations note that proceedings in the north Mogadishu Shari'a court often contravene the norms of Shari'a law such as the right to counsel and to face witnesses¹¹⁷.

There is no national judicial system in Somalia. In areas that apply traditional and customary judicial practices or Shari'a law, the right to representation by a counsel and the right to appeal do not exist¹¹⁸. In Somaliland where the former government's penal code still applies, these rights are more often respected¹¹⁹.

Prison Conditions

Prison conditions vary from region to region. It was only possible to obtain information about the conditions in the prisons in Mogadishu. The prison in north Mogadishu which is controlled by the Shari'a court reportedly has poor conditions¹²⁰. Conditions elsewhere are reported as less severe but cannot be verified. An improvement of the conditions in the prison in South Mogadishu has been noted after the start of visits in 1995 by international organisations such as the International Committee of the Red Cross¹²¹.

3.2 Groups at Risk

¹¹⁴ US DOS Country Reports 1998, 1999, [internet].

¹¹⁵ US DOS Country Reports 1998, 1999, [internet].

¹¹⁶ Ibid., p. 3-4.

¹¹⁷ Ibid., p. 4.

¹¹⁸ Ibid., p. 4.

¹¹⁹ Ibid., p. 4.

¹²⁰ United Nations, Commission on Human Rights, E/CN.4/1998/96, 16 January 1998; Country Information & Policy Unit, United Kingdom Home Office, Country Report, Somalia, December 1998, p. 27

¹²¹ Ibid.

Children

The UN Special Representative on Somalia considers that one of the main problems in Somalia is that of the phenomenon of child soldiers. The age of maturity in Somalia is 15 which gives young adolescents the right to carry weapons. As Somalia has no central government, it is one of only two countries in the world that have not acceded to the Convention of the Rights of the Child¹²².

No official provision exists for essential services such as health and education. International Organisations such as UNICEF are active in promoting children's health, nutrition and education and some hospitals and schools have been able to function in the more stable areas such as Somaliland¹²³. There is no organised higher education system in the country¹²⁴.

The widespread practice of female genital mutilation in particular is affecting young girls. According to the UN Special Representative on Somalia, most, if not all, young Somalia girls between the age of 10 and 13 undergo a circumcision process.

Women

Somali culture is considered patriarchal in which polygyny is permitted¹²⁵. Women have suffered disproportionately in the Somali civil war. However, during the past years there have been no reports of systematic attacks on women in connection with the continuing civil violence¹²⁶. The war in which most Somali men have been involved has turned many Somali women into heads of household¹²⁷. Many initiatives to empower the Somali women especially in the economic field have been taken through income-generating programmes. However, the relatively stronger economic position of the Somali woman has not lead to any change regarding their status in politics or the society in general¹²⁸.

4. UNHCR ACTIVITIES IN RESPECT OF SOMALI ASYLUM-SEEKERS AND REFUGEES

An overview of the statistical trends of Somali refugees and asylum-seekers as well as a description of major UNHCR operations in the region will be addressed in this section.

¹²² United Nations, Commission on Human Rights, E/CN.4/1998/96, 16 January 1998

¹²³ Ibid.

¹²⁴ US DOS Country Reports 1998, 1999, [internet].

¹²⁵ US DOS Country Reports 1998, 1999, [internet].

¹²⁶ Ibid.

¹²⁷ United Nations, Commission on Human Rights, E/CN.4/1998/96, 16 January 1998

¹²⁸ Ibid.

4.1 SOMALI REFUGEES AND ASYLUM-SEEKERS: GLOBAL TRENDS

Somali refugees and asylum-seekers in the region

At the end of 1998, Ethiopia hosted the largest Somali refugee population (195,000) in the region, followed by Kenya (130,000) and Djibouti (22,000), all of which share a land border with Somalia, and Yemen (57,000), separated from Somalia by the Gulf of Aden (see Table I).

Asylum country	1993	1994	1995	1996	1997	1998
Djibouti	17,000	20,000	21,000	23,000	22,000	22,000
Ethiopia	203,000	270,000	305,000	288,000	249,000	195,000
Kenya	219,000	206,000	172,000	171,000	174,000	130,000
Yemen	52,000	40,000	39,000	44,000	37,000	57,000
Total	491,000	536,000	537,000	526,000	482,000	404,000

As regards durable solutions, the total Somali refugee population in these four countries has fallen since 1995, mostly as a result of spontaneous returns, but also due to UNHCR-organized voluntary repatriation. During 1997, some 50,000 Somali refugees were estimated to have returned from Ethiopia, 400 from Yemen, 300 from Kenya and 100 from Djibouti. During 1998, the Somali refugee population in Kenya fell by more than 40,000, mostly as a result of spontaneous returns. During the same year, 1,700 Somali refugees returned from Yemen whereas 240 returned from Djibouti during 1998.

Kenya is the main country in the region from where Somali refugees are resettled to countries overseas. In 1997, 6,500 Somalis were resettled from Kenya, 100 from Ethiopia, 90 from Djibouti and five from Yemen.

During 1998, Yemen experienced a significant new influx of some 14,000 Somalis.

Up to half a million Somalis, including returnees and internally displaced, benefit from UNHCR-sponsored Quick Impact Projects within Somalia.

In all four asylum countries, some 50 per cent of the Somali refugees are female. Conversely, the percentage of children aged five or below fluctuates significantly, from some 20 per cent in the refugee camps in Kenya to less than 10 per cent in some urban areas in Yemen and around 5 per cent in camps in Djibouti.

Somali refugees and asylum-seekers in Europe

a. Asylum applications of Somali nationals

From 1990 to 1998, almost 104,000 Somali asylum-seekers applied for asylum in Europe, constituting 2.7 per cent of the total number of asylum applications lodged.

The annual number of Somali asylum-seekers peaked in 1992, when 14,600 Somalis submitted an asylum application. In 1998, the number of Somali asylum applications reached 11,900, an increase with 38 per cent compared to 1997 (8,600) (see Table II.). However, as the total number of asylum applications increased with some 22 per cent, the percentage Somali asylum applications in total applications increased only marginally, from 2.7 per cent in 1997 to 3.5 per cent in 1998.

Table II. Applications and recognition of Somali asylum-seekers in Europe, 1990-1998										
	1990	1991	1992	1993	1994	1995	1996	1997	1998	Total
Applications	12,200	11,100	14,600	13,200	12,400	11,900	7,800	8,600	11,900	103,700
UN Convention status	760	440	2,130	1,270	240	260	210	1,210	2,440	8,960
Humanitarian status	910	4,570	7,300	6,180	7,900	5,990	9,900	5,150	2,860	50,760
(%)										
Convention rec. rate(1)	6.2	4.0	14.6	9.6	1.9	2.2	2.7	14.1	20.5	8.6
Total rec. rate(2)	13.7	45.1	64.6	56.4	65.6	52.5	129.6	74.0	44.5	57.6
Notes										
See also Notes Table III.										
(1) Convention recognition rate: UN Convention status recognitions divided by applications.										
(2) Total recognition rate: UN Convention status plus humanitarian status recognitions divided by applications.										

During 1990-1998, the largest number of Somali asylum applications was lodged in the Netherlands. During this period, the Netherlands received 27,000 Somali asylum applications, 26 per cent of the total number of Somali asylum applications lodged in Europe. The United Kingdom was the second largest country of destination for Somali asylum-seekers in Europe (22,000 applications or 21 per cent), followed by Germany (14,500 applications or 14 per cent) (Table III). In 1998, the United Kingdom received almost 40 per cent of all Somalis who applied for asylum in Europe.

b. Recognition of Somali asylum-seekers

During 1990-1998, almost 60,000 Somali asylum-seekers, 58 per cent of the total number of Somalis who lodged an asylum application, were granted Convention refugee status (8.6 per cent) or humanitarian status (49 per cent). In 1998, the total recognition rate for Somali asylum-seekers reached 44.5 per cent, the lowest rate since 1990 (see Table II.).

During the period 1990-1998, Somalis constituted nine per cent of all asylum-seekers granted refugee or humanitarian status in Europe. Whereas in Finland, Norway and the United Kingdom, Somalis constituted more than 20 per cent of the total number of recognized asylum-seekers, in Austria, Belgium, France and Germany, their share was less than two per cent.

During 1990-1998, the United Kingdom granted refugee or humanitarian status to more than 18,000 Somali asylum-seekers (cases only), 30 per cent of all Somalis granted refugee or humanitarian status in Europe. The Netherlands accounted for 29

per cent of all Somalis granted refugee or humanitarian status, followed by Denmark (14 per cent) and Sweden (13 per cent) (see Table III).

The total recognition rate for Somali asylum-seekers was some 80 per cent or higher in Denmark, the United Kingdom and Finland, but less than 10 per cent in Germany and Austria.

Table III. Applications and recognition of Somali asylum-seekers in Europe, 1990-1998					
Country of asylum	Asylum applications	1951 UN Convention	Humanitarian status	Conv. rec. rate (%) (1)	Total rec. rate (%) (2)
Austria(*)	600	40	-	6.7	6.7
Belgium	1,300	210	-	16.2	16.2
Denmark	8,800	40	8,250	0.5	94.2
Finland	2,900	20	2,270	0.7	79.0
France(*)	1,900	560	-	29.5	29.5
Germany	14,500	300	910	2.1	8.3
Italy	2,400	240	-	10.0	10.0
Netherlands	26,900	3,190	14,250	11.9	64.8
Norway(*)	3,900	40	2,110	1.0	55.1
Spain	300	60	70	20.0	43.3
Sweden	10,000	210	7,360	2.1	75.7
Switzerland(**)	8,000	130	1,210	1.6	..
United Kingdom (***)	21,800	3,750	14,340	17.2	83.0
Total	103,300	8,790	50,770	8.5	57.7
Notes					
(1) Convention recognition rate: 1951 UN Convention divided by applications.					
(2) Total recognition rate: 1951 UN Convention and humanitarian status divided by applications.					
(*) 1998 decisions not included.					
(**) Humanitarian status refers to 1996 and 1997 only.					
(***) Cases.					

In the previous paragraphs the relative importance of Somali refugees in the refugee status determination in Europe was assessed. Due to the fact that some countries grant residence permits to asylum-seekers who have not been granted refugee or humanitarian status, the above statistics do not provide a precise indication of the "total immigration effect" of Somali refugees in Europe. Sweden is one of the very few countries for which such a long-term assessment can be made. During 1980-1997, 3.2 per cent of all residence permits issued on the basis of refugee or refugee-like grounds were issued to Somali nationals.

c. The Somali refugee population in selected countries

While the asylum application and refugee status determination data allow for a comparison of the "asylum experience", they form only a rough indicator of the actual size of the resident refugee population. However, only a few countries keep a refugee register which allows to assess both the increases and decreases in the refugee population.

At the end of 1998, 304 recognized Somali refugees resided in *Switzerland*, forming 1.2 per cent of the total number of recognized refugees in the country (24,340). By mid-1996, *Belgium* hosted 151 Somali refugees, constituting 0.4 per cent of the national refugee population (36,000). At the end of 1996, the Somali refugee population in *France* numbered 496 persons, 0.4 per cent of the entire refugee population (125,300).

While a significant number of Somalis remain in Europe who have not been granted Convention refugee status, precise data on the size of this, strongly fluctuating, population is scarce. In *Switzerland*, one of the few countries for which such information is available, some 5,300 Somalis were recorded under all forms of *non-refoulement* (that is, refugee and humanitarian status, pending cases and returns which could not be executed) at the end of 1998, 3.4 per cent of the total number of persons in the "asylum domain" (155,100). According to Government estimates, *Italy* hosts some 10,000 Somalis with residence permits issued on the basis of humanitarian grounds, some 17 per cent of the total number of persons granted such status.

Somali-refugees and asylum-seekers in other regions

a. Somali asylum-seekers in North America

During 1990-1998, Canada received some 19,000 Somali asylum applicants, of whom some 17,400 (92 per cent) were granted refugee status. In the United States, some 8,000 Somalis nationals applied for asylum during the same period (cases only), some 3,300 of whom (42 per cent) were granted asylum in first instance.

b. Somali refugees and asylum-seekers elsewhere

At the beginning of 1998, the largest Somali refugee populations outside the countries discussed above were concentrated in Egypt (3,500), the United Republic of Tanzania (3,000), Eritrea (2,500), Libyan Arab Jamahariya (2,500) and Uganda (1,600). In Asia and the Middle East, the largest groups of Somali refugees were located in Pakistan (800), Syrian Arab Republic (700), Iraq and the United Arab Emirates (each 300).

Somalis are among the most widely dispersed refugee populations in the world: during 1997, Somali asylum applications were recorded in 61 countries world-wide. Countries located outside Europe and North America which received the largest number of Somali asylum applications were Libyan Arab Jamahariya (600), Egypt (112), Uganda (92), Zambia (74), Syrian Arab Republic (59), Thailand (59), Djibouti (50), Mozambique (49), Lebanon (43), United Arab Emirates (36), Kuwait (32), Malawi (24), India (21), Zimbabwe (19), Jordan (17), Turkey (12) and Niger (11).

4.2 UNHCR ACTIVITIES IN SOMALIA

In the country of origin, Somalia, up to half a million Somalis including returnees, internally displaced persons as well as local populations, benefit from community-based reintegration projects in the sectors of water, health and education, and the reinforcing and the rehabilitation of infrastructure. Promotion of food security is pursued through agricultural and livestock projects, in addition to income-generating activities¹²⁹. A pilot voluntary repatriation programme from the camps in eastern Ethiopia was initiated in the beginning of 1997 and though the original target figure had to be revised downwards, the programme did not encounter difficulties as it was the case with the repatriation programme in Kenya. The repatriation from Kenya encountered some difficulties due to the security situation in a number of potential returnee areas. However, the general perception is one of continuing peace and security in some areas in Somalia, particularly in the northern parts of the country¹³⁰.

4.3 UNHCR ACTIVITIES IN NEIGHBOURING COUNTRIES

Given the historical migration patterns in the Horn of Africa, ethnic Somalis are scattered in large numbers in the neighbouring countries of Ethiopia, Kenya and Djibouti though they mostly live in Somalia.¹³¹ An example is eastern Ethiopia where a large group of Somali refugees reside (see chapter 4.1). The Ethiopians in this part of Ethiopia share the same culture, language, religion and have the same physical appearance as the Somalis from Somalia¹³². This phenomenon can lead to a problem of identification and distinction between the people who have access to national protection.

In the case of Ethiopia, the Somali refugees are hosted in nine camps at varying distances from the border and they are placed according to their clan of origin. Persons from clans known to be conflicting are placed in different camps in order to avoid violence¹³³. "Thus, for the purpose of security, the restriction of the freedom of movement of the Somali refugees may be necessary..... as a matter of policy....every Somali refugee is referred to a camp upon registration¹³⁴. The right for refugees to education, employment and income-generating activities face severe obstacles in Ethiopia due to various reasons. Under-staffing and budget constraints influence in a negative way the execution of the work of UNHCR in Ethiopia with reported some evident results: "... the nutritional situation in the eastern camps is serious with the under-five malnutrition prevalence ranging 15.2% to 21.1%..."¹³⁵.

¹²⁹ UNHCR, Standing Committee, Somalia, 25 May 1998.

¹³⁰ Ibid.

¹³¹ Markos, Kibret, "The Treatment of Somali Refugees in Ethiopia under Ethiopian And International Law, 1997, International Journal of Refugee Law, Vol. 9, No. 3, p. 367.

¹³² Ibid., p. 373

¹³³ Ibid., p. 374

¹³⁴ Ibid., p. 374

¹³⁵ UNHCR, Ethiopia Fact Sheet, UNHCR-RLO, Information Section, Addis Ababa, p. 4.

The repatriation of the Somali refugees is hampered by continued fighting in certain areas in the southern and central part of Somalia, the lack of capacity to absorb and reintegrate the returnees in the local societies as well as natural disasters such as floods and droughts.

The major asylum countries for Somali refugees are the four neighbouring countries: Djibouti, Ethiopia, Kenya and Yemen. In all the four countries, the Somalis constitute the largest group of refugees. UNHCR promotes a programme of repatriation and reintegration of Somali refugees.

In Djibouti, the majority of Somali refugees reside in the two refugee camps of Ali-Adde and Holl-Holl. Modalities for the return of Somali refugees were discussed between authorities from North-West Somalia and Djibouti. A framework of understanding between the two parties was signed to this effect¹³⁶.

In Ethiopia, repatriation of Somali refugees took place in 1997 and 1998. The destination of the repatriation was only the North-western region of Somalia ('*Somaliland*') which had shown a relative political stability compared with other regions of Somalia. The repatriation programme started on 18 February 1997. In addition to the 11,000 Somali refugees repatriated during 1997 from Ethiopia, some 6,800 returned during the first four months of 1998¹³⁷. However, at the UNHCR Standing Committee meeting in February 1999, it was reported that the authorities of the North-western part of Somalia had suspended the return of Somali refugees. The reason provided was lack of resources in order to reintegrate the returnees in the society¹³⁸.

In Kenya, a limited number of 280 Somali refugees were repatriated back to Somalia during 1997¹³⁹. The Somali refugees are hosted in the Dadaab camp located in the eastern part of Kenya. In mid-October 1997, an unexpected and unusually heavy rainfall and flooding in eastern Kenya had a devastating effect on the physical infrastructure of the Dadaab camp and for almost three months, the camp was cut off by road from other parts of Kenya. The flooding also had a deteriorating effect on the security situation in the camp in the sense that incidents of criminal offences against the refugee women and their properties increased in spite of commendable efforts made by government security forces¹⁴⁰.

¹³⁶ UNHCR, Executive Committee of the High Commissioner's Programme, Standing Committee, Djibouti, 25 May 1998

¹³⁷ UNHCR, Executive Committee of the High Commissioner's Programme, Standing Committee, Ethiopia, 25 May 1998.

¹³⁸ UNHCR, Executive Committee of the High Commissioner's Programme, Standing Committee, 9 February 1999.

¹³⁹ UNHCR, Executive Committee of the High Commissioner's Programme, Standing Committee, Kenya, 25 May 1998.

¹⁴⁰ Ibid.

In Yemen, a regular influx of Somali refugees was registered during 1997. The average number of persons arriving per month was 250 and most of them were from Somalia¹⁴¹. While a small number of Somali refugees (700) were repatriated, the overall situation of refugees in Yemen was substantially improved as a result of the nation-wide registration and documents of refugees conducted by UNHCR in collaboration with government agencies¹⁴².

¹⁴¹ UNHCR, Standing Committee, North Africa, 7 January 1998.

¹⁴² Ibid.

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