

Main objectives

- Secure safe and dignified asylum for all persons of concern to UNHCR, in accordance with recognised international standards.
- Seek appropriate durable solutions for the majority of the refugees and asylum-seekers.
- Ensure that minimum standards are maintained in the provision of essential material assistance to refugees.

Working environment

Recent developments

The change of government in January 2003 was very significant for the refugee programme in Kenya. The new administration immediately stated its interest in adopting national refugee legislation, setting up a structure dedicated to refugee management, and exploring ways to make refugees self-sufficient. Although the Refugee Bill is unlikely to be adopted in late 2003 (as had been hoped) owing to competing legislative priorities, and the death of the Vice-President in August 2003, important preparatory steps have already been taken. Regular consultations are being held with UNHCR and other stakeholders on rights-related components of the Refugee Bill, as well as on practical aspects related to the structure and operating procedures of the new Department of Refugee Affairs.

The new approach to refugee issues in 2003 resulted in a documentation initiative at the Kakuma refugee camp. This involved the issue of more travel passes, allowing more refugees to travel outside the camps for education and medical treatment. Nevertheless, the new Government's commitment to refugees' self-sufficiency will take time to bear fruit, given Kenya's economic difficulties and the scarcity of available arable land. Although the adoption of refugee legislation will be an important step towards better protection of refugees, UNHCR expects to retain direct responsibility for most protection activities in 2004 until the Government is better equipped to take on its refugee management role.

Devastating floods in April and May 2003 seriously affected more than 85,000 refugees in Dadaab, and



almost the entire camp population in Kakuma, causing the death of four refugees and extensive destruction of shelters, food stocks, refugee property and camp infrastructure. Material damages, estimated at USD 1.9 million, necessitated the launching of an emergency appeal.

Somali refugees

A large majority of the Somali refugees reside in Dadaab. Of the 12,000 refugees who were transferred to Kakuma in 2002 to finalise their resettlement to the USA, only 600 have departed due to increased security checks since the terrorist attacks on 11 September 2001 that are delaying the process. In June 2003, a pilot project for group resettlement of members of a Somali minority clan was initiated under the Canadian and Australian

Planning figures		
Population	Jan. 2004	Dec. 2004
Somalia (refugees)	155,300	143,700
Sudan (refugees)	56,300	56,300
Ethiopia (refugees)	10,300	8,400
Other refugees	8,400	7,600
Asylum-seekers	2,400	2,400
Total	232,700	218,400

Total requirements: USD 27,848,247



Somali refugee girls in Dadaab have special protection needs. UNHCR / S. Mandrillon

resettlement programmes. Of the 3,900 refugees cleared for repatriation to “Puntland” (Northeast Somalia) and “Somaliland” (Northwest Somalia) in 2001, only 706 agreed to repatriate, leading to the discontinuation of the exercise in July 2003. The Somalia peace talks have so far failed to deliver an acceptable outcome that could lead to mass repatriation of Somali refugees.

Sudanese refugees

Although a peace agreement between the Government of Sudan and the Sudan People’s Liberation Army failed to materialise in August, this is seen only as a minor setback. UNHCR has completed a draft contingency plan for the voluntary repatriation of the Sudanese refugees in the event of an eventual peace agreement. During the first half of the year, 58 refugee cases (204 persons) were submitted for resettlement. Identification and verification of 284 refugee cases (749 persons) for resettlement continued. In the first quarter of 2003, the Government of Kenya issued 21,256 identity cards to refugees in the Kakuma camp. This exercise, which will continue in 2004, is an important step towards greater involvement of the Government in the mechanics of refugee protection.

Other nationalities – Burundians, Congolese, Eritreans, Ethiopians, Rwandans, Ugandans

While the number of new arrivals from Central Africa and the Great Lakes regions has remained largely stable, there has been a very significant increase in the number of Ethiopians, who now account for more than 80 per cent of all applicants for refugee status in Nairobi. The reason for this increase appears to be attributable to the complex migratory dynamics of the region rather than to the usual causes of refugee movements. In any event, it has placed a great strain on the limited human and financial resources of the Kenya Office. It is intended that the transfer of refugee status determination (RSD) procedures from Nairobi to the camps (from 1 September 2003) will create conditions more conducive to the effective delivery of international protection to genuine claimants. Repatriation of Ethiopian refugees remains, for the time being, limited to a few individuals.

Constraints

Despite the Government’s commitment to increased involvement in refugee affairs, certain objective constraints are likely to affect the security and well-being of the

refugees. These include: inter-communal conflicts; harmful traditional practices (mostly affecting women and children in the refugee communities); the lack of opportunity for mentally stimulating activities; violent crimes; and the Government's inability to allocate sufficient resources to key elements of the State machinery, most notably the police and judiciary.

The encampment policy and the material conditions of asylum in Kenya marginalise refugees in difficult locations where they have few opportunities to support themselves. In the absence of such opportunities, most refugees will, unfortunately, continue to reside in their current semi-arid, marginal and congested locations. The nature and level of the assistance on which the majority of refugees rely has been inadequate for years. Key sectors, such as food, health care, shelter and education have remained below acceptable minimum standards.

The policy of encampment of refugees will continue in 2004, albeit with some degree of flexibility. Most refugees will continue to depend on humanitarian assistance and efforts to meet the minimum standards of protection will be at the core of the programme.

The slow pace of the peace processes, and continuing strife in Sudan and in Somalia have significantly reduced the likelihood of repatriating Somali and Sudanese refugees in the foreseeable future. Even in the event of an agreement, it would take a long time to prepare the ground for sustainable returns.

Strategy

Protection and solutions

UNHCR will support the Government in its assumption of its obligations under international refugee law. The Government will be assisted in framing refugee legislation; attaining institutional, managerial and operational capacity to undertake RSD; registration and documentation; and in providing physical security, and adhering to accepted standards of treatment. UNHCR will collaborate with the Government to develop a comprehensive plan of action to address the special needs of refugee women and children, emphasising empowerment and preventive measures against sexual and gender-based violence (SGBV) and harmful traditional practices.

The Office will facilitate the voluntary repatriation of refugees on an individual basis, and will facilitate resettlement in accordance with established criteria. In the event of the conclusion of peace agreements for Sudan and Somalia, UNHCR will work closely with the

Governments to set up the framework for large-scale voluntary repatriation of refugees.

Assistance

UNHCR will ensure that basic life-saving and life-sustaining assistance is delivered in accordance with established minimum standards. Helping refugees to become self-sufficient will be enhanced subject to the availability of resources and an enabling legal and policy environment. Whenever possible, attention will also be paid to the needs of local host communities.

Fundraising efforts will be increased through improved external relations with donors, the media and the public at large – constituencies crucial for implementation of UNHCR's programmes. UNHCR will tighten up the management, performance and oversight of the Kenya refugee programme, in order to accomplish its operational goals. UNHCR will also strengthen environmental management and rehabilitation schemes in the refugee camps and the host communities.

Desired impact

The Government's increasing involvement in the management of refugee affairs will eventually enable it, with UNHCR's support, to discharge its international responsibility under the 1951 Refugee Convention and 1969 OAU Convention. Robust capacity-building involving substantial advocacy, training and financial support provided by the Government will be required for sound structures, processes and procedures to be put into place. Until then, UNHCR will continue to conduct all protection activities alongside the Government. Refugees will be identified through RSD. Asylum-seekers will be documented, and efforts will be made to further reduce the incidence of SGBV, strengthen conflict resolution mechanisms and provide greater physical security in the camps. UNHCR will also continue to build on its successful resettlement programmes. While large-scale repatriation will remain subject to a satisfactory outcome of the peace talks for Somalia and Sudan, repatriation of individuals will continue.

By involving all stakeholders in the design and planning of the refugee programme in Kenya, it is hoped that there will be an increase in public awareness. The office is also optimistic about donors' interest in addressing the plight of refugees and contributing to the under-funded sectors of the refugee programme.

The continuation of environmental activities in 2004 will not only serve to mitigate the damage caused by the presence of refugees, but should also help to reduce the

risk of inter-communal hostility, gradually fostering better relations between host communities and the refugees.

Organisation and implementation

Management structure

For the successful implementation of the 2004 operations, UNHCR will maintain its branch office in Nairobi supported by two sub-offices in Dadaab and Kakuma. In total, the operations will be managed by 31 international and 122 national staff, 10 UNVs and five JPOs.

Co-ordination

Following the policy guidelines established at the regional policy and strategy meeting in Addis Ababa in February 2003, the Nairobi office will liaise with the UNHCR's Regional Technical Support Services (RTSS), and other UNHCR offices in the region, to ensure an integrated approach to the repatriation of Sudanese refugees in the event of a peace agreement. UNHCR's staff in Kenya will maintain contacts with Operation Lifeline Sudan (the United Nations umbrella organisation closely following the peace process), with the UNHCR office in Somalia, and will establish working relationships with the Office of the Kenyan Special Envoy for follow-up on the peace talks on Somalia.

With the possibility of the enactment of the Refugee Bill in the near future, special attention will be paid to the Government's efforts to set up a Department of Refugee Affairs. UNHCR will work with WFP on the provision of food, explore with UNICEF the possible assumption of responsibilities for refugee-children-related activities. UNHCR will also seek advice from specialised government bodies and UNEP on the implementation of a programme to enhance the environment in and around refugee camps. UNDP and other development actors will be encouraged to expand assistance to refugee-hosting communities. UNHCR will implement activities established through the UNDAF process.

Data will be shared with the Government, donors and NGOs for interactive planning of the refugee assistance programme. This collaborative process will strengthen partnerships and marshal the support needed for effective implementation. Implementing partners will be encouraged to obtain additional funds and assume full responsibility for some components of the programme. The Office will also continue to assess the performance of its partners, and train government and implementing agency staff.

Offices
Nairobi
Dabaab
Kakuma

Partners
Government agency
National Refugee Secretariat
NGOs
African Refugee Training and Employment Services
African Rehabilitation and Educational Programme
CARE International (Kenya)
Handicap International
International Rescue Committee
Lutheran World Federation
National Council of Churches of Kenya
World Vision (Kenya)
Others
<i>Deutsche Gesellschaft für Technische Zusammenarbeit</i>
IOM
UNEP
UNDAF
UNDP
UNICEF
WFP

Budget (USD)	
Activities and services	Annual Programme
Protection, monitoring and co-ordination	5,351,315
Community services	1,008,016
Crop production	21,000
Domestic needs	2,567,649
Education	1,944,450
Food	320,827
Forestry	275,000
Health	2,207,148
Income generation	80,066
Legal assistance	1,943,007
Livestock	25,000
Operational support (to agencies)	3,688,959
Sanitation	341,549
Shelter / other infrastructure	1,344,969
Transport / logistics	2,217,301
Water	842,559
Total Operations	24,178,815
Programme support	3,669,432
Total	27,848,247