



COUNTRY OPERATIONS PLAN

OVERVIEW

Country: Kenya

Planning Year: 2006

2006 COUNTRY OPERATIONS PLAN FOR KENYA

EXECUTIVE SUMMARY

The 2006 Country Operations Plan (COP) for Kenya for 2006 reflects a total submission of US\$21,337,101 for operational requirements; US\$2,569,620 for ABOD; and a request for the creation of seven new posts and the upward reclassification of another six.

The operational requirements address the protection, assistance and livelihood needs of beneficiary populations in three different locations (Dadaab, Kakuma, and Nairobi) and 7 cross-cutting themes: repatriation; resettlement; capacity building for the Government; gender equality, children's rights and SGBV; HIV/AIDS, environmental management; and external relations. In total, the submission exceeds the ceiling set for developing the 2006 programme by US\$2,755,989 or 15%. The rationale for this increase can be clarified as follows: During 2006, it is foreseen that the Kenya programme will register an important shift towards repatriation. Yet, its essential character will be principally protection and care and maintenance, indeed it is expected that as of the beginning of 2006, the total number of persons of concern to UNHCR will have exceeded the comparable figure at the beginning of 2005. Above all, the detailed needs assessment undertaken as part of the COP planning based crucially on baseline standards, produced *grosso modo* needs in the magnitude of US\$45,161,737. As compared with a total projected funding envelope of US\$21,337,101 from UNHCR and US\$9,587,102 in potential pledges from partners (mainly NGOs), the 2006 programme would still be at least some 49% short of meeting the basic needs. The need to address the most critical of these shortfalls was considered to be imperative, hence the submission of an additional US\$2,755,989 beyond the ceiling to cover urgent survival and sustenance requirements.

Among these, US\$520,000 has been budgeted to secure complementary food requirements, the needs for which has been acutely felt in both camps. Malnutrition has remained high in both camps due particularly to the continued low protein and iron levels in the general food ration. As an outcome of the Joint Strategic Planning Workshop of the key stakeholders described further below, there has been strong consensus that the endemic levels of anaemia and the alarming rate of angular stomatitis among the refugees in the camps should be addressed.

Some US\$280,000 has also been added to the ceiling so that the long-term project to improve shelter and sanitary facilities and provide basic safety, privacy and dignity for refugees in Dadaab can be continued. The project is aimed at gradually replacing the woefully inadequate "tukul" shelters and latrines made of twigs and rags used by the refugees to date. Up to 26,800 families will remain in need as of 2006, yet the additional US\$280,000 will enable UNHCR to provide for the requirements of only 3,000 families in greatest need.

An amount of US\$454,000 has been budgeted to enhance the enrolment rates of children, in particular girls in Dadaab. The project funded by the NIKE Corporation has far improved enrolment and retention of refugee girls in Dadaab camps and this momentum must be sustained. The project has had unprecedented positive results and effect in the camp with the community as a whole very motivated to see more refugee girl children in school. The inability to sustain this would be disastrous.

In several other core life-saving and life-sustaining areas, including protection, refugee security, health care, nutrition, the campaign against SGBV and to further women's empowerment and rights and gender equality, the need for additional resources has been established, even only to approach baseline standards. The take-over by WFP of air charter operations on behalf of UNHCR has also resulted in an escalation of costs which will be necessary to continue absorbing in 2006.

Many of the traditional features of the Kenya programme will continue in 2006, however, as indicated already, it is expected that a fundamental shift in the direction of repatriation will take place, as up to 10,000 of the 68,000 Sudanese in Kakuma are assisted to return home in an organised manner. The resource requirements for the repatriation to Sudan will continue to be provided in 2006 under the supplementary programme which has already been established and are therefore not featured in this COP. As the somewhat fledgling Somali peace process takes root, UNHCR expects that up to 5,000 Somali refugees will opt to voluntarily repatriate in 2006. Another 200 refugees of other nationalities are also likely to request UNHCR assistance for voluntary repatriation. The COP has however provided, within the indicative ceiling, for the repatriation of up to 1,000 of the refugees just referred to. To be able to assist these refugees as a whole return home, another US\$1,008,367 will be required. This figure is part of the 15% increase in the set ceiling for the programme.

Turning to ABOD requirements, Branch Office Kenya's final 2004 allocation, which has been used as the ceiling for programming 2006 ABOD requirements, already created a situation of effective bankruptcy in the final quarter of 2004 (as far as ABOD cover was concerned). It was possible to continue operating to the end of that quarter primarily through deficit financing and running an over-expenditure of a total of US\$58,734. This was so that fixed, imperative costs, namely rent, utilities and fuel could be met. Other equally fundamental requirements, including those of security, support missions, and procurement had to be curtailed, seriously affecting operations. The total submission of US\$2,569,620 represents the basic figure that would ensure a sufficient ABOD cover for 2006, and in particular guarantee that threshold mandatory needs, including security management in line with the 2004 UNHCR Security Policy Review and IT and communications requirements as per IOM/09-FOM/09/2005: 2006 Budgeting Guidelines for IT plus Telecommunications Support are guaranteed. It is recalled however that since Headquarters recognized that the over-expenditure of US\$ 58,734 should indeed have been provided as part of the Branch Office's final ABOD allocation for 2004, the effective ceiling has only been exceeded by US\$365,543 or 17%. If compared with the Branch Office's initial submission for 2004, it is in fact only US\$ 137,230 or 5% below that amount.

Over the last few years, the Branch Office has endured serious human resource deficits in key sectors including protection, eligibility, resettlement, community services and drivers - especially in relation to security cover. In some of these areas, the Office was in real terms approaching inability to be accountable for our mandated responsibilities, let alone implementing, monitoring and ensuring due diligence and compliance. Repetitive requests for post creations have for the most part been unsuccessful. Therefore, the imperative the Office has underlined is that it should be able to retain the UNOPS arrangements currently in force, which provide the operation with a reasonable and cost-effective workforce, and submission for 2006 thus contains a request to retain these arrangements. At the same time, after a detailed review which failed to find any prospects of meeting outstanding staffing needs through offsets, conversions or redeployments, it was unavoidable to request the creation of 7 posts, all of them in the most crucial sectors. The upward reclassification of a total of 6 posts has also been requested to address a long-standing unprofessional and unacceptable situation.

Due to a shortage of posts and staff, these particular posts have gradually assumed far more and higher responsibilities than what is implied in their official accountabilities and the level at which they are denoted. In certain cases the proposed upgrading will enable the office to fill key staffing gaps.

As in the last four planning years, the 2006 COP is the result of an interactive, collaborative, and joint effort between UNHCR and all its key stakeholders in Kenya in assessing the needs and elaborating the strategic framework and programme cornerstones of the submission and strategies for reserve mobilisation.

In strategic terms, these processes produced the consensus that the key thrust of the programme will have to be repatriation, whilst in reality there will still be more or less the same number of refugees needing protection and assistance, at least at the beginning of the year, whose needs would have to be programmed for. The end result is a 2006 programme which has been designed with a strong strategic orientation towards solutions on one hand, whilst relying on baseline standards for the require protection and assistance activities; the continuation of reorientations which already began in 2004 and will be consolidated throughout 2005; and flexibility to be able to accommodate transitions as they become clearer in 2006, for instance as concerns the resettlement strategy and foreseeing staff redeployments as shifts occur in the programme. The strategic objectives have been projected over a two year period as per the instructions in IOM/82-FOM/84 of 2004 “Instructions and Guidelines to UNHCR Field and Headquarters on Reporting, Implementation and Planning: 2004 – 2006”, although the very uncertain nature of developments in 2006 offered very limited room for concrete projections beyond the infusion in the programme of a strong element of real time evaluation and capacity for adjustment. The Global Strategic Objectives enunciated by the High Commissioner in ADM-01-01, OPS 1.2, BUD 1.3, ORM 4.2 dated 17 December 2004 and the Regional objectives developed by the Africa Bureau in ADM 1: AF00/DIR/001/05 dated 11 January 2005 have been adhered to and account for the strong affirmation in the programme of solutions and in particular repatriation; the guarantee that basic legal and social rights are fostered; activities to bring about the pivotal involvement of the Kenya Government in refugee management, in particularly protection delivery; and an increased demonstrable pursuit of gender equality, women’s empowerment, children’s rights and a focus on groups and individuals with specific needs.

To conclude, this submission reflects a results-based approach to both the planning and management of the country operation. At this planning stage, the Branch Office has developed a programme for 2006 that highlights clear and coherent strategic goals with objectives and outputs derived directly from these goals. The budgetary requirements requested accordingly have been computed directly in relation to the goals and projected results. The Branch Office is confident of achieving these goals and outputs in an accountable manner. That the resources requested have to be made available is however a quintessential basis upon which this assurance to be accountable for the results of the programme has been established. If, therefore, those resources are not made available, that assurance and the whole foundation of the programme become fundamentally altered, if not seriously impaired.

Part I: OVERVIEW

1. Protection and socio-economic operational environment

(a) General

2006 is expected to be a year of major transitions in the refugee programme in Kenya. The programme will continue to address the protection and assistance needs of some 240,000 refugees from eight countries. However, as the Sudanese and Somali peace processes take root and many Sudanese and Somali refugees contemplate – albeit cautiously – return to their home countries, voluntary repatriation is expected to also become a key feature of the programme, with sizeable returns expected to Southern Sudan mainly from Kakuma, and smaller-scale returns to Somalia mainly from Dadaab. The simultaneous management of a programme building up towards large-scale repatriation while also requiring sustained care and maintenance is expected to highlight various significant challenges.

The protection environment in Kenya may have changed in important respects by 2006. It is expected long-pending Refugee Bill will have been passed by then, and the Government would be gradually taking up more and more of its responsibilities in refugee governance. At the same time, UNHCR, while continuing to carry out the full range of its protection and operational activities in Kenya, will be called upon to intensify capacity-building efforts to help this take-over.

Socio-economic and political trends in Kenya suggest that 2006 will be a turbulent year. Concerns about widespread corruption, high rates of unemployment and crime are not diminishing. As the 2007 elections loom, it is likely that political leaders and activists, in particular in the refugee-hosting areas, could politicise refugee and asylum issues in particular the pace of the repatriation process, environmental rehabilitation and transfer of resources to the Government and the local authorities. The security of refugees and of UNHCR and other humanitarian workers will thus remain a preoccupation of the Office. A proactive public information strategy will be required, including enhanced collaboration with civil society. Even with the passage of a refugee legislation, the protection environment for urban refugees, particularly in Nairobi, will remain precarious.

(b) Main planning assumptions

The 2006 programme is based first and foremost on the premise that relative peace and security will have been established in Southern Sudan, enabling the commencement of organised voluntary repatriation movements already in late 2005, and an increase during 2006. By the end of 2006 an estimated 10,000 refugees could have returned from Kakuma to Southern Sudan, although unforeseen developments could propel these numbers either way.

The new Somali Government is likely to face obstacles in its efforts to assert its authority over warlords and other centres of power. The consolidation of pockets of stability in Central and Southern Somalia could however enable up to 5,000 refugees to return in 2006 from Dadaab to selected areas. Should the security situation and livelihood opportunities improve further, these numbers could increase to 10,000 by the end of 2006.

Even with repatriation ongoing, it will remain necessary to assure baseline protection and assistance standards. Key gaps in assistance will continue to plague the operation and call for attention. Population sizes in early 2006 are expected to be marginally higher than those of early 2005 as new arrivals continue to enter Kenya and the refugee camps, and, together with natural population increase, counterbalance the reductions resulting from voluntary repatriation and resettlement.

In view of the persistent tension between the Ethiopian Government and certain Oromo groups, the number of Ethiopians seeking asylum to Kenya may increase in 2006, putting an additional burden on the Office's already over-stretched eligibility and protection delivery capacity. Repatriation to Ethiopia may be a possibility but only for a small number of individual refugees and families.

Regarding refugees from the Great Lakes, prospects for voluntary returns will remain low, especially for return to Rwanda.

Resettlement will remain an important part of the Office's durable solutions strategy, although it will be refocused to complement voluntary repatriation and stem certain distortions that have been observed in caseload dynamics. It is projected that Branch Office Kenya will submit between 3,000 and 4,000 individuals for resettlement, with a similar number of refugees departing during the year.

The essential care and maintenance character of the Dadaab programme will continue, with a greatly increased focus on preparing refugees – including those with specific needs – for voluntary repatriation, including enhanced self-reliance activities for women and men. Programmes to strengthen women's role in decision-making, increase girls' attendance in school, and prevent FGM and other forms of SGBV will remain at the heart of efforts to empower and protect women and children. The Comprehensive Plan of Action for Somalia (CPA), as well as the Strengthening Protection Capacities Project (SPCP), both Convention Plus initiatives launched in 2004, as well as a bilateral initiative of the Danish Government are expected to continue in 2006 to support projects to improve the quality of asylum, work towards durable solutions for Somali refugees, and build the capacity of Kenyan authorities in refugee management.

In Kakuma, the programme will preserve a two-pronged approach, supporting preparations (including skills development and education activities) for and implementation of repatriation while maintaining threshold standards of protection, care and assistance for the refugees remaining in the camp. Its various components will be fine-tuned to ensure that basic needs are met, while maintaining momentum towards repatriation to Southern Sudan and collaborating with relevant operators on concrete ways to protect the human rights of returnee women and girls in Southern Sudan.

For urban refugees and asylum seekers, particularly those residing in Nairobi, strengthened cooperation with the Government of Kenya, NGOs and other charitable institutions and organizations should enable the establishment of a more effective and coordinated network for protecting and assisting refugees and asylum-seekers, in particular those most at risk and with the greatest needs, including children and single women. Initial efforts in this direction in 2005 to gain and consolidate further knowledge about persons of concern in Nairobi, and to arrive at better estimates of their numbers and profile, will inform this process. At the same

time, as part of its advocacy role, the Office will link with the Government towards a more effective and rights-based implementation of the encampment policy.

The enhanced role and participation of the Government in protection delivery and the management of refugee affairs, both in the camps and in urban areas, is expected to be developing already in 2005. Passage of the refugee bill would facilitate the establishment of strong institutional capacity for it to take on more and more policy and operational responsibilities. However, significant resources to assist the Government in operationalising the new legislation and all its institutions will definitely be required in 2006 as the capacity to independently discharge its institutional responsibilities will initially be limited.

Notwithstanding the expected introduction of a limited right to work in the refugee legislation, most refugees will continue to rely on international assistance and, in the absence of a thriving job market, will continue to reside in refugee camps as the new legislation will require. Continued attention will thus have to be given to income-generation and vocational training in the camps both as a means for refugees to acquire a measure of self-reliance and bolster their self-esteem and to prepare them for successful (re)integration upon return (or resettlement).

In view of the expanded nature of the operation and the many unmet refugee needs, the Office foresees working with a predictable and adequate resource base and will continue to synergise closely with all partners and stakeholders to maximize available resources. The heavy demands on its staff, and the highly labour-intensive nature of eligibility, protection and resettlement work in particular, will necessitate as a minimum the maintenance through 2006 of its current staff complement, including those hired under the arrangement with UNOPS.

2. Operational goals and potential for durable solutions

Bearing in mind the above assumptions, the United Nations Millennium Development Goals, the High Commissioner's Global Strategies for 2006-2007 (and in particular Objectives 1, 2, 3, 6, 7, 8, 9 and 10), the Regional Objectives issued by the Africa Bureau, and the instructions in IOM/82/2004-FOM/86/2004 on compilation of the 2006 COP, the 2006 Kenya Refugee Programme is premised on the following strategic goals and policy priorities:

- Ensure that appropriate standards of asylum, treatment, safety and security are met and maintained for refugees, while concentrating in particular on mainstreaming established policy priorities and demonstrating changes in addressing protection and assistance gaps, with priority attention continuing to be given across the board to mainstreaming gender equality and children's rights.
- Vigorously pursue a comprehensive durable solutions plan, with a particular emphasis on voluntary repatriation bearing in mind other reinforcing initiatives. Resettlement will be refocused to complement voluntary repatriation and target individuals with protection concerns or for whom resettlement is a protection priority or the only realistic durable solution. Opportunities for self-sufficiency will be pursued, through a community-based approach to strengthen livelihoods, empower women, build skills, strengthen self-reliance, and prepare refugees for voluntary repatriation and reintegration.
- In light of foreseen voluntary repatriation, initiate programmatic and operational adjustments, reorienting programmes and staff functions, rationalizing and consolidating

resources where possible, and engaging the Government and other partners in multi-year exit strategy thinking and planning.

- Continue to foster strong partnerships with Governments, UNHCR Offices in neighbouring countries, implementing and operational partners, other UN agencies, and multilateral and bilateral initiatives in planning, resource mobilization and implementation of the programme, while engaging host communities to ensure that investments and facilities left behind are sustained and local community needs addressed as feasible.
- Support and reinforce the capacity of the Government of Kenya to implement the refugee legislation and fully discharge its protection, coordination, and management responsibilities.
- Maintain a high level of integrity in the management of the country programme in all aspects, including compliance with established rules, procedures and standards of the Codes of Conduct, and mainstreaming of the interagency Prevention of Sexual Abuse and Exploitation project launched in late 2004.
- Ensure adequate levels of security for staff and effective execution of operations, as well as full (E-) MOSS compliance and the implementation of the recommendations of the 2004 Security Policy Review.