COUNTRY OPERATIONS PLAN

Country: Kenya

Planning Year: 2003

The main policy and strategic goals around which the objectives and activities of the 2003 COP have been constructed and resource requirements projected are as follows:

- UNHCR presence and operational activities in Kenya will continue to be necessary in 2003. These shall be based on essentially the same rationales as before, namely to provide refugees international protection and material assistance and search even more vigorously for solutions for them. High priority will continue to be placed on the management reforms on-going at the Branch Office since the corruption scandal of last year, although the key measures are expected to have been mainstreamed into normal activities by the end of 2002. Effectiveness in service delivery and management of the programme as a whole, by UNHCR and its partners alike, will be even more crucial in a year when uncertainties over resource availability are set to continue.
- Mandated international protection priorities are to be assured, including access to asylum, prevention of refoulement, arrests and detention and protection of the safety and security of all refugees. The key objectives range from ensuring the internationally-established standards of treatment to institution and capacity building for the management of protection and refugee affairs in general.
- The <u>protection and material needs of refugee women and children have been given special planning and resource priority</u> in keeping with the High Commissioner's policy emphasis and instructions. Initiatives for their physical security, especially combating sexual and gender-based violence, shall continue to be crucial, encompassing community participation. To address the documented fact that 80% of the rape incidents in the camps occur *as* women and children forage in the woods for firewood, it is planned to increase the provision of domestic energy needs to 60%, up from the current level of 30%. The provision for the first time of sanitary pads to all the 55,365 women in Dadaab and 25,235 in Kakuma who need them is also programmed as a basic requirement. Activities related to sexual and reproductive health, especially HIV/AIDs initiatives, are also specially prioritised.
- Efforts for <u>local integration</u> and the restoration of refugees' coping capacity in a programme which, while continuing to experience emergencies is characterised as "protracted", shall *be even more vigorous and* purposeful. The relevant objectives and outputs are planned with due recognition of the budgetary, environmental and Government policy constraints, which prevail. Regard has also been paid to the lessons learnt.
- Environmental management and rehabilitation will be stepped up to mitigate damage arising from refugee presence and address the persistent and increasingly more politicised complaints by the local authorities and communities.
- The targeted repatriation of refugees, particularly Somalis, in safety and dignity, shall be facilitated as opportunities occur. The Branch Office will follow-closely and associate itself as appropriate with, the relevant initiatives to sustain or expand "zones of tranquillity" in Southern Sudan. It shall take

advantage as feasible of the relevant developments, whether for targeted returns or to rationalise or complement UNHCR operations in Kenya.

- Given the reality of resource constraints, <u>priority is given to ensuring that basic</u>, <u>life-saving and life-sustaining needs are met</u>, in the first instance according to <u>at least accepted minimum standards</u>. In those sectors where minimum standards have been met, provision was made only for maintaining the status quo. The planning logic is that priority must be given to the sectors where services fall below accepted minimum standards
- In view of foreseen resource challenges, <u>external relations in general and sustaining donor interest in the Kenya programme in particular are special objectives.</u> The possibility of tapping more or other funding sources, and for other programmes to meet at least some of the refugee needs, will be pursued.
- As prospects for durable solutions will remain limited and critical protection need to be addressed, the resettlement of refugees to third countries in accordance with UNHCR criteria will continue to be an important objective.

II. PLANNING ASSUMPTIONS

For **Somalia**, the major country of origin for the Kenya refugee programme, the assumption is that there will be **opportunities for targeted repatriation in 2003**. Some 10,000 Somali refugees are expected to opt for voluntary repatriation to the South of the country and another 500 to Somaliland and Puntland. However, there will still be about 137,000 Somali refugees in Kenya, and further displacements could occur if the civil conflict escalates or draught recurs.

With regard to the **Sudan**, the civil war in the South may not end in 2003. It is thus not expected that most of the estimated 76,000 Sudanese refugees expected to be in Kenya by the end of 2002 will repatriate. True, there will continue to be "zones of tranquillity", but Kenya could also still be receiving more refugee flows from the Sudan

For **Ethiopian** refugees, individual repatriations would continue in 2003. Close to 300 are expected to be assisted to return home, including those from the residual "pre-1991" group whose situation will have been comprehensively reviewed during 2002. However, Ethiopian asylum-seekers are likely to still be entering Kenya in quite considerable numbers, especially groups claiming to be victims of targeted and escalating forms of persecution. The overall number of Ethiopian refugees in Kenya may thus grow. And as for the others, an estimated 500 refugees from **Burundi**, the **Democratic Republic of Congo, Rwanda and Uganda** will return home either individually or in groups. With the cessation of refugee status recently having been formally invoked for the **Eritreans**, 2003 will see activities to finalise the repatriation of those whose status will have been reviewed in light of this decision.

Table 1: Planning figures

Country of							
Origin	2001		2002	2003			
	End 2001	Expected repatriatio n	Expected influx	End 2002	Expected repatriatio n	Expected influx	End 2003
Somalia	142,108	10,000	10,000	142,108	10500	5,000	136,608
Sudan	68,209	330	8,000	75,877	50	2,000	77,829
Ethiopia	4,460	250	3,600	7,810	300	2,500	10,010
Great	1,031	380	1,200	1,851	1,200	1,200	1,851
Lakes							
Others	243	40	100	303	50	50	303
Total	216,049	11,000	22,900	227,949	12,100	10,750	226,599

With regard to conditions in the country of asylum itself, the continuing decline of the Kenyan economy is highlighted. Unemployment is high and inflation rising. Security is uncertain in many parts of the country, one third of which is at UN security Phase Three. The 1999-2001 drought and famine, the worst in living memory, impacted severely not only on the people but also on the economy and security. The general elections expected to take place in 2002 have themselves been the source of so much uncertainty and insecurity and wide-spread anxiety persists as to what will be their final outcome for the country's stability.

The overall asylum environment will in all likelihood still be governed by the same or probably even stricter legal and policy parameters as in 2002. Not least, the requirement that refugees must reside and remain in the two camps unless absence is otherwise authorised could even be tightened. The first of these camps, Dadaab, is located in the north-eastern district of Garissa some 100 kms from the border with Somalia and hosts 135,000 mainly Somali refugees. Kakuma, which is in Turkana District in the north-west 140 kms from the Sudanese border, has 86,489 mainly Sudanese refugees.

These are semi-arid locations which can barely sustain their local, largely nomadic inhabitants and the two camps themselves are close to the limit of their capacity. UNHCR provides basic care and maintenance assistance but conditions are on the whole quite parlous and prospects for local integration or even self-reliance have always been severely constrained. There are no significant possibilities for employment and as refugees also cannot engage in meaningful agricultural or other economic activities, they are forced to depend on international humanitarian assistance.

The latter has of late proved to be extremely uncertain, and resources for the Kenya programme, including food, are becoming increasingly hard to assure. As an example, in 2001 and early 2002, WFP food rations fell drastically to as low as 1,179 Kilocalories per person per day, far short of the established minimum 2,100. Only 30% of the firewood needs could be met, so women and girls continued to forage in the woods, where they were exposed to rape, assaults and other forms of violence. Following unprecedented storms at the end of 2001, one quarter of the camp

population in Kakuma was left without shelter. Infact, access roads to both camps became impassable, bringing operations, including food distribution, to a virtual standstill. Lack of resources meant that these crises could only be partially addressed and also prevented some 4,000 refugees from being repatriated.

Apart from being remote, the camps are prone to insecurity and violence and refugees have frequently suffered armed bandit attacks. The situation of women in particular While a number of concrete measures have been has always been precarious. introduced or intensified including increased UNHCR protection presence in the camps, police patrols and judicial enforcement, rape, domestic and other forms violence against women remain pre-occupying. Meanwhile, attitudes are visibly hardening among the local populations and leadership, who perceive the decade-old refugee presence as a heavy burden that has brought insecurity, crime and environmental degradation into their communities.

Despite all the above, it is almost certain that even though more refugees will enter Kenya in 2003, the Government will maintain its opposition to the establishment of any new camps. Pressure in Kakuma and Dadaab will build up to even more critical levels, especially if the pattern of local host populations gravitating to the refugee facilities and services continues. Basic standards, already not being met in many key sectors, would decline even lower to critical emergency levels.

This COP planning is based on comprehensive assessment of the needs in the Kenya refugee programme. The outcome of this process came to an initial total of over US\$ 30 million. It was obvious that the established planning envelope would not be sufficient to meet all the requirements, not even after some quite strict efforts were then made to prioritise the policy and operational objectives on one hand, and available resources on the other. Thus, the need for a Tier Two submission for the 2003 Kenya programme along the parameters set out in IOM16/FOM/15 of 6 February 2002¹ was demonstrably justified.

The need to remain within the budget ceiling meant that several key priorities still could not be met within that submission. A crucial example is the clearly established imperative to provide for complementary food in both Dadaab and Kakuma. The background to this is that the caloric value of WFP food rations has frequently dropped to life-threatening levels. In any case, at the best of times, the basket is neither complete nor fully sufficient.

Another example concerns sanitation in Kakuma where the latrine-to-user ratio is critically far from the recommended 1 to 15. This is a key contributory factor to the camp's frequent health problems. In planning the 2003 COP, clear need to bring the ratio down at least to 1 to 25 was thus clearly recognised. However, not all the required budgetary provisions could be included.

The other similar planning predicament was with shelter, the precarious state of which was painfully exposed last year in both Kakuma and Dadaab. The BO's plan was that at least 5,000 more suitable houses would be constructed in Kakuma and 32,500

¹ "Parameters and further procedures for submission and review of 2003 Country Operations Plans and Headquarters Plans.

seriously damaged structures in Dadaab repaired. Again, not all of this could be fitted within the ceiling. The unmet needs for either camp have not been budgeted.

The Branch Office also wanted to provide at least 60% of the firewood needs, thereby contributing to reducing the alarming incidents of rape in the camps. However, it was only possible to budget for 30% under Tier One.

Furthermore, it had been projected that some 20,500 Somalis would opt to repatriate in 2003. However, the inclusion of all the budgetary requirements for a repatriation of this magnitude, a figure of more than US\$ 3 million, would have severely depleted the envelope and compromised any possibility of guaranteeing at least minimum standards in life-saving and life-sustaining sectors.

There are more examples of *critical needs that cannot be met with the current envelop or* activities *which otherwise would enable the* BO to promote durable solutions of return, self-sufficiency, basic education etc. Each year, torrential rains, bringing operations virtually to a standstill cut off access roads to both camps. Although, under the MOU with UNHCR, WFP should be responsible for the necessary repairs, in practice UNHCR is forced to find the necessary resources for the repairs so as to be able urgently to resume operations. For such repairs, an amount of US\$ 315,000 needs to be provided but could not *be placed under Tier One*. All these requirements have thus had to be programmed only under the Tier Two submission and thus stand not to be implemented if those resources are not found.

It is recalled that the Kenya programme budget has been repeatedly reduced with the result that many crucial needs have already been unmet for several years. The predicament in shelter in Dadaab and Kakuma is a well known example. Furthermore, 3,245 refugees could not be repatriated last year for lack of funding to provide transportation. Over the last three years, Kenya has not only consistently implemented most of its annual allocation each year, it has frequently even been overspent. On the whole, the objectives set have been met, for instance in health care in Kakuma which has seen a marked improvement from 2000 to the present moment. Yet, as highlighted so many times already, periodic budgetary cuts became very disruptive. For 2003, the preceding summary shows what is bound not to be implemented and the consequences, if the Tier Two submission is not funded.

If it is borne in mind that the Tier Two submission itself had to be pared down considerably and does not include, for instance, provisions for the expected increases in numbers in 2002 and 2003 itself, there is even a more signal picture of a possible crisis in 2003. For sure, Kenya has benefited from earmarked contributions in the past and some complimentary funds have also been realised from other quarters including implementing partners. However, it is stressed that this is a programme whose survival in financial terms hinges fundamentally upon UNHCR funding.

SELECTED PROGRAMME GOALS AND OBJECTIVES

The policy and strategic goals on which the 2003 COP has been built focus on assuring the mandated protection objectives of UNHCR, meeting at least minimum standards in service delivery, focussing on the protection and material needs of refugee women and children, pursuing efforts to enable refugees cope for themselves

as far as possible, repatriation and resettlement. The goals, objectives and programmes that make up the 2003 Kenya COP are summarised below.

Name of Beneficiary Population/Theme:

I. PROTECTION AND ASSISTANCE FOR REFUGEES IN THE CAMPS

Main Goal(s):

- Ensure delivery of mandated protection standards for all refugees
- Provide material assistance and other services effectively and particularly to ensure at least minimum standards
- Prioritise the protection and assistance priorities of refugee women and children
- Foster visible and effective Government participation in the management of refugee affairs in the camps
- Institutionalise an effective system of registration of asylum-seekers and refugees and accompanying data base

Principal Objectives:	Related Outputs:		
Refugees benefit from protection and assistance that meets at least minimum standards.	 Legal and physical protection for camp-based and urban refugees, as well as for asylum-seekers provided Food, sanitation and shelter activities to reach relevant minimum standards and maintain the minimum standards achieved in other sectors 		
Refugee women and children enjoy an enhanced level of security in the camps	Comprehensive plan to address the sexual and gender-based violence (SGBV) is in place and operational		
• Refugee women and girls are able to fully participate in activities, including schooling, in the camps	Sanitary materials produced and distributed to meet the needs of refugee women and girls		

Name of Beneficiary Population/Theme:

II. EFFECTIVE PROTECTION DELIVERY IN KENYA AS A WHOLE

- Establish the primary role of the Government in the management and implementation of the refugee programme
- Institutional development and capacity building for protection in both Government and civil society
- Ensuring access to asylum and fair and effective refugee status determination procedures
- Effective protection delivery for refugees and asylum-seekers

Principal Objectives:	Related Outputs:		
 Predictable refugee status determination and other refugee management institutions established and operational. Refugees and asylum-seekers have a clear understanding of Government refugee policies and procedures. Effective and proper management of encampment policy ensuring relevant protection rights Stem wrongful arrests and detention of refugees outside the camps Asylum-seekers' have their claims promptly processed 	 Formal refugee management structures and procedures, including refugee status determination established Efforts for the promulgation of national refugee legislation continued. Technical and material capacity-building support provided to Government Policy of encampment rationalised; proper and clearly understood system of camp referrals in place; proper registration of asylum-seekers and refugees undertaken; and refugees issued with identity documents recognised by the authorities Refugees have officially recognised ID cards and other required documents 		
Government assumes a primary responsibility for camp management	Mobilise donor support and provide technical capacity-building support to concerned GoK entities at the camps, including law enforcement		

III. LOCAL INTEGRATION AND SELF-COPING OF REFUGEES

- Push for every opportunity possible for enhancing refugee integration and selfreliance
- Continue to advocate for refugee rights in terms of freedom of movement and the right to work
- Target youths and motivate them to occupy themselves, including through sporting and recreational activities

Principal Objectives:	Related Outputs:		
 Refugees are full partners in the planning, management and implementation of the Kenya programme Refugees provide to the greatest extent possible all the human resource requirements for project implementation 	 Refugee communities organise themselves, through Community Self-Management (CSM) to implement their own activities, e.g. security patrols, clearing ground for sports, providing labour for construction of classroom, production of desks, chairs, sanitary materials etc Refugee youth committees provide solutions for tackling inactivity 		
Sustain efforts to have access to land to permit the cultivation of food, water supply permitting	Continue demarches with the Government for the establishment of a third camp and provision of more land in-situ		
GoK articulates the policy of encampment, including clear criteria for exemptions.	Refugees able to demonstrate their self-sufficiency outside the camps are referred to the National Refugee Secretariat for work permits		

IV. ENVIRONMENTAL MANAGEMENT

- Promote environmental management and conservation in refugee hosting areas
- Address any environmental damage attributed to the presence of refugees
- Promote understanding and appreciation by local communities and authorities of environmental issues, impact of refugees and corrective steps being taken

Principal Objectives:	Related Outputs:		
 Environmental management continues to be a priority in the Kenya programme including funding availability Refugees and host community 	 Energetic local efforts to find and assure funding for activities Refugee participation fostered across the spectrum of environmental activities 		

V. PEACE EDUCATION IN THE CAMPS

Main Goal(s):

• Create among the refugees skills and attitude of peaceful resolution of conflict both within the camps and upon return home.

Principal Objectives:	Related Outputs:		
• Peace education is a regular subject in			
the primary school curriculum	• Refugee participation is ensured in		
 Tensions among various refugee communities and groups attenuated Refugees develop skills and peaceful attitudes in conflict resolution 	both formal and other community-based efforts for peace within and around the camps • Local community involvement likewise ensured, especially on non-		
	use of rape as an instrument of		
	conflict.		

Name of Beneficiary Population/Theme:

VI. REFUGEE EDUCATION

- Ensure that all refugee children of school-going age have access to education
- Improve education conditions, especially classroom congestion and poor teacher to student and student to book ratios
- Orient education toward vocational training while also continuing to find scholarships for refugees who qualify to go to tertiary institutions
- Make efforts to sustain the girl refugee in school

Principal Objectives:	Related Outputs:			
All refugee children can go to primary school, with particular attention to girl child sustained attendance	 Pursue linkages with national education programmes and facilities Expand capacity for the 54% of refugee children for whom there are no primary school places 			
Review and rationalise education provided in the camps, including increasing vocational training	• Comprehensive review undertaken with participation of all stakeholders and refugees themselves.			
Deserving refugee students have access to sponsorship, e.g. scholarships, from non-UNHCR sources.	Mobilise donor support for agencies providing scholarship places and other educational assistance			

VII. REPATRIATION OF REFUGEES FROM KENYA

Main Goal(s):

- Repatriate 10,000 Somali refugees to the South and 500 to Northwest (Somaliland) and Puntland
- Repatriate 950 refugees of the other nationalities, including Burundians, Congolese, Ethiopians, Sudanese (returning to Khartoum) and Ugandans
- Follow closely developments relating to Southern Sudan for peace including "zones of tranquillity".

Principal Objectives:	Related Outputs:						
• All Somali refugees that register for	Number of refugees repatriated						
voluntary repatriation are assisted	• Country of origin information						
promptly to return	obtained and shared with refugees.						
	• Resource requirements for the costly						
	repatriation movements by air from						
	Dadaab highlighted						
Follow closely political and other developments relating to Southern Sudan, including for peace, humanitarian assistance etc, with particular reference to prospects for targeted returns or rationalising/complementing UNHCR operations in Kenya							
• Refugees of other nationalities benefit	• Periodic information-gathering and						
from periodic reviews of the	sharing on conditions in the refugees'						
possibilities for their return home.	countries of origin.						

Name of Beneficiary Population/Theme:

VIII. PROMOTION OF RESETTLEMENT FOR REFUGEES

- Continue efforts to strengthen and sustain credibility of BO's resettlement activities, with special focus on accountability and prevention of malfeasance and wrongdoing
- Maintain resettlement dialogue on relevant reform and operational issues with resettlement country representatives on the ground will continue
- Build up resettlement casework, in keeping with UNHCR resettlement criteria, to a total of 10,000 persons
- Follow-up on and support as relevant out-processing of Bantu Somali P2 submission to the United States

Principal Objectives:	Related Outputs:		
The Office as a whole and resettlement countries are satisfied that BO Kenya's submissions are credible	 A system that complies with established criteria and ensures accountability and transparency of resettlement service in Kenya is in place and operational Resettlement countries' staff associated in appropriate ways in processing cases Special attention to fraud awareness and prevention, including training and continuing elaboration and adherence to standard operating procedures. 		
• Refugees fulfilling established criteria are processed and submitted to resettlement countries.	Broaden the submission to a wide range of receiving countries		

IX. EFFECTIVENESSS IN SERVICE DELIVERY AND IMPLEMENTATION OF OBJECTIVES

- Form or revitalise new partnerships, including with the Government, on resourcing for the Kenya Refugee Programme, collaborative arrangements, and common of statement and adherence to operational objectives.
- More effective management and utilisation of available resources and higher level strategic management of the resource challenges facing the Kenya refugee programme
- Improve co-operation with development partners and the Government for better complimentarity of services and programmes in addressing the needs of refugees and host communities

Principal Objectives:	Related Outputs:		
The Kenya Refugee Programme is implemented in the most cost- effective manner possible	 Continuous review and strict financial monitoring of the programme as a whole Re-orientation of assistance toward full refugee participation 		
	Promotion of national NGOs rather than international (and much more costly) partners		

- The Kenya refugee programme is positioned within relevant National and District development initiatives
- Encourage UNDP, UNICEF, UNESCO and other concerned actors to implement development programmes in refugee-hosting districts
- Government, UNDP, UNICEF, UNESCO and other development oriented organisations share national and district plans for Turkana and Garissa with UNHCR
- Concrete and operational partnerships with development-oriented actors that complement UNHCR programmes for refugees

X. ENSURING COMPLIMENTARITY WITH OTHER PROGRAMMES

Main Goal(s):

- See goals in above theme
- Reinforce linkages between the refugee programme with others of the Government, UN system agencies and other relevant actors
- Achieve complimentarity and mutually reinforcing support and particularly that refugee needs could be provided for as part of those other programmes
- Associate closely with peace and development efforts in Southern Sudan

Principal Objectives:

Education and Health assistance for refugees is integrated into national facilities programmes

Refugee needs are included in development initiatives

Related Outputs:

- Education, health care, HIV/AIDS programmes implemented in line with, and benefit from common system approaches Poverty Reduction Strategy Paper (PRSP), Common County Assessment, UN Theme Groups and UNDAF
- Assistance to local communities promoted as key programme element to be included in relevant agency programmes implemented in refugeehosting areas
- UNHCR will enhance its participation in joint planning exercises in context of above programmes increased

- BO Kenya participates in Sudan/Kenya cross-border visits and meetings in order to assess potential for return to Southern Sudan
- Information sharing and operational links established with Operation Life-Line Sudan and other peace or humanitarian initiative
- Branch Office actively participates in relevant meetings, workshops, crossborder missions and other relevant initiatives

XI. OPTIMAL MANAGEMENT PERFORMANCE

- Demonstrate rigor and quality in performance
- More effective partnerships and synergy, co-ordination, monitoring and reporting on the programme, especially in view of the challenge of resource availability

Principal Objectives:	Related Outputs:		
Timeipai Objectives.	Related Outputs.		
BO Kenya staff periodically meets internally and externally at the Nairobi and camps levels and along functional lines	 A credible and efficient and effective programme able to respond to the needs of the refugees Regular (weekly, monthly, bimonthly) inter-agency, donor, operations review and technical meetings both in Nairobi and at the camps 		
BO Kenya reports are shared with all stakeholders	• UNHCR and its partners ensure systematic information-sharing		
BO Kenya and partners are familiar with and implement under UNHCR's protection guidelines and programme regulations as described in Chapter Four	Periodic programme and protection training both for BO Kenya staff and all stakeholders		
BO Kenya staff undertakes periodic monitoring of protection and programme activities, in close consultation and co-ordination with all stakeholders	 Ensure that BO Nairobi staff systematically visit the camps and provide all necessary support along functional lines Encourage all stakeholders to actively participate in the monitoring of the Kenya refugee programme 		
BO Kenya staff plans their main priority activities on a quarterly basis	Organise internal planning sessions and assess progress on quarterly plans of action.		

•	BO	Kenya's	operations	are	•	Incorporate	self-criticis	sm into
	implen	nented transp	parently			1	eviews and in	
							including dor es, to assess	2
						performance	likewise	

XII. EFFECTIVENSS OF DONOR AND EXTERNAL RELATIONS

Main Goal(s):

• Sustain and increase donor interest in and patronage of the Kenya programme.

Principal Objectives:	Related Outputs:
• Donor representatives have	Arrange periodic briefings and camp
"ownership" of the Kenya refugee	monitoring visits for donor country
programme.	representatives and potential or actual
	private sector donors.
	• Utilise media, public awareness and
	advocacy to promote the refugee
	cause in Kenya.
	Tap any non-traditional funding
	sources.
• BO Kenya actively pursues	• Funding proposals are developed and
earmarked funding from potential	targeted at appropriate donors and in
donors, both in Kenya and through	accordance with known donor
the Headquarters service, especially	interests, e.g. U.S. earmarked funding
Private Sector Fund Raising.	for security.
