



EUROPEAN COMMISSION

Brussels  
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**COMMISSION DECISION**

**of**

**on the financing of humanitarian Actions in Kenya from the general budget of the  
European Union**

(ECHO/-FA/BUD/2009/08000)

## COMMISSION DECISION

of

### on the financing of humanitarian Actions in Kenya from the general budget of the European Union

(ECHO/-FA/BUD/2009/08000)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the functioning of the European Union,

Having regard to Council Regulation (EC) No.1257/96 of 20 June 1996 concerning humanitarian aid<sup>1</sup>, and in particular Article 2 and Article 15(2) thereof;

Whereas:

- (1) Dadaab refugees camps are amongst the oldest and most congested camps in the world. Set up in 1991 to accommodate 90.000 persons, they now host more than 290.000 refugees. Infrastructures are old and dilapidated. Camps are overcrowded while the influx of refugees continues unabated with more than 5.000 arrivals in Kenya per month since January 2008.
- (2) The 2007 Refugees Act upholds the encampment policy, which prohibits refugees from engaging in agriculture or economic activities outside the camps and limits durable solutions in terms of repatriation or resettlement in a third country. The refugee population has been dependent on the World Food Program (WFP) food assistance since 1991.
- (3) Due to shortfalls in funding and the untimely availability of food in 2009, rations were reduced in May 2009. However, since WFP started distributing full rations, malnutrition rates have been maintained below the World Health Organization emergency thresholds.
- (4) Because of insecurity in neighboring Somalia a sustained influx of new asylum seekers to Dadaab is expected; repatriation to Somalia is not expected at this time.
- (5) To reach populations in need, aid should be channelled through Non-Governmental Organisations (NGOs) or International Organisations including United Nations (UN) agencies. Therefore the European Commission should implement the budget by direct centralized management or by joint management.
- (6) An assessment of the humanitarian situation leads to the conclusion that a humanitarian aid Action should be financed by the Union for a period of 12 months.
- (7) It is estimated that an amount of EUR 3,000,000 from budget article 23 02 02 of the general budget of the European Union is necessary to provide humanitarian assistance

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<sup>1</sup> 1- OJ L 163, 2.7.1996, p. 1.

to over 300.000 Somali refugees and host community, taking into account the available budget, other donors' contributions and other factors. Although as a general rule Actions funded by this Decision should be co-financed, the Authorising Officer, in accordance with Article 253 of the Implementing Rules of the Financial Regulation, may agree to the full financing of Actions;

- (8) The present Decision constitutes a financing Decision within the meaning of Article 75 of the Financial Regulation (EC, Euratom) No 1605/2002<sup>2</sup>, Article 90 of the detailed rules for the implementation of the Financial Regulation determined by Regulation (EC, Euratom) No 2342/2002<sup>3</sup>, and Article 15 of the internal rules on the implementation of the general budget of the European Union<sup>4</sup>;
- (9) In accordance with Article 17(3) of Council Regulation (EC) No.1257/96 of 20 June 1996, the Humanitarian Aid Committee gave a favourable opinion on 4 November 2009.

HAS ADOPTED THIS DECISION:

#### *Article 1*

1. In accordance with the objectives and general principles of humanitarian aid, the Commission hereby approves a total amount of EUR 3,000,000 for the financing of humanitarian Actions in Kenya from budget article 23.02.02 of the 2009 general budget of the European Union.
2. In accordance with Article 2 of Council Regulation No.1257/96, the principal objective of this Decision is to preserve the availability of and access to food for Somali refugees in Kenya and affected host population. The humanitarian Actions shall be implemented in the pursuance of the following specific objective(s):
  - To enhance food-security and nutritional status of Somali refugees in Kenya and the host population through food assistance

The full amount of this Decision is allocated to this specific objective.

#### *Article 2*

1. The period for the implementation of the Actions financed under this Decision shall start on 1<sup>st</sup> January 2010 and shall run for 12 months. Eligible expenditure shall be committed during the implementing period of the Decision.
2. If the implementation of individual actions is suspended owing to force majeure or other exceptional circumstances, the period of suspension shall not be taken into account in the implementing period of the Decision in respect of the Action suspended.
3. In accordance with the contractual provisions ruling the Agreements financed under this Decision, the Commission may consider eligible those costs arising and incurred after the end of the implementing period of the Action which are necessary for its winding-up.

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<sup>2</sup> 2- OJ L 248, 16.9.2002, p.1.

<sup>3</sup> 3- OJ L 357, 31.12.2002, , p.1.

<sup>4</sup> 4- Commission Decision of 5.3.2008, C/2008/773

4. The Authorising Officer may, where this is justified by the humanitarian situation, extend the duration of the Decision for a maximum of 6 months provided that the total duration of the Decision does not exceed 18 months, in accordance with Article 90.4 of the Implementing Rules of the Financial Regulation.

#### *Article 3*

1. As a general rule, Actions funded by this Decision should be co-financed.
2. The Authorising Officer, in accordance with Article 253 of the Implementing Rules, may agree to the full financing of Actions when this will be necessary to achieve the objectives of this Decision and with due consideration to the nature of the activities to be undertaken, the availability of other donors and other relevant operational circumstances.
3. Actions supported by this Decision will be implemented either by non-profit-making organisations which fulfil the eligibility and suitability criteria established in Article 7 of Council Regulation (EC) No 1257/96 or International organisations.

The Commission shall implement the budget:

- either by direct centralised management, with Non-governmental Organisations,
- or by joint management with international organisations that are signatories to the Framework Partnership Agreements (FPA) or the EC/UN Financial Administrative Framework Agreement (FAFA) and which were subject to the four pillar assessment in line with Article 53d of the Financial Regulation.

#### *Article 4*

This Decision will take effect on the date of its adoption.

#### *Article 5*

This Decision is addressed to the delegated authorising officer.

Done at Brussels,

*For the Commission  
Member of the Commission*



**Humanitarian Aid Decision  
23 02 02**

Title: Commission decision on the financing of humanitarian Actions in Kenya from the general budget of the European Union

Description: Food assistance to Somali Refugees in Kenya

Location of Action: Food aid

Amount of Decision: EUR 3,000,000

Decision reference number: ECHO/-FA/BUD/2009/08000

## **Supporting Document**

### **1 - Rationale, needs and target population.**

#### 1.1. - Rationale :

Kenya supports one of the largest caseload of refugees living in camps in Africa. In the three camps of Dadaab, located in the North-Eastern Province of Kenya, the refugee population continues rising unabated, 95% of them fleeing away from insecurity and harsh conditions in Somalia. Dadaab Camp population is now up to 288,000<sup>1</sup>, whereas the camps were initially set up in 1991/2 to host 90,000 refugees. Environment resources and space are stretched to the extreme.

Camp population has increased by more than 50% since January 2008 at a steady pace of about 5.000 arrivals per month.

Given the volatile situation in Somalia, it is unlikely that the Somali will undertake return to their home country in the near future.

The Government of Kenya encampment policy does not allow refugees to seek employment outside the camp, nor cultivate land or graze livestock. Therefore, refugees are entirely dependent on relief aid.

The World Food Program (WFP) new funding appeal has been launched in October 2009 and will run until September 2011. The total amount requested for the 24-month period is EUR 122,264,610, which should cater for all refugees in Kenya (Dadaab and Kakuma, totalling an

<sup>1</sup> UNHCR, August statistics update, 2009.

estimate of 420.000 people) as well as 54.000 host population. The monthly cost of the operation is about EUR 5,000,000.

Funding at that stage is not yet secured due to timing: the appeal has just started. Insufficient funding has a direct link with the risk of food shortage. Efforts should be made to avoid such a situation.

Moreover, actual availability of food is also hampered by the untimely delivery of food in kind from abroad (usually the USA) to the ground. DG ECHO has a sharp advantage as it is in cash and therefore allow more flexibility time- and logistics- wise.

#### 1.2. - Identified needs :

The refugee population in Kenya depend entirely on external assistance. The camp is set up in the arid land which even further constrains any alternative livelihoods.

The nutritional status of the refugees has improved significantly with a global acute malnutrition rate down to about 12% (2008 figures) from 26% in 2005. Such an improvement was made possible by the increase in the ration distributed by WFP. All the refugees receive nowadays a full ration.

In a context of constant influx of new refugees, weakened by the journey and destitute, the nutritional situation is critical. Indeed, surveys show that 30% of the families share their ration with new and unregistered refugees<sup>2</sup>.

Host population is highly vulnerable to food insecurity: global acute malnutrition rates in Garissa districts are above WHO emergency thresholds. DG ECHO has already identified in previous decisions that the needs of the host community should be considered –taking also into account that it ease tensions between the host community and the refugees.

As a result, this decision intends to support food assistance and nutrition interventions for the refugees and the host population.

#### 1.3. - Target population and regions concerned :

Refugees population: 330,000 at least

Host community: 30,000

#### 1.4. - Risk assessment and possible constraints :

Security situation in parts of the North Eastern Province is tense. Some NGOs resort to armed escort for their travelling in some areas. UN policy is to travel with armed escorts to and inside the camps. Further deterioration could lead partners to suspend temporarily their activities.

Likewise in the refugee camps, there is a growing concern about insecurity which hinders partners' access to the field. The limited police presence in the camp cannot ensure general public safety, let alone possible increased insecurity due to activity by armed groups. Deteriorating living conditions fuel tension among refugees' communities as well as tension between refugees and host community. Further deterioration could lead partners to suspend temporarily their activities.

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<sup>2</sup> WFP PRRO, June 2009.

The 2008 political settlement following the post election violence has improved the situation in Kenya. However the stability of the country is not fully secured and an unquantifiable risk of further troubles still exist.

Potential massive arrivals from Somalia while the space allocated to host the refugees is overcrowded and rigid, may hamper effectiveness of intervention in the refugees' camp.

## **2 - Objectives and components of the humanitarian intervention proposed:**

### 2.1. - Objectives :

Principal objective: To preserve the availability of and access to food for Somali refugees in Kenya and the affected host population

Specific objective:

To enhance food-security and the nutritional status of Somali refugees in Kenya and the host population through food assistance

### 2.2. - Components :

✓ *Food*

Contribute to WFP pipeline

✓ *Nutrition and Health*

Support therapeutic food supply

Increase nutrition data quality and coverage

Support nutrition intervention

## **3 - Duration expected for Actions in the proposed Decision:**

The duration for the implementation of this Decision shall be 12 months  
Humanitarian Actions funded by this Decision must be implemented within this period.

Expenditure under this Decision shall be eligible from 1<sup>st</sup> January 2010.

Start Date : 1<sup>st</sup> January 2010

If the implementation of the Actions envisaged in this Decision is suspended due to *force majeure* or any comparable circumstance, the period of suspension will not be taken into account for the calculation of the duration of the humanitarian aid Actions.

Depending on the evolution of the situation in the field, the Commission reserves the right to terminate the Agreements signed with the implementing humanitarian organisations where the suspension of activities is for a period of more than one third of the total planned duration of the Action. In this respect, the procedure established in the general conditions of the specific agreement will be applied.

#### 4 - Previous interventions/Decisions of the Commission within the context of the current crisis

##### List of previous DG ECHO operations in KENYA

Decision Number	Decision Type	2007 EUR	2008 EUR	2009 EUR
ECHO/-AF/EDF/2007/01000 (*)	Non Emergency	0		
ECHO/-FA/BUD/2007/02000 (*)	Non Emergency	4,000,000		
ECHO/KEN/BUD/2007/01000	Non Emergency	5,000,000		
ECHO/-FA/BUD/2008/01000 (*)	Non Emergency		10,000,000	
ECHO/-FA/BUD/2008/03000 (*)	Emergency		8,000,000	
ECHO/-HF/BUD/2008/01000 (*)	Non Emergency		14,000,000	
ECHO/KEN/BUD/2008/01000 (*)	Emergency		5,500,000	
ECHO/-FA/BUD/2009/01000 (*)	Non Emergency			5,000,000
ECHO/-FA/BUD/2009/06000	Emergency			8,000,000
ECHO/-HF/BUD/2009/01000 (*)	Non Emergency			2,000,000
ECHO/KEN/BUD/2009/01000	Non Emergency			3,000,000
ECHO/KEN/EDF/2009/01000	Non Emergency			8,000,000
<b>Subtotal</b>		<b>9,000,000</b>	<b>37,500,000</b>	<b>26,000,000</b>
<b>Grand Total</b>		<b>72,500,000</b>		

Dated : 30 September 2009

Source : HOPE

(\*) decisions with more than one country

## 5 - Overview of donors' contributions

Donors in KENYA the last 12 months					
1. EU Members States (*)		2. European Commission		3. Others	
	EUR		EUR		EUR
Austria		DG ECHO	34,000,000		
Belgium	1,000,000	Other services			
Bulgaria					
Cyprus					
Czech republic	100,000				
Denmark					
Estonia					
Finland					
France	1,450,000				
Germany	3,270,910				
Greece					
Hungary					
Ireland	1,460,950				
Italy	5,570,000				
Latvia					
Lithuania					
Luxemburg	650,000				
Malta					
Netherlands	1,000,000				
Poland					
Portugal					
Romania					
Slovakia					
Slovenie					
Spain					
Sweden	1,077,004				
United kingdom					
Subtotal	15,578,864	Subtotal	34,000,000	Subtotal	0
		Grand total	49,578,864		

Dated : 30 September 2009

(\*) Source : DG ECHO 14 Points reporting for Members States. <https://webgate.ec.europa.eu/hac>  
Empty cells means either no information is available or no contribution.

## 6 - Amount of Decision and distribution by specific objectives:

6.1. - Total amount of the Decision: EUR 3,000,000

## 6.2. - Budget breakdown by specific objectives

<b>Principal objective:</b> <i>To preserve the availability of and access to food for Somali refugees in Kenya and the affected host population</i>				
<b>Specific objectives</b>	<b>Allocated amount by specific objective (EUR)</b>	<b>Geographical area of operation</b>	<b>Activities</b>	<b>Potential partners<sup>3</sup></b>
Specific objective 1: To enhance food-security and nutritional status of the Somali refugees in Kenya and the host population through food assistance	3,000,000	Kenya	Food Aid Food Assistance Nutrition	<u>Joint management</u> - UNICEF - WFP-PAM
<b>TOTAL:</b>	3,000,000			

<sup>3</sup> UNICEF, WORLD FOOD PROGRAM

## **7 - Evaluation**

Under article 18 of Council Regulation (EC) No.1257/96 of 20 June 1996 concerning humanitarian aid the Commission is required to "regularly assess humanitarian aid Actions financed by the Union in order to establish whether they have achieved their objectives and to produce guidelines for improving the effectiveness of subsequent Actions." These evaluations are structured and organised in overarching and cross cutting issues forming part of DG ECHO's Annual Strategy such as child-related issues, the security of relief workers, respect for human rights, gender. Each year, an indicative Evaluation Programme is established after a consultative process. This programme is flexible and can be adapted to include evaluations not foreseen in the initial programme, in response to particular events or changing circumstances. More information can be obtained at:

[http://ec.europa.eu/echo/policies/evaluation/introduction\\_en.htm](http://ec.europa.eu/echo/policies/evaluation/introduction_en.htm).

## **8. Management issues**

Humanitarian aid Actions funded by the Commission are implemented by NGOs and the Red Cross National Societies on the basis of Framework Partnership Agreements (FPA), by Specialised Agencies of the Member States and by United Nations agencies based on the EC/UN Financial and Administrative Framework Agreement (FAFA) in conformity with Article 163 of the Implementing Rules of the Financial Regulation. These Framework agreements define the criteria for attributing grant agreements and financing agreements in accordance with Article 90 of the Implementing Rules and may be found at [http://ec.europa.eu/echo/about/actors/partners\\_en.htm](http://ec.europa.eu/echo/about/actors/partners_en.htm).

For NGOs, Specialised Agencies of the Member States, Red Cross National Societies and International Organisations not complying with the requirements set up in the Financial Regulation applicable to the general budget of the European Union for joint management, actions will be managed by direct centralised management.

For International Organisations identified as potential partners for implementing the Decision, actions will be managed under joint management.

Individual grants are awarded on the basis of the criteria enumerated in Article 7.2 of the Humanitarian Aid Regulation, such as the technical and financial capacity, readiness and experience, and results of previous interventions.