



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels
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COMMISSION DECISION

of

**on the financing of humanitarian Actions from the general budget of the European
Communities in Kenya
(ECHO/KEN/BUD/2009/01000)**

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on the financing of humanitarian Actions from the general budget of the European Communities in Kenya (ECHO/KEN/BUD/2009/01000)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC, Euratom) No.1257/96 of 20 June 1996 concerning humanitarian aid¹, and in particular Article 2 and Article 15 (1) and 15(2) thereof:

Whereas:

- (1) Kenya is recovering from widespread political turmoil which caused the displacement of more than 500,000 persons in early 2008, with the country now experiencing a challenging power-sharing agreement;
- (2) The food security situation for an estimated 1.8 million persons remains of concern due to a significant setback in the food production caused, among others, by adverse climatic conditions and post-election displacement of populations;
- (3) Kenya supports the second largest caseload of refugees living in camps in Africa, over 210,000 people, mainly Somalis, which are being entirely dependant on the relief aid;
- (4) The refugees' camps are experiencing a rapidly growing influx, as a deteriorating security situation in Somalia forces many people out of the country and continues to deter refugees from returning home;
- (5) The displaced and returnees population in Mount Elgon area remain highly vulnerable;
- (6) To reach populations in need, aid may be channelled through Non-Governmental Organisations (NGOs), International Organisations including United Nations (UN) agencies, or Specialised Agencies of the Member States. Therefore the European Commission may implement the budget by direct centralised management or by joint management;
- (7) An assessment of the humanitarian situation leads to the conclusion that humanitarian aid actions should be financed by the Community for a period of 12 months;

¹ OJ L 163, 2.7.1996, p. 1.

- (8) It is estimated that an amount of EUR 3,000,000 from budget line 23 02 01 of the general budget of the European Communities is necessary to provide humanitarian assistance to over 260,000 refugees and displaced persons in Kenya, taking into account the available budget, other donors' contributions and other factors. Therefore the activities covered by this Decision may be financed in full in accordance with Article 253 of the Implementing Rules of the Financial Regulation;
- (9) The present Decision constitutes a financing Decision within the meaning of Article 75 of the Financial Regulation (EC, Euratom) No 1605/2002², Article 90 of the detailed rules for the implementation of the Financial Regulation determined by Regulation (EC, Euratom) No 2342/2002³, and Article 15 of the internal rules on the implementation of the general budget of the European Communities⁴.
- (10) In accordance with Article 17(2) and 17(3) of Regulation (EC) No.1257/96, the Humanitarian Aid Committee gave a favourable opinion on 11 December 2008.

HAS DECIDED AS FOLLOWS:

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 Humanitarian aid for vulnerable populations in Kenya, including internally displaced people and refugees by using article 23 02 01 of the **2009** general budget of the European Communities.
2. In accordance with Article 2 of Council Regulation No.1257/96, the humanitarian Actions shall be implemented in the pursuance of the following specific objectives:
 - To relieve human suffering caused by conflict through the provision of humanitarian assistance in different sectors, including health, water and sanitation, non-food items, food security, protection and integrated support to refugees and displaced populations.

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

Article 2

1. The duration for the implementation of this Decision shall be for a maximum period of 12 months, starting on 1 January 2009.
2. Expenditure under this Decision shall be eligible from 1 January 2009.
3. If the Actions envisaged in this Decision are suspended owing to *force majeure* or comparable circumstances, the period of suspension shall not be taken into account for the calculation of the duration of the implementation of this Decision.

² OJ L 248, 16.9.2002, p.1.

³ OJ L 357, 31.12.2002, , p.1.

⁴ Commission Decision of 5.3.2008, C/2008/773

Article 3

1. The Commission shall implement the budget by direct centralised management or by joint management with international organisations.
2. 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;
 - International organisations
 - or Member States' Specialised Agencies
3. Taking account of the specificities of humanitarian aid, the nature of the activities to be undertaken, the specific location constraints and the level of urgency, the activities covered by this Decision may be financed in full in accordance with Article 253 of the Implementing Rules of the Financial Regulation.

Article 4

1. The amount of EUR 3,000,000 shall be conditional upon the necessary funds being available under the 2009 general budget of the European Communities.
2. This Decision shall take effect on the date of its adoption.

Done at Brussels

For the Commission
Member of the Commission



Humanitarian Aid Decision
23 02 01

Title: Humanitarian aid for vulnerable populations in Kenya, including internally displaced people and refugees

Location of Action: Kenya

Amount of Decision: EUR 3,000,000

Decision reference number: ECHO/KEN/BUD/2009/01000

Supporting Document

1 - Rationale, needs and target population.

1.1. - Rationale :

Kenya is recovering from widespread political turmoil, which caused the displacement of more than 500,000 persons in early 2008, with the country now experiencing a difficult power-sharing agreement. Food production in Kenya has experienced a major setback due to erratic rains and post-election displacement of populations, as political violence affected primarily the Rift Valley Province, Kenya's grain basket. Poor long rains in the mid 2008 have accelerated the decline in food security, which had been additionally aggravated by livestock losses as a result of the *peste des petits ruminants* (PPR) - highly virulent disease of sheep and goats.

The maize production had been significantly reduced due to increases in production costs, poor long rains in 2008 and a 20% decline in area planted with maize. Maize prices continue to rise (25-42% per year, it varies per districts) in all markets, being beneficial to producers, but compromising the food security of about 70% of the country's population, mainly the urban poor, pastoral and marginal agricultural households¹. As the result the food security situation for an estimated 1.8 million persons remains of concern. The number includes about 300,000 former and current Internally displaced people (IDPs) resulting from the post-election violence.

¹ KFSSG (Kenya Food Security Situation Group) report

At present Kenya supports also the second largest caseload of refugees living in camps in Africa. In the three refugee camps of Dadaab, located in the North Eastern Province of Kenya, the Somali refugee population increases gradually and reached more than 216,000 persons at the end of August 2008 in the camps initially conceived to host a maximum of 120,000 persons in total. This increase in refugee population represents over 20% raise since 2007. At the moment the refugees are arriving with an average of 4000 persons per month. The new influx of refugees to the camps is due to serious deterioration of the security situation in Somalia in 2008 with a renewal of fighting and escalation of violence.

The Government of Kenya encampment policy does not allow refugees to seek employment outside camps, neither cultivating land nor grazing livestock. As the result the refugees in Kenya are completely dependent on the relief aid. Although the political environment is evolving, no major improvement is expected in the near future and the lack of security in Somalia continues to deter refugees from returning home. Civil war is ongoing in Somalia since 1991 and the country has been in permanent crisis since.

The Kenya post-election violence in early 2008 added additional complications to the displacement situation in Mount Elgon district, in Western Province. While all-over the country many of the post-election IDPs have returned home, the land issue at Mount Elgon appears unsolved and many persons are still displaced. The displacement situation remains highly complex due to the conflict history, which dates back to pre-independence times and continued through 70ies and 80ies when diverse settlement and land re-allocation schemes were implemented. Since 2006 several armed group were formed and up to 66,000 people have been displaced as a result of the clashes over the land and resources. In March 2008 the Kenyan government launched a military operation, which allowed the authorities to regain control of the disputed territory and its neighbouring divisions. Following the government operation the security situation in Mount Elgon seems under control. Many IDPs have returned while others remain displaced or are only just starting to return. Overall the level of assistance provided to the Mount Elgon conflict victims has been very low in comparison with the assistance provided to the Post Election Violence IDPs. Many basic needs have not been addressed for a long time and Mount Elgon remains a forgotten crisis.

Whether the food aid needs of vulnerable populations in Kenya will be addressed by a Directorate-General for Humanitarian Aid - ECHO regional response in the Horn of Africa² this Decision should help to relieve human suffering through the provision of integrated humanitarian assistance to refugees and to displaced and mobile groups affected by the conflict.

1.2. - Identified needs :

The refugees in Dadaab camps are entirely dependant on the relief aid. As their movements are restricted, refugees can not move freely from one camp to the other, neither seek livelihood activities or employment outside the camps³. The present camps are overcrowded and the existing infrastructures are not sufficient and often obsolete. The maximum size of 120.000 persons for the three camps has been largely exceeded. There is a need to maintain

² Currently in the pipeline.

³ This is to the extent that the refugees are dependant even on firewood distributions as they are not authorized to collect wood outside the camps.

and improve the present infrastructures of the three existing camp and to open simultaneously at least one and preferably two new camps.

The water system is becoming precarious and the sanitation situation is poor, as the existing infrastructures are not sufficient and collapsing. Consequently, cholera epidemics are occurring twice a year. On average 17 litres per refugee per day is provided but a few camps sections are below acceptable standards. Emergency water and sanitation interventions, as well as hygiene and health promotion, are required to accommodate the immediate needs of the new arrivals. Many shelters are of poor quality and need to be improved. The assistance priorities identified jointly by the humanitarian actors present at the camps are in health and nutrition: reduce child and maternal mortality; sanitation: improve sanitation conditions; water: upgrade and improve access to water; shelter: improve shelter conditions; education: increase the capacity of secondary schools.

Food security in the post-election violence affected areas, including many parts of Mount Elgon represents the worst food security levels in the country. The needs identified in the Mount Elgon district by different humanitarian agencies⁴ are of both, relief and recovery character. Many of the IDPs and fresh returnees in Mount Elgon require relief assistance including emergency shelter, non-food items, agricultural inputs, water and sanitation, and protection. To successfully reintegrate IDPs and returnees into a strong livelihood recovery support is needed and in particular agricultural inputs and livestock interventions.

This Decision aims at supporting the general services and protection operation for refugees and displaced populations in Kenya and addressing the water and sanitation, shelter and other vital needs.

1.3. - Target population and regions concerned:

For the last 16 years a substantial Somali refugee population has been living in the three refugee camps of Dadaab located in the North Eastern Province of Kenya. Those three camps were initially conceived to host a maximum of 40,000 people per camps. So far in 2008 Dadaab has registered more than 45,000 new arrivals from Somalia and in August population reached over 216,000 persons. This represents an increase of more than 24% from 2007 when the camps were already overpopulated⁵. It is assumed that if the current trend of Somali refugees' influx continues, UNHCR Kenya expects some 30,000 new arrivals from August until the end of this year. The UNHCR negotiated and agreed with the Government of Kenya for the extension of Dagahaley Camp in order to decongest the current three overcrowded camps in Dadaab, as well as to accommodate new arrivals. The opening of the new camp is foreseen for 2009.

The Somali community constitutes the largest portion of the refugee population in Dadaab (97%) and originates from the unstable areas in Somalia, i.e. the central and southern regions. At 3% of the total population, Ethiopians are the second largest group of refugees in Dadaab. The remainder is made up of Sudanese, Eritrean, Ugandan, Congolese, Rwandan, Tanzanian and Burundian refugees.

In 2006 DG ECHO allocated EUR 2,000,000 to UNHCR to improve the infrastructure in the camps. In 2007 EUR 4,000,000 were allocated to WFP to provide food aid for refugees and

⁴ Assessments by IRC (International Rescue Committee), KRCS (Kenya Red Cross Society) and ICRC

⁵ UNHCR Kenya

DG ECHO is in the process of allocating further resources to WFP by the end of 2008. The influx of new refugees is however seriously overstressing the existing resources and capacity of aid agencies assisting the refugees. The humanitarian assistance and protection will be required for some 60,000-80,000 new arrivals, which are expected in 2009, based on the current arrival trend, and due to a continuing insecurity inside Somalia. The required assistance for the new arrivals come on the top of the continuous aid needed for large numbers of existing refugees facing serious water shortages and collapsing sanitation infrastructure. This is against this background DG ECHO shall allocate further funds in support of refugee population.

The situation of people displaced in the Mount Elgon district remains highly complex due to the conflict history and the complications added by the Kenya Post-Election Violence in early 2008. Mount Elgon district, in western province, is located on the south eastern slopes of Mount Elgon, bordering Bungoma district to the south, Trans Nzoia to the east, and Uganda to the west. It covers an area of 944.3 Km² of which 609.6 Km² of the land is made up of gazetted forestland. According to the 1999 census the district has a population of 162,310 (2.3% growth rate) and a population of 166,088 as per the population projection for the year 2007.

While many of the IDPs have returned, after the authorities regained control of the disputed territory, the land issue appears still unsolved and many are still displaced. The total number of the IDPs is being difficult to establish precisely considering the complexity of the displacements but it is estimated at around 60,000 people. Many IDPs were welcomed by the host communities, others are still gradually returning and in need of relief aid. Some of the local populations that have not been displaced have nevertheless been affected by the crisis and require support.

So far the Red Cross has assisted 12,000 households (60,000 people), including 7,000 households (35,000 people) who benefited from agricultural input. The average number of people per household is 5 with a high proportion of children under 5, reaching 30% in some locations. The overall the level of assistance provided to the Mount Elgon conflict victims so far has been low and even extremely low in comparison with the assistance provided to the Post Election Violence IDPs. Despite of some assistance provided by DG ECHO early 2008 to the Mount Elgon IDPs through ICRC as part of the Post Election Violence emergency intervention, many basic needs have not been addressed for a long time. With a view to above ECHO shall allocate funds to address the needs of vulnerable, displaced populations of Mount Elgon district.

1.4. - Risk assessment and possible constraints:

Lack of security and infrastructure in Somalia continues to deter refugees from returning home. Instead camps in the Dadaab area are experiencing new influxes; and the new development in Somalia, with a potential withdraw of the Ethiopian troops, and could lead to a further deterioration of the situation. There are concerns that the numbers of refugees in Dadaab will rise in the months ahead with fears that it might reach the 300,000 persons in 2009.

Animosity exists among the new arrivals and the old caseload of refugees because of unequal distributions of services and relief items. Some non-food items promised to the old case load had to be diverted to the new arrivals. As the refugees have no other means to survive than the relief assistance, the host community would like to have their part of all that assistance

that is distributed at their front door. Although they are both Somalis, additional tensions could quickly emerge between the host community and the refugees. Social unrest mixed with the rise of Islamic fundamentalism among the youth could be a serious threat in this Somali context.

The security situation in Mount Elgon, following the military operation in March 2008, seems under control. Many IDPs have returned while others remain displaced or are only just starting to return. The root causes of the conflict remain to be addressed but for the time being the government has regained control and peace prevails. While further troubles cannot be excluded in the medium or long-term the likelihood of the renewed conflict in the coming months is unlikely. The political situation country may deteriorate, which would have a negative impact on access to Mount Elgon for humanitarian actors.

2 - Objectives and components of the humanitarian intervention proposed:

2.1. - Objectives :

Principal objective: Humanitarian aid for vulnerable populations in Kenya

Specific objectives:

To relieve human suffering caused by conflict through the provision of humanitarian assistance in different sectors, including health, water and sanitation, non-food items, food security, protection and integrated support to refugees and displaced populations.

2.2. - Components :

Access to safe water sources and sanitation facilities, rehabilitation of existing water points and sanitation facilities; promotion of health care and hygiene; health and nutrition; protection; provision of non-food-items and emergency shelter; support to and recovery of livelihood, provision of agricultural inputs.

Water and sanitation:

- Provision of the minimum of 17 litre of safe water per person per day, for encamped refugees population,
- improving the management of water as a limited resource,
- increase the latrines' coverage and use,
- improving the waste management, solid waste management,
- continuing of health and hygiene education effort,
- mainstreaming of the protection into above sectors.

Non-food-items:

- Provision of adequate NFI kits for new arrivals and possible renewing of the NFI kits for existing caseload of refugees.

Relief and Recovery for Internally Displaced People and Returnees:

- Provision of adequate NFI kits,
- nutritional support and/or rehabilitation, if needed,
- provision of agricultural inputs and extension services to farmers,
- livelihoods: support to livestock sectors.

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 January 2009.

Start Date 1 January 2009.

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.

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	15,500,000		
Belgium	280,000	Other services			
Bulgaria					
Cyprus					
Czech republic	40,000				
Denmark	3,747,044				
Estonia	51,129				
Finland	900,000				
France	1,000,000				
Germany	4,327,576				
Greece	300,000				
Hungary					
Ireland	2,631,115				
Italy	1,132,100				
Latvia					
Lithuania					
Luxemburg	50,000				
Malta					
Netherlands	2,521,190				
Poland	30,000				
Portugal					
Romania					
Slovakia	50,000				
Slovenie					
Spain	695,500				
Sweden	2,801,345				
United kingdom	3,254,352				
Subtotal	23,811,351	Subtotal	15,500,000	Subtotal	0
		Grand total	39,311,351		

Dated : 09 October 2008

(*) 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

Principal objective: Humanitarian aid for vulnerable populations in Kenya				
Specific objectives	Allocated amount by specific objective (EUR)	Geographical area of operation	Activities	Potential partners⁶
Specific objective 1: To relieve human suffering caused by conflict through the provision of humanitarian assistance in different sectors, including health, water and sanitation, non food items, food security, protection and integrated support to refugees and displaced populations	3,000,000	Kenya	Access to safe water sources and sanitation facilities, rehabilitation of existing water points and sanitation facilities; promotion of health care and hygiene; health and nutrition; protection; provision of non-food-items and emergency shelter; support to and recovery of livelihood, provision of agricultural inputs.	<ul style="list-style-type: none"> - ACH- ESP - CARE - DEU - CARE - FR - CARE - UK - CARE NEDERLAND (FORMER DRA) - CROIX-ROUGE - DNK - DRC - GTZ - DEU - ICRC-CICR - IRC - UK - NRC HANDELSBLAD - SAVE THE CHILDREN - UK - SOLIDARITES - UNHCR
TOTAL:	3,000,000			

⁶ ACCION CONTRA EL HAMBRE, (ESP), CARE FRANCE, (FR), CARE INTERNATIONAL DEUTSCHLAND E.V. (DEU), CARE INTERNATIONAL UK, COMITE INTERNATIONAL DE LA CROIX-ROUGE (CICR), DANSK FLYGTNINGEHAELP, DANSK RODE KORS, (DNK), DEUTSCHE GESELLSCHAFT FÜR TECHNISCHE ZUSAMMENARBEIT, International Rescue Committee UK, NRC HANDELSBLAD, SOLIDARITES, (FR), Stichting CARE Nederland, THE SAVE THE CHILDREN FUND (GBR), UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES - BELGIUM

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 Community 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/evaluation/index_en.htm

8. MANAGEMENT ISSUES

Humanitarian aid Actions funded by the Commission are implemented by NGOs, Specialised Agencies of the Member States, and the Red Cross organisations on the basis of Framework Partnership Agreements (FPA) 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/partners/index_en.htm

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.