

Annex for Special Measures 2009 Thematic Programme for Cooperation with Third Countries in the Areas of Migration and Asylum

1. IDENTIFICATION

Title/Number	Regional Protection Programmes (RPPs) in Horn of Africa		
Total cost	<i>Specify : EU contribution 5.000.000,00 €</i>		
Aid method / Method of implementation	Project approach: <i>joint management with International Organisation</i>		
DAC-code	72050	Sector	MIGRATION

2. RATIONALE

2.1. Sector context

Somalia is the largest refugee producing country in Africa, with more than 561,000 refugees and asylum-seekers abroad, mostly in the region. Violence and insecurity in the recent months has constantly increased and continue to displace Somalis in their own country or force them to flee to neighbouring countries. These Special Measures aim at improving the protection and assistance to Somali refugees in the Horn of Africa, in particular in the following neighbouring countries: Djibouti, Kenya and Yemen. It consists of different components implemented in the different countries.

Djibouti is at the crossroads of a growing mixed migration movement with people moving from Somalia, Eritrea and Ethiopia to the North. Most of those migrants then try to cross to Yemen, having mainly Europe but also, for some, the Gulf countries as their final destination. In 2008, some 70.000 irregular migrants entered Yemen coming from Djibouti, representing approximately 30% of irregular migrants to that country, while in 2009 already 50.000 entered Yemen through that same route. Most of these migrants are Somalis, but there are also a high number of Ethiopians and Eritreans. The region of Obock is the main port of departure of these migrants, where smuggling and trafficking networks are very active. Many of the people crossing through Djibouti are in need of international protection and the numbers of asylum-seekers in the country are increasing. It is crucial that the Djibouti's asylum system and protection capacity are reinforced. Normally asylum-seekers are screened, registered and transferred to the Ali-Addeh refugee camp. According to UNHCR data, many of the refugees disappear after a few months in the camp, in particular younger man and women. The remaining refugees confirmed that most of them have left onwards, mostly to Yemen. They cited different reasons for this, but one that featured prominently was the absence of secondary education in the camps, the lack of training and livelihood opportunities and, therefore, the lack of perspectives for the future.

Kenya currently hosts some 376,000 refugees mostly from Somalia (312,000) as they seek to escape violence and human rights violations. The remainder comes mainly from Burundi, Ethiopia, the Democratic Republic of Congo, Rwanda and Southern Sudan. In spite of UNHCR's continuous efforts to promote freedom of movement of refugees in Kenya, people are still required to live in designated camps as per the Government of Kenya's encampment policy. Most refugees live in three camps near Dadaab (mostly Somali refugees). The

facilities and services in the overcrowded camps are in dire need of rehabilitation and /or reconstruction to cater for the growing numbers of refugees. More and more Somali refugees are going to Nairobi, where they have to lodge an individual asylum claim. One of the reasons for this is the over-crowdedness of the camps in Dadaab and subsequent deteriorating living conditions. On behalf of the national authorities, UNHCR carries out the refugee status determination (RSD) process in Nairobi. Its current capacity is to register 80 applicants per working day, but the office is receiving more than double that number of applicants. In recent weeks, the number of applicants has risen to some 300 a day. There is an urgent need to increase the Refugee Status Determination capacity in Nairobi in order to register and document asylum seekers in accordance with national and international standards. One of the consequences is that asylum-seekers need to wait at least six months before they are called for and RSD interview, a period during which they are without any assistance.

Given the difficult environment in the camps in Kenya and Dadaab's close proximity to Somalia and other refugee-producing countries in the region, resettlement will continue to be a valued protection instrument in particular for the protection of refugees who face particular security threats in Kenya that can only be addressed through resettlement. Resettlement in 2010 and onwards will also be used to address the protracted nature of the refugee situation, whereby refugees have been living in closed camps for more than 18 years under often deplorable conditions. The proposed strategic use of resettlement should not only provide greater asylum space, but also a clear sign of international solidarity with Kenya and support for its asylum system.

Protection is a key issue, due to the poor living conditions as well as the proximity with the conflict. Indeed, due to the lack of space, newly arrived refugees have to agree with older refugees to share their plot of lands. Such a context unfortunately creates conditions for human right abuses like forced marriage or violence on women for instance. The issue of unaccompanied minors should also be looked into and protection measures for vulnerable children be taken in priority.

There are persistent rumours of presence of armed groups in the camp, which may be seen as a threat in terms of potential militarization of the camp, risk of active recruitment or abuses.

Finally, the closure of the border also represent a risk for refugees and should be mitigated by regular monitoring of the border and documentation of *cas de refoulement* if any.

Yemen: Traditionally, Yemen has been a transit country towards the Gulf region or Europe and the United States. However, recent studies by UNHCR and IOM underline that the number of refugees staying in Yemen is increasing.

The Yemeni Government is likely to change its policy with regard to refugees in general and Somali refugees in particular throughout 2010. Due to the sharp increase of refugees in 2009 (40% more than the previous year), the GoY intends to drop the *prima facie* refugee status accorded to Somalis and introduce a case-by-case examination to restrict the admission of refugees. According to UNHCR statistics, by the end of September 2009 Yemen was host to 162,362 refugees, around 95% of whom are Somali. Somalis have been arriving in Yemen in ever increasing numbers over the last four years, the vast majority of whom arrive by boat on the shores of Yemen. While Somalis are granted *prima facie* refugee status by the government, many arrive with vulnerabilities which need to be identified at the earliest possible moment before they move on to urban areas or beyond in order to respond to their protection needs in a timely and effective manner. Also the number of refugees originating from the other countries (e.g. Ethiopia, Eritrea) has been steadily increasing in the last year.

Vulnerable groups include Unaccompanied Minors (UAMs), the elderly, women-at-risk, victims of trafficking, those with disabilities, etc.). In addition IOM reported increasing cases of prostitution in the Somali refugee camps on the coast line, and Christian Ethiopian and Eritrean women, especially those living in Sana'a urban areas face several racial gender discriminations. These Special Measures aims to identify and address existing protection gaps related to vulnerable groups, both upon arrival and during their stay in Yemen, and to enhance the ability of refugees to partake in mainstream economic and social life in Yemen.

2.2. Lessons learnt

Lessons learnt are drawn from actions under previous Aeneas Programme and under the Thematic Programme for Cooperation with Third Countries in the field of Migration and Asylum. Most of the projects funded through the Aeneas programme and the new Thematic Programme are still ongoing. Experience with these projects has been taken as much as possible into account. In the area of refugee protection, the limited number of actors able to implement certain type of activities or to operate in a given country pleads in favour of proceeding more systematically through targeted projects or through a project in joint management.

These Special Measures take also in consideration some of the conclusions and recommendations of the recently conducted evaluation of the pilot Regional Protection Programmes (RPP) funded by the EC. In general, the evaluation concludes that the concept of Regional Protection Programmes constitutes a first successful step towards establishing a mechanism for an increase of the capacity of areas which are close to regions of origin, or which are areas of transit, to protect refugees through the three durable solutions, that is repatriation, local integration and /or resettlement. The evaluation recommendations such as to select an RPP based primarily on the assessment of the particular refugee situation in the targeted countries/regions, supported also by needs analyses undertaken by UNHCR, to try to better involve and strengthen the capacities of third countries authorities and to have a resettlement component that would involve Member States and third country authorities have been duly taken in consideration in the preparation of these Special Measures.

2.3. Complementary actions

The Thematic Programme for Cooperation with Third Countries in the Areas of Migration and Asylum, and before the Aeneas programme, have been financing several projects in the region on refugee's protection and assistance, of which many are still ongoing.

The proposed action will complement, in particular, the following projects:

- MIGR/2007/147-378, “Strengthening Protection Capacity Project” implemented by UNHCR
- DCI-MIGR/2008/153-440, "Creation of a national asylum system and enhancing protection and self reliance of refugees in Yemen” implemented by UNHCR
- MIGR/2007/129-659, "Improvement of the reception conditions for asylum seekers in Yemen and enhancing the legislative and institutional framework for Somali refugees" implemented by UNHCR

- MIGR/2007/129-659, "Support to individuals State and Non-state actors to manage Migration and Refugee flows across the Somalia/Yemen gap", implemented by the Refugee Danish Council,
- MIGR/2007/129-969 "The East Africa Migration Route: building co-operation, information sharing and developing joint practical initiatives amongst countries of origin, transit and destination", implemented by the UK Border Immigration Agency,

In addition:

The action will complement ECHO activities in the region, mainly in Kenya Refugees' camps (supporting primarily core interventions in water, sanitation, food and health sectors) as well as in Yemen, where ECHO focuses on the provision of shelter assistance as well as other humanitarian aid to refugees.

The action will also complement the project funded through the Instrument for Stability aiming at "Empowering Government and Civil Society in Yemen to address Mixed Migration". The project is implemented by IOM and started in the second half of 2009.

2.4. Donor coordination

The implementation of the Special measures 2009 will take into account the Paris Declaration, the European Consensus on Development and EU Code of Conduct. Therefore and also as recommended by the evaluation of pilot RPPs, the action will be coordinated with ECHO activities and activities financed by other donors, notably Member States.

Coordination measures will be better detailed in the Term of Reference of the project, namely on the basis of a clear picture of complementarity with other funds and current state of play provided by the International Organisation implementing the action. The overview will also include information on NGOs working with host communities.

3. DESCRIPTION

3.1. Objectives

The overall objective of the Special Measures 2009 is to improve protection and provide immediate assistance to the refugees, mainly Somalis, displaced in the region of the Horn of Africa.

In **Djibouti** the Special Measures have two main objectives: a) to reinforce the national asylum system protection capacity, by training the local law enforcement officers dealing with refugees and asylum seekers, to enable them to manage such mixed migratory flows in compliance with international standards; b) to improve living conditions in the Ali-Addeh camp, in particular with regard to education, vocational training and self-reliance activities, to offer those refugees, in particular young people escaping to Yemen, which see no livelihood opportunities in the camp, better perspectives for the future.

In **Kenya**, the specific objective of the action will be to improve protection for refugees in Kenya and security and living conditions in Dadaab refugee camp in particular. Security is addressed by building the capacity of government officials to improve quality of asylum and effective border monitoring while at the same time training a good number of police officers. It is expected that this action will address one of the five prongs in the High Commissioner's approach in support of the Government of Kenya to strengthen policing within the refugee

communities and establish a screening capacity and ability to separate armed elements from newly arriving civilian asylum seekers.

In addition, this component proposes to improve existing educational facilities and provide educational opportunities to refugee children in the camps. It will also improve the provision of basic health care to refugees in the camps, in particular of women and children. In this context due consideration will be given to the need to support also host communities.

Another objective is to support refugee status determination and increase protection standards for the increasing number of urban refugees in Nairobi. The project will contribute to UNHCR efforts to increase individual RSD and the level of documentation by supporting the government to issue identity cards and to ensure registration of births.

Finally, the project aims at facilitating the resettlement of up to 3,000 Somali refugees, currently living in Nairobi or in the camps in Dadaab¹

As far as Yemen is concerned, the specific objective will be the improvement of the Government's and partners' protection capacities, assistance to refugees and asylum seekers upon arrival at shores and implementation of a self-reliance strategy including skills and/ or vocational training. This will be implemented through: gathering protection related information linked to the identification of the most vulnerable groups arriving on the shores of Yemen and in specific urban area (Sana'a) in order to carry out an accurate profiling of those most at risk and provide appropriate services and information; improving the protection and assistance to identified vulnerable groups of refugees and asylum seekers (Unaccompanied Minors (UAM), the elderly, women-at-risk, victims of trafficking, those with disabilities, etc.); improving the self-reliance of refugees, awareness raising, training, advocacy and capacity building for the Government to identify, receive and protect UAMs and trafficked children. Part of the self-reliance activities will be beneficial to the local host communities as well, and in implementing the project the International Organisation will look for cooperation with civil society and other organizations (local and international).

3.2. Expected results and main activities

In **Djibouti**, it is expected that, by providing training to law enforcement officers, the action will strengthen the capacity of Djibouti authorities to identify people in need of international protection in mixed migratory flows and to treat them in a protection sensitive manner. Such training will be provided to national, regional and local authorities, in particular approximately 150 police officers and border guards in border crossings and in different departments both from the ministries of Interior and Justice. As regards the second main component of the action, it is foreseen to establish a secondary school in the camp, a vocational training centre for young people, as well as income generating activities. As a result, refugees will have better perspectives for the future and will be less dependent on humanitarian aid.

¹ Resettlement means the transfer of refugees from the first country of asylum to a third country where permanent protection is provided. Resettlement takes place with UNHCR as an intermediary. The inclusion of resettlement as part of the activities to be carried out under Special Measures 2009 is a response to the increasing resettlement needs in the region, in particular in Kenya, and is in line with the recommendations made in the Evaluation of Regional Protection Programmes, which advised to better integrate resettlement as a component of these Programmes. It is also in line with the Proposal put forward by the Commission for the establishment of a joint EU Resettlement Programme in its Communication of 2 September 2009, which aims to increase the solidarity with third countries through resettlement.

In **Kenya**, the action will first of all strengthen the ability to undertake proper border monitoring with effective registration and screening, so that *bonafide* asylum seekers and refugees who wish to seek protection in Kenya can be properly identified and separated from persons and armed elements who may be of a national security or public order concern. Armed elements will therefore be separated from the main civilian refugee population, within which humanitarian protection mechanisms can be instituted. The police contingent to be trained will be deployed at a rate of 1 police to 1,000 refugees to police stations in refugee camp locations of Dadaab, to ensure the safety and security of staff, implementing partners, other operational partners, as well as the security of the host population. It is being proposed to deploy 365 police officers (360 in Dadaab, plus 5 in Nairobi). In parallel simultaneous strengthening of rule of law components in the camps will be assured. In this context, special attention will be paid to the protection of women and children, in particular against exploitation in the camps and also against forced recruitment by armed and criminal groups.

Screening activities will include reception and immediate assistance to newly arriving asylum seekers; effective registration; screening for security purposes; screening for medical purposes and staff support buildings and facilities. The registration will be implemented in cooperation with UNHCR, refugee legal aid organisations and Civil Society Organisations specialised in this field. Moreover, the project will contribute to the costs of conducting individual refugee determination status of the increasing number of urban refugees in Nairobi.

According to UNHCR data, over 35% of the refugee population is between the ages of five and seventeen and by the end of 2009 there will be approximately 114,000 children eligible for schooling (pre-unit, primary, or secondary). In 2009, there was an enrolment rate of 51% of children attending pre-unit, primary or secondary education. Primary education is still a priority over pre-unit and secondary education and therefore this proposal would cover the enrolment of primary students, pre-unit students and secondary students, providing also some support for education construction. Refugees have also identified the need to engage youth in vocational training and other livelihood activities. Additional learning material is also needed, like classroom desks and text books. In addition children and adolescents with special needs receive learning support.

Regarding health care, part of the budget will be allocated to both in-patient and out-patient delivery services at the hospitals and health posts. Given the overcrowding in camps and the continuous influx of new arrivals, the population is at an increased risk of disease outbreaks. Due to the high rate of maternal mortality in the refugee population, some specific funds are being budgeted for reproductive health services.

The expected results will be to put a Health Information System in place in Dadaab, health education provided in the camps in Dadaab; health facilities at Hagadera and Dagahaley hospitals, currently in a dilapidated condition, rehabilitated and equipped.

Especially on Health activities, the implementing organisation will look for full coordination with other actors implementing the same activities on the field.

With regard to resettlement, it is expected that resettlement needs for the Somali refugee population in Kenya will continue to increase dramatically. In the absence of any prospects for voluntary repatriation or local integration, more than 116,000 Somali refugees in Dadaab and Nairobi have been identified as in need of resettlement. A certain amount of Somali

refugees in Dadaab and Nairobi will be identified for resettlement to Europe; they will be interviewed and detailed cases submissions for referral will be prepared.

As far as the action in **Yemen** is concerned, main activities will be the expansion of high risk profiling, which will allow for the identification of the most at risk groups arriving on the areas along the Red Sea coast not currently covered and in specific urban areas (Sana'a). Means of transportation and medical evacuation from the Reception Centres along the shores will be provided. Awareness raising campaigns, training and capacity building sessions and advocacy will be conducted with the Government to allow them to identify, receive and protect UAMs and trafficked children. In particular a focal point within the Ministry of Social Affairs will be appointed. Social centres' and foster families' capacity to provide reception and accommodation services to UAM will be supported and enhanced. Additionally, area-based labour market surveys to identify concrete job opportunities for refugees will be carried out and, based on identified market demand of vocations, absorption capacity of vocational training institutions will be increased, while vocational training courses and job insertion schemes will be sponsored for 400 refugees and members of the host community. Expected results will be: enhanced identification mechanism of vulnerable groups whereby protection issues are identified at the earliest possible moment i.e. upon arrival on the shores of Yemen; improved transportation capacity for new arrivals on the shores, particularly for medical cases; increased awareness, responsibility assumption and capacity of GOY officials in the Ministry of Social Welfare to deal specifically with issues related to UAM and trafficked children; reception capacity of government social centers and foster families increased and enhanced; increased employability and skills of refugees and host communities which will contribute to improve their self reliance.

During all the implementation of the action the implementing partner will constantly inform the European Commission on the strategic dialogue with the relevant authorities of the countries targeted by the Special Measures.

3.3. Risks and assumptions

Conditions in the Horn of Africa in general are not expected to improve in the near future. The flow of refugees and asylum seekers from the Horn of Africa is expected to continue unabated for some years with increased numbers arriving and an accompanying increase in vulnerable groups. In addition the situation in the refugee camps is often socially unsustainable and very difficult to monitor.

In **Djibouti**, the successful implementation of this project will depend on the continuation of the current open policy of the Djiboutian authorities towards arriving migrants and refugees. It is also assumed that the existing situation of relative safety and security will prevail. Furthermore, refugees do not have access to the local employment market and face serious difficulties to pursue self-employment activities. UNHCR is for instance encouraging the national authorities to review the administrative framework that governs the presence of refugees, so that refugees can enjoy their socio economic rights and progressively reduce dependence on humanitarian aid.

The volatile situation in Somalia is likely to continue, sending more people into neighboring countries and beyond. At the moment the current influx is of around 6,000 refugees per month into **Kenya**. The successful implementation of this project also depends on the Government of

Kenya willingness to cooperate more actively with UNHCR and other organisations in the protection of refugees.

In **Yemen**, as mentioned earlier, there is a risk of adoption of a less favourable government policy towards Somalis and refugees in general. However, it is assumed that channels of dialogue and cooperation with Yemen authorities remain open and, as a result of the different actions being implemented in that country, refugee protection structures are strengthened.

The main assumptions that are relevant are the support from Governments and other key stakeholders and that the Governments maintain the practice of receptive asylum policies towards refugees and asylum seekers.

3.4. Crosscutting Issues

In **Djibouti** and in **Kenya**, special attention will be given to the enrolment of girls in education and to reducing the drop-out rate of girls. In Djibouti the action will provide take-home rations for girls in primary school in the Ali-Addeh camp. In Kenya special measures will be taken to encourage girls to go to and stay in school. With respect to resettlement, the implementing organisation will look closely at the resettlement needs of women and children and other specific vulnerable groups, such as victims of violence and torture and person with medical needs.

In **Yemen** this action adheres to a number of cross cutting issues through promoting and defending the rights of refugees, particularly vulnerable groups who are at more risk, like women and girl. This project adheres to the principles of good governance, gender equality and human rights, as well as the MDGs, through promoting self reliance, education and access to basic social services for all.

3.5. Stakeholders

Close cooperation with host communities and governments of the countries involved is highly envisaged and will guarantee the success of the action.

The main beneficiaries in **Djibouti** will be refugee and asylum-seekers who will benefit from trained law enforcement officers. Police, border guards and immigration officials are expected to benefit from the training component of this programme, as they will be able to assess protection needs fairly, efficiently and in accordance with international standards. Refugees in the Ali-Addeh camp will benefit most from the opportunity to follow or complete secondary education in the camp. Refugees, in particular women, will also benefit from the proposed vocational training and self-reliance activities. In **Kenya**, the principal beneficiaries will be the refugees in Dadaab, as well as the asylum-seekers in Nairobi. Furthermore, the proposed education activities will benefit refugee children and adolescents, giving a structure to their daily lives and a perspective for their futures. In **Yemen**, partnerships with development actors such as UN Agencies, International Financial Institutions, and NGOs need to be strengthened and/or established in an effort to guarantee the sustainability of the action.

4. IMPLEMENTATION ISSUES

4.1. Method of implementation

The method of implementation will be Joint management. This method of implementation will lead to the signature of an agreement with an International Organisation through a Standard Contribution Agreement. The relevant International Organisation has not yet been identified but will be selected as soon as possible from among those organisations already working on refugee protection in the region. So far, the most concrete negotiations have been carried out with UNHCR as the most probable implementing partner, but there could be other possible actors involved, and the final decision will be made after the identification stage is complete.

Other two possible implementing partners, international organisations working directly on migration issues which have completed the compliance assessment required pursuant to Article 53d of the Financial Regulation, are, IOM (International Organisation for Migration) and ICMPD (International Centre for Migration Policy Development).

4.2. Procurement and grant award procedures

All contracts implementing the action are awarded and implemented in accordance with the procedures and standard documents laid down and published by the International Organisation which will be identified.

4.3. Budget and calendar

The total budget foreseen for the Special Measures 2009 will be up to 5M € Indicative estimated budget per country and activity is the following:

Djibouti

Activities	Euros
Shelter/other infrastructure	200,000
Education	300,000
Participatory Assessment	50,000
Self reliance and livelihood activities	150,000
Training of police officers, military personnel and border guards	200,000
Supply and logistics	100,000
Total	

	1,000,000
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Kenya

Activities	Euro
Construction of boarding facilities	100,000
Purchase school equipment in Dadaab camps	150,000
Education for students in Dadaab	400,000
Vocational training in Dadaab camps (upgrading of 4 centres and 500 start-upkits)	100,000
Special learning support for children and adolescents with special needs and measures to increase enrolment of girls in Dadaab	100,000
Health services and assistance	350,000
Resettlement	200,000
Refugees' protection activities	500,000
Child refugees' protection activities	100,000
Training of police officers and border guards	300,000
Provision of equipment and uniforms for police officers	300,000
Screening, Registration and Documentation	400,000
Total	3,000,000

Yemen

Activity	Euro
Transportation of new arrivals, including medical cases	150,000
Enhancement of high risk profiling	300,000
Assistance to social centres to accommodate UAMs and trafficked children	100,000

Support to accommodation programmes to cater for the predicted increase of vulnerable cases following enhanced profiling mechanism	150,000
Labour market survey and vocational training schemes (upgrading of two institutes and 400 sponsorships)	300,000
Total	1,000,000

Total costs	5,000,000
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The foreseen operational duration as from signature of Financing Agreement will be **24** months.

4.4. Performance monitoring

Key indicators measuring progress will be among others:

- number of refugees and asylum seekers assisted in all the countries;
- number of refugees and asylum seekers provided with vocational training in Djibouti, Kenya and Yemen;
- number of cases prepared and submitted for resettlement;
- number of people the capacity of whom has been built to undertake border monitoring activities;
- number of police officers and border-guards trained in Kenya;
- number of police officers, military personnel and border guards trained in Djibouti
- number of students assisted and educated;
- number of health facilities rehabilitated in Kenya;
- number of UAM identified and assisted in Yemen
- number of high risk refugees and asylum seekers identified and provided with protection services in Yemen

4.5. Evaluation and audit

The rules applicable for any contract between the European Commission and an International Organisation concerning evaluation and audit will be followed.

4.6. Communication and visibility

Standard EC rules for Communication and visibility will be respected.