

EMBARGOED UNTIL 00:01 HRS GMT TUESDAY 16 MAY 2006

Making the case

A national drought contingency fund for Kenya

The critical failure in Kenya's system of drought management is its slow response. A national drought contingency fund should be established to ensure timely, appropriate, and adequate intervention aimed at mitigating the impact of drought-related crises. Recurrent drought may be an inevitable fact of life in Kenya, but the human suffering it causes is not.

This will require:

- **Renewed effort from the Government of Kenya to produce a proposal and to push it through the political system during the current national emergency;**
- **Active support from the international donor community for the establishment and financing of the national drought contingency fund; and**
- **Collective agreement between the Government of Kenya and international donors on effective mechanisms for the disbursement and accountability of such funds.**

1 Introduction: The erosion of livelihoods in Kenya's ASALs

Poverty in Kenya's arid and semi-arid lands (ASALs) is at least ten per cent above national poverty rates.² Recent studies indicate that pastoralist wealth in certain districts of northern Kenya has declined by more than 50 per cent over the past 10 years.³ Alarmingly, Global Acute Malnutrition (GAM) rates in excess of the internationally recognised emergency threshold of 15 per cent are now perceived as the norm in these districts.

In this context, a national drought contingency fund is not a panacea for the under-development of Kenya's ASALs or for the marginalisation of the people who live there. But it is a tool that can mitigate some of the consequences of drought and facilitate more timely provision of relief when it is required.

Humanitarian action should not be considered an alternative to developing durable solutions to the chronic problems of people affected by drought. Corrective measures must be taken by the Government of Kenya (GoK), with the support of the international community, to address the underlying structural causes of vulnerability. For this reason, it is essential that the government's proposed National Policy for the Sustainable Development of the Arid and Semi-Arid Lands of Kenya is prioritised politically and adopted by Parliament.⁴ Furthermore, a robust disaster management policy – one in which the proposed drought contingency fund is an important tool – must be developed as an integral component of this development policy.

2 The argument for a national drought contingency fund

The Early Warning System (EWS) in operation in Kenya's ASALs is arguably one of the strongest in sub-Saharan Africa,⁵ but without a corresponding early response mechanism it is like a smoke alarm without fire extinguishers. In October 2005 the EWS began raising the alarm about the deterioration of an already critical situation in northern Kenya. However, no measures were taken by the GoK until late December, in part due to a lack of immediate funds. While the humanitarian consequences of the current crisis are not due entirely to late response, it is widely recognised that earlier intervention could have limited the damage to the livelihoods of those affected.

The consequences of recurring drought-related crises in Kenya

Recurrent drought-related crises have become increasingly common in Kenya, with the impact on the population increasing exponentially (with the exception of 1995-6), as Table 1 demonstrates.

Table 1: Numbers affected by drought in Kenya, 1975–2006⁶

Year	Number of people affected
1975	16,000
1977	20,000
1980	40,000
1984	200,000
1992	1.5 million
1995-6	1.4 million
1999-2000	4.4 million
2004-6	2.5 million initially to 3.5 million currently estimated

Source: National Disaster Management Policy, Republic of Kenya, 2004; and rapid food security assessments by the Kenya Food Security Steering Group

Peak drought conditions recur roughly every four to five years in Kenya,⁷ but drought conditions are in fact becoming the norm and non-drought years the exception, especially in the ASALs. The rapid recurrence of drought-related shocks leaves insufficient recovery time before the next shock occurs. This progressive exhaustion of resources leads to destitution.

In Kenya, the ASALs inhabited largely by pastoralists are the most susceptible to drought. As their vulnerability has deepened following repeated crises, pastoralists have become increasingly reliant on wild foods, firewood and charcoal production, and petty labour as means of survival. All too often, interventions to mitigate the impact of external shocks such as drought are untimely and inadequate. As women traditionally bear the responsibility to feed their family and to collect and manage water, the impact of the current crisis has arguably hit women the hardest. Oxfam reports from Wajir have suggested that the loss of donkeys, which are key for the transport of

water, has made this task much more onerous and time-consuming for women. There are also anecdotal reports that more women are being forced to seek casual employment away from home in order to meet their responsibility for feeding their family. In some cases, prostitution is the only form of employment available to them. With the men travelling further afield to look for pasture, the risk of sexual violence to women and girls left behind increases, particularly in times of hardship when inter-family tensions might be augmented.

The current drought could lead to cattle losses as high as 95 per cent in the worst-affected areas before the rains arrive in April/May. The immediate losses have provoked a collapse of local markets, with as many as three-quarters of local outlets already closed.⁸ Such massive losses of assets undermine the independent capacity of pastoralists and make recovery over the longer term extremely difficult.

This complex livelihood crisis, compounded by the immediate stress factors of water and food scarcity, has led to a sharp deterioration in people's health and nutrition. Malnutrition rates in north-eastern Kenya approach double the WHO emergency threshold of 15 per cent GAM.⁹ As many as one-third of children under five are already nutritionally compromised and are in a highly fragile physical condition. As the principal carers, women bear the burden of rising malnutrition rates within their family. Furthermore, pregnant and breast-feeding women are particularly susceptible to malnutrition.

A national drought contingency fund, which would provide a means of funding early mitigation efforts, would go some way towards limiting this suffering and loss of livelihoods the next time such a crisis occurs.

Mitigation efforts

Funding that is readily available and deployable in the early stages of a crisis can help to ensure timely measures to mitigate the impact of drought, protecting livelihoods and saving lives. Such measures include improved water-sector planning, improved land management, and a significant escalation of veterinary services, as explained in more detail below.

In the evolution of a drought-related crisis, there is a specific window of opportunity for livestock off-take – when the weakest animals are purchased, slaughtered and the meat given out to beneficiaries for free, in order to increase the chances of survival of the remaining herd. In the current crisis, off-take should have been scaled up to emergency levels in the final quarter of 2005. National guidelines indicated in November that a rate of ten per cent was needed, but in

January 2006 the Ministry of Agriculture (MoA) reported livestock off-take of less than two per cent.¹⁰ Earlier off-take could have provided a more timely cash injection to boost market activity and prevent early reliance on food aid. It could also have preserved critical breeding stock and kept the rest of the herd in better physical condition. Instead, many animals have simply been left to deteriorate, losing all their cash and food value, and eventually dying. Early and large-scale off-take was restricted due to a lack of MoA contingency funding.

Direct cash transfers would have been appropriate in this situation, as long as local markets remained functional. However, increasing losses of livestock contributed to the collapse of the markets, causing severe disruption to normal food supply. The result has been a dramatic increase in reliance on food aid amongst pastoralist herders. Despite significant lobbying of the Kenyan government and international donors by aid agencies, food aid has not kept pace with escalating levels of food insecurity. Evidence from the field shows that as many as 30 per cent of children under the age of five – double the WHO threshold that defines an emergency – have become nutritionally compromised.¹¹

Even in ‘normal’ periods, water resources are limited in the arid lands. Before the rains arrived, water scarcity rapidly reached extreme levels, bringing with it a very real threat to life. In the worst-affected areas, individuals have had access to as little as 1 litre of water each per day,¹² just a fraction of the internationally agreed minimum standard of 15 litres per person per day. The Ministry of Water has been one of the few line ministries to have scaled up emergency activities in response to the escalating crisis. However, it has done this by diverting operational funds from activities elsewhere in the country, and even then the funds have been inadequate.¹³ Clearly, tackling drought by disrupting other development programmes is an unsustainable response strategy.

In such critical circumstances, human health is at significant risk and must be supported by more extensive basic health care services, including mobile outreach clinics, vaccination services, and the development of nutritional programmes. The Ministry of Health was woefully slow to scale up in the face of the current crisis and its response remains inadequate. As many as 40 per cent of health facilities in northern Kenya are reported to be closed, while some 30 per cent of those that are functioning are inadequately staffed.¹⁴

Drought conditions also significantly increase the risk of conflict, as different groups are forced to compete for scarce resources. For example, in a recent incident in Turkana some 40 people were

reported to have died in a clash between Turkana and neighbouring Ethiopian pastoralists. There have also been reports from the field of fighting between communities seeking to access grazing land and water in the pastoral areas between Isiolo and Wajir districts. Community agreements governing access and the sharing of resources have been developed to prevent conflicts of this kind, but these have not been well disseminated. Conflict mitigation institutions exist at local and national levels, with officers seconded to them from government, and there are also district peace committees. However, their effectiveness in practical early warning of conflicts and rapid response is hampered by a lack of funding and resources from government. Conflict early warning and response mechanisms need to be enhanced and co-ordinated by the National Steering Committee for Peace building and Conflict Management and the Secretariat for Conflict Early Warning Networks. With sufficient resources, these institutions could reduce the incidence of conflict.

Although some of these examples reflect inadequate contingency planning or technical capacity, the more immediate constraint is a lack of rapid access to the financial and material resources required to realise interventions at an earlier point in the evolution of a crisis. In most of the cases above, earlier access to adequate funds could have made a significant impact in at least mitigating, if not preventing, some of the worst consequences of the emergency.

Funding shortfalls

Kenya already has a general National Contingency Fund of some 2bn Kenyan shillings (\$25m).¹⁵ However, this is designed to cover every public need that has not already been budgeted for, and demands of up to 300 per cent beyond its capacity are made on it annually.¹⁶ ASAL-related issues receive low political prioritisation and carry little influence within Kenya's power structures, and so placing the financing for early drought response within a generic fund could mean that no resources would be available. There are also concerns about the effectiveness of the way funds are distributed down to district level. As cyclical drought is such a persistent and predictable problem in Kenya, and affects over 80 per cent of its land mass, a separate contingency fund dedicated to preventing drought-related crises is essential.

The capacity of international donors to swiftly approve funding for rapidly emerging crises is limited. This is particularly the case in Kenya where, with the exception of the USA, UK, and EC/ECHO, most donors are comparatively small scale. Pledges take a number of weeks, sometimes months. In many cases, including that of the

current crisis, emergency appeals receive less than 30 per cent of the funds they require in the first month, despite the fact that most crises call for a significant frontloading of resources to establish a rapid response. These factors combine to cause a crucial funding gap that severely constrains Kenya's capacity for early response.

Of course, early response also depends upon the national government and UN agencies recognising the crisis at an early stage. In the case of the current crisis, the EWS was sounding the alarm in October 2005, but the GoK did not acknowledge its full extent until it declared a state of national emergency in mid-December 2005. The appeal with the UN was subsequently made in early February 2006. Four months is a considerable delay between early warning alert and the request for funds. That said, funding needs to be delivered swiftly whenever the call for response is made. Any delay in making the call does not diminish the argument for the need for rapidly available funds. It does, however, underline the need for national governments to be fully engaged in early warning and response mechanisms if these are to function effectively.

Box 1: The UN Central Emergency Response Fund (CERF)

In December 2005 the UN General Assembly approved the UN Central Emergency Response Fund (CERF) as a tool to ensure more predictable funding for humanitarian emergencies.¹⁷ The rationale behind the CERF, which was officially launched on 9 March 2006, is similar to that of the national drought contingency fund that Oxfam and others want to see established in Kenya.

The CERF was created to complement and supplement — not to replace — existing humanitarian funding mechanisms. While the UN has set an initial target of \$500m for the fund, at the time of writing governments had pledged only half that amount.

The CERF has three principal objectives:

- To promote early action and response to reduce loss of life;
- To enhance response to time-critical requirements; and
- To strengthen core elements of humanitarian response in under-funded crises.

Timely interventions facilitated by the CERF could significantly mitigate the consequences of crises internationally. In the case of the Horn of Africa, the UN's Emergency Response Coordinator has approved a first disbursement of CERF funding, and is expected to approve a second, to a total of around \$23m.

However, the CERF should be seen as an addition to, and not a substitute for, existing UN mechanisms and the Kenya national drought contingency fund. It is not an appropriate tool for financing the improved management of

cyclical drought in Kenya, largely because it cannot guarantee sufficient funding year after year. Kenya will always be in competition with other countries and other crises for limited funding. Furthermore, an international fund could never be as responsive to a national level EWS. Only a national fund, closely linked to the EWS, can provide the consistent financial support necessary for combating the impact of cyclical drought in Kenya.

3 How would a national drought contingency fund function?

The GoK, together with donors, has identified the need for a national drought contingency fund, but there is not yet an agreement on how it should function or how it should be resourced. The GoK needs to agree to a concrete proposal with donors before the legislative process leading to the implementation of the fund can begin. This section addresses some of the key issues to be resolved.

Resourcing the fund

Expert analysis suggests that a contingency fund established specifically for drought management should contain some \$50m.¹⁸ A fund of this size is far more manageable than the current GoK/UN appeal (which is seeking the sum of \$230m) and would help to prevent the need for such large appeals in the future.

Non-food sector activities, such as the primary actions required earlier in the evolution of the current crisis, for example, would draw on the national drought contingency fund. In the early stages of a crisis, markets are more likely to be relatively functional and therefore inputs in kind are less likely to be appropriate. The issue is often one of restricted access to commodities, rather than their availability. It is crucial that assistance meets the needs of the people affected while providing them with the greatest range of options, including the ability to purchase food locally where possible. In the current GoK/UN appeal, the cost of non-food sector activities planned for 2006 is estimated at some \$20m, although this probably under-estimates the actual need. A contingency fund to the order of \$50m would probably be appropriate, allowing for cash and food responses.

The primary responsibility for a rapid response to an emergency lies with the GoK. In theoretical terms it has significant capacity, but in practice it is constrained by a lack of budgetary flexibility on the part of line ministries due to large recurrent costs and weak contingency planning. There is, therefore, a lack of capacity for funding new

projects. That is not to say that the GoK, which had a GDP growth rate of five per cent in 2005, should not bear some of the costs. Winning the current battle against corruption and the misappropriation of government finances should free up some of the resources necessary for a contingency fund. Nevertheless, a significant percentage of any new funding will have to come from international donors.

Key contributors will include the G8 member countries, together with the European Commission and the World Bank, both of whom will be critical players in this initiative. Alongside smaller donor countries, China and countries in the Middle East could also be called upon to participate.

Donations provided for the fund must be in addition to assistance currently provided by donors to Kenya, as it aims to cover an existing funding gap. Donors must be prepared to replenish the fund in preparation for the next crisis, without drawing on funds already allocated for the current emergency. It is imperative that donors are ready to release money for the fund as soon as it is needed. It is hoped that in future, following an early warning alert, the timely provision of funds for mitigation efforts will mean that crises do not escalate to critical levels, and that donors will not be required to give as much further down the line. However, a national drought contingency fund should in no way replace large-scale humanitarian intervention at a later stage in a crisis, if such intervention is required: it should serve to supplement such activities.

Management and operation of the fund

In 2005 Kenya had a GDP growth rate of five per cent and surplus cereal production, and so it is difficult to simply accept the claim by the government that limited resources prevent it from providing essential support, services, and protection for Kenyan citizens affected by the drought. The recent financial scandals exposed within the current administration must also be taken into account.

The current financial context, including large-scale corruption, underlines the need to establish a fund independent of central financial structures in the first instance, but responsibility for its management should return to the GoK over time. A separate management system and structure of accountability should be established to ensure that funds are made available specifically to address the hardships faced by targeted recipients. The risk of funds being lost to corruption is reduced if community organisations and others are closely involved in the monitoring implementation.

The operational management structure of the fund must ensure rapid decision-making based on clearly defined criteria, with administrative and bureaucratic procedures kept as light as possible to ensure accessibility. At present, lines of communication are weak between the EWS, the District Steering Groups – which evaluate a situation and recommend the action to be taken – and the Kenya Food Security Steering Group (KFSSG), which is the ultimate decision-maker on where funds need to be spent. This problem must be addressed if early warning is to be translated into early response with the help of the contingency fund.

The KFSSG – a group that comprises government representatives, NGOs, and the UN – demonstrates that effective drought management requires the cooperation and coordination of a number of different agencies. The capacity of the GoK to coordinate and implement decisions taken within this group must be strengthened. Strong coordination between district and national-level institutions is also critical to ensure the production of evidence-based analysis that is technically well supported. Strong systems of data collection, analysis, communication, and information sharing are critical to strengthening the relationship between the two levels and thus to ensuring effective decision-making on how contingency funds are used. Capacity building needs to be provided at national, regional, and local levels by government and the international community.

The debate on the contingency fund must now move forward, with the GoK and relevant experts deciding on a functional management mechanism, according to their experience and to the Kenyan context.

Priority uses of the fund

The history of disasters in Kenya is largely concerned with drought. Although the country is prone to other types of disaster, including floods, fire, disease, and man-made accidents, better drought management has been clearly identified as a government priority.¹⁹ Drought conditions recur in a cyclical manner and evolve along predictable lines, with devastating effects that are equally predictable for those affected. It is therefore arguable that efforts should be concentrated on improving the anticipation of drought-related crises, allowing for earlier responses to prevent and mitigate their impact. In this light, the drought contingency fund should be dedicated largely to drought management. There is a case to be made for using the fund to finance entirely preventative drought management schemes. Discussions of a 'safety net' system are gaining momentum in Kenya. The argument for funding a 'safety net' programme aimed at addressing predictable needs, such as those arising during seasonal

'hunger gap' periods, is strong both from a moral and from a human rights-based perspective. Even though funding for social programmes of this kind will eventually need to be integrated into national-level budgeting, funding for the initial feasibility phases could be drawn from the national drought contingency fund. However, it must be stressed that the fund should not be the sole funding mechanism for safety net programmes in the longer term: it should only be used if such programmes need to be scaled up in response to a deteriorating situation.

The proposed national drought contingency fund may prove to be valuable for covering more than the obvious 'early response' funding gap. Additional funding demands require further analysis, but the possibility of broader uses, such as the safety net system, should not be excluded as the framework of the fund is developed.

4 Recommendations

Drought is an inevitable feature of life in northern Kenya, but the human misery it causes is avoidable. A national drought contingency fund is not a durable solution, and is focused more on alleviating the symptoms of the problem rather than addressing its causes. However, such a fund would facilitate more timely and adequate emergency responses aimed at maximising the capacity to prevent and mitigate the effects of drought, and to avoid critical situations developing into full-blown humanitarian crises.

On this basis, Oxfam is calling for:

- **The establishment of a national drought contingency fund in Kenya before the end of 2006, to ensure that it is in place and functional before the next drought-related crisis emerges.**

This will require:

- **Renewed effort from the Government of Kenya to produce a proposal and to push it through the political system during the current national emergency;**
- **Active support from the international donor community for the establishment and funding of a national drought contingency fund; and**
- **Collective agreement between the Government of Kenya and international donors on effective mechanisms for the disbursement and accountability of such funds.**

Notes

¹ For further information see, 'Delivering the agenda: Addressing chronic under-development in Kenya's arid lands', Oxfam International, May 2006.

² Central Bureau of Statistics, Geographic Dimensions of Well-Being in Kenya, www.cbs.go.ke (last checked by author March 2006).

³ Oxfam-facilitated household economy assessments in Turkana, northern Kenya, February 2006.

⁴ For further information see, 'Delivering the agenda: Addressing chronic under-development in Kenya's arid lands', *op. cit.*

⁵ Nyangada, J., Swift, J., and Wekesa, M., Feasibility Study for the Establishment of a National Drought Contingency Fund, submitted to the European Commission and the Government of Kenya, 2005, p.85.

⁶ There was a serious drought in 1973-4, affecting a large number of people, but there are no official figures available before 1975.

⁷ Rainfall Variability and Drought in Sub-Saharan Africa, FAO, 1996.

⁸ These statistics are drawn from the Wajir Food Security Situation, December 2005, Oxfam internal report.

⁹ MUAC surveys by Merlin and MSF in December 2005; weight/height survey by UNICEF in October 2005.

¹⁰ Verbal report by Ministry of Agriculture representative in Kenya Food Security Steering Group (KFSSG) meeting, 24 January 2006.

¹¹ MUAC surveys by Merlin and MSF, *op. cit.*

¹² Turkana household economy assessment, Oxfam GB, January 2006.

¹³ C. Huser, personal conversation with Ministry of Water, Permanent Secretary.

¹⁴ As reported verbally by UNICEF representative in KFSSG meeting, 24 January 2006.

¹⁵ At the time of writing the exchange rate is about Ksh 73 = \$1.

¹⁶ Nyangada, J., Swift, J., and Wekesa, M., *op. cit.*, p.26.

¹⁷ See: 'Predictable Funding for Emergencies: A Challenge to Donors', Oxfam Briefing Note, October 2005.

¹⁸ Nyangada, J., Swift, J., and Wekesa, M., *op. cit.*

¹⁹ National Disaster Management Policy, Republic of Kenya, November 2004, p.15.

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