



Humanitarian Aid Decision

23 02 01

Title: Support to humanitarian operations to provide, in accordance with UNHCR's mandate, international protection to refugees and other persons of concern to UNHCR

Location of operation: Global

Amount of decision: 5,000,000 euro

Decision reference number: ECHO/THM/BUD/2005/01000

Explanatory Memorandum

1 - Rationale, needs and target population:

1.1. - Rationale:

Securing the legal and physical protection of refugees is a central responsibility of states and a major concern for UNHCR. Increasingly, refugees¹ are encountering problems while seeking international protection. Instances of refoulement² are on the rise, borders may be closed and there have also been instances of enhanced tension between refugees and local communities, sometimes translating into violence.

While the primary role of UNHCR, to provide international protection to refugees, has not changed over the years, changes in the nature of armed conflict have affected patterns of population movements, while political repression and human rights violations remain significant elements of current displacements³. The political scene has witnessed some changes in the last few decades: the wars of independence in the sixties and seventies have been replaced in the eighties and nineties by new forms of violence where guerrilla groups and other non state actors engage in fighting with regular Government armies. As these new forms of conflict continue unabated, it seems that over time a sort of “asylum fatigue” has set in, eroding traditional hospitality vis-à-vis refugees who are no longer fleeing liberation wars but endless internal strife and armed conflict.

1 A refugee, as defined in the 1951 Convention relating to the Status of Refugees, is outside his/her country of origin, has a well-founded fear of persecution because of his/her race, religion, nationality, membership in a particular social group, or political opinion, and is unable or unwilling to avail himself of the protection of that country, or to return there, for fear of persecution.

2 Refoulement: the removal of a person to a territory where the person would be at risk of being persecuted, or of being moved to another territory where the person would face persecution. The principle of non-refoulement is included in refugee law and customary international law.

3 Refugees are not only “persecuted” refugees in the narrow sense of the 1951 Convention, but also people fleeing from a theatre of crisis.

According to UNHCR, there are some 16 million persons of concern to UNHCR, including approximately 9 million refugees worldwide. Often these people find no peace in their area of refuge.

Forced deportation of asylum seekers and refugees is not exceptional. UNHCR is sometimes denied access to persons of direct concern. Refugees continue to confront serious security problems, including sexual and gender based violence. Fear of “terrorism” in host countries has, in some cases, impacted negatively on asylum seekers' access to asylum procedures and to resettlement opportunities. The resurgence of international terrorism and an increasing lack of respect for humanitarian neutrality, impartiality and access, has added new difficulties to UNHCR's work in terms of the security of its staff and partners and, therewith, to ensuring access to refugees and asylum seekers.

In this context, in the last two years, further to the usual geographical ECHO financing and as a result of the ECHO-UNHCR Strategic Programming Dialogue, the Commission has adopted a thematic decision to finance UNHCR's protection activities. Thematic funding has allowed UNHCR to move ahead in the important area of refugee protection and registration. Protection of refugees is at the core of both ECHO and UNHCR's mandate and there is the commitment to make effective protection a reality.

Such activities are fully endorsed by ECHO's mandate, as enshrined in article 4 of Council Regulation (EC) no. 1257/96, which requires that the effectiveness and consistency of the intervention systems set up to meet the needs generated by natural or man-made disasters or comparable exceptional circumstances should be ensured and strengthened. They are in line with **ECHO's 2005 Strategy** and **ECHO's thematic approach** to funding International Organisations. This thematic approach to humanitarian needs represents a new way of working with International Organisations and ECHO's commitment to work closely with the UN agencies in the delivery of humanitarian aid.

Through **thematic funding**, ECHO aims to support a mandated humanitarian agency in the implementation of its core mandate, in order to reinforce the quality of humanitarian aid delivery. ECHO will provide such funding on condition that thematic contributions achieve a value-added for meeting humanitarian needs and strengthening response capacities of the humanitarian community.

1.2. Identified needs:

Protection issues are broadly categorized by UNHCR into legal protection (working with governments on ensuring that proposed new, or amended, refugee legislation and refugee status determination structures and procedures adhere to international norms and standards including registration of refugees and residence rights) and physical protection (problems include harassment, extortion, physical assault, sexual and gender based violence and exploitation, infiltration of refugee camps by armed elements, forced military recruitment, diversion of assistance, etc).

At the same time, it is clear that protection for refugees is linked to material security i.e. access to basic needs, including food, water, shelter, firewood, sanitary materials, clothes and to basic services such as health and education. UNHCR remains conscious that certain groups of refugees are particularly vulnerable. The link between protection and assistance activities has been strengthened through mainstreaming of protection objectives, including the special needs of refugee women, children and elderly. Nevertheless, concrete implementation of programmes aimed at improving the situation of women, children and other vulnerable

groups remains an important part of protection activities. This includes programmes aimed at reducing the incidence and impact of domestic and gender-based violence, sexual abuse and exploitation or recruitment of child soldiers.

To implement protection programmes, qualified staff are required. It is important to recall that the delivery of international protection is a staff-intensive specialized service that is one of the most basic functions of UNHCR. Well-trained, experienced and principled staff are required to address protection tasks in a professional manner. In this context, and in order to enhance the rapid deployment of protection staff to respond to quickly developing refugee and returnee situations, UNHCR has developed the **Surge Project**. UNHCR asked the International Rescue Committee (IRC) to help recruit, train and deploy protection officers. Launched in 2001, the Surge Project draws upon a Roster of highly qualified professionals who are deployed to UNHCR field offices in case of “protection surges” (increased needs), when UNHCR staffing resources are not sufficient. Recruited staff are IRC employees but are seconded to UNHCR and report solely to UNHCR staff. The Surge Project is a flexible instrument which allows staff deployment within a month and includes specialists in areas of community services and prevention of gender based violence. Since its inception in July 2001, the Protection Surge Capacity Project has fielded over 60 deployments to over 40 UNHCR field offices worldwide (Afghanistan, Angola, Colombia, Chad, Ivory Coast, Guinea, Rwanda, Sierra Leone and Sri Lanka, among others).

Another essential tool for refugee protection is **registration**. Registration systems touch on many aspects of UNHCR’s operations, including protection and durable solutions, assistance delivery, standards and procedures and as a result must account for the interests and activities of a wide range of UNHCR stakeholders.

Over the last years, UNHCR has identified the need for a comprehensive improved system of registration and population data management activities. All refugees need to be individually registered and to receive documentation, so as to improve their security, freedom of movement and access to essential services. In 2002 UNHCR launched a “Registration Baseline Survey” to provide a global overview of the current status of registration. This Baseline Survey revealed considerable variability in registration standards and practices throughout UNHCR, many of which had been developed over long periods of time to meet local needs and constraints. While these registration tools met an important need they led to inconsistencies which modern technology should make it possible to eliminate. In some cases this resulted in doubt being cast on the precision of certain refugee caseload numbers. The need was identified for a unified approach to registration, meeting international minimum standards, as an essential component of international protection. Therefore, in 2002 ECHO decided to support the longer-term efforts of UNHCR to set up and integrate an effective global registration system, **Project Profile**.

The European Commission has been a key donor and has supported Project Profile, from its inception in 2002, with the development of new systems, software and methodologies, to its field implementation in 2004.

The first phase of the Profile implementation takes place during the second semester of 2004. Approximately 20 countries were selected and assessed by June 2004 and a total of 20 countries will have been visited by the Project Profile team by the end of 2004. Overall the project’s implementation plan has been executed as expected. The profile teams have been able to adapt to the ever-changing field realities and as missions are completed, lessons learned are shared with all teams resulting in continuous improvements.

During 2004, UNHCR has conducted a number of important internal policy reviews, management and technical assessments and comparative studies, related to emergency and security management. Enhancing UNHCR's **response capacity in emergencies and its preparedness** to deal with humanitarian crises by improving its emergency intervention systems, has been widely acknowledged as essential for UNHCR to remain able to fully implement its mandate. UNHCR's Emergency and Security Service conducted an inter-agency best practice comparison to assess the current status of its early warning and emergency preparedness capability. The study concluded that there is the need to strengthen inter-agency contingency planning and ensure the link between early warning and systematized response actions.

1.3. - Target population and regions concerned:

Funding under this decision will benefit refugee populations and other persons of concern to UNHCR, excluding Europe. Other beneficiaries will be UNHCR and UNHCR's partner staff. The following table provides a breakdown of the beneficiaries of concern to UNHCR in the various regions.⁴

Operational zone	Refugees	Asylum seekers	Returnees	IDPs	Stateless & Various	Total
Africa	3,135,800	166,100	345,100	571,600	66,500	4,285,100
Asia	3,635,700	48,000	713,700	1,565,400	224,200	6,187,000
Latin America & Caribbean	38,300	7,200	300	1,244,100	26,500	1,316,400
Oceania	69,600	4,400	-	-	400	74,400
Total	6,879,400	225,700	1,059,100	3,381,100	317,600	11,862,900

Support to meet short-term staffing needs in the field of protection will be provided in a variety of countries all over the world, as required, through the Surge Project. For Project Profile, UNHCR has identified the countries which are a priority for the implementation in 2005 (see section 2.2.). This identification has been based on a number of criteria, including size and complexity of caseloads, urgency, current quality of registration data, technical capacity and security concerns.

1.4. - Risk assessment and possible constraints:

⁴ UNHCR's Population Data Unit as of 1 January 2004

It is certainly a challenge to reconcile ECHO's short term mandate with the long-term needs in the field of protection of refugees. The programmes that ECHO is funding under the present decision, in principle, require a medium- term perspective that ECHO cannot formally commit to, given the annual basis of ECHO programming and budget, and the short-term nature of ECHO's mandate. However, ECHO believes that this support is needed as a necessary investment, over a limited period of time, to ensure the effectiveness and feasibility of its short term actions in a medium to long-term perspective. ECHO will decide, each year, how to target its funding to UNHCR's protection activities so as to ensure that these resources are used in line with ECHO's mandate. At the same time, ECHO will elaborate a clear exit strategy that includes advocating with the other relevant Commission services to take on board the UN needs in terms of medium term funding and capacity building.

A significant constraint for the implementation of this programme is the continuing instability in most of the countries where the decision will be implemented, often entailing the deterioration of state structures and the weakening of governance capacity. Insecurity and difficulties in deploying international staff will remain a main constraint.

UNHCR's ability to perform these functions depends on having skilled and experienced staff within countries, properly supported by regional offices and headquarters, all working towards the same standards. Funding from other donors to support the overall UNHCR programme will remain a vital component.

Regarding the implementation of Project Profile, it is challenging for UNHCR to manage ongoing registration while simultaneously overseeing the development and implementation of a radically new system. UNHCR has reported difficulties with planned registration, as it depends on the complex juncture of a variety of disparate factors. These include the political will of host governments, resource availability, appropriate materials, weather, security and co-operation from refugees. For political and other reasons not all host governments are either willing or interested in issuing identity documents to refugees and others of concern. Furthermore, new technologies are being introduced in remote areas where it is difficult to find technically qualified persons to maintain and operate such equipment. Sometimes registrations are disrupted by those who have vested interests, such as fraudulently obtained ration cards.

2- Objectives and components of the humanitarian intervention proposed:

2.1. – Objectives:

The principal objective of this decision is that refugees and other persons of concern to UNHCR are provided with international protection, in accordance with UNHCR's mandate.

The specific objective is that UNHCR's capacity to respond to developments in refugee situations is strengthened, by enhancing the organisation's protection, registration and emergency response mechanism.

2.2. - Components:

The objectives of this decision will be implemented through three main components: Deployment of qualified protection staff through Surge Project, the implementation of

Project Profile and the support to UNHCR's Emergency Response and Preparedness Programme.

Surge Project

In 2005 ECHO will continue to support the Surge project. Through this project, a roster of well qualified and experienced individuals is made available to meet demands for protection staff which otherwise may exceed UNHCR's capacity to provide a rapid response. Emerging, ad hoc requirements need to be addressed in a timely and flexible manner, through the deployment of knowledgeable personnel. This is the objective of the Surge Project, which should ensure the timely deployment of staff with relevant experience in refugee protection. A specific roster on gender/community services and registration based specialists will be created.

Surge protection officers will be involved in various protection activities, such as returnee monitoring, border monitoring, legal protection in refugee camps, gender-based violence issues, detention related cases, registration, child protection, organising voluntary repatriation.

Project Profile

Funding under this decision will continue to support the implementation of Project Profile in 2005. Prioritisation of operations for the roll-out of Profile in 2005 have begun. At this stage, UNHCR has identified the following indicative list of countries: Angola, Botswana, Burundi, CAR, Chad, DRC, Congo Brazzaville, Eritrea, Malawi, Namibia, Senegal, Zambia, Zimbabwe, Venezuela, Azerbaijan, Indonesia, and in Caswaname regions. Other potential countries are Afghanistan, Iran, Libya, Pakistan, Uzbekistan.

Activities related to the implementation of Project Profile comprise:

1. The assessment and registration strategy design for each of the selected country operations. The objective is to assess current registration practice against the standards of the handbook and to identify which level of registration and which specific improvements are needed to serve operations, protection and durable solution goals. The assessment defines additional information to be collected (including photographs), describes purpose and content of identity documents to be issued, identifies resource, training and support requirements, and sets out a schedule for implementation.
2. Field implementation. After the registration strategy is prepared, the Profile implementation team travels to the selected country locations to conduct country-level training and assist the offices in adopting new registration tools and standards. The training targets registration teams and technical implementation staff to ensure that teams/staff are fully familiarised with new procedures. A new software application for recording and managing population data will be installed in each implementation site, including the hardware and technical expertise necessary to support it.

Once an implementation mission has been completed, the support team in Geneva continues to provide regular follow-up and answers to queries on how the new tools are used. In offices where major registration activities follow the implementation of the new tools, a Profile follow-up team will be sent back if requested.

In addition, the Profile teams, together with the Population and Geographic Data Section, will organise regional training activities for those countries not directly targeted for

implementation in 2005. Regional training targets at least two staff members per country – a country registration coordinator and a field registration manager. A training programme for HQ staff in the standards, procedures and new tools will be continued in the first half of 2005.

As a result of the implementation of Project Profile, refugees and other persons of concern to UNHCR, are provided with photographic identity documents where agreed to by host governments of the country of asylum. This will enable them to improve their legal and physical protection, freedom of movement, access to basic rights including family reunification. Moreover, the new registration system will include, where appropriate, biometric technology (as one of several options) . Experience with iris recognition technology experiments has been quite good, suggesting that wider use of this technology could save UNHCR “substantial resources” because of its deterrent value⁵ to fraud and “recyclers”.

Emergency Preparedness and Response programme

Funding under this decision will support UNHCR’s emergency preparedness and response programme. As a result, a new UNHCR internal Early Warning and information-sharing tool (‘Action Alerts’) will be integrated within UNHCR operation management systems. Furthermore, contingency plan guidelines and “emergency procedures” will be revised and rolled out. A roster of Emergency Response Teams and Emergency Preparedness Response Officers (EPRO) will be available for immediate deployment and support to key emergency preparedness and response functions. A major part of the funding will be destined for training activities in support of the updated emergency preparedness and response mechanisms. Training modules and capacity-building programmes will be developed by the Emergency and Security Service (ESS) in conjunction with host governments, regional bodies, national and international NGO’s and other operational partners. Around 300 UNHCR, NGO and government staff will benefit from training in emergency preparedness and response activities, as developed by UNHCR in close collaboration with partners and the UN Inter-Agency Standing Committee.

3 - Duration foreseen for actions within the framework of the proposed decision:

The duration for the implementation of this decision will be 15 months. This duration will allow for streamlining of the implementation period of the operations with the UN Financial Year, thus ensuring a smoother implementation of the operations, covering effectively a full financial year. International protection of refugees in general and implementation of the actions proposed require a medium-term perspective. However, the activities and results of the operations financed under this decision have been adapted in terms of objectives and results to the ECHO short-term funding cycle. Humanitarian operations funded by this decision must be implemented within this period. Expenditure under this Decision shall be eligible from 01/01/2005. The start date is : 01/01/2005.

5 Evaluation of the test of Iris Recognition Technology, Takhta Baig, Pakistan, page 2.

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 decision.

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 crisis concerned herewith

List of previous ECHO Thematic Funding operations				
Decision number	Description	2002	2003	2004
		EUR	EUR	EUR
ECHO/TPS/210/2002/14000	UNHCR: protection, staff security, registration	11,000,000		
ECHO/THM/210/2003/01000	ICRC, protection to victims of armed conflicts		10,000,000	
ECHO/THM/210/2003/02000	UNHCR, protection to refugees and to enhance security of humanitarian staff		11,000,000	
ECHO/THM/210/2003/03000	UNICEF, children affected by armed conflicts		996,000	
ECHO/THM/BUD/2004/01000	UN-OCHA, humanitarian information systems			4,000,000
ECHO/THM/BUD/2004/02000	WHO, humanitarian response to health emergencies.			3,500,000
ECHO/THM/BUD/2004/03000	WFP, Assessing Emergency Needs in Food Security Crises			4,500,000
	Subtotal	11,000,000	21,996,000	12,000,000
	Total (2002-2004)			44,996,000

Dated : 30/08/2004
Source : HOPE

5 - Other donors and donor co-ordination mechanisms

UNHCR, the United Nations refugee agency, is mandated by the United Nations to lead and co-ordinate international action for the world-wide protection of refugees and the resolution of refugee problems. UNHCR's programme is reviewed for adoption every year in October by its Executive Committee (ExCom). Throughout the year, frequent consultations on specific programmes and themes are held with the Members and Observers of ExCom.

Like the European Commission, various EU Member States, as well as the US, Japan and Canada have provided continued strong support to UNHCR operations, notably in Africa. All recognise that strong support is needed in this particularly vulnerable and volatile area.

ECHO has contributed to UNHCR's programmes all over the world since 1992. Activities particularly related to thematic funding have been funded by ECHO through contribution agreements in 2002 and 2003.

UNHCR ensures that there is no overlap in funding of activities by different donors and notably between ECHO funding at country and thematic level.

ECHO will ensure the monitoring of the programme in selected countries via its network of field experts. At **headquarters level**, meetings with UNHCR will take place to review the programme.

6 –Amount of decision and distribution by specific objectives:

6.1. - Total amount of the decision: 5,000,000 euro

6.2. - Budget breakdown by specific objectives

Principal objective: <i>Refugees and other persons of concern to UNHCR are provided with international protection, in accordance with UNHCR's mandate.</i>				
Specific objectives	Allocated amount by specific objective (Euro)	Possible geographical area of operation	Activities	Potential partners⁶
Specific objective 1: UNHCR's capacity to respond to developments in refugee situations is strengthened, by enhancing the organisation's protection, registration and emergency response mechanism.	5,000,000	Global	<ul style="list-style-type: none"> - Deployment of qualified Surge Staff with relevant experience in refugee protection; - Implementation of Project Profile in the indicative list of countries; - Action Alerts integrated in UNHCR operations; -Contingency planning guidelines and emergency procedures up-dated and rolled out; EPRO and Emergency Response Teams available for immediate deployment; - EPR and Project profile training; 	- UN - UNHCR - BEL
TOTAL	5,000,000			

⁶ 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 operations financed by the Community in order to establish whether they have achieved their objectives and to produce guidelines for improving the effectiveness of subsequent operations." These evaluations are structured and organised in overarching and cross cutting issues forming part of 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://europa.eu.int/comm/echo/evaluation/index_en.htm.

8 –Budget Impact article 23 02 01

	CE (in Euro)
Draft Budget Appropriations for 2005	471.000.000
Supplementary Budgets	-
Transfers	-
Draft Budget Appropriations for 2005	471.000.000
Total amount of the Decision	5.000.000

COMMISSION DECISION

of

on the financing of humanitarian operations from the general budget of the European Union to support humanitarian operations to provide, in accordance with UNHCR's mandate, international protection to refugees and other persons of concern to UNHCR

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,
Having regard to Council Regulation (EC) No.1257/96 of 20 June 1996 concerning humanitarian aid⁷, and in particular Article 15(2) thereof,

Whereas:

- (1) The evolution of the geopolitical and economical context in the last decade has led to an upsurge of mainly internal armed conflicts in developing countries, which has led to large-scale displacement of populations;
- (2) The humanitarian consequences of this evolution are serious: according to UNHCR there are some 16 million persons of concern to UNHCR, including approximately 9 million refugees worldwide;
- (3) Increasingly, refugees are encountering problems while seeking international protection. Instances of refoulement are on the rise, borders may be closed and there have also been instances of enhanced tension between refugees and local communities, sometimes translating into violence, including sexual and gender-based violence;
- (4) ECHO envisages funding measures designed to enhance the protection of refugees and other persons of concern to UNHCR by funding UNHCR, an experienced partner with a unique mandate and a global outreach in that domain;
- (5) An assessment of the humanitarian situation leads to the conclusion that the Community should finance humanitarian aid operations for a period of 15 months;
- (6) It is estimated that an amount of 5,000,000 euro from budget line 23 02 01 of the general budget of the European Union is necessary to provide humanitarian assistance to refugee populations, taking into account the available budget, other donors' interventions and other factors;
- (7) In order to ensure the effective implementation of this decision at the beginning of the budget year 2005, the adoption of this Decision should exceptionally be permitted during 2004;
- (8) In accordance with Article 17 (3) of Regulation (EC) No.1257/96 the Humanitarian Aid Committee gave a favourable opinion on 16 December 2004 .

⁷ OJ L 163, 2.7.1996, p. 1-6

HAS DECIDED AS FOLLOWS:

Article 1

In accordance with the objectives and general principles of humanitarian aid, the Commission hereby approves a total amount of 5,000,000 euro for humanitarian aid operations to provide, in accordance with UNHCR's mandate, international protection to refugees and other persons of concern to UNHCR, by using line 23 02 01 of the 2005 budget of the European Union.

In accordance with Article 2.e) of Regulation (EC) No.1257/96, the humanitarian operations shall be implemented in the pursuance of the following specific objective:

- UNHCR's capacity to respond to developments in refugee situations is strengthened, by enhancing the organisation's protection, registration and emergency response mechanism.

Article 2

1. The duration for the implementation of this decision shall be for a maximum period of 15 months, starting on 01/01/2005.
2. Expenditure under this Decision shall be eligible from 01/01/2005.
3. If the operations 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

Article 3

1. The commitment and payment of euro 5,000,000 shall be conditional upon the necessary funds being available under the 2005 general budget of the European Union.
2. This Decision shall take effect on 01/01/2005.

Done at Brussels,

For the Commission

Member of the Commission