

COMMISSION DECISION
of
on the financing of humanitarian operations from the general budget of the European Communities in Bangladesh

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 aid¹, and in particular Article 2 and Article 15 thereof:

Whereas:

- (1) The Rohingya people from North Rakhine province, in Myanmar, are suffering repression in Myanmar due to their Muslim faith and South Asian ethnicity;
- (2) An estimated 200,000 Rohingya live in Bangladesh as undocumented refugees, as a direct consequence of this persecution;
- (3) In 2002, the Bangladeshi Army chased some of these refugees from the villages where they had established residence and forced them to move into a makeshift camp in Teknaf;
- (4) An estimated 10,000 Rohingya undocumented refugees are currently living in this overcrowded location in Teknaf, without access to drinkable water or adequate sanitation, on a flood-prone narrow strip of land between a major road and a river;
- (5) The Government of Bangladesh has recently identified an adequate site to relocate the Rohingya people from the Teknaf camp.
- (6) An assessment of the humanitarian situation leads to the conclusion that humanitarian aid operations should be financed by the Community for a period of 15 months.
- (7) It is estimated that an amount of EUR 1,500,000 from budget line 23 02 01 of the general budget of the European Communities is necessary to provide humanitarian assistance to approximately 10,000 displaced persons, taking into account the available budget, other donors' contributions and other factors;
- (8) 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.

¹ - OJ L 163, 2.7.1996, p. 1-6

² - OJ L 248, 16.9.2002, p. 1, Regulation as last amended by Regulation (EC, Euratom) No. 1995/2006, OJ L 390, 30.12.2006 p.1

³ - OJ L 357, 31.12.2002, p.1 Regulation as last amended by Commission Regulation (EC, Euratom) No. 478/2007, OJ L 111, of 28.04.2007 p.13

⁴ - Commission Decision of 21.2.2007, C/2007/513

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 1,500,000 for humanitarian aid operations for the resettlement of the Rohingyas refugees from Teknaf to the newly identified site, by using line 23 02 01 of the 2007 general budget of the European Communities.
2. In accordance with Article 2 of Council Regulation No.1257/96, the humanitarian operations shall be implemented in the pursuance of the following specific objective:

To provide multi-sectoral humanitarian support to the unregistered Rohingyas refugees from Teknaf.

The total amount of this decision is allocated to this objective.

Article 2

1. The duration for the implementation of this decision shall be for a maximum period of 15 months, starting on 1 December 2007.
2. Expenditure under this Decision shall be eligible from 1 December 2007.
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 Commission shall implement the budget by direct centralised management or by joint management with international organisations.
2. The actions supported by this decision will be implemented by humanitarian aid organisations that are signatories to the Framework Partnership Agreements (FPA) or the EC/UN Financial Administrative Framework Agreement (FAFA).
3. Taking account 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.

Done at Brussels,

For the Commission

Member of the Commission



Humanitarian Aid Decision

23 02 01

Title: Humanitarian assistance for the resettlement of the unregistered Rohingya refugees of Teknaf.

Location of operation: Bangladesh

Amount of Decision: EUR 1,500,000

Decision reference number: ECHO/BGD/BUD/2007/02000

Explanatory Memorandum

1 - Rationale, needs and target population.

1.1. - Rationale:

The initial influx of Rohingya people from North Rakhine province, in Myanmar, to the Cox's Bazaar area of Bangladesh dates back to 1978. They are genuine refugees suffering repression in Myanmar and considered "stateless" people by the Myanmar authorities, because of their Muslim faith and South Asian ethnicity. A second influx of refugees came in 1992. A part of them was gradually forced back to Myanmar by the Bangladeshi authorities, another part returned on a voluntary basis. Given the porous border and the dire state of affairs in Northern Rakhine State, many managed to come back to Bangladesh in small groups, so as to be able to merge discreetly into Bangladeshi villages. As a result, there are at present an estimated 200,000 Rohingyas in Bangladesh, of whom only 28,000 are documented refugees living in two official camps managed by the UNHCR⁵. Most of the others are unofficially integrated in local communities.

In 2002, the Bangladeshi Army rounded up around 3,000 Rohingyas from the villages in the "Clean Heart operation" and forced them to move into the Tal makeshift camp, a narrow strip of land between a major road and a river, in a flood prone area on the foothills of Teknaf. The population of this regularly flooded makeshift camp quickly grew, and an estimated 10,000 undocumented Rohingya refugees are currently living there in overcrowded and appalling conditions in very basic shacks, without access to drinkable water or adequate sanitation. Among this largely deprived population, the most vulnerable are the 30% of woman-headed households and the numerous children, who represent 59% of the camp's total

⁵ - United Nations High Commission for Refugees

population⁶. The youngest are particularly at risk: because the shacks extend up to the roadside, several of them die or are injured every month in road accidents.

After years of pressure by the international community, including the European Commission and local and international humanitarian organizations, the Government of Bangladesh (GoB) recently agreed to make available a safer site to relocate the undocumented Rohingya refugees from Teknaf. A 50 acre site belonging to the forest department, located nine kilometers away from the current Teknaf camp, was identified by the GoB for that purpose. On 29 September 2007, an exact demarcation of the site was carried out by the local authorities. This precise demarcation of the site was officially provided to the European Commission and UNHCR, along with a topographical map. No infrastructure exists on the site. The site was inspected by the DG ECHO⁷ Desk Officer and Technical Assistant on 8 November 2007, in the company of the Refugee Relief and Repatriation Commissioner of Cox's Bazaar district (RRRC), the UNHCR, Medecins Sans Frontières Holland (MSF-NL) and Islamic Relief, and found to be appropriate for relocation of the estimated 10,000 people.

The objective of the Bangladeshi authorities and the humanitarian community, with the financial support of DG ECHO, is to create adequate living conditions in this new site for the relocation of the 10,000 unregistered Rohingya people from Teknaf, while avoiding as much as possible a camp-like situation.

Through its "Aid to Uprooted People" budget-line, the European Commission is also providing assistance to the 28,000 registered Rohingya refugees now in two camps managed by the UNHCR. Ultimately, the European Commission's preferred solution would be to transform these camps into normal villages and negotiations for this purpose have been held for some time. The solution now agreed for the undocumented Teknaf Rohingya refugees is therefore in line with the European Commission's preference.

1.2. - Identified needs:

The relocation of some 10,000 people is equivalent to a creation of a village. The precise identification of the families to be relocated, negotiation with local authorities and neighboring communities and development of the site will be crucial to ensure the success of such an operation. These activities, which have already started, will be closely coordinated among the main international humanitarian organizations taking an active role in this relocation. It is crucial that these activities are speedily implemented, as the full resettlement will have to be completed before the next monsoon season, which is expected to start end of May 2008.

The UNHCR, which is presently responsible for the two official Rohingya refugees camps in Teknaf, will keep the overall coordination role on this resettlement, with already available resources. The local authorities, and in particular the RRRC, are very closely involved in the process.

Site design, including the allocation of plots for families and for basic public infrastructure, will have to be carefully planned, agreed with the beneficiaries, and then put into action. Leveling of the site and path access from the main road will be needed. As land is scarce in Bangladesh, these activities need to start immediately so as to make sure the site identified is not occupied or planted by neighboring communities.

⁶- Source: Médecins Sans Frontières – Holland (MSF NL)

⁷- European Commission Directorate-General for Humanitarian Aid

In the current Teknaf makeshift camp, the sheds are inadequate because they are very small, made of wood thatch, pieces of plastic and corrugated sheet. They are particularly insufficient in the monsoon season and when cyclones hit the region. Basic shelters will be needed for the estimated 1,972 Rohingya families⁸ to be relocated. Shelters would have to be built in batches, according to the pace of the development of the site and the organized move of the population.

Provision of safe drinking water and adequate sanitary conditions will be necessary for the 10,000 Rohingya population. Adequate water and sanitation facilities will therefore need to be built on the new site, where none exists at the moment. A geophysical survey and satellite mapping has been done by the humanitarian organizations present in the field. It appears that water is available but scarce, and appropriate water infrastructures will have to catch rain, spring and underground water.

The estimated 10,000 refugees currently living in Teknaf camp have been benefiting from basic health care and referral services provided by MSF-NL since May 2006. Their health post is currently receiving on average 140 patients per day, up to half of whom are not from the camp but from the neighboring communities⁹. Mobile MSF-NL health teams are providing basic health care services and conducting health and hygiene promotion sessions directly with the Rohingya families. Therapeutic feeding is also ensured for under-five highly malnourished children, in a country with a record national Global Acute Malnutrition rate of 13%¹⁰. These basic health services will have to be continued in the new location. Depending on the findings of the nutritional survey and food security assessment currently being conducted by Action Contre la Faim (ACF), additional needs in these sectors may need to be addressed.

As unregistered refugees, the Rohingya children cannot access public schools. Basic education should be provided in the new site. This is foreseen to be provided and funded by UNICEF¹¹.

Protection issues will have to be mainstreamed in all the activities linked to the setting-up of this new village, to make sure that the most vulnerable, and in particular the children, the handicapped, those traumatized by their emigration and losses, as well as highly deprived women are offered the protection they need.

Limited needs are expected in terms of livelihoods. While some of the Teknaf camp's active population, currently working in the river port as fishermen or daily laborers, will bear the burden of additional transport costs, others are expected to take up new small-scale job opportunities in their new location or in the nearby villages. Also, the setting-up of the site and construction of basic facilities and shelters will provide some income-earning possibilities during the first phase of this relocation. Still, some minor livelihood activities may be necessary to facilitate the relocation to the new site.

To improve the acceptance of the arrival of this new non-Bangladeshi population by the neighboring communities, it is important that these communities benefit from some of the activities conducted along this resettlement, and in particular from health care and nutrition services.

⁸ - Source: Islamic Relief

⁹ - Source: Médecins Sans Frontières – Holland (MSF NL)

¹⁰ - Source: UNICEF 2004

¹¹ - UNICEF: United Nations Children's Fund

1.3. - Target population and regions concerned:

The target population is the approximately 10,000 undocumented Rohingya refugees currently living in the Teknaf makeshift camp, in the Cox's Bazaar area of Bangladesh. The population of the neighboring villages is also expected to benefit from the health care and nutrition services provided in the new Rohingya village.

1.4. - Risk assessment and possible constraints:

The political situation in Bangladesh is unstable, ahead of the 2008 parliamentary elections. However, the current environment is rather favorable to the 10,000 unregistered Rohingya refugees from Teknaf. In fact, advocacy from the international community, including the European Commission, to put an end to their unacceptable living conditions has been going on for years, and the Bangladeshi authorities are now showing, for the first time, a strong willingness to find a definitive solution. This led to the recent official allocation of a land to relocate these people, a major positive step in a country with one of the highest population densities in the world - close to 1,000 people per square kilometer -, and where land is scarce.

This massive arrival of some 10,000 Rohingya people could be difficult to accept for the neighboring villages. However, close coordination with authorities and local communities by humanitarian agencies with a strongly established presence in the area - in particular Islamic Relief - will mitigate against this risk. In addition, the fact that the neighboring communities will also have access to the basic health care provided in the new village, as is presently the case in Teknaf camp, will certainly facilitate the Rohingya people's acceptance by their new neighbors. Finally, to address any potential friction and as an additional proof of their willingness to find a solution for the Teknaf camp's Rohingya population, the local authorities have committed to set up a police station at the main entrance of the new village.

In the longer term, while it is noted that the Rohingya population of the Teknaf camp is already benefiting from the provision of free health care services from MSF-NL, a constraint will be the continuation of the provision of basic services, as this ad-hoc decision will not be followed by any further intervention by DG ECHO. A solution to this issue should nonetheless be actively sought by the humanitarian organizations active in the health sector during the life of this financing decision, and they may decide to continue providing these basic services with the support of development donors or with their own funds - as is presently the case. The inclusion of these Rohingya communities in a broader development plan would be another solution. In particular, it will be essential to ensure successful LRRD¹² with the United Nations Joint Initiative (UNJI), which has the overall goal of progressively achieving improved human security for the vulnerable populations in Cox's Bazaar District, with an initial focus on the two municipalities of Teknaf and Ukhia, through provision of essential services packages and capacity building of key institutions and the communities. The four main components of the UNJI are human rights, health and nutrition, education, and livelihood. This last component will be very important for the Rohingya population. A very positive element is the confirmation received from UNICEF, during the DG ECHO Desk Officer and Technical Assistant's mission to Bangladesh in November 2007, that the UNJI will target this specific area of Cox's Bazaar District.

¹²- Linking Relief Rehabilitation and Development

2 - Objectives and components of the humanitarian intervention proposed:

2.1. - Objectives:

Principal objective:

To support the relocation of unregistered Rohingya refugees from the Teknaf makeshift camp to a suitable place.

Specific objective:

To provide multi-sectoral humanitarian support to the unregistered Rohingyas refugees from Teknaf.

2.2. - Components:

Site design:

A careful design of the site and the allocation of plots have to be undertaken. As the site is not even, site leveling is needed. Paths sufficiently solid to be used by a population of some 10,000 people, in an area affected each year by the monsoon, will then have to be built.

Shelter:

New shelters will be needed for the 1,972 families¹³ to be relocated. These shelters will be basic, made primarily of wood and bamboo, with a cement elevated floor to prevent flooding during the monsoon. These could follow the model developed by UNHABITAT¹⁴ or Caritas/UNDP¹⁵ already used in the region. Shelters will be built in batches, according to the pace of the move.

Water and Sanitation:

To provide safe drinking water to this population estimated at 10,000 people, shallow wells, hand-pumps, rain and spring catchments and water supply systems will have to be built. To ensure satisfactory sanitation conditions, construction of facilities such as latrines, bathing facilities, drainage and waste disposal systems will have to be undertaken, making sure that such systems will be sustainable after the termination of humanitarian programmes financed under this decision.

Health care, nutrition, food security:

Basic health care services should continue to be provided in the new site. Therapeutic feeding to highly malnourished under-five children should also continue. Psycho-social support will be provided to those traumatized by their emigration or losses. For serious clinical cases, access to the in-patient department and secondary care service in the Nayapara official camp nearby should be provided. Primary Rehabilitation Therapy will also be provided to the Persons With Disabilities (PWDs). Depending on the findings of the ACF nutritional survey and food security assessment, additional nutrition and food security related activities may be considered.

Protection:

Protection will be mainstreamed in all activities, to make sure that the most vulnerable are adequately protected, from exclusion, criminal rackets, human trafficking or forced prostitution. The handicapped will benefit from special attention in terms of access to shelter and public infrastructure.

¹³- Source: Islamic relief

¹⁴- United Nations Human Settlement Programme

¹⁵- United Nations Development Programme

Disaster Preparedness:

In this area prone to monsoon floods and cyclones, disaster preparedness measures will be mainstreamed as much as possible in all activities conducted, and in particular in the sectors of shelter and water and sanitation.

As for education, basic schools should be built and schooling material provided so as to ensure that children have access to education. This is foreseen to be provided and funded by UNICEF¹⁶.

3 - Duration expected for actions in the proposed Decision:

The duration for the implementation of this Decision shall be 15 months. Humanitarian operations funded by this Decision must be implemented within this period.

Expenditure under this Decision shall be eligible from 1 December 2007.

Start Date: 1 December 2007.

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 operations.

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

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

List of previous DG ECHO operations in Bangladesh

Decision Number	Decision Type	2005 EUR	2006 EUR	2007 EUR
ECHO-SA/BUD/2006/02000	Emergency		1,000,000 ⁽¹⁾	
ECHO-SA/BUD/2007/02000	Emergency			2,500,000 ⁽²⁾
	Subtotal	0	1,000,000	2,500,000
	Grand Total	0	1,000,000	2,500,000

Dated : 15 June 2007

Source : HOPE

⁽¹⁾ Emergency Decision for India, Nepal and Bangladesh for EUR 4,000,000, of which 1,000,000 for Bangladesh: "Emergency humanitarian aid in favour of communities in India, Nepal and Bangladesh affected by floods during the 2007 monsoon season"

⁽²⁾ Emergency Decision for India, Nepal and Bangladesh for EUR 9,500,000, of which 2,500,000 for Bangladesh: "Emergency humanitarian aid in favour of communities in India, Nepal and Bangladesh affected by floods during the 2007 monsoon season"

¹⁶- UNICEF: United Nations Children's Fund

5 - Overview of donors' contributions

Donors in Bangladesh the last 12 months					
1. EU Members States (*)		2. European Commission		3. Others	
	EUR		EUR		EUR
Austria		DG ECHO	4,000,000		
Belgium		Other services			
Bulgaria					
Cyprus					
Czech republic					
Denmark					
Estonia					
Finland					
France					
Germany	1,033,196				
Greece					
Hungary					
Ireland	641,927				
Italy	2,000,000				
Latvia					
Lithuania					
Luxemburg	85,000				
Malta					
Netherlands	1,000,350				
Poland					
Portugal					
Romania					
Slovakia					
Slovenie					
Spain					
Sweden	468,747				
United kingdom					
Subtotal	5,229,220	Subtotal	4,000,000	Subtotal	0
		Grand total	9,229,220		

Dated : 20 November 2007

(*) 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 1,500,000

6.2. - Budget breakdown by specific objectives

Principal objective: <i>To support the relocation of unregistered refugees from the Teknaf makeshift camp to a suitable place</i>				
Specific objectives	Allocated amount by specific objective (EUR)	Geographical area of operation	Activities	Potential partners¹⁷
Specific objective 1: To provide multi-sectoral humanitarian support to the unregistered Rohingyas refugees from Teknaf	1,500,000	Cox's Bazaar area of Bangladesh	Shelter Water and Sanitation Health Nutrition Food security Protection Livelihoods	- ACF - HI - MUSLIM AID - IRW
TOTAL:	1,500,000			

¹⁷ ACTION CONTRE LA FAIM, (FR), HANDICAP INTERNATIONAL (FR), ISLAMIC RELIEF WORLDWIDE, Muslim Aid

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 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 - Budget Impact article 23 02 01

-	CE (EUR)
Initial Available Appropriations for 2007	485,000,000.00
Supplementary Budgets	56,209.86
Transfers	-
Total Available Appropriations	485,056,209.86
Total executed to date (20 November 2007)	480,475,694.95
Available remaining	4,580,514.91
Total amount of the Decision	1,500,000.00

9. 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.

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.