

COMMISSION DECISION
of
on the financing of humanitarian operations from the 9th European Development Fund
in
Zambia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,
Having regard to the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000, in particular Articles 72¹,

Having regard to the Internal Agreement of 18 September 2000 on the Financing and Administration of Community Aid under the Financial Protocol to the Partnership Agreement between the African, Caribbean and Pacific States and the European Community and its Member States signed in Cotonou (Benin) on 23 June 2000, in particular Articles 24(3) b and 25(1) thereof²

Whereas:

1. The peace process in the Democratic Republic of Congo is now largely well established and democratic elections were successfully carried out in late 2006 ;
2. The Tripartite Agreements signed in November 2006 between the United Nations High Commissioner for Refugees (UNHCR), the Government of the Democratic Republic of Congo (DRC) and the Government of Zambia establish the framework for the voluntary repatriation of Congolese refugees;
3. More than 60,000 Congolese refugees still remain in Zambia, and there is a clear desire from the majority of these refugees to return to their country of origin ;
4. It is necessary for political and humanitarian reasons to complete the repatriation process in the shortest possible time, and in safety and dignity ;
5. An assessment of the humanitarian situation leads to the conclusion that a humanitarian aid operation should be financed by the Community for a period of 12 months ;
6. In accordance with the objectives set out in Article 72 of the ACP-EC Partnership Agreement it is estimated that an amount of EUR 2,000,000 from the 9th European Development Fund, representing less than 25% of the national Indicative Programme, is necessary to provide humanitarian assistance to up to 20,000 Congolese expected to repatriate from Zambia in 2007 ;
7. The use of the 9th European Development Fund is necessary as all the funds for ACP countries in the general budget are entirely allocated.

¹ OJ L317 of 15.12.2000, p.3

² OJ L287 of 28 October 2005, p. 4

8. The Commission has informed the European Development Fund (EDF) Committee set up by the Internal Agreement with ex-ante information according to the criteria laid down in Article 24.3 b and 24.5 of the Internal Agreement.

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 2,000,000 from the 9th European Development Fund for humanitarian aid operations to assist refugee populations in Zambia who are repatriating to the Democratic Republic of Congo.
2. In accordance with Article 72 and 73 of the ACP-EC Partnership Agreement, the humanitarian operations shall be implemented in the pursuance of the following specific objective:
 - To provide the appropriate services and goods that will allow for the efficient and dignified return of 20,000 refugees from Zambia to DRC

The total amount of this decision is allocated to this objective

Article 2

1. The implementation of humanitarian aid operations funded by this Decision shall have a maximum duration of 12 months as from 1 July 2007.
2. Expenditure under this Decision is eligible as from 1 July 2007.
3. If the operations envisaged in this Decision are suspended due to *force majeure* or comparable circumstances, the period of suspension will not be taken into account for the calculation of the duration of the humanitarian aid operations.

Article 3

1. The Commission shall implement the budget by direct centralised management.
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 into 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. This means that in case of co-financing, the possible rate of co-financing can go up to 99% if needed.

Article 4

The decision shall take effect on the date of its adoption.

Done at Brussels,

For the Commission

Member of the Commission



Humanitarian Aid Decision
F9 (FED9)

Title: Assistance for the repatriation of Congolese refugees from Zambia to the Democratic Republic of Congo

Location of operation: Zambia

Amount of Decision: EUR 2,000,000

Decision reference number: ECHO/ZMB/EDF/2007/01000

Explanatory Memorandum

1 - Rationale, needs and target population.

1.1. - Rationale :

Zambia has hosted refugees from the Great Lakes Region of Central Africa (GLR) and Angola for over 30 years. Following the peace agreement in Angola in 2002, the repatriation of some 250,000 Angolan refugees was completed in December 2006. According to figures from the United Nations High Commission for Refugees (UNHCR), there were about 60,000 Congolese refugees in Zambia as of December 2006³. It is this caseload to whom facilitated repatriation is being offered in the framework of this decision.

The conflict in the Democratic Republic of Congo (DRC), caused not only an estimated 3-4 million additional deaths but also displaced more than 2 million people of which 500,000 became refugees. During 2006, the global situation in the DRC has evolved in a generally positive manner, from both the political and humanitarian points of view. Indeed, the conflict has been contained to certain very circumscribed areas and is of a much reduced intensity allowing for a definite improvement in the humanitarian situation of most Congolese, especially in the east of the country. Much of this is due to improved access both for humanitarian and development activities but also for private economic initiatives. The elections, though not without incident, were eventually brought to a successful conclusion bringing an added degree of stability and hope for the future.

³ Of whom 44,000 in camps, mainly at Kala and Mwange, and 17,000 self-settled
ECHO/ZMB/EDF/2007/01000

These improvements have sufficiently reassured hundreds of thousands of internally displaced people to return home and pick up the pieces of their lives. Based on these same improvements, UNHCR have provided assisted repatriation to 40,000 refugees from the Central African Republic, Sudan, Angola, the Republic of Congo (Brazzaville) and Tanzania and a further 350,000 are eligible for repatriation.

The European Commission (EC) has already been assisting this process as it sees repatriation as not just a fundamental right for the individual refugee, but also as a vital consideration for the host countries that have borne the burden of providing them with hospitality for many years. A voluntary, organised repatriation in safety and dignity is also the best option for reducing the risk to the stability and integrity of the nations concerned. Also, as far as the refugee is concerned, it avoids returning spontaneously, which carries the risk of increasing vulnerability, particularly for the elderly, women and children, and depleting their already minimal economic assets on the cost of the return journey.

Against the background of these developments and with these principles in mind, a Tripartite Agreement, setting the legal framework for the return of refugees from Zambia, was signed on 28 November 2006 by UNHCR, the Governments of the Democratic Republic of Congo and the Republic of Zambia, paving the way for the launching of the Voluntary Repatriation process for Congolese refugees in Zambia.

The first organised repatriations from Zambia were launched by UNHCR and its partners in May 2007, and it is estimated that 20,000 refugees will repatriate from Zambia in 2007, mainly to areas in the south-eastern Katanga province of the DRC around Kalémie, Moba and Pweto. These areas are now pacified and already internally displaced people and even some refugees are going back spontaneously.

The European Commission has been assisting the overall process of return and re-integration through its Global Plan. The current global plan for DRC makes EUR 30 million available for a programme that provides displaced people, returnees and targeted vulnerable host communities with an integrated multi-sectoral package of assistance in order to reduce excess mortality and to promote stabilization, resettlement and the re-establishment of basic livelihoods. At the time this plan was drawn up, the repatriation of refugees from Zambia was not envisaged, and thus not specifically budgeted for. The Zambian operation will, of course, benefit from some elements of the UNHCR national operation already funded by the EC but much will require supplementary funding.

The process of fully re-integrating the returning refugees into a fully functioning economy and stable social environment is part of the strategy of Linking Relief, Rehabilitation and Development (LRRD) being implemented in the DRC, which is of crucial relevance to this funding decision. DG ECHO⁴ has therefore established linkages between its programmes and those of the longer term development partners such as the European Development Fund (EDF) and the World Bank. For instance, health programmes in the Tanganyika area have only recently been passed on from DG ECHO to 9EDF funding. The European Commission also supports a specific rehabilitation and recovery programme for the whole of Eastern Congo.

1.2. - Identified needs :

⁴ Directorate General for Humanitarian Aid - ECHO
ECHO/ZMB/EDF/2007/01000

The single greatest obstacle to repatriation, and therefore the greatest need, is transport. Refugees will be transported either by road where conditions allow or across Lake Tanganyika by ferry. An intervention to address the transport and logistics challenges is therefore judged to be the most effective way to ensure safe and orderly repatriation in accordance with humanitarian principles.

UNHCR has requested the International Organisation for Migration (IOM) to implement the transport and logistics component, which is the main part of the Voluntary Repatriation of Congolese refugees from Zambia. In its turn, IOM has budgeted this component at USD 5,340,000 for 2007. This major component will be partially supported through this funding decision.

However, even before any refugees can be transported, a number of ancillary services have to be assured. Refugees will have to be sensitised in order to make informed decisions. They will need to be registered. Unaccompanied minors, the elderly and the handicapped will require special arrangements. Health screening and way-stations will have to be established. Transit facilities need to be constructed, equipped and staffed.

Refugees are able to take their possessions with them but some may require additional items in order to be reasonably self-sufficient on arrival. These items, provided in the form of a kit, may include a tarpaulin sheet, blankets, various utensils and a mosquito net. Food is also provided both for the journey and for the immediate period of arrival. This is traditionally provided by the World Food Programme (WFP) and is covered under the remit of this decision.

One of the perverse dividends of peace is the likely increase in the spread of HIV as trade and travel resumes. Its treatment is important but its prevention is paramount. HIV/AIDS prevention and awareness activities will be an integral component of all interventions financed under this decision.

In some regions of Katanga that have yet to be fully assessed, mines and other unexploded ordnance (UXOs) are believed to be a potential hazard. Whilst ad hoc professional humanitarian mine clearing will be provided to resettlement activities through the DRC 2007 Global Plan if necessary, repatriating refugees need also to receive mine awareness training in anticipation of their return.

1.3. - Target population and regions concerned :

This decision will directly address the transport and logistics expenditure for up to 20,000 Congolese refugees repatriating in an organised manner from and around Kala, Mwange and other camps in Zambia to the DRC.

Though it is obviously difficult to give a precise breakdown at this stage of age and gender of the refugees who will repatriate, an extrapolation may be drawn on the basis of the figures pertaining to the population groups currently residing in camps, which indicates that children and women will be major beneficiaries of interventions funded under this decision.

1.4. - Risk assessment and possible constraints :

The main risks and assumptions associated with the proposed programme are primarily linked to the political process in the DRC. Despite the successful election process and the presence of United Nations (UN) peace keepers, a serious breakdown of the internal political process, or a further escalation of instability generated by the still fragile situation in the Greater Kivu region still cannot be discounted. It is assumed, however, that repatriation will not only continue but also increase, which depends on continued stability in DRC, the Government's attitude to refugees and the refugees' perception of the situation. A rapid acceleration of the stabilisation process could, though, see a greater, or more sudden than expected return movement, with regard to the repatriation of DRC refugees both from Tanzania and Zambia to South Kivu and Katanga provinces respectively. Abrupt, large-scale repatriation might well overwhelm the existing community-based capacity already supported by DG ECHO. Under these circumstances, the pace of repatriation may need to be re-examined.

Other possible constraints to the achievement of the objective are potential difficulties in the registration process and the condition of infrastructure. However, such possible constraints are likely to be more hypothetical than real insofar as the Zambian context is concerned.

2 - Objectives and components of the humanitarian intervention proposed:

2.1. - Objectives :

Principal objective:

To facilitate the return of Congolese refugees repatriating from Zambia to the DRC.

Specific objective:

To provide the appropriate services and goods that will allow for the efficient and dignified return of 20,000 refugees from Zambia to DRC

2.2. - Components :

- a) Sensitisation and registration services.
- b) Transport, either overland or over water, from and around camps in Zambia to the Democratic Republic of Congo.
- c) Logistical support to the repatriation in Zambia (including way-stations, transit camps, temporary warehousing).
- d) Provision of kits of essential items.
- e) Provision of adequate health facilities and other special arrangements for vulnerable groups immediately prior to and during their transport.
- f) HIV/AIDS and mine awareness activities.

3 - Duration expected for actions in the proposed Decision:

The duration for the implementation of this Decision shall be 12 months.

Humanitarian operations funded by this decision must be implemented within this period.

Expenditure under this Decision shall be eligible from 1 July 2007

5 - Overview of donors' contributions

Donors in Zambia the last 12 months

1. EU Members States (*)		2. European Commission		3. Others	
	EUR		EUR		EUR
Austria		DG ECHO	0		
Belgium		Other services			
Bulgaria					
Cyprus					
Czech republic	53,004				
Denmark					
Estonia					
Finland					
France					
Germany	700,000				
Greece					
Hungary					
Ireland					
Italy					
Latvia					
Lithuania					
Luxemburg					
Malta					
Netherlands					
Poland					
Portugal					
Romania					
Slovakia					
Slovenie					
Spain					
Sweden	105,842				
United kingdom					
Subtotal	858,846	Subtotal	0	Subtotal	0
		Grand total	858,846		

Dated : 13 June 2007

(*) Source : DG ECHO 14 Points reporting for Members States. <https://hac.ec.europa.eu>

Empty cells means either no information is available or no contribution.

As far as donor co-ordination is concerned, there has been a massive effort in the DRC both within the European Commission services and with other donors, not just in the realm of humanitarian aid but also in the effort to establish a smooth transfer from emergency aid to development aid.

In those areas where there are still emergency humanitarian needs, the UN Humanitarian coordinator has instituted, on a pilot basis, the 'cluster' approach. Clusters follow both a sectoral and a provincial pattern and include all the active partners in their particular sector (including government). A lead agency (usually UN) is designated as responsible for each cluster as it endeavours to fulfill the basic tasks of assessing needs and providing appropriate and coherent responses in each sector and in each province. The clusters and provincial committees also feed into a central forum in Kinshasa, the Humanitarian Advisory Group where major donors, UN and non-governmental organizations (NGO) partners review and consider orientations and strategies. DG ECHO participates in both the provincial and the national fora.

The interventions to be funded from this decision will be coherent with and benefit from these co-ordination mechanisms.

6 - Amount of decision and distribution by specific objectives:

6.1. - Total amount of the decision: EUR 2,000,000

6.2. - Budget breakdown by specific objectives

Principal objective: To facilitate the return of Congolese refugees repatriating from Zambia to the DRC				
Specific objectives	Allocated amount by specific objective (EUR)	Geographical area of operation	Activities	Potential partners⁵
Specific objective 1: To provide the appropriate services and goods that will allow for the efficient and dignified return of 20,000 refugees from Zambia to DRC	2,000,000	From refugee camps for Congolese refugees in Zambia to the border with DRC	- Registration - Transport - Logistics - Kits - Health and vulnerable group care - HIV/AIDS and mine awareness	- IOM - UNHCR
TOTAL:	2,000,000			

⁵ INTERNATIONAL ORGANIZATION FOR MIGRATION (INT), 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 from:

http://europa.eu.int/comm/echo/evaluation/index_en.htm

8 – Management issues

Humanitarian aid actions funded by the Commission are implemented by NGOs, Specialised Agencies of the Member States, and the Red Cross organisations on the basis of Framework Partnership Agreements (FPA) and by United Nations agencies based on the EC/UN Financial and Administrative Framework Agreement (FAFA) in conformity with Article 163 of the Implementing Rules of the Financial Regulation. These Framework agreements define the criteria for attributing grant agreements and financing agreements in accordance with Article 90 of the Implementing Rules and may be found at http://europa.eu/comm/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.