

COMMISSION DECISION
of
on the financing of humanitarian operations from the general budget of the European Communities in Western Africa¹

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 aid ²and in particular Articles 2 and 15(2) thereof:

Whereas:

(1) Due to the border conflict and subsequent ethnic tensions between Mauritania and Senegal in April 1989, approximately 60,000 Mauritians sought refuge in the Senegal River valley region of Senegal and Mali. The refugees were recognized on a prima-facie basis, and received assistance from UNHCR until 1995. From 1996 to 1998, it is estimated that 35,000 refugees returned spontaneously to Mauritania;

(2) One of the first acts of the new government of Mauritania elected in 2007 was to recognise the plight of the remaining refugees and to invite them to return home. The Government has requested UNHCR to facilitate the repatriation process and asked for international assistance for a National Plan for Reintegration;

(3) The recent profiling exercise, conducted by UNHCR in Senegal in August 2007, indicates that some 24,000 Mauritanian refugees wish to return to their country;

(4) The consequent repatriation and initial reintegration process conforms to the humanitarian mandate. Financial assistance is required to provide transportation, legal assistance and protection, basic shelter, food aid, income-generating activities, social services and community rehabilitation;

(5) An assessment of the humanitarian situation leads to the conclusion that humanitarian aid operations should be financed by the Community for a period of 18 months;

(6) It is estimated that an amount of EUR 2,000,000 from budget line 23 02 01 of the general budget of the European Communities is necessary to provide humanitarian assistance up to 24.000 refugees, taking into account the available budget, other donors' contributions and other factors;

(6) The present Decision constitutes a financing Decision within the meaning of Article 75 of the Financial Regulation (EC, Euratom) No 1605/2002³, Article 90 of the detailed rules for the implementation of the Financial Regulation determined by Regulation (EC, Euratom) No

¹-For the purposes of this decision the West Africa countries concerned are Mali, Mauritania and Senegal.

²- OJ L 163, 2.7.1996, p. 1-6

³- OJ L 248, 16.9.2002, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 1995/2006 of 13 December 2006 (OJ L 390, 31.12.2006, p. 1) and by Regulation (EC, Euratom) No 1525/2007 of 17 December 2007 (OJ L 343, 27.12.2007, p. 9.)

2342/2002⁴, and Article 15 of the internal rules on the implementation of the general budget of the European Communities⁵.

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 for humanitarian aid operations to assist with the repatriation and reinstallation of Mauritanian refugees by using line 23 02 01 of the 2008 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:

- Provide multi-sector assistance and protection within the framework of an organised repatriation and initial reintegration process.

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 18 months, starting on 1 January 2008.

2. Expenditure under this Decision shall be eligible from 1 January 2008.

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.

Article 4

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 28.4.2007, P. 13

4-Commission Decision of 21.2.2007, C/2007/513
ECHO-WF/BUD/2008/01000

This Decision will take effect on the date of its adoption.

Done at Brussels,

For the Commission

Member of the Commission



Humanitarian Aid Decision

23 02 01

Title: Assistance with the repatriation and reinstallation of Mauritanian refugees

Location of operation: Western Africa

Amount of Decision: EUR 2,000,000

Decision reference number: ECHO/-WF/BUD/2008/01000

Explanatory Memorandum

1. Rationale, needs and target population.

1.1. Rationale:

Due to the border conflict and subsequent ethnic tensions between Mauritania and Senegal in April 1989, approximately 60,000 Mauritians sought refuge in more than 250 communities in the Senegal River Valley region of Senegal and Mali. Further refugees settled in Senegal later, from 1989 to 1991/92, fleeing continued targeted repression in Mauritania. These included civil servants, soldiers and urban negro-Mauritians. Their claims to be Mauritanian were denied by the government of the time and their rights to citizenship were refused. Thousands of Mauritians residing in Senegal were also forced to return to Mauritania following the same events.

The refugees were recognized on a prima-facie basis and the majority were provided with temporary registration documents. Limited number of urban refugees received refugee identification cards. UNHCR provided assistance to Mauritanian refugees in northern Senegal until 1995 and facilitated the reintegration of 35,000 spontaneous returnees in Mauritania through the Special Programme for Rapid Integration (SPRI) from 1996 to 1998. Most of the remaining refugees in Senegal live in rural areas where they have been granted access to land and public services by the Government. Many of them have achieved a certain degree of self-sufficiency through agricultural, animal husbandry or fishery activities. They have been largely integrated into the host communities (no refugee camps as such were set up).

After the successful democratic elections in 2007, the new Government of Mauritania decided to put an end to the “refugee problem and turn the page on this episode of internal conflicts”. In a speech on Refugee day on 20 June 2007, the President of Mauritania finally recognized the responsibility of the Mauritanian state in the deportation of the refugees and in the repression of the Negro-Mauritanians. Recognizing their claim to Mauritanian citizenship, he called on all the refugees still in exile to come back (initially requesting that this process be started immediately and be finished by mid 2008). A national forum on the subject was organized in December 2007 to reach a consensus among the population and stakeholders. This forum led to an appeal to the international community for contributions towards a USD 60M reintegration programme.

UNHCR was requested in June 2007 to facilitate the repatriation and primary reintegration of the returnees in the local communities. A first and very basic profiling exercise of the refugees was undertaken in August 2007. An estimated 24,000 refugees were identified as wishing to return home. On the basis of this, UNHCR prepared an initial funding appeal for a total of USD 7M to fund the repatriation of these refugees. A tripartite agreement for the operation was signed between Mauritania, Senegal and UNHCR in November 2007.

The final estimate of refugees wishing to return home will require further work as the case of some of the refugees who arrived after 1989 have to be examined, there have been many mixed weddings and because the initial profiling took place during the rainy season, when many Mauritanian pastoralists were in movement. The profiling exercise also took place before the Mauritanian government announced a willingness to consider providing some “compensation measures” for those refugees who lost or had stolen their previous assets in Mauritania.

UNHCR has also undertaken some preliminary needs assessment in the areas of return along the river in Mauritania and have established an outline of the needs of the returnees as well as of the communities where the returnees will settle. Plans for transportation and logistical arrangements have been drawn up (including the redeployment of some equipment initially used in Liberia). UNHCR human resources have also been strengthened, mainly in the protection sector.

A number of constraints held back the start of the UNHCR repatriation operation until early 2008. This was partly due to delays in the signature of the tripartite agreement but also linked to timing issues raised by the refugees (allowing children to finish the school year, harvest season etc.).

1.2. Identified needs :

As is the case in most repatriation processes, the period of greatest needs, from the humanitarian point of view, is during the initial movement and settlement operation.

Return process:

Transport by land and across the river as well as way stations need to be organised. Returnees in transit will require assistance (food, health, water, etc.). UNHCR will ensure that the refugees sign “Voluntary repatriation forms” and have them screened

by the Mauritanian authorities, who will provide new identity documents at entry points.

Settlement:

At the arrival point, directly in the chosen locations, returnees will be provided with basic household items, and tents for immediate settlement. Individuals and families who were not able to recover their previous houses will be assisted in building basic houses.

Where possible, legal assistance will be provided to help returnees recover their houses and lands or to receive rights to new land from the local authorities.

Reintegration

As the areas of return are also areas of extreme vulnerability (some of the highest malnutrition rates in the country have been registered in these areas) and already suffer from poor infrastructure and inadequate social services, the rehabilitation of some schools, health centres and water points will be necessary to absorb the new extra population and facilitate the reintegration of the returnees.

Many of the returnees are farmers so activities to assist them in restarting agricultural production will be necessary. Land will have to be prepared for cultivation, seeds and tools provided and measures to promote livestock breeding taken.

Monitoring and information

Specific attention will have to be paid to the monitoring (protection) of the return to ensure security and dignity of the returnees.

1.3. Target population and regions concerned:

Up to 24,000 refugees, mainly hosted in Senegal, and some in Mali, will benefit from the repatriation process and will receive basic assistance and means to restore livelihood. Host populations, in Mauritania (Traza, Brakhna, Gorgol and Guidmakha regions) will indirectly benefit from the actions.

1.4. Risk assessment and possible constraints:

- As they consider themselves more as “deportees” rather than refugees, some potential beneficiaries are calling for more than just recognition of their rights to citizenship and an apology from government. A set of concrete measures such as the indemnification of the victims, the recovery of their lost assets, the reintegration of civil servants and soldiers, will need to be implemented and funded by the Mauritanian government to convince the hardliners who feel that despite governmental changes, Negro-Mauritanians are still victims of discrimination.

- after 18 years in Senegal where they were fully integrated (and where, if they want, they can remain and even acquire the Senegalese citizenship), some refugees are unsure of the “added value” in returning to Mauritania and may decide to remain in Senegal or, return

after receiving the return package and identification documents by Mauritanian authorities.

- Despite the explicit willingness of the Government to reintegrate the refugees and to recognise its responsibility in their departure, some in Mauritania fear that the return of the refugees may restart ethnic tensions.
- Despite commitments from the Mauritanian government and engagements to retrocede the spoiled houses and agricultural lands, after 18 years, the process may be long, legally difficult and in some cases impossible. Compensation and the attribution of new lands will be needed. UNHCR will have to take measures to avoid the risk that the temporary transit sites become permanent settlement camps.
- Dispute may arise between UNHCR and Mauritania on the citizenship of some of the returnees (i.e. the ones who did not receive proper documentation after 1989).
- UNHCR might be too optimistic regarding the timeframe of the repatriation process.
- Security constraints in areas of return.

2 - Objectives and components of the humanitarian intervention proposed:

2.1. - Objectives:

Principal objective:

- Assistance with the repatriation and reinstallation of Mauritanian refugees.

Specific objective:

- Provide multi-sector assistance and protection within the framework of an organised repatriation and initial reintegration process.

2.2. - Components:

- Assisted transportation with security and dignity, from areas of exile to areas of origin and resettlement.
- Protection, in coordination with local authorities of the returnees until they are granted official Mauritanian documents.
- Basic assistance with the provision of non-food items, water, basic health services and food aid while in the resettlement areas.
- Basic emergency shelter.
- Legal advice to help with the recovery of houses and lands.
- Initial assistance to restore basic livelihoods, including agriculture.

- Assistance to the local communities where the refugees are returning to strengthen access to basic health services, clean water and education.

- Monitoring and protection

3 - Duration expected for actions in the proposed Decision:

It is expected that the main part of the repatriation will take place in 2008 with the peak season occurring during the summer (school holidays).

The duration for the implementation of this Decision shall be 18 months to allow adequate time for the movement and initial resettlement of the returnees. While the planning process foresees the operation being completed in 12 months there is a high risk that operational constraints outside the control of the aid agencies concerned may delay the full implementation of the operation.

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

Expenditure under this Decision shall be eligible from 1 January 2008.

Start Date: 1 January 2008

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.

5 - Overview of donors' contributions

Donors in Mali/Mauritania/Senegal the last 12 months

1. EU Members States (*)		2. European Commission		3. Others	
	US\$		EUR		US\$
Austria		DG ECHO	20,600,000	WFP	9,995,534
Belgium	683,060	Other services		USA	4,709,087
Bulgaria				UNICEF	52336 \$
Cyprus				UNCHR	348285 \$
Czech republic					
Denmark					
Estonia					
Finland	318761				
France	194553				
Germany	1,130,824				
Greece					
Hungary					
Ireland	490,527				
Italy	5,022,012				
Latvia					
Lithuania					
Luxemburg	336,783				
Malta					
Netherlands					
Poland					
Portugal					
Romania					
Slovakia					
Slovenie					
Spain	1,057,046				
Sweden	1,075,664				
United kingdom					
Subtotal US\$	10,309,230	Subtotal	20,600,000	Subtotal US\$	15,105,242
Subtotal EUR	7,000,114.	Grand total	37,902,417	Subtotal EUR	10.302.303
		EUR	.		

Dated : 17 December 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.

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: <i>Assistance with the repatriation and reinstallation of Mauritanian refugees.</i>				
Specific objectives	Allocated amount by specific objective (EUR)	Geographical area of operation	Activities	Potential partners⁶
Specific objective: Provide multi-sector assistance and protection within the framework of an organised repatriation and initial reintegration process.	2,000,000	Mali, Mauritania and Senegal	-transport, and legal assistance -basic assistance (food NFI, health, water, shelter) -restoration and strengthening of livelihoods - community rehabilitation	- UNHCR - UNICEF - WFP-PAM
TOTAL:	2,000,000			

⁶ UNICEF, UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES - BELGIUM, WORLD FOOD PROGRAM

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 2008	486,095,000.00
Supplementary Budgets	-
Transfers	-
Total Available Credits	486,095,000.00
Total executed to date (9 January 2008)	241,600,000.00
Available remaining	244,495,000.00
Total amount of the Decision	2,000,000

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.