



COMMISSION OF THE EUROPEAN COMMUNITIES

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COMMISSION DECISION

**on the financing of humanitarian actions from the 10th European Development Fund in
Zambia**

(ECHO/ZMB/EDF/2009/01000)

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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 Article 72 thereof,

Having regard to Council Regulation (EC) No 617/2007 of 14 May 2007 on the implementation of the 10th European Development Fund under the ACP-EC Partnership Agreement, in particular Article 8 thereof¹

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. The next presidential elections are scheduled for July 2011 ;
- (2) The Tripartite Agreements signed in April 2009 between the United Nations High Commissioner for Refugees (UNHCR), the Government of the Democratic Republic of Congo (DRC) and the Government of Zambia establishes the framework for the voluntary repatriation of Congolese refugees;
- (3) According to the Tripartite Commission of April 2009, the repatriation programme is scheduled to end in 2009;
- (4) More than 45,000 Congolese refugees still remain in Zambia;
- (5) It is necessary for political and humanitarian reasons to complete the repatriation process in the shortest possible time, and in safety and dignity ;
- (6) To reach populations in need, humanitarian aid should be channelled through International Organisations including United Nations (UN) agencies. Therefore the European Commission should implement the budget by joint management;
- (7) An assessment of the humanitarian situation leads to the conclusion that a humanitarian aid Action should be financed by the Community for a period of 18 months;
- (8) In accordance with the objectives set out in Article 72 of the ACP-EC Partnership Agreement and Article 5.4 of the Council Regulation No. 617/2007 it is estimated that an amount of EUR 1,500,000 from Zambia's allocation for unforeseen needs (B-envelope) of the 10th European Development Fund is necessary to provide

¹ OJ L 152 of 13 June 2007

humanitarian assistance for up to 18,500 Congolese expected to repatriate from Zambia in 2009;

- (9) The use of the 10th European Development Fund (EDF) is necessary as all the funds for ACP countries in the general budget are entirely allocated;
- (10) The Commission will inform the EDF Committee within one month of the adoption of the Decision, in conformity with Article 8.3 of the Council Regulation N° 617/2007 of 14 May 2007 on the implementation of the 10th European Development Fund under the ACP-EC Partnership 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 1,500,000 from the 10th European Development Fund to assist refugee populations in Zambia who are repatriating to the DRC.

2. In accordance with Article 72 of the ACP-EC Partnership Agreement, the humanitarian Actions 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 up to 18,500 refugees from Zambia to the Democratic Republic of Congo

The full amount of this Decision is allocated to this specific objective.

Article 2

1. The implementation of humanitarian Actions funded by this Decision shall have a maximum duration of 18 months from 1 June 2009.

2. Expenditure under this Decision is eligible from 1 June 2009.

3. If the Actions 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 Actions.

Article 3

1. The Commission shall implement the budget by joint management.

2. Actions supported by this Decision will be implemented by International organisations.

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

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

Done at Brussels

*For the Commission
Member of the Commission*



Humanitarian Aid Decision
F10 (FED 10)

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

Location of Action: Zambia

Amount of Decision: EUR 1,500,000

Decision reference number: ECHO/ZMB/EDF/2009/01000

Supporting Document

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. According to figures from the United Nations High Commission for Refugees (UNHCR), there were about 45,000 Congolese refugees in Zambia as of 1 May 2009¹. Beneficiaries of the facilitated repatriation being offered in the framework of this decision will come from this caseload.

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 whom 500,000 became refugees. The global situation in the DRC has, since the first elections in 2006 evolved in a generally positive manner, from both the political and humanitarian points of view. This is especially so for the south-eastern province of Katanga, which has remained peaceful and continues to benefit from various humanitarian, rehabilitation and development initiatives. Indeed, the conflict and insecurity has been contained to certain very circumscribed areas, namely North Kivu.

These improvements have sufficiently reassured thousands of internally displaced people to return home and pick up the pieces of their lives.

¹ Of whom 29,000 in camps, mainly at Kala and Mwange, and 15,000 self-settled

The European Commission (EC) has 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, Tripartite Agreements, setting the legal framework for the return of refugees from Zambia, have been signed by UNHCR, the Governments of the Democratic Republic of Congo and the Republic of Zambia in 2007, 2008 and 2009.

The first organised repatriations of refugees began in May 2007 and were suspended in late August of the same year due to riots which had taken place in Moba. The second phase of the voluntary repatriation programme ran from May 2008 till the onset of the rainy season in December 2008. Assisted repatriation has already been provided to 17,000 refugees from Zambia since 2007, most of whom have returned to the now-peaceful areas in the Katanga Province around Kalémie, Moba and Pweto.

The Tripartite Commission resumed the organised voluntary repatriation on 9 May 2009. The target movement figure for this third phase of the programme is set at approximately 18,500 persons based on refugees' intentions of return. The Commission also stated that the repatriation programme is scheduled to end in 2009, but that it would in any case convene in the last quarter of the year to review the progress of return.

The European Commission has been assisting the overall process of return and re-integration through its DRC Global Plan, the vast majority of which provides assistance to the east of the country. Indeed, out of the total EUR 45 million of the current global plan, EUR 27 million is made 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. In 2008, the UNHCR through its multi-donor repatriation programme, constituted a return package which included, besides transport from the transit centres to the place of origin, food packages for several months, domestic goods, health care at transit centres, health care for several months once arrived at destination, some assistance towards education costs shelter for the most vulnerable, support to income-generating activities, and protection. Those refugees to be repatriated or who have spontaneously returned from Zambia will, of course, benefit from some elements of this UNHCR action already funded by the EC.

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 ECHO² 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.

² Directorate General for Humanitarian Aid - ECHO

1.2. - Identified needs :

The greatest obstacle to repatriation, and therefore the greatest need, is transport. Refugees will be transported primarily by official convoys by boat across Lake Tanganyika by ferry, or by road where conditions allow. 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.

Efforts to transport refugees in a manner that is dignified and safe will include, especially where journeys are very long, transport conditions which adhere to at least the minimum standards and avoid unnecessary delays at way and transit stations, and will certainly ensure that movements are organised in a way so that refugees do not need to camp overnight in transit centres.

In the last two repatriation exercises, UNHCR 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. This major component will be partially supported through this funding decision, which will draw use 41% of the allocation reserved for humanitarian assistance in the B envelope of the 10th EDF National Indicative Programme for Zambia.

Before refugees can be transported, a number of ancillary services have to be assured. Refugees need to be sensitised in order to make informed decisions. This sensitisation process is extremely important in that it is the backbone of the repatriation – refugees must be free to choose to repatriate, and in order to do so must be fully briefed on the transportation modalities as well as the conditions that prevail upon their arrival. Refugees will also need to be registered before departure. Unaccompanied minors, the elderly and the disabled will require special arrangements. Support to health screening and existing way-stations will be continued, though transit facilities will need to be improved in order to take into account overnight stays, where inevitable, in a dignified manner.

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, a mosquito net, a bicycle, and roofing sheets. Food is also provided for the journey. This has traditionally, including during the preceding repatriation exercises, been provided by the World Food Programme (WFP) and will continue to be covered under the remit of this decision.

One of the perverse outcomes of peace remains the increased likelihood for 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 mines and other unexploded ordnance (UXOs) are still believed to be potential hazards, therefore repatriating refugees need also to receive mine awareness training in anticipation of their return.

There may be a number of refugees, however, who may prefer to remain in Zambia. The sensitization process should, therefore, also provide information and support to those who

would like to apply to remain legally in the country.

1.3. - Target population and regions concerned :

This decision will directly address the transport and logistics for up to 18,500 Congolese refugees repatriating in an organised manner from and around Kala, Mwange and other camps in Zambia to the DRC.

Though it is 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, as well as to the actual figures of the 2008 repatriation exercise, which indicate 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 democratic process, the observed climate of peace and security in the Katanga province, and the presence of United Nations (UN) peace keepers, a serious breakdown of the internal political process, or an escalation of instability generated by the still fragile situation in the Greater Kivu region cannot be discounted. Other factors to take into account would be the attitudes of the governments of Zambia and the DRC towards the refugees and the refugees' perception of the situation. A rapid acceleration of the host government's intentions, by for example closing down camps, could, however see a greater, or more sudden than expected return movement. 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.

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 Democratic Republic of Congo

Specific objective:

To provide the appropriate services and goods that will allow for the efficient and dignified return of up to 18,500 refugees from Zambia to the Democratic Republic of Congo

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.

- g) In the event the camps are closed, wrap-up activities such as reforestation, dismantling of temporary structures, and boarding up of latrine holes.

3 - Duration expected for Actions in the proposed Decision:

The duration for the implementation of this Decision shall be 18 months

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 Actions.

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

The EC has provided funding for both the preceding exercises for the repatriation of Congolese refugees from Zambia. Moreover, the European Commission, through DG ECHO in particular, has for many years been providing funding to support refugee and Internally Displaced Persons (IDP) populations affected by conflicts in the Great Lakes area, such as the DRC, Burundi and Tanzania. Refugees returning from Zambia will also benefit from on-going interventions funded by various European Commission funding sources and other donors, and implemented by a number of non-governmental organisations in the return areas of the DRC, which target road rehabilitation, primary health care, shelter, water and sanitation, nutrition and school rehabilitation.

List of previous DG ECHO operations in ZAMBIA				
Decision Number	Decision Type	2007 EUR	2008 EUR	2009 EUR
ECHO/-AF/EDF/2007/01000 (*)	Non Emergency	0		
ECHO/ZMB/EDF/2007/01000	Non Emergency	2,000,000		
ECHO/-SF/BUD/2009/01000 (*)	Emergency			460,000
Subtotal		2,000,000	0	460,000
Grand Total		2,460,000		

Dated : 13 May 2009
Source : HOPE

(*) decisions with more than one country

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	500,000		
Belgium		Other services			
Bulgaria					
Cyprus					
Czech republic					
Denmark					
Estonia					
Finland					
France					
Germany	300,400				
Greece	50,000				
Hungary					
Ireland					
Italy					
Latvia					
Lithuania					
Luxemburg					
Malta					
Netherlands					
Poland					
Portugal					
Romania					
Slovakia					
Slovenie					
Spain					
Sweden					
United kingdom	38,010				
Subtotal	388,410	Subtotal	500,000	Subtotal	0
		Grand total	888,410		

Dated : 13 May 2009

(*) 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.

Concerning donor co-ordination, there has been a great effort in the DRC both within the European Commission services and with other donors, in the realm of humanitarian aid and in the establishment of a smooth transfer from emergency aid to development aid.

In those areas where there were still emergency humanitarian needs, the UN Humanitarian coordinator instituted the 'cluster' approach. A lead agency (usually UN) is designated as responsible for each cluster as it endeavours to fulfil 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 1,500,000

6.2. - Budget breakdown by specific objectives

Principal objective: <i>To facilitate the return of Congolese refugees repatriating from Zambia to the DRC</i>				
Specific objectives	Allocated amount by specific objective (EUR)	Geographical area of operation	Activities	Potential partners³
Specific objective 1: To provide the appropriate services and goods that will allow for the efficient and dignified return of up to 18,500 refugees from Zambia to the Democratic Republic of Congo	1,500,000	From refugee camps for Congolese refugees in Zambia to the border with DRC	<ul style="list-style-type: none">- Registration prior to repatriation- Transport- Logistics- Non-food item kits- Health screening prior to repatriation- Vulnerable group care during repatriation- HIV/AIDS and mine awareness- In the event the camps are closed, wrap-up activities such as reforestation, dismantling of temporary structures, and boarding up of latrine holes.	<ul style="list-style-type: none">- IOM- UNHCR
TOTAL:	1,500,000			

³

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 Actions financed by the Community in order to establish whether they have achieved their objectives and to produce guidelines for improving the effectiveness of subsequent Actions." 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://ec.europa.eu/echo/policies/evaluation/introduction_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://ec.europa.eu/echo/about/actors/partners_en.htm.

For International Organisations identified as potential partners for implementing the Decision, actions will be managed under joint management.

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.