ANNEX 3

to the

COMMISSION IMPLEMENTING DECISION

on the Annual Action Programmes 2015 part II and 2016 part I in favour of the Asia region to be financed from the general budget of the European Union

Action Document for Supporting Protection and Sustainable Solutions for the Refugees from Bhutan in Nepal

<table>
<thead>
<tr>
<th>1. Title/basic act/CRIS number</th>
<th>Supporting Protection and Sustainable Solutions for the Refugees from Bhutan in Nepal CRIS number: 2015/359-386 financed under Development Cooperation Instrument</th>
</tr>
</thead>
</table>
| 2. Zone benefiting from the action/location | South-Eastern Region, Nepal  
The action shall be carried out at the following location: The two camps hosting refugees from Bhutan in Nepal and the surrounding host communities in Jhapa and Morang Districts in eastern Nepal. |
| 3. Programming document | Regional Programming for Asia:  
Multiannual Indicative Programme 2014-2020 |
| 4. Sector of concentration/thematic area | Aid to Uprooted People |
| 5. Amounts concerned | Total estimated cost: EUR 12,500,671.00
Total amount of EU budget contribution EUR 2,000,000.00.
The contribution is for an amount of EUR 2,000,00.00 from the general budget of the European Union for 2015.
This action is co-financed in joint co-financing by:
- UNHCR, for an amount of EUR 10,500,671.00 |
| 6. Aid modality(ies) and implementation modality(ies) | Project Modality  
Indirect management with United Nations High Commissioner for Refugees (UNHCR) |
| 7. DAC code(s) | 72010 – Material relief assistance and services (under 700 – Humanitarian Aid; 720 – Emergency Response) |

1 This amount is a conversion of the total budget of USD 14,045,698.00, with an exchange rate of 1EUR=1.12 USD.
<table>
<thead>
<tr>
<th>8. Markers (from CRIS DAC form)</th>
<th>General policy objective</th>
<th>Not targeted</th>
<th>Significant objective</th>
<th>Main objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participation development/good governance</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>Aid to environment</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>Gender equality (including Women In Development)</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>Trade Development</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>Reproductive, Maternal, New born and child health</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RIO Convention markers</th>
<th>Not targeted</th>
<th>Significant objective</th>
<th>Main objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biological diversity</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Combat desertification</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Climate change mitigation</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Climate change adaptation</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

| 9. Global Public Goods and Challenges (GPGC) thematic flagships | Not relevant |

**SUMMARY**

For over two decades the Government of Nepal (GON) has been hosting refugees originating from Bhutan. The refugee population in the camps has reduced significantly in the recent years, due to large-scale group resettlement that started in 2007 (from 107,000 in 1990s to 23,059 in January 2015). Some 10,000 to 11,000 refugees are expected to be resettled during January 2015 – December 2017. However, about 12,000-13,000 refugees are not interested in, or not eligible for resettlement and therefore would remain in Nepal until other durable solutions are sought and achieved.

Due to the prevailing provisions by GON, the refugees are not officially allowed to work outside the refugee camps, nor do they receive support from the GON. Hence, the provision of basic services under the framework of human rights (protection and assistance) to the refugees from Bhutan, as well as the resettlement, solely depends on the external support by the international community. As the United Nations High Commissioner for Refugees (UNHCR) is mandated to lead and coordinate the international actions for the worldwide protection of refugees and the resolution of refugee problems through durable solutions, the GON has requested UNHCR to provide international protection and provision of basic services in the camps. UNHCR, in cooperation with the EU since 1994, is fulfilling this request through partnership with five I/NGOs and GON counterparts. The need for continuous protection and multi-sectorial support will remain valid in the interim in order to maintain the momentum of resettlement and facilitate a meaningful and responsible disengagement through practical integration of refugee’s related services into those existing in their hosting communities.
This EU-funded programme is to be seen in the light of an exit strategy and will be the last commitment to the Bhutanese Refugee case from the EU side. The overall objective (OO) of the programme is to support the process of achieving sustainable solutions for refugees from Bhutan in Nepal, while providing international protection and multi-sectorial assistance. The expected results correspond directly to the following specific objectives (SO) of the programme: 1) Continue with the large-scale resettlement of the refugees; 2) Provide key care and support services, as well as protection for the refugee population in the camps and; 3) Consolidate services in the refugee camps and enhance the absorption capacity of the hosting communities’ facilities in order to facilitate refugees’ access to national programmes and public services.

1. CONTEXT

1.1. Sector/Country/Regional context/Thematic area

For over two decades the GON has been hosting refugees from Bhutan, who in the early 90’s sought asylum after the enforcement of restrictive laws in Bhutan. The refugees live in refugee camps in eastern Nepal. In 1990s the number of registered Bhutanese refugees in Nepal was over 107,000 persons. Upon the GON request, UNHCR has been providing international protection and multi-sectorial assistance (complementary food, health and nutrition, water/sanitation, community services, primary education, domestic/household items and transport/logistics) to the refugees since 1992.

Since 1994, the EU has been providing a significant financial contribution to the refugees from Bhutan through the UNHCR-led Programme. A major role of the last EU-UNHCR Programme (02/2011-02/2015) was to seek durable solutions for the refugees, especially through the large-scale resettlement programme to eight countries (Australia, Canada, Denmark, the Netherlands, New Zealand, Norway, the United Kingdom, and the United States of America). As of 31 December 2014, UNHCR, in close collaboration with GON, and the Core Group of Resettlement Countries, had facilitated third country resettlement for 94,565 refugees from Bhutan. As of the same date, the population in the two remaining camps was counted to be 23,059 refugees. While the resettlement process went on, the individual cases became more challenging and the camp dynamics changed considerably. Similarly, maintaining camp services at a desired level is proving increasingly difficult due to the departure of skilled refugee workers.

With 77% of the current refugee population declaring their interest in resettlement, there is a clear need to continue and complete the third country resettlement programme, as the main durable solution for this refugee population. By the end of 2015, the group resettlement submissions end, however, individual cases may still be addressed. It is estimated that 10,000-11,000 refugees will depart in 2015-2017 but even in the best case scenario some 12,000 refugees could remain in Nepal after the conclusion of the group resettlement; of them, over 2,000 Bhutanese refugees are in “mixed marriages” with Nepali or Indian nationals. The continuation of care and maintenance support and protection interventions is an essential requirement to address their “human rights” situations during the process.

As part of the phasedown and exist strategy, the enhancement of the absorption capacity of the existing local facilities in the areas of health, education, community self-protection,
livelihoods will require a further attention in order to find a sustainable solution for the refugees who will not be resettled. Facilitating refugees' access to such facilities is a key to gradually shift from the parallel support to a more integrated intervention in the host community, while directly contributing to the environment and sustainable protection of human rights of the remaining refugee population. A joint UN Community-Based Development Programme - Transitional Solutions Initiative (CBDP/TSI) which was designed in late 2011 to benefit both refugees and local communities was put on hold by the GON and subsequently “shelved” in 2013. Meanwhile UNHCR has managed to implement several small-scale host community projects, as well as advocated with the Royal Government of Bhutan and with the GON to accept the refugees on humanitarian grounds, although the prospects for voluntary repatriation to Bhutan seem very limited.

1.1.1. Public Policy Assessment and EU Policy Framework

Nepal is not a signatory to the 1951 Convention related to the Status of Refugees, nor to its 1967 Protocol which is the key legal document in defining who is a refugee, his/her rights and the legal obligation of states. In view of the prevailing asylum conditions in Nepal, it is needed that the international community continues its interventions in order to ensure that all the protection needs are met and basic services are available, pending lasting solutions. UNHCR is the lead agency in the continuous efforts to advocate for policies favourable to refugees, the adoption of a national legal framework to address asylum issues and Nepal’s accession to international refugee instruments.

The Ministry of Home Affairs (MoHA), through its National Unit for the Coordination of Refugee Affairs (NUCRA) has the overall responsibility for the refugee programme in Nepal and is responsible for implementing the government's refugee policy. At the local level, a Refugee Coordination Unit (RCU) was established under the authority of the Chief District Officer (CDO) of Jhapa, including camp supervisors and assistants for each camp. At the camp level, there is a Camp Management Committee (CMC), a gender-balanced elected body, which looks after the overall issues for refugees residing in the camps, in collaboration with key stakeholders including the GON.

For the EU, this Programme is part of the Aid to Uprooted People (AUP) –sector of the Regional Programming for Asia Multiannual Indicative Programme 2014-2020, in which it corresponds well to the overall objective, as well as all three specific objectives.

1.1.2. Stakeholder analysis

The Bhutanese refugees, GON, host communities and the international community, including the eight resettlement countries, EU, United Nations World Food Programme (UNWFP), International Organization for Migration (IOM) and UNHCR with its project partners, are the main stakeholders of the operation for the refugees from Bhutan in Nepal.

GON has agreed to host the refugees and appointed land for the refugee camps. The camps are formally administered by the GON through NUCRA. Since UNHCR is mandated to lead and co-ordinate the international actions for the worldwide protection of refugees and the resolution of refugee problems through durable solutions, the GON has requested UNHCR to provide international protection and multi-sectorial assistance for the Bhutanese Refugees in Nepal, a task that UNHCR has been fulfilling since 1992 to date, with the support from the EU since 1994.

Since the commencement of the operation there has been an adequate level of coordination and cooperation among the different stakeholders, especially when a breakthrough was
achieved in 2007 for resettlement, which has reached some 90% success to date. The Bhutan Core Group (BCG), consisting of donor countries and a number of UN agencies, meets regularly in Kathmandu (usually quarterly) to review operations, strategy and joint advocacy, which has ensured strong support and commitment to the resettlement programme. EU is an active participant of BCG. There is a common understanding among all stakeholders on the need to continue the efforts towards enhancing collaboration in terms of programme planning in order to achieve the remaining 10% of success. However, in the absence of reasonable prospects for a voluntary repatriation in the foreseeable future, the residual caseload needs a holistic approach in terms of service delivery and protection, which is also acknowledged by all stakeholders.

For implementing cooperation, regular meetings are held between UNHCR, International Organization for Migration (IOM) and UN World Food Programme (UNWFP). The Resettlement Partner’s Meeting among the US Embassy, IOM, Refugee Support Centre (Bureau for Population, Refugees, and Migration), and UNHCR is held regularly on issues related to resettlement of refugees. UNHCR also holds monthly coordination meetings with NGO partners in Damak and Kathmandu.

1.1.3. Priority areas for support/problem analysis

The main priority of this action is to find durable solutions for the Bhutanese refugees. This is done through the resettlement to the eight core group countries. Even though the previous programmes have already resulted in significant durable results, with 94,565 refugees resettled by the end of 2014, the overall exit from assistance to Bhutanese refugees is contingent not just upon finding durable solutions through resettlement, but also for the remaining population who will not or cannot be resettled. It is more likely to reach an agreement for the remaining population once the number of Bhutanese Refugees in Nepal has reduced to 12,000-15,000 refugees, for which it is essential to continue the exit strategy. Throughout the duration of the proposed action, UNHCR, with the BCG, will continue its advocacy towards the respective durable solutions, which is part of the exit strategy.

Considering that the refugees cannot work outside the camps, the protection and basic services needs to be addressed while the resettlement process is ongoing. UNHCR would therefore continue provision of protection interventions, care and maintenance support to residual caseload of about 20,000 refugees (estimation from the start of the Programme in October 2015) in the two camps of Sanischare and Beldangi. Therefore, this Action will look into particular areas such as a) targeted protection assistance to persons with specific needs (children, women, elderly), b) prevention and response to issues related to SGBV, c) health, nutrition, and sanitation with focus on the extremely vulnerable individuals, d) formal education for children and informal education for adults including vocational training and income generation activities, e) psychosocial support to refugees with chronic problems including substance abusers, f) protection of children, girls, and women at risks, among others. UNWFP will provide food assistance simultaneously.

For peaceful coexistence, specific efforts will be made towards capacity building of the local service centres. This is also to consider a gradual transition of refugees to national programme, health and education in particular, which will be especially important for the possible integration of the refugees that are not eligible, or have not expressed their interest in resettlement. Refugees’ engagement and contribution would remain as the integral part of this action throughout all stages in order to enhance their sense of ownership and the community-based protection mechanisms.
Resettlement departure and consolidation of services in the refugee camps are contributing to human rights protection and improve access to basic services. In collaboration with UNDP and the GON, environmental investments such as greenery and tree plantation have been made in the closed camps in the past few years as mitigation measures in line with environmental principles. Reduction in the size of population will considerably contribute to the environment within the camps such as greenery and replantation.

2. **RISKS AND ASSUMPTIONS**

<table>
<thead>
<tr>
<th>Risks</th>
<th>Risk level (H/M/L)</th>
<th>Mitigating measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Withdrawal of refugees who are being resettled will have direct implication on the projected figures.</td>
<td>M</td>
<td>Continuous dialogue with refugees’ representative as well as individual refugees maintained. Community mobilization and regular dissemination of information with refugees in the camps.</td>
</tr>
<tr>
<td>Being a non-signatory to the UN refugee related conventions, coupled with political relationship with Bhutan, GON will be careful with transitioning the refugee access to the national services.</td>
<td>M</td>
<td>Advocacy at the central level through UNHCR HQs with GON, Bhutanese authorities as well as concerned authorities of government of India. Reduction of the number of refugees through resettlement is expected to mitigate this risk.</td>
</tr>
<tr>
<td>With an end to group resettlement submissions by the end of 2015, like in any other third country resettlement programme, fraud is one of the risks, for example, misrepresentation by refugees of the family composition (e.g. presenting a nephew as a son, concealment of marriage/divorce).</td>
<td>H</td>
<td>Anti-fraud plan maintained, renewed and implemented. Periodic training and sensitization activities for all involved stakeholders implemented. Careful review of SOPs and procedures conducted.</td>
</tr>
<tr>
<td>Slow pace of the GON in decision making due to politics involved/political reasons at the central level.</td>
<td>M</td>
<td>Regular follow up and meetings at central and field level to possible limits. Act on behalf of the GON while putting the GON in the driving seat.</td>
</tr>
</tbody>
</table>

**Assumptions**

1. Security situation does not deteriorate and access to refugee camps is maintained. Donors support is secured. GON agrees to the strategic directions to implement more
cost-effective modalities of service delivery;

2. Revised durable solutions plans are agreed upon by all stakeholders. Most of the cases of those who expressed an interest in resettlement including those with complex profiles are cleared/resolved, and there will be no further major withdrawals;

3. Continued cooperation is maintained with the Core Group of resettlement countries (including funding), and close coordination with government officials at the working level;

4. The GON agrees to the investment in and upgrading of existing facilities in order to facilitate refugees’ access to the national services, especially health and education.

3. LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES

3.1. Lessons learnt

The formulation of this Programme is based on the findings of the very recent and forward looking Final Evaluation of the 2011-2015 EU-UNHCR Programme, which recommends a continuation in order to consolidate sustainable results. The following key events have also been carried out periodically, looking into, and/or assessing the interventions for refugees from Bhutan in the camps, highlighting good practices and providing recommendations for well-informed programming by the stakeholders:

- The 2011-2014 EU-UNHCR programme targeting refugees from Bhutan has been evaluated on an annual basis and accordingly reports produced and shared with UNHCR highlighting key areas to focus.
- Biennium Joint Assessment Mission (JAM) conducted by UNHCR-UNWFP in the refugee camps and Joint Plan of Action has been concluded between the two entities.
- UNHCR conducted an annual Nutrition Survey in the refugee camps to identify the relevant gaps and inform future planning for viable solutions.
- WFP-UNHCR cash and voucher feasibility study was conducted in March 2014 in order to explore viable alternate service delivery (Cash Based Intervention).
- Periodic Round Table discussions are conducted with all stakeholders including the refugees and GON at the field level to enhance service delivery in the light of the changes in the dynamics of the operation.

Accordingly the relevant inputs, good practices and the recommendations have been incorporated into the formulation of this Programme.

UNHCR participatory needs assessment by Multi-Functional Teams with active participation of refugee men, women, boys and girls has been a key to better informing the programme interventions. A set of proactive, transparent and timely consultations with refugees, and their engagement at different stages of the programming, coupled with excellent collaboration among all stakeholders, have resulted in several breakthrough findings and appropriate and viable solutions to enhance service delivery.

3.2. Complementarity, synergy and donor coordination

The interventions through this Action are complementary to all the other forms of assistance to refugees from Bhutan, including UNWFP’s provision of food rations in the camps; IOM’s assistance with departure to resettlement countries of those accepted for resettlement; GON’s/Ministry of Health supply of vaccines for various immunisations, contraceptives for family planning, and vitamin A for improvement of nutrients, as part of the national health
In cooperation with the EU-UNHCR programme, ECHO has been providing financial assistance to a UNWFP food operation to the Bhutanese refugees. The ECHO-UNWFP operation is expected to run until the end of 2015. A Joint Plan of Action is adopted on a two-year basis with UNWFP, and the two agencies make joint interventions with donors, external relations partners, and the GON to maximize synergy. The supply of vaccines for various immunisations, contraceptives such as pills and condoms for family planning, and Vitamin A for improvement of nutrients are part of the national health programme.

The international protection and provision of basic services in the camp has been based on the specific request of the GON towards UNHCR, which fills the protection gaps that no other entity can address. UNHCR is also responsible for donor coordination, through on-going dialogue with the BCG, which includes EU, other donors and a number of UN agencies.

3.3. Cross-cutting issues

(1) **Sex and Gender Based Violence (SGBV):** This cross-cutting theme remains one of the main priorities for UNHCR; adequate support (moral, legal, technical, medical, psycho-social and material) has been and will continue to be provided to SGBV survivors.

(1) **Aid to environment:** Along with the reduction in the size of the refugee population through resettlement departures, UNHCR in cooperation with UNDP and the GON will continue through this Action to contribute to the protection and rehabilitation of the environment in the camps through greeneries and replantation. The Action will build on the experience of the past few years when such measures were implemented in the closed camps as mitigation measures, in line with environmental principles.

(2) **Reproductive, maternal, new born and child health:** In line with UNHCR’s global strategy for refugee health including reproductive health, mother and child health (MCH), primary health care, access to immunization and community-based health care, this Action will ensure that the health care needs of the refugees continue to be met; while supporting the transition from facility-based health care in refugee camps to community-based health care, with particular attention to maternal, new born and child health.

(3) **Age, Gender, and Diversity (AGD) Approach:** UNHCR has adopted this approach for all its operations across the board. Through this Action, 50% of the beneficiaries of all interventions will be women/girls and 50% of the camp leaders will also be women, which is clearly reflected in all the relevant guidelines and standard operating procedures. All needs assessments will continue to cover the specific needs of the different age, sex and background categories of the refugees from Bhutan.

(4) **Persons with Specific Needs (PSN):** The PSN includes several categories of beneficiaries exposed to different risks including persons with disability, elderly without family support, female headed households, unaccompanied or separated children, women and children at risk of SGBV, etc. Specific interventions will be prioritized through timely identification of PSN, documentation, legal and psychosocial counselling, etc.

(5) **Peaceful Coexistence between refugees and host communities:** This thematic approach is aimed at ensuring the physical security of the refugees, at improving their freedom of movement outside the camps, at enhancing the relations, interactions and communication between the refugee and the host communities,
enhanced sense of sharing of resources as well as at mitigating the effects of refugees’ presence in the areas with particular attention to environment protection.

4. DESCRIPTION OF THE ACTION

4.1. Objectives/results

The overall objective (OO) of this project is to: Support the process of achieving sustainable solutions for refugees from Bhutan in Nepal, while providing international protection and multi-sectorial assistance during the process. The specific objectives (SO) of the project are:

1. Continue with the large-scale resettlement of the refugees (result 1);
2. Provide key care and support services, as well as protection for the refugee population in the camps (result 2-4);
3. Consolidate services in the refugee camps and enhance the absorption capacity of the hosting communities’ facilities in order to facilitate refugees’ access to national programmes and public services (result 5).

The following outputs will be achieved after the implementation of this project:

Result 1 - Durable Solutions achieved: Some 6,500 refugees will be resettled finding new lives in the third countries during the estimated implementation time of the Programme (from October 2015 to September 2018).

Result 2 - Favourable Protection Environment is enhanced: Refugees will exercise freedom of movement and favourable protection in the camps through continued legal and physical protection assistance such as court intervention and follow-ups, legal representation in the court and other judiciary bodies, provision of legal advice/support at the camp level and improved protection capacities of implementing partners.

Result 3 - Security from Violence and Exploitation are ensured: All issues related to SGBV, child protection and security from violence and exploitation for the refugees will be addressed. Persons with specific needs - including unaccompanied and separated children, elderly and disabled persons - will enjoy receiving specific support through: a) establishment of community-based committees on SGBV prevention and response and establishment of children’s committees, b) provision of appropriate support to all known SGBV survivors, c) conducting timely best interest determination assistant for children and facilitate children access to national child protection services.

Result 4 - Basic Needs and Essential Services are ensured: Refugees from Bhutan living in camps will enjoy, under the overall framework of “human rights”, physical and legal protection receiving basic health services, education, water, and support in addressing specific psycho-social and other needs either through camp based service centres managed by UNHCR Project Partners or service facilities in the hosting communities surrounding the refugee camps. Delivery of assistance modality will be shifted from “direct to indirect, and from in-kind to cash” in collaboration with local authorities and refugee communities.

Result 5 - Community Empowerment and Self Reliance are enhanced: Utilization of the available resources will be optimized through consolidation of in-camp services in proportion to the size of the remaining refugee population. Absorption, technical and management capacity of the public service centres in the refugee hosting areas will be enhanced by upgrading infrastructure and technical support to extend services to the refugees, and as such, existing parallel provisions especially in the sector of education and health will be progressively discontinued.
4.2. Main activities

With the implementation of smooth resettlement programme, a substantial decrease in the current refugee population is expected by the end of this project period. While working towards alternative ways of efficient service delivery, there will remain a need for continuation of protection and multi-sectorial support in order to maintain the resettlement process and facilitate a smooth transition process of assistance to sustainable development.

Result 1 - Durable Solutions achieved

Main activities: a) Continue the resettlement programme for about 6,500 refugees to depart for eight core group countries during October 2015 to September 2018. b) Conduct advocacy with stakeholders and explore other durable solutions options.

Result 2 - Favourable Protection Environment enhanced

Main activities: Recruit local lawyers at the camp level to a) facilitate refugees’ access to legal assistance and legal remedies, b) provide legal awareness raising activities, and c) conduct legal representation intervention in the court; c) provide protection training to implementing partners.

Result 3 - Security from Violence and Exploitation ensured

Main activities: Carry out SGBV and child protection activities in the form of prevention and response including: a) establishing community-based committees on SGBV prevention and response as well as establishment of children’s committees, b) providing appropriate support (material, legal, others) to all known SGBV survivors, c) conducting timely best interest determination for children, and d) facilitating children access to national child protection services.

Result 4 - Basic Needs and Essential Services ensured

Main activities: a) Provide basic services such as health, education, water/sanitation, energy, to all refugees in the camps. b) Conduct a detailed profiling of the remaining/ non-resettled refugee population, including the psycho-social and other needs assessment at family and individual level, in order to better inform the planned interventions through an appropriate case management system. c) Provide targeted assistance such as psychosocial services, and services for groups with specific needs for eligible refugees in the camps. d) Outsource/delegate management of certain in-camp activities to refugees. d) Conduct vulnerability assessment and provide targeted assistance to substance abusers.

Result 5 - Community Empowerment and Self Reliance enhanced

Main activities: a) Carry out administrative and physical merger of sectors/sub-sectors in the camps taking into consideration the changes in the size of population. b) Implement planation activities to regenerate greenery in the vacated areas after clearing the site by removing infrastructure, which are no longer required. c) Enhance the technical, absorption and management capacity of the public service centres in the refugee hosting areas. d) Upgrade and/or construct health and education infrastructures in the hosting communities. e) Conduct advocacy with authorities to facilitate refugee transition into the public services, health and education in particular.

4.3. Intervention logic

While EU has been supporting the Bhutanese refugees since 1994, it is only from 2007 that it has been possible to find sustainable solutions through resettlement to the eight recipient countries. Since then, more than 94,000 refugees have been able to leave the camp and start a
life in a new country. The refugee number is decreasing month by month, but it is estimated that by the start of this action 20,000 refugees are still in need of a sustainable solution. This Programme aims to find a solution for the remaining refugees mainly through resettlement, but also through advocating towards the possibility of local integration in Nepal or voluntary repatriation to Bhutan. The action also provides protection and multi-sectorial assistance to the refugees during the sustainable solution process. Therefore, the intervention logic strongly relies on bringing the long-lasting situation to an end, which also justifies the importance of timing of the action.

The technical implementation logic has been derived from UNHCR’s results-based management (RBM) framework for Nepal, which in turn is based on UNHCR’s global RBM framework, guaranteeing improved results and a functional programme management structure. The framework includes pre-defined rights groups, objectives, outputs, impact indicators and performance indicators. As detailed in the logical framework of this action, the activities will lead to achievement of the five expected results (outputs) which in turn will contribute directly to the achievement of the three outcomes (specific objectives), which in turn will enable to achieve the overall objective (impact), measurable through its impact indicators.

5. IMPLEMENTATION

5.1. Financing agreement

In order to implement this action, it is not foreseen to conclude a financing agreement with the partner country, referred to in Article 184(2)(b) of Regulation (EU, Euratom) No 966/2012.

5.2. Indicative implementation period

The indicative operational implementation period of this action, during which the activities described in section 4.12 will be carried out and the corresponding contracts and agreements implemented, is 36 months from the date of adoption by the Commission of this Action Document.

Extensions of the implementation period may be agreed by the Commission’s authorising officer responsible by amending this decision and the relevant contracts and agreements; such amendments to this decision constitute technical amendments in the sense of point (i) of Article 2(3)(c) of Regulation (EU) No 236/2014.

5.3. Implementation modalities

5.3.1.4. Indirect management with UNHCR

This action may be implemented in indirect management with UNHCR in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012. This implementation entails UNHCR to provide international protection and multi-sectorial assistance for refugees from Bhutan in Nepal, while supporting and promoting comprehensive durable solutions and sustainable protection and assistance to public facilities, to facilitate refugees’ access therein. This implementation is justified because the UNHCR’s international protection and provision of basic services in the camp has been based on the specific request of the GON, and fills the protection gaps which no other entity can address. UNHCR is mandated to lead and co-ordinate the international actions for the worldwide protection of refugees and the resolution of refugee problems through durable solutions. According to the evaluations on the past Programmes, UNHCR has also fulfilled well their responsibility on the matter.
The entrusted entity would carry out the following budget-implementation tasks: launching and evaluating calls for tenders and/or proposals including definition of eligibility, selection and award criteria, award of grants and/or contracts, managing the resulting contracts, as well as carrying out payments and recovering moneys due.

5.4. Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply, subject to the following provisions.

The Commission’s authorising officer responsible may extend the geographical eligibility in accordance with Article 9(2)(b) of Regulation (EU) No 236/2014 on the basis of urgency or of unavailability of products and services in the markets of the countries concerned, or in other duly substantiated cases where the eligibility rules would make the realization of this action impossible or exceedingly difficult.

5.5. Indicative budget

<table>
<thead>
<tr>
<th>EU contribution (amount in EUR)</th>
<th>Indicative third party contribution, in currency identified (amount in EUR)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.4.3.1 – Indirect management with UNHCR</td>
<td>2,000,000.00</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>2,000,000.00</strong></td>
</tr>
</tbody>
</table>

5.6. Organisational set-up and responsibilities

All activities stipulated in this Action document will be funded under the contract between EU and UNHCR. Part of these activities will be implemented directly by UNHCR and the other part by NGO's, through arrangements between UNHCR and those NGO's.

The UNHCR Programme Unit will be responsible for overall co-ordination and monitoring of the Programme both at the central and field levels. UNHCR will also closely work with other UN agencies and development partners in planning and implementing development assistance to both refugees and refugee hosting population. UNHCR Representation Office in Kathmandu and Sub-Office in Damak will directly carry out protection, community services, as well as promotion of refugee law related activities.

UNHCR has established a multi-functional Implementing Partner Management Committee (IPMC) for better management with its partners. The IPMC will look after the selection, retention and performance of the partners on a regular basis to ensure sound service delivery. UNHCR conducts monthly coordination meetings with the five NGO implementing partners in Damak and quarterly roundtables with the same partners in Kathmandu, to ensure complementarity of interventions. Project Partnership Agreements with partners will be concluded on an annual basis covering the calendar year, in line with UNHCR’s Framework for Implementation with partners. UNHCR will ensure sufficient oversight regarding service delivery by its partners throughout the implementation period of this action. The EU will

---

3 Communication and Visibility will be part of the Programme Budget
conduct ad-hoc/needs based visits to the project sites at different stages of implementation. The EU will provide advice to UNHCR accordingly. In addition, the EU intends to carry out annual evaluation followed by a final evaluation of the entire action upon completion of the activities.

UNHCR Multifunctional Team (MFT) based in Damak in collaboration with country-level IPMC will serve as the project implementation unit for this action, ensuring application of best projects and on best value for money. The MFT and IPMC will ensure that:

- Projects are formulated based on the UNHCR Objectives included this Action document as part of its annual Country Operations Plan (COP) and accordingly determine which activities to be implemented through partners.
- MFT oversights that the partners fulfil their responsibilities by visiting project sites regularly and by technical and financial reporting system. Monitoring will be conducted in order to obtain sufficient assurances that progress is made towards achievement of the project outputs and objectives.

5.7. Performance monitoring and reporting

The UNHCR Programme Unit will be responsible for overall monitoring of the project both at the central and field levels. Monitoring and reporting by UNHCR staff are based on the reports and observations of the implementing partners, the engagement with the refugee communities, the regular personal observation and ongoing assessment by UNHCR (e.g. through on the spot visits to project sites, discussions with the beneficiary refugees, staff of implementing partners and Government on the ground), as well as to the comparison of achievements and related financial expenditures with objectives. Close monitoring of the camp situation will continue to be the key in implementing the programme.

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partner’s responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and direct outcomes) as measured by corresponding indicators, using as reference the logframe matrix. The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

5.8. Evaluation

Having regard to the nature of the action, a final evaluation will be carried out for this action or its components contracted by the Commission.

It will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the fact that the on-going UNHCR operation has been a highly successful and exceptional refugee programme so far, in terms of successful
resettlement of the majority of the refugees and closing down camps in an environment-
friendly manner.

The Commission shall inform the implementing partner at least 15 days in advance of the
dates foreseen for the evaluation missions. The implementing partner shall collaborate
efficiently and effectively with the evaluation experts, and inter alia provide them with all
necessary information and documentation, as well as access to the project premises and
activities.

The evaluation reports shall be shared with the partner country and other key stakeholders.
The implementing partner and the Commission shall analyse the conclusions and
recommendations of the evaluations and, where appropriate, in agreement with the partner
country, jointly decide on the follow-up actions to be taken and any adjustments necessary,
including, if indicated, the reorientation of the project.

The financing of the evaluation shall be covered by another measure constituting a financing
decision.

5.9. Audits

Without prejudice to the obligations applicable to contracts concluded for the implementation
of this action, the Commission may, on the basis of a risk assessment, contract independent
audits or expenditure verification assignments for one or several contracts or agreements.

The financing of the audit shall be covered by another measure constituting a financing
decision.

5.10. Communication and visibility

Communication and visibility of the EU is a legal obligation for all external actions funded by
the EU.

This action shall contain communication and visibility measures which shall be based on a
specific Communication and Visibility Plan of the Action, to be elaborated at the start of
implementation and supported with the programme budget.

In terms of legal obligations on communication and visibility, the measures shall be
implemented by the Commission, the partner country, contractors, grant beneficiaries and/or
entrusted entities. Appropriate contractual obligations shall be included in, respectively, the
financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Manual for European Union External Action shall be used
to establish the Communication and Visibility Plan of the Action and the appropriate
contractual obligations. The Communication and Visibility Plan shall include, subject to
security considerations, the actions ensuring the EU visibility, such as multiple public events
and information briefings to the diplomatic community, the media and NGOs. Information
signboards identifying the European Union as the funding source will be placed, whenever
appropriate, in front of project sites. At the point of distribution of the non-food items,
visibility will be in place to ensure that beneficiaries are aware of EU financing of the items.
Other forms of visibility will be the object of a joint plan agreed upon between the
Commission and UNHCR in the field and agreed upon by the respective Headquarters of both
organizations.