



Humanitarian Aid Decision

23 02 01

Title: Humanitarian assistance in favour of the vulnerable populations of Northern Rakhine State in Burma/Myanmar.

Location of operation: BURMA/MYANMAR

Amount of Decision: EUR 200,000

Decision reference number: ECHO/MMR/BUD/2006/01000

Explanatory Memorandum

1 - Rationale, needs and target population:

1.1. - Rationale:

During 1991-1992, an estimated 250,000 Myanmar Muslim residents of Northern Rakhine State in Burma/Myanmar fled to Bangladesh, representing the largest population movement from Burma/Myanmar in recent years, whereas about 80,000 Muslims stayed in Northern Rakhine State. The refugees were sheltered and assisted in 20 camps in the Cox's Bazaar region of Bangladesh.

In 1994, following the signature of a Memorandum of Understanding between the Government of Burma/Myanmar and UNHCR to facilitate the repatriation and reintegration of these Myanmar residents to Northern Rakhine State, the refugees started to return to Burma/Myanmar. By the end of August 2005 a cumulative total of 236,495 persons had returned to Northern Rakhine State in Burma/Myanmar with UNHCR assistance, representing 94% of those who had fled. Since then, the numbers have not changed since no further refugees in camps in Bangladesh have opted for repatriation.

This Muslim population is ethnically distinct from the Rakhine population and faces a wide range of discriminatory practices and serious protection concerns such as harsh application of forced labour and compulsory donations, which jeopardise their self-reliance.

The Decision will aim at addressing the protection needs of this minority in Northern Rakhine State, and therefore is in line with DG ECHO's annual strategy which puts a special emphasis on forgotten crises¹.

1.2. - Identified needs:

Protection

The returnees constitute one-third of the population of Northern Rakhine State and are also linked to the local Muslim population through marriage and kinship. This Muslim population is ethnically distinct from the Rakhine population. They are subject to an uncertain legal status, restrictions on their freedom of movement and on their religious practices, and periodic land reallocations. This has had an adverse impact on the reintegration of returnees and the stability of vulnerable groups in the area. Through international protection and assistance, the majority of returnees and the local community have achieved a very basic degree of stability. However, due to serious protection concerns and the external environment, vulnerable groups among the returnees and the local population are still not self-reliant. A renewed outflow remains a distinct possibility.

The ability of returnees and vulnerable groups in the local Muslim community to deal with protection issues is seriously affected by their overall situation. Northern Rakhine State is a remote border region where harsh natural conditions, combined with socio-economic and protection issues, create acute vulnerability. The three townships which make up the area, Maungdaw, Buthidaung and Rathedaung, are densely populated, with 160 persons per square kilometre, compared to the Myanmar national average of 74 persons per square kilometre. The very precarious existence of the Muslim population, including returnees, is apparent from a broad range of indicators. 90% of the returnee population and 50% of the local population is landless, possesses few skills and survives through seasonal labour work. A lack of adequate health care has led to an infant mortality rate which is four times the national average. The Muslim population speaks a dialect of Bengali of which there is no written form and 80% of the Muslim population as a whole is illiterate. This further reinforces the isolation of the residents, their ability to communicate with the local authorities and their interaction with Myanmar-speaking communities. These factors, in combination with other factors such as the lack of basic infrastructure and community facilities, exert a heavy pressure on the returnees and the local population².

1.3. - Target population and regions concerned:

The beneficiary population consists of vulnerable groups among the 236,500 people who returned from the Cox's Bazaar region of Bangladesh between 1994 and 2005, and those in the local community, estimated to be 80,000 persons in Northern Rakhine State.

¹ Burma/Myanmar is one of the forgotten crises identified by DG ECHO in the strategies for 2006 and 2007.

² Source: UNHCR, August 2006.

1.4. - Risk assessment and possible constraints:

In the remote Northern Rakhine State, access is very difficult particularly during the rainy season and this may be a source of delay for the operations depending on the volume of rainfall. Operations are also implemented in a difficult political environment. Access to these areas may be forbidden by the authorities since all humanitarian organisations working in Burma/Myanmar have to apply for a travel permit when they intend to visit a project area outside Yangon Division. New regulations in force since July 2005, with new guidelines for humanitarian organisations in force since February 2006, are imposing increased restrictions on humanitarian organisations and making access more difficult particularly for international staff.

2 - Objectives and components of the humanitarian intervention proposed³:

2.1. - Objectives:

Principal objective:

To provide humanitarian assistance to the stateless population of Northern Rakhine State in Burma/Myanmar.

Specific objective:

To improve the protection status of the stateless Muslim population in Northern Rakhine State.

2.2. - Components:

UNHCR will continue its Protection Monitoring and Reintegration Activities on the Burma/Myanmar-Bangladesh border in Northern Rakhine State. The protection activities include notably the monitoring and quantification of forced labour practices, of limitations on the freedom of movement and freedom of religion, marriage authorisation as well as arbitrary taxation, and land reallocations, and discussions with the authorities to address these issues.

³ Grants for the implementation of humanitarian aid within the meaning of Council Regulation (EC) No.1257/96 of 20 June 1996 concerning humanitarian aid are awarded in accordance with the Financial Regulation, in particular Article 110 thereof, and its Implementing Rules in particular Article 168 thereof (Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002, OJ L248 of 16 September 2002 and No 2342/2002 of 23 December 2002, OJ L 357 of 31 December 2002).

Rate of financing: In accordance with Article 169 of the Financial Regulation, grants for the implementation of this Decision may finance 100% of the costs of an action.

Humanitarian aid operations funded by the Commission are implemented by NGOs and the Red Cross organisations on the basis of Framework Partnership Agreements (FPA) (in conformity with Article 163 of the Implementing Rules of the Financial Regulation) and by United Nations agencies based on the Financial and Administrative Framework Agreement (FAFA). The standards and criteria established in DG ECHO's standard Framework Partnership Agreement to which NGO's and International organisations have to adhere and the procedures and criteria needed to become a partner may be found at http://ec.europa.eu/echo/partners/index_en.htm

3 - Duration expected for actions in the proposed Decision:

The duration for the implementation of this Decision shall be 3 months
Humanitarian operations funded by this Decision must be implemented within this period.

Expenditure under this Decision shall be eligible from 15 October 2006, in order to complement the activities implemented under the on-going Decision ECHO/-XA/BUD/2005/01000.

Start Date: 15 October 2006.

If the implementation of the actions envisaged in this Decision is suspended due to *force majeure* or any comparable circumstance, the period of suspension will not be taken into account for the calculation of the duration of the humanitarian aid operations.

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

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

List of previous DG ECHO operations in BURMA/MYANMAR

Decision Number	Decision Type	2004 EUR	2005 EUR	2006 EUR
ECHO/MMR/BUD/2004/01000	Non Emergency	3,420,000		
ECHO/MMR/BUD/2005/01000	Non Emergency		1,500,000	
ECHO/-XA/BUD/2005/01000	Non Emergency		15,000,000	
	Subtotal	3,420,000	16,500,000	0
	Grand Total	19,920,000		

Dated : 23/10/2006
Source : HOPE

5 - Overview of donors' contributions:

Donors in BURMA/MYANMAR the last 12 months					
1. EU Members States (*)		2. European Commission		3. Others	
	EUR		EUR		EUR
Austria		DG ECHO	16,500,000		
Belgium		Other services			
Cyprus					
Czech Republic					
Denmark	536,193				
Estonia					
Finland	300,000				
France					
Germany	2,630,000				
Greece					
Hungary					
Ireland	200,000				
Italy					
Latvia					
Lithuania					
Luxemburg	250,000				
Malta					
Netherlands	400,000				
Poland					
Portugal					
Slovakia					
Slovenie					
Spain					
Sweden	525,017				
United kingdom					
Subtotal	4,841,210	Subtotal	16,500,000	Subtotal	0
		Grand total	21,341,210		

Dated : 23/10/2006

(*) 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 200,000

6.2. - Budget breakdown by specific objective

Principal objective: <i>To provide humanitarian assistance to the stateless population of Northern Rakhine State in Burma/Myanmar.</i>				
Specific objective	Allocated amount by specific objective (EUR)	Geographical area of operation	Activities	Potential partners⁴
Specific objective: To improve the protection status of the stateless Muslim population in Northern Rakhine State.	200,000	Northern Rakhine State in Burma/Myanmar.	Protection	- UN - UNHCR - BEL
TOTAL:	200,000			

⁴ 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 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://europa.eu/comm/echo/evaluation/index_en.htm.

8 - Budget Impact article 23 02 01

-	CE (EUR)
Initial Available Appropriations for 2006	470,429,000
Other appropriations (re-use of 2006 and old recoveries)	3,901,908
Reinforcement from emergency aid reserve	140,000,000
Transfers Commission	-
Total available appropriations	614,330,908
Total executed to date (30 October 2006)	609,817,000
Available remaining	4,513,908
Total amount of the Decision	200,000

COMMISSION DECISION
of
on the financing of humanitarian operations from the general budget of the European Union in Burma/Myanmar

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 ⁵, and in particular Article 14 thereof:

Whereas:

- (1) During 1991-1992, an estimated 250,000 Myanmar Muslim residents of Northern Rakhine State in Burma/Myanmar fled to Bangladesh. About 80,000 Muslims decided to stay. In 1994, the refugees started to return to Myanmar.
- (2) By the end of August 2005 a cumulative total of 236,495 persons had returned to Northern Rakhine State. Since then, the numbers have not changed since no refugees in camps in Bangladesh have opted for repatriation.
- (3) This Muslim population is ethnically distinct from the Rakhine population and faces a wide range of discriminatory practices and serious protection concerns such as harsh application of forced labour and compulsory donations.
- (4) An assessment of the humanitarian situation leads to the conclusion that humanitarian aid operations should be financed by the Community for a period of 3 months from 15 October 2006.
- (5) It is estimated that an amount of EUR 200,000 from budget line 23 02 01 of the general budget of the European Union is necessary to provide humanitarian assistance to over 80,000 stateless persons in Northern Rakhine State in Burma/Myanmar, taking into account the available budget, other donors's contributions and other factors;

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 200,000 for humanitarian aid operations Humanitarian assistance in favour of the vulnerable populations of Northern Rakhine State in Burma/Myanmar by using line 23 02 01 of the 2006 general budget of the European Union.

OJ L 163, 2.7.1996, p. 1-6

2. In accordance with Article 2 (e) of Council Regulation No.1257/96, the humanitarian operations shall be implemented in the pursuance of the following specific objective:

To improve the protection status of the stateless Muslim population in Northern Rakhine State.

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 3 months, starting on 15 October 2006.
2. Expenditure under this Decision shall be eligible from 15 October 2006.
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

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

Done at Brussels,

For the Commission

Member of the Commission