


Procedure file

Basic information		
SYN - Cooperation procedure (historic)	1995/0162(SYN)	Procedure completed
Humanitarian aid: aid to uprooted people (refugees, displaced persons) in Asian and Latin American developing countries		
Subject 6.50 Emergency, food, humanitarian aid, aid to refugees, Emergency Aid Reserve		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	DEVE Development and Cooperation		19/07/1995
		PSE HOWITT Richard	
	Former committee responsible		
	DEVE Development and Cooperation		19/07/1995
		PSE HOWITT Richard	
Council of the European Union	Former committee for opinion		
	BUDG Budgets		18/07/1995
		V MÜLLER Edith	
	CONT Budgetary Control		05/09/1995
Council of the European Union		PSE WYNN Terence	
	Council configuration	Meeting	Date
	Environment	1990	03/03/1997
	Telecommunications	1941	27/06/1996
	Development	1928	28/05/1996
	Development	1897	20/12/1995

Key events			
26/02/1995	Legislative proposal published	COM(1995)0297	Summary
18/09/1995	Committee referral announced in Parliament		
20/12/1995	Debate in Council	1897	Summary
23/01/1996	Vote in committee		Summary
23/01/1996	Committee report tabled for plenary, 1st reading/single reading	A4-0013/1996	
	Debate in Parliament		Summary

16/02/1996			
16/02/1996	Decision by Parliament	T4-0093/1996	Summary
23/05/1996	Modified legislative proposal published	COM(1996)0234	Summary
27/06/1996	Council position published	07130/2/1996	Summary
18/07/1996	Committee referral announced in Parliament, 2nd reading		
30/10/1996	Vote in committee, 2nd reading		Summary
30/10/1996	Committee recommendation tabled for plenary, 2nd reading	A4-0344/1996	
11/11/1996	Debate in Parliament		Summary
12/11/1996	Decision by Parliament, 2nd reading	T4-0575/1996	Summary
16/01/1997	Modified legislative proposal published	COM(1997)0006	
03/03/1997	Act adopted by Council after consultation of Parliament		
03/03/1997	End of procedure in Parliament		
08/03/1997	Final act published in Official Journal		

Technical information

Procedure reference	1995/0162(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
Legal basis	EC before Amsterdam E 130W
Stage reached in procedure	Procedure completed
Committee dossier	DEVE/4/07998

Documentation gateway

Legislative proposal		COM(1995)0297 OJ C 237 12.09.1995, p. 0019	26/02/1995	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0013/1996 OJ C 047 19.02.1996, p. 0005	23/01/1996	EP	
Text adopted by Parliament, 1st reading/single reading		T4-0093/1996 OJ C 065 04.03.1996, p. 0196-0215	16/02/1996	EP	Summary
Modified legislative proposal		COM(1996)0234 OJ C 216 26.07.1996, p. 0010	23/05/1996	EC	Summary
Council position		07130/2/1996 OJ C 264 11.09.1996, p. 0015	27/06/1996	CSL	Summary
Commission communication on Council's position		SEC(1996)1358	15/07/1996	EC	
Committee recommendation tabled for plenary, 2nd reading		A4-0344/1996 OJ C 362 02.12.1996, p. 0006	30/10/1996	EP	
Text adopted by Parliament, 2nd reading		T4-0575/1996 OJ C 362 02.12.1996, p. 0021-0029	12/11/1996	EP	Summary

Modified legislative proposal		COM(1997)0006	16/01/1997	EC	
Follow-up document		SEC(2000)0934	31/05/2000	EC	
Follow-up document		COM(2000)0367	16/06/2000	EC	Summary

Additional information

European Commission

[EUR-Lex](#)

Final act

[Regulation 1997/443](#)

[OJ L 068 08.03.1997, p. 0001](#) Summary

Humanitarian aid: aid to uprooted people (refugees, displaced persons) in Asian and Latin American developing countries

OBJECTIVE: to establish administration procedures and rules applicable to cooperation projects to provide aid to promote the self-sufficiency of uprooted people (refugees, displaced persons and returnees, demobilized soldiers) in the Latin American and Asian countries in the phase immediately after humanitarian crisis intervention and before the implementation of rehabilitation or development cooperation aid. **CONTENT:** the purpose of the operations covered by this regulation is to provide: . aid towards the subsistence, maintenance and integration of refugees in asylum countries, . assistance to populations in host regions with a view to compensating them following the arrival of refugees, . aid for repatriation, the reintegration of refugees in their country of origin, integration in other regions in the host country or reintegration in a third country, . aide for economic integration, socio-economic reactivation in returnee areas and the reintegration of former combatants, . mine clearing operations. - Recipients: uprooted persons from or temporarily settled in all ALA developing countries. - Cooperation partners: NGOs, United Nations agencies, international organizations, states, regions, decentralized departments, public agencies, traditional and local communities, institutes, private operators or consultants. - Operations to be implemented: within the framework of the general objectives of this programme, Community funding may cover the cost of investments (except real estate) and operations in foreign or local currency. They include studies, technical assistance, training and other services. Joint funding will be actively sought from Member States and from multilateral or regional organizations. Provision is made for coordination along these lines. - Form of aid: grants. - Decision-making procedure: the Commission will administer operations covered by the regulation. It will be assisted by an ALA advisory committee set up under Regulation (EEC) No 443/92. Participation in invitations to tender and the award of contracts is open to the recipient country and the Member States and other third developing countries. In exceptional cases supplies may originate elsewhere. - Exchanges of view: the Commission will hold an exchange of views once a year on future operations to be conducted within the framework of this cooperation. - Information: an annual report will be submitted to the European Parliament and the Council summarizing and evaluating the operations financed in the course of the financial year (any contracts concluded, independent evaluations etc.). - Budget: the financial statement makes provision for the sum of ECU 60 million in 1996 (this cooperation does not include any provision as to its duration and it is therefore renewable annually).?

Humanitarian aid: aid to uprooted people (refugees, displaced persons) in Asian and Latin American developing countries

The Council held an exchange of views on the draft Regulation on 'operations to aid uprooted people (refugees, displaced persons and returnees) in Asian and Latin American developing countries', in order to prepare its common position to be adopted when the European Parliament had delivered its opinion. Following the discussion it noted a broad convergence of views on the draft common position. The operations concerned by this draft Regulation concern the urgent requirements not covered by humanitarian aid and the longer-term realisation of projects and action programmes aimed at the self-sufficiency and (re)integration of such uprooted people. The potential beneficiaries of the operations under the draft Regulation are uprooted people in the developing countries of Asia and Latin America and persons from one of these countries provisionally settled in another developing country and, in duly justified, exceptional cases, other refugees, 'displaced' persons, 'returnees', the local population of host territories particularly affected and certain former soldiers.

Humanitarian aid: aid to uprooted people (refugees, displaced persons) in Asian and Latin American developing countries

Displaced persons and refugees are counted in their millions. The Commission proposal aims to implement a programme of support and assistance to uprooted populations (refugees, displaced persons, returnees) in developing countries in Latin America and Asia over a period of five years (1995-2000). This aid falls between emergency humanitarian aid in crises and the implementation of long-term rehabilitation or development cooperation aid. The rapporteur, Mr Richard HOWITT (PSE, UK), approved this position but tabled several amendments seeking to clarify certain definitions and stipulate which projects should be supported by the Community. Beneficiaries: uprooted people from or provisionally settled in the developing countries of Asia or Latin America, i.e.: - refugees as defined in the 1951 convention on the status of refugees; - displaced persons who are displaced within their own country; - returnees who, having fled their country of origin, then decide of their own free will to return; - displaced persons and returnees who, having fled their place of origin but remained within their country of origin,

decide of their own free will to return to their home area. Aid should also be available for: - the local population of host countries which contribute social, economic and administrative resources; - demobilized armed forces and their families; - persons in need of international protection because of a serious threat to their life, liberty or security as a result of persecution, armed conflict or serious public disorder. Operations supported by the Community: - aid for subsistence, upkeep and settlement of refugees and displaced persons in the host country; - aid to the local population in the host area; - aid for voluntary repatriation, including independent monitoring and accompaniment; - aid for the resettlement of refugees and displaced persons in their places of origin or settlement in another place of their choice, including possible resettlement in a third country; - assistance for temporary or final settlement of displaced persons in other regions within their own country; - aid for economic integration in the host country; - aid for socio-economic development and social reintegration, including conciliation/mediation support in the areas to which refugees return; - aid for rehabilitation and development programmes, including food self-sufficiency, the provision of shelter, sanitation, drinking water, education and basic infrastructure; - support for demilitarization initiatives, including demobilization and reintegration of former armed forces into civilian life; - aid for mine-clearance operations; - aid for operations which provide legal advice and support to displaced persons to reclaim their property rights; - operations to reverse environmental damage caused by large population displacement; - specific programmes for women and to promote family unity, including family tracing and reunification programmes; - aid in respect of the legal resolution of human rights violations against displaced persons. Means deployed: The means deployed could include studies, technical assistance, training and other services, supplies and works, audits and evaluation and monitoring missions. Funds could be provided for the preparation of studies, using experts from the recipient country. The cost of preparatory studies should not exceed 3% of the total cost of the operation.?

Humanitarian aid: aid to uprooted people (refugees, displaced persons) in Asian and Latin American developing countries

Commissioner Bjerregaard said that the proposal was aimed at clearly defining the legal reference framework within which the Commission could provide specific assistance to displaced persons in Asia and Latin America. This was designed to help those who had had to leave their country of origin as a result of conflict and internal troubles and who were in need of targeted aid in order to be able to live independently and to integrate themselves into the social and professional life of the host or repatriation country. The Commission's proposal aimed to set up a vast network of cooperation partners, UN agencies, other international organisations, government bodies and regional associations; it was also necessary to create the flexibility needed to improve those situations that were in a state of perpetual change and to confront the dangers and tensions that existed in order to help re-establish peace in the countries concerned. This was why the Commission was prepared to accept many of the amendments tabled by the Committee on Development and Cooperation.

Humanitarian aid: aid to uprooted people (refugees, displaced persons) in Asian and Latin American developing countries

In adopting the report by Mr Richard HOWITT (PSE, UK), the European Parliament approved the proposal, subject to a large number of amendments aimed at clarifying various definitions and specifying which operations the Community should support. * The beneficiaries: uprooted people originating from, or provisionally established in, any of the developing countries of Asia and Latin America, i.e.: - refugees as defined in the 1951 Convention relating to the Status of Refugees; - displaced persons who are displaced within their own countries; - returnees: persons who, having fled their country of origin, then decide of their own free will to return; - returned displaced persons who, having fled their place of origin, but who remain within their country of origin, decide of their own free will to return to their home area. Aid should also be available for: - the local population of the host country whose social, economic and administrative resources contribute to the aid; - demobilized armed forces plus their families; - persons in need of international protection because of a serious threat to their life, liberty or security as a result of persecution, armed conflict or serious public disorder. * Operations supported by the Community: - aid for the subsistence, upkeep and settlement of refugees and displaced persons in the host country; - aid to the local population in the host area; - aid for voluntary repatriation, including provision of independent monitoring and accompaniment; - aid for the resettlement of refugees and displaced persons in their places of origin or settlement in another place of their choice, including possible resettlement in a third country; - aid for socio-economic development and social reintegration, including conciliation/mediation support, in the areas to which refugees return; - aid for rehabilitation and development programmes including food self-sufficiency, the provision of shelter, sanitation, drinking water, education and basic infrastructure; - support for demilitarization initiatives including demobilization and reintegration of former armed forces into civilian life; - aid for operations to encourage awareness-building and safety with regard to mines; - aid for operations which provide legal advice and support to displaced persons to reclaim their land and property rights; - operations designed to reverse environmental damage caused by large population displacement; - specific programmes for women and to promote family unity including family tracing and reunification programmes; - aid in respect of the legal resolution of human rights violations against displaced persons. * The means deployed: the means could include studies, technical assistance, training and other services, supplies, works, and audits and evaluation and monitoring missions. Funds could be provided for the preparation of studies, using experts from the recipient country. The cost of such?

Humanitarian aid: aid to uprooted people (refugees, displaced persons) in Asian and Latin American developing countries

In its amended proposal, the Commission incorporated, in full or in part, almost all the amendments adopted by Parliament at first reading, with the exception of four amendments on: - consultation of all operational partners, the European Parliament's Committee on Development and the NGO liaison committee before carrying out the projects; - preference in the award of contracts to be given to tenderers in the recipient country; - concerning comitology and its rules: changing the type of committee, dropping the reference to the ALA Committee, consultation before establishment of general guidelines with all partner organizations and holding meetings of the advisory committee in public; - submission by the Commission of a detailed annual report. The amendments incorporated by the Commission concerned: - establishment of democratic structures and the promotion of human rights as an integral part of assistance programmes to uprooted people in developing countries, with assistance targeted to the most vulnerable groups; - budget support for a number of additional operations, including socio-economic development and social integration of refugees, aid for food self-sufficiency, the provision of infrastructure requirements and

drinking water, legal support for displaced persons etc.; - the definition of "displaced persons"; - making aid available to persons under serious threat or who are suffering from persecution; - participation by NGOs, especially community-based organizations, in implementing assistance; - review of the regulation after five years. ?

Humanitarian aid: aid to uprooted people (refugees, displaced persons) in Asian and Latin American developing countries

In its common position, the Council made certain changes to the text of the Commission proposal, in particular: - nature of the committee required to issue an opinion on proposed operations: the Council agreed that the committee would be the ALA Committee acting in accordance with the type III(a) procedure (regulatory committee); - duration of the regulation: in order to ensure maximum coherence of support and assistance operations for uprooted people in the ALA developing countries, the Council feels that in future such operations should form part of geographic cooperation programmes with the ALA developing countries; for that reason it has limited the duration of the regulation to four years (1996-1999) and entered a financial reference amount of ECU 240 m for the period concerned; - the Council also added a new article concerning the evaluation of operations (these should be available to the Member States on request) and information for the committee on projects financed and the various stages of the procedures (before and after financing); - the Council stressed that these operations should be complementary to other operations of the same type in the field of development cooperation. The Council incorporated part of the Parliament amendments, including those concerning: . taking consideration of the UN Convention relating to the Status of Refugees and the Universal Declaration of Human Rights and other international texts that protect the rights of men, women and children; . taking consideration of Parliament's various resolutions on assisting refugees in the developing countries; . clarification of the programme's main objective: support and assistance to uprooted populations in the ALA developing countries for requirements not covered by humanitarian aid and longer-term projects aimed at self-sufficiency and the integration or reintegration of refugees; . clarification of the type of operation financed: reintegration of refugees in the social and economic fabric: mine clearance, combating sexual violence, support to local host communities and areas to which refugees return, and support for reconciliation; . clarification on the beneficiaries of aid: aid should be given to refugees within the meaning of the UN Convention on the Status of Refugees, displaced persons, returnees, the local population of the host territories particularly affected by the arrival of refugees and former soldiers of regular armies and demobilized armed opposition movements; . an annual report to be presented to Parliament on the implementation of the regulation. None of the other Parliament amendments was adopted. ?

Humanitarian aid: aid to uprooted people (refugees, displaced persons) in Asian and Latin American developing countries

In adopting the report by Mr Richard HOWITT, the Committee on Development and Cooperation welcomed the fact that the Council had adopted those of Parliament's amendments at first reading that took account of ecological issues, the fight against sexual violence towards refugees and the provision of additional aid to local host communities. However, it believed that there were still a considerable number of omissions, in particular the lack of a clear commitment to tackle the specific problem of female refugees and the involvement of local people in the refugee assistance programme. As a result, the committee retabled amendments aimed at ensuring that the establishment of democratic structures and the promotion of human rights were an integral part of the refugee assistance programmes. It called for assistance to be targeted, in particular, at vulnerable groups including women, children, indigenous people, the disabled and elderly people. It also proposed that the Community should support projects covering mine clearance, the fight against sexual violence, the provision of basic healthcare (reproductive and psychological healthcare and treatment for women who have been victims of rape and the promotion of family unity including family tracing and reunification programmes). The Community should also support operations to help people reclaim land and property rights, the voluntary return of uprooted people and their settlement in their places of origin or in third countries. ?

Humanitarian aid: aid to uprooted people (refugees, displaced persons) in Asian and Latin American developing countries

The rapporteur, Mr Howitt (PSE, UK), called on the Community to support those projects that related to mine clearance, the eradication of sexual violence, the provision of essential health care (including psychological treatment) and support for the family unit, including family tracing and reunification programmes. He also wanted to see the Community provide support for operations intended to help people recover their possessions and rights of property, as for example in Guatemala, where 2% of the population owned 98% of the land. Finally, the rapporteur highlighted the need for refugees to participate in the programmes being set up for their benefit and wanted to see displaced persons returning of their own free will and settling in their home areas or in a host country. Commissioner Papoutsis confirmed that the Commission was committed to improving the lot of refugees in their host country, as well as to delivering better training and health services for the population and providing aid for small-scale infrastructure projects. He also flatly rejected Amendments Nos 5 and 12.

Humanitarian aid: aid to uprooted people (refugees, displaced persons) in Asian and Latin American developing countries

In adopting the recommendation for second reading by Mr Richard HOWITT (PSE, UK), Parliament took the view that there are still a large number of omissions in the common position including a lack of commitment to targeting towards women refugees and no reference to the involvement of the local people in the refugee assistance programme. Consequently, it adopted amendments aimed at making the establishment of democratic structures and the promotion of human rights an integral part of assistance programmes. It called for assistance to be targeted to vulnerable groups including women, children, indigenous people, disabled and elderly people. It also proposed that the Community should support projects covering mine clearance, combatting sexual violence, basic healthcare including reproductive and

psychological health and treatment for women who have been victims of rape, aid to promote family unity including family tracing and reunification programmes. The Community was also called upon to support operations to help people reclaim land and property rights, to support the return of uprooted people and their settlement in their places of origin or in third countries. ?

Humanitarian aid: aid to uprooted people (refugees, displaced persons) in Asian and Latin American developing countries

OBJECTIVE: implementation of a programme of support and assistance to uprooted people in Asian and Latin American countries to contribute to the urgent requirements not covered by humanitarian aid and for the longer term realization of projects and action programmes aimed at the self-sufficiency and integration or reintegration of such people. **COMMUNITY MEASURE:** Council Regulation 443/97/EC on operations to aid uprooted people in Asian and Latin American developing countries. **SUBSTANCE:** the Community supports viable projects for self-sufficiency and reinsertion into the socio-economic fabric of refugees and displaced persons, returnees and demobilized soldiers. The operations shall cover the establishment of democratic structures and the promotion of human rights, mine clearance, combating sexual violence, operations to help people recover their property and property rights, aid concerning the judicial settlement of cases where the human rights of displaced persons have been violated, support to local host communities and areas to which refugees return to facilitate acceptance and integration of uprooted people and support for their return and settlement in the countries of origin or in third countries and support for reconciliation. **Beneficiaries:** uprooted people (refugees, displaced persons, returnees and demobilized soldiers) from or provisionally settled in the developing countries of Asia and Latin America and, in duly justified cases, in another third country: . refugees as defined in the 1951 United Nations Convention relating to the status of refugees, . displaced persons or returnees who do not enjoy refugee status as defined in the 1951 Convention, . the local population of the host territories whose social, economic and administrative resources contribute to reintegration projects, . former combatants from regular armies and demobilized armed opposition movements and their families. All these people take part in the assessment of needs and in the implementation of the programmes. - **Partners in cooperation:** regional and international organizations, United Nations agencies, NGOs, national, provincial and local administrations and official bodies, community-based organizations and public or private institutes and operators; - **eligible expenditure:** in the framework of the general objectives of this measure Community financing may cover investment expenditure (except for real estate) and, in duly justified cases, recurring expenditure (administrative expenditure, maintenance and running costs). Also included is expenditure associated with studies, technical assistance, training and other services, supplies, works and audits and evaluation and monitoring missions. Co-financing with Member States and associated multilateral or regional organizations is actively sought in line with the nature of the operation and within the limits of the possibilities available to the partners concerned. - **Type of aid:** grants. - **Profile of Community activities:** measures shall be taken to emphasize the Community character of the activities planned. - **Consistency and complementarity:** provision is made for coordination with the Commission to ensure the effectiveness of the operations achieved among all the partners including the Member States (establishment of a system for the exchange of information and on-the-spot coordination of the implementation of operations). The operations will also be complementary to those provided for by other Community instruments for cooperation and development. - **Decision-making procedure:** the Commission manages and implements the operations established under this regulation. It is assisted by the ALA committee set up under Regulation 443/92/EEC acting as a regulatory committee (type IIIa). In taking its decisions on the projects to be funded the Commission must take into account a certain number of criteria including the effectiveness and viability of operations, the cultural and social aspects of the projects, the institutional development necessary to achieve project goals, etc. The Commission must also inform the Committee succinctly in advance of any decisions concerning projects with a value lower than ECU 2 million. For decisions concerning a larger amount, the decision will be taken in agreement with the committee. Participation in invitations to tender and the award of contracts is open to the recipient countries, the Member States and other developing countries or, in an exceptional case, to other third countries. - **Information:** an annual report is sent by the Commission to Parliament and the Council summarizing the operations financed in the course of that year and evaluating them (any contracts which have been concluded, independent evaluations, etc.). It will also inform the Member States one month after the decision of operations and projects approved. - **Assessment:** the Commission will regularly assess operations with a view to establishing whether the objectives of the regulation have been achieved. These assessments will be forwarded to the committee and to the Member States requesting them. - **Budget:** ECU 240 million from 1996 to 1999. Annual appropriations are authorized by the budgetary authority within the limits of the financial perspective. **ENTRY INTO FORCE:** the regulation enters into force on 11 March 1997 and is applicable until 31 December 1999. ?

Humanitarian aid: aid to uprooted people (refugees, displaced persons) in Asian and Latin American developing countries

PURPOSE : Consolidated report for 1997-1999 on the implementation of a Council Regulation to aid displaced people in Asian and Latin American developing countries. **CONTENT :** the following lessons can be drawn from the 1997-1999 budget years: - the funding available is adequate to the needs of uprooted people. - operations in Asia and Latin America reflect real needs and the scope for improving the situation. - the number of Commission staff assigned to implement the operations remains insufficient and necessitate recourse to outside consultants, who have provided crucial and effective assistance with identification, monitoring and evaluation. - organisational and procedural changes account for certain delays described in this report. The report details the procedural problems that have led to delays in the finalisation of contracts. The report concludes, however, that this budget heading has contributed substantially towards meeting basic needs of displaced people in Asia and Latin America that could not be met by humanitarian aid. The implementation of the Regulation has been highly encouraging from the standpoint of annual commitments and the issue of uprooted people. The budget allocation have reflected both the numbers of uprooted people and the context, scale and nature of their needs. Programme design and project selection have taken account of the determining factors and causes of problems (aid, repatriation, integration). they have taken account of the nature of the conflict, the policies of the host government, the operating environment, the order of sectoral priorities and the management and implementing capacities of partner agencies. Greater complementarity between operations should make it easier to keep track of the issues, programme management and absorption capacities on the ground. Priority has been given to the beneficiaries and the implementation of programmes, which accounts for the delays in the presentation of this activity report.?