

EN

ANNEX

‘ANNEX III

of the Commission Implementing Decision on the financing of the annual action programme
in favour of the Asia region for 2020 part 2

**Action Document ‘Towards durable solutions for displaced Myanmar populations
along the Thai-Myanmar border’**

ANNUAL PLAN

This document constitutes the annual work programme within the meaning of Article 110(2) of Regulation (EU, Euratom) 2018/1046 and action programme/measure within the meaning of Article 23 of Regulation (EU) 2021/947.

1. Title/basic act/ CRIS number	<u>Towards durable solutions for displaced Myanmar populations along the Thai-Myanmar border</u> CRIS number: ACA/2020/041-892 financed under the Development Cooperation Instrument	
2. Zone benefiting from the Action/location	Myanmar and Thailand The action shall be carried out at the following location: Myanmar and Thailand	
3. Programming document	Addendum to the Multiannual Regional Indicative Programme (RIP) for Asia for the period 2014 – 2020 ¹	
4. Sustainable Development Goals (SDGs)	<i>Primarily SDG: 10.7- Migration</i> <i>Secondary SDGs: 3- Good Health and Well-Being; 4 – Quality education; 5- Gender Equality; 16 - Peace, Justice, and Strong Institutions</i>	
5. Sector of intervention/them atic area	Asia RIP: Aid to refugees and IDPs	DEV. Aid: YES ²

¹ C(2018)4741 of 20 July 2018.

² Official Development Assistance is administered with the promotion of the economic development and welfare of developing countries as its main objective.

6. Amounts concerned	Total estimated cost: EUR 8 000 000 Total amount of EU budget contribution EUR 8 000 000			
7. Aid modality(ies) and methods of implementation	Project modality Indirect management with the entity(ies) to be selected in accordance with the criteria set out in point 5.3.1			
8 (a) DAC code(s)	15190 – Facilitation of orderly, safe, regular and responsible migration and mobility			
(b) Main Delivery Channel	N/A			
9. Markers (from CRIS DAC form)	General policy objective	Not targeted	Significant objective	Main objective
	Participation development/ good governance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Aid to environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality (including Women In Development)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Trade Development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Disaster Risk Reduction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Inclusion of persons with disabilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Nutrition	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	RIO Convention markers	Not targeted	Significant objective	Main objective
	Biological diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Climate change mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Internal Markers	Policy objectives	Not targeted	Significant objective	Principle objective
	Digitalisation	X		
	Migration			x
	COVID response		x	
11. Global Public Goods and Challenges (GPGC) thematic flagships	Migration and asylum / People, Prosperity, Peace			

SUMMARY

The overall objective of this Action is to contribute to durable solutions for displaced Myanmar populations along the Thai-Myanmar border.

The specific objectives are:

SO1: To increase resilience and self-reliance of the displaced populations and host communities in the areas bordering Thailand, in particular in the South-East of Myanmar, and to prepare for Internally Displaced People (IDP) to return or relocate if conditions allow.

SO2: To provide support to Myanmar people who fled to Thailand in the aftermath of the 2021 military coup, and to facilitate their voluntary and safe return from Thailand to Myanmar if conditions allow.

This action will increase resilience and self-reliance of displaced populations and host communities in the areas of Myanmar bordering Thailand, while at the same time providing support to the Myanmar people who fled to Thailand in the aftermath of the 2021 military coup.

Particular focus will be paid to strengthening peaceful and cooperative co-existence, promotion of social cohesion and mitigating risks of conflicts both within and between refugees, IDPs and host populations. Furthermore, mainstreaming gender equality and disaster risk reduction will underpin the intervention logic. The action will provide support in areas where COVID-19 has had serious negative implications on the situation: significant decrease in cross-border trade, lack of opportunities for labour migration to Thailand resulting in significant decrease of remittances, and deteriorating state of already weak and inadequate public services.

1. CONTEXT ANALYSIS

1.1 Context Description

Myanmar

Myanmar is a highly culturally and ethnically diverse country. 135 ethnic groups are officially recognized by the Constitution. Cooperation between those groups has been challenging throughout the country's history, with Myanmar experiencing civil disturbances for the main part of the last 70 years. Although a Nationwide Ceasefire Agreement (NCA) was signed in late 2015 between the Myanmar Military and eight ethnic armed groups, a peace agreement is yet to be reached, and armed clashes have continued in border areas, including the area of the border between Myanmar and Thailand.

Over the last 35 years, Myanmar ethnic minority populations, including Karen and Karenni, from South-East Myanmar fled the areas of tensions and found shelter in Thailand. As of April 2021, it is estimated that some 91,000 people are accommodated in the camps in Thailand along the Thai-Myanmar border.³

On 1 February 2021, the Myanmar military staged a coup d'état and took over the control of the country. The coup d'état, which brought a sudden halt to Myanmar's promising democratic path, effectively returned the country to military rule. The State Counsellor Aung San Suu Kyi, the then President Win Myint, and a number of leaders and counsellors from the democratically elected ruling party, the National League for Democracy (NLD), were arbitrarily arrested. The Tatmadaw (Myanmar military) designated a State Administrative Council (SAC) to run the country. Meanwhile, new elections were announced, to take place after one year, later postponed to take place after two years. A few days later, some of the elected Parliamentarians formed the Committee Representing the Pyidaungsu Hluttaw (CRPH) in an attempt to set up a parallel legitimate interim government.

Massive protests immediately followed the coup and a large Civil Disobedience Movement (CDM) started throughout the country. Protesters were quickly confronted with a brutal crackdown by the army that led to more than 936 deaths and about 7 000 people arrested by end of July⁴. The people arrested were mainly citizens with no political affiliations, who were taking part in peaceful protests. Freedom of expression vanished, internet access significantly reduced, arbitrary detentions became common, torture and forced conscription were reported.

The coup d'état had steered not only democratic protests, but led participants of the CDM, politicians and human rights activists, as well as civilians, to seek shelter in ethnic-controlled areas and border regions with Thailand, many of them leaving urban areas to find refuge in a predominantly rural environment. In an attempt to protect the population targeted by forceful retaliations, the Ethnic Armed Organisations (EAOs) started to fight back against the Tatmadaw operations within ethnic-controlled territories⁵.

Clashes between Tatmadaw and EAOs in the South-East of Myanmar have created a new wave of forced displacement. Airstrikes were launched by the Tatmadaw in the South-East of Myanmar against The Karen National Union (KNU), pushing thousands of Karens to hiding

³ [Assistance Association for Political Prisoners \(Burma\)](#)

⁵ The National Ceasefire Agreement (NCA) signed to date by 10 EAOs, as well as key bilateral ceasefire agreements are now broken, and clashes are occurring in several Ethnic States. Nevertheless, the NCA is a legally-binding agreement ratified by the Parliament and remains to date the sole framework for peace negotiations. Despite resurgence or escalation of the armed conflict, the EAOs signatories to the NCA have reaffirmed their commitments to pursue the Peace Process through the NCA on different occasions.

and initiated a new wave of IDPs within South-East Myanmar fleeing towards Thailand. By the first week of April 2021, about 20 000 people were displaced by airstrikes within Karen territory, and about 3 000 more had sought protection there for political purposes. This in itself has overwhelmed the capacities of local ethnic stakeholders. Against the background of the COVID-19 pandemic, such large and unregulated population movements are creating additional and significant sanitary challenges and, inevitably, increases the risk of further spreading COVID -19 among the already vulnerable population. As of 26 July, UNHCR estimates that 170 200 people have been internally displaced in south-eastern Myanmar⁶.

On 16 April, the CRPH launched a multi-ethnic interim National Unity Government (NUG) of Myanmar, committed to democracy and federalism, in accordance with a Federal Democracy Charter, which was presented the same day. At the same time, internal conflict is not expected to be resolved in the immediate future, and displacements are likely to continue to take place, with the border area to Thailand being predominantly affected.

Furthermore, Myanmar remains caught in a severe economic fallout. The political developments of the recent months, adding to the already severe impacts of the COVID-19 pandemic, has damaged the economy and halted the pandemic response and recovery plans. A recent UNDP report⁷, published in April 2021, estimates that the number of poor people in Myanmar could double as a result of the combined impacts of the COVID-19 pandemic and the ongoing political crisis. The report warns that, if unchecked, the combined effect of these two crises could push up to 12 million people into poverty. The severe economic fallout in which Myanmar is caught makes further displacement increasingly likely.

Thailand

Cross-border movements of Myanmar populations to Thailand, seeking temporary or permanent protection, is observed since the mid-1970s, but intensified after the 1988 uprising. Since then, 9 permanent camps in Thailand are hosting Myanmar refugees.

Since 2012, political developments in Myanmar have allowed some voluntary returns to take place - among those 1 039 people returned with UNHCR support. However, many new arrivals have also been registered in the same period, both due to security reasons and because of the attractiveness of the labour market in Thailand. Hence the population remained stable over time at about 90 000 people currently. The EU has been providing humanitarian and development assistance in Thailand since 1995, funding mainly food assistance, primary health care, education, vocational training and protection. Support amounted to approximately EUR 180 million over the last 20 years, with an on-going programme of EUR 13.5 million⁸ (from 2016-2021) which has mainly been implemented through NGOs, focusing on health, water and sanitation, education and vocational training.

⁶ Document - Southeast Myanmar UNHCR displacement overview 26 July 2021

⁷ UNDP report 'COVID-19, Coup d'état and Poverty: Compounding Negative Shocks and their Impact on Human Development in Myanmar', April 2021, available at https://www.asia-pacific.undp.org/content/rbap/en/home/library/democratic_governance/covid-19-coup-d-etat-and-poverty-impact-on-myanmar.html

⁸ The Aid to Uprooted People (AUP) programme was designed as part of a global financial commitment in 1999 to link relief, rehabilitation and development (LRRD), and to complement the support of ECHO. The programme today concentrates on longer-term actions such as education, vocational training, health care training/capacity building, water/sanitation and livelihoods in order to prepare Myanmar displaced population for a possible return process.

Support to the camps has been dwindling for several years, signalling a degree of donor fatigue. After 35 years of existence of the camps, the Royal Thai Government (RTG) has recently increased pressure to merge and/or close the camps and, at the same time, has offered an incentive for Myanmar displaced population to re-enter Thailand once they are documented as regularised labour migrants ('U-turn policy'). While appropriate conditions for return were not fully in place prior to the coup d'état of 2021, the EU had prepared to support a voluntary, safe and dignified return process upon request of the RTG, as the situation in the existing camps was neither desirable nor sustainable.

The political turmoil in Myanmar of the past months however disrupted planned repatriation efforts. The situation evolved in such a way that rather than anticipating a return movement of long-term refugees from Thailand, a new wave of refugees attempted to cross into Thailand. In order to prepare for an increasing influx of refugees from Myanmar, the RTG set up a plan to deal with the new refugee wave in line with the Thai encampment policy and promoted it to its National Security Council. Two standard operating procedures (SOPs) on how the RTG is to administer new arrivals were developed. The first addresses people fleeing open conflict and the other SOPs addresses "high profile" figures, who should be hosted separately from the first group.

RTG foresees to set up temporary hosting facilities for an estimated 40 000 to 60 000 people expected to cross into Thailand in the aftermath of the coup. These facilities would be kept and operated totally separately from the existing long-term camps set up in the 1990s, and as such the new refugee wave resulting from the impact of the coup would be managed separately from the protracted refugee situation in the camps. This is also the reason why this Action related to the Thai area will focus specifically on the new refugee caseload, which has arrived since the coup d'état.

Furthermore, after the conflict escalated between Military Armed Forces and Karen Ethnic Armed Groups (EAG), especially the Karen National Liberation Army (KNLA), an estimated 3 000 people attempted to flee into Thailand but were pushed back by the RTG in March 2021. RTG claims that this was to prevent cross-border transmission of COVID-19 and had closed land borders with Myanmar and other neighbouring countries, in violation of the international refugee law's non-refoulement principle, which provides that no one should be expelled or returned in any manner whatsoever to the frontiers of territories where his/her life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion⁹. Although the RTG is not party to the 1951 Convention, non-refoulement is considered customary law and is included in several provisions of international human rights law. While Thailand's borders remain closed at the time of writing and no peaceful solution is insight in Myanmar, the situation in Myanmar is likely to continue to deteriorate resulting in heightened displacement in South-East and other EAG controlled areas. Although the U-turn policy is currently not viable, the presence of refugee camps and the more stable environment in Thailand could become a pull factor and lead people to cross the border to enter Thailand. A refugee spill-over can therefore not be discounted.

⁹ UNHCR reconfirmed that while States may be in place measures which may include a health screening or testing of persons seeking international protection upon entry and/or putting them in quarantine, such measures may not result in denying them an effective opportunity to seek asylum or result in refoulement.

1.2 Policy Framework (Global, EU)

The Action responds to the 2030 Agenda's call to leave no one behind and to manage migration well, including forced displacement and voluntary return. The EU has been at the forefront of promoting comprehensive, development-led responses to forced displacement, on the basis of its approach set out in the communication "Lives in Dignity". Preparing the grounds for substantial repatriation of Myanmar displaced population from Thailand with the aim of tackling this protracted refugee situation, sends a strong signal for comprehensive approaches globally, and should garner support to the implementation of the Global Compact on Refugees and the Common Refugee Response Framework (CRRF). Should any of these global and regional approaches be applied on this particular cross-border situation in a near future, this Action can provide important lessons learnt for their roll-out.

The Action also responds to relevant EU framework for external action (Council Conclusions on the Integrated Approach to Conflict and Crisis, the EU Gender Action Plan (GAP) III, the 2017 Communication 'A Strategic Approach to Resilience in the EU's External Action') and is aligned with conflict sensitive development interventions as per the EU Consensus for Development. The EU reiterated its broad commitment to these policy frameworks in the Joint Statement of Myanmar and the European Union at the occasion of the 4th Human Rights Dialogue in Nay Pyi Taw on 5 March 2018. The action will be aligned to the Humanitarian-Development-Peace Nexus Framework Myanmar has piloted.

1.3 Public Policy Analysis of the partner country/region

Even though Thailand is not a party to the United Nations Convention Relating to the Status of the Refugees (1951) and to its Protocol of 1967, the RTG has agreed to assist the displaced Myanmar populations for humanitarian reasons. Prior to the coup, the RTG had a long-term objective to close the camps but nevertheless was considering that conditions in Myanmar were not yet conducive to a large-scale return of camp population, and focus has rather been on the above-mentioned small-scale return initiatives. At the time of writing (August 2021), the perspectives for positive developments related to RTG policies targeting refugees and IDPs in Myanmar appear limited in the near future and further pushbacks are likely. Advocacy efforts by humanitarian and international partners are nevertheless underway in Thailand on access and policy clarification/strategies to support refugee assistance. With the 2021 coup in Myanmar, prospects for return vanished, and the expected scenario is a significant displacement and refugee movement in the South-East border region.

Following the recent coup d'état, the position of the Myanmar military regime towards refugees is unclear. However, the citizenship documentation for Myanmar is a particularly challenging issue since the adoption of the 1982 citizenship law, which will most likely negatively affect undocumented Myanmar people who seek refuge in Thailand should they decide to return to Myanmar, thereby creating a risk of statelessness.

The 1 February 2021 coup d'état fundamentally altered development cooperation in Myanmar. Before, many development partners had supported the democratic transition and policy reforms of the previous government. Following the military coup, however, this type of support cannot continue and therefore, the EU Foreign Affairs Council (FAC) concluded on 22 February 2021, that all direct financial support to the government's reform programmes should be withheld. At the same time, the FAC concluded that the EU should provide humanitarian aid and basic

services to the people of Myanmar and support to civil society¹⁰. In the new political context, the EU is increasing its focus on the humanitarian-development-peace nexus and on durable solutions for the most vulnerable, on sub-national dialogues, on the promotion of human rights and on supporting accountability.

The action contributes to the consequent fulfilment of economic and social rights, and gender equality, in line with Myanmar's and Thailand's international human rights commitments.

1.4 Stakeholder analysis

The main stakeholder groups of this Action are the Myanmar displaced people located in the South-East of Myanmar and across the border in Thailand and the host communities in selected return areas in Myanmar which are receiving IDPs and potentially later on will host returnees.

As with previous refugee groups, post-2021 coup refugees are expected to quickly organise themselves through various committees mirroring those existing among IDPs in South-East Myanmar, such as through the Karen Refugee Committee (KRC) and the Karenni Refugee Committee (KnRC). In Thailand, key stakeholders and main duty-bearers for the post-2021 coup refugees are the national and local government authorities including the Ministry of Foreign Affairs (MFA); the Ministry of Interior (MOI); the Ministry of Public Health; and the National Security Council (NSC).

In Myanmar, cooperation with government stakeholders is no longer possible, as per the latest Council Conclusions. If conditions allow in the future, the key stakeholders, duty-bearers of the action, would be the Ministry of Foreign Affairs, the Ministry of International Cooperation, Ministry of Labour, Population and Immigration, Ministry of Social Welfare and Ministry of Border Affairs as well as local governments in government-controlled areas. In the meantime, important stakeholders will be other donors, international agencies and INGOs and local NGOs having strong presence in both Thailand and Myanmar in supporting refugees and IPD. The EU Delegation will also closely coordinate with ECHO to ensure complementarity.

1.5 Problem analysis/priority areas for support

The south-eastern region of Myanmar has been affected by decades of armed conflict and multiple waves of displacement, both within the country and spilling over across the border into Thailand. Many areas of South-East Myanmar remain outside of direct government control and the presence of the Myanmar armed forces and other armed groups continue to have an impact on peace and development. As of 26 July 2021, around 170 200 persons are estimated to be in a situation of protracted displacement throughout the South-East.¹¹

COVID-19 measures had far-reaching impact on the population in the targeted areas and increased strain on already weak and fragile systems and public services. Extended quarantine, curfews and other movement restriction measures, combined with fear, tension and stress related to COVID-19, have led to increased risks of Gender Based Violence (GBV). The ongoing closure of schools and learning spaces since the beginning of the COVID-19 crisis has serious consequences for the physical and mental wellbeing of children and contributes to protection concerns for children, as it limits support networks and referral opportunities. The

¹⁰ <https://www.consilium.europa.eu/en/meetings/fac/2021/02/22/>

¹¹ Document - Southeast Myanmar UNHCR displacement overview 26 July 2021

closure of learning spaces has also disproportionately affected women's ability to take up livelihoods. Other key interventions including provision of agricultural and livelihood support, nutrition services, shelter construction and hygiene support in some areas have been temporarily suspended or reduced due to COVID-19 restrictions¹². Furthermore, the adopted measures have affected mental health and psychosocial wellbeing of vulnerable people including women, children, the elderly and persons with disabilities. The imposed restrictions on labour migration to Thailand resulted in a significant decline in remittances, further increasing poverty and economic hardship of the populations.

The continued political crisis effectively halts any official pandemic response and recovery plans. The combined effect of the pandemic situation, lack of recovery plans, increasing poverty and economic fallout, and the frequent exposure of an already vulnerable population to natural hazards – floods, landslides, droughts and earthquakes – underlines the critical importance of building resilience and self-resilience of the IDPs and host communities. Moreover, the UN has reported rape and sexual violence being part of a deliberate strategy to intimidate, terrorize or punish the civilian population, used as a tactic of war in Myanmar.

The needs of the population in south-eastern Myanmar are closely interlinked with peace and state-building agendas. It includes, among others, issues related to civil documentation, landmine risks, land ownership and equal access to public services and livelihoods. This situation lends itself to the implementation of the humanitarian-development-peace nexus. In case the socio-political and economic situation in the area improves, further progress can be made in facilitating the return and reintegration of those displaced by conflict.

The compound effect of the COVID-19 pandemic and the political crisis is two-fold. Firstly, while Thailand's borders remain closed and no peaceful solution in Myanmar is in sight, the situation in Myanmar is likely to continue to deteriorate, resulting in heightened displacement in the areas of Myanmar bordering with Thailand and increasing pressure on RTG to avoid push backs. Secondly, the refugees' willingness to return to Myanmar will drastically decline due to the lack of a conducive environment in the place of return. Advocacy efforts by humanitarian partners are nevertheless underway in Thailand to provide information and support to refugees on possibilities to sustainably and safely return to Myanmar should they wish to.

2. RISKS AND ASSUMPTIONS

Risks	Risk level	Mitigating measures
A lengthy succession of significant violent actions and increased military control increases the needs of the population in Myanmar and the number of internally displaced and people crossing into Thailand substantially.	H	The action foresees a close cooperation with humanitarian partners. Focus on protection, building resilience and self-reliance of target groups in order to reduce the need to cross into Thailand.
Limited capacities of local civil society actors and NGOs in	M	Coordination among international community through a functioning

¹² OCHA, Myanmar: Humanitarian Needs Overview 2021.

https://reliefweb.int/sites/reliefweb.int/files/resources/mmr_humanitarian_needs_overview_2021_final.pdf

Myanmar, and especially EAO controlled areas, to implement the action.		coordinating structure e.g. South-East Working Group and coordinating structures in Yangon incl. a potential coordination structure in Thailand.
Access to rights-holders is limited in Myanmar due to clashes and military control and Thailand resorts to pushbacks and limits assistance to Myanmar refugees in the temporary holding sites.	H	Work through local actors, including Liaisons Offices set up by the Joint Peace Fund (JPF) and the UN, while maintaining a low profile. Diplomatic advocacy and engagement with Thailand together with the UN and other stakeholders.
COVID-19 pandemic continues to impact negatively the entire region for a significant period of time.	M	The action will encompass, access to health services, prevention and socio-economic recovery activities.
Assumptions		
Project implementation is possible and not impacted by a new major political crisis and key partners are able to operate.		
Government and Ethnic Organisations' measures in Myanmar and Government measures in Thailand to contain the spread and promote recovery of the COVID-19 pandemic are effective.		

3. LESSONS LEARNT AND COMPLEMENTARITY

3.1 Lessons Learnt

The Action takes into account lessons from past EU and international support to refugees and IDPs especially in Myanmar border areas, in particular support to IDPs and refugees provided through the Aid to Uprooted people (AUP) programme in Thailand.

On the Myanmar side of the border, the current conflict situation in addition with the prevention measures to constrain COVID-19 are triggering dire needs, especially in terms of food security, access to hygiene materials and facilities, living conditions and livelihoods. Job opportunities are a major concern as well. It is therefore crucial to develop adequate livelihood opportunities. The pandemic also seriously strains already weak and fragile systems and public services. By providing support in these areas, experience shows, this action will be able to increase self-reliance and resilience of the concerned population in Myanmar and ultimately, improving their livelihoods. As the action will work towards strengthening public services and livelihood opportunities in the Myanmar targeted areas, conditions will be created not only to absorb those internally displaced, but also those eventually returning from Thailand by providing sustainable structures.

The action will also take into account experiences from peace making and peace building efforts under the Joint Peace Fund, the Nexus Response Mechanism (NRM) and projects designed in response to the effects of the COVID -19 pandemic in the region. In particular, the lessons learnt from the work of local organisations and their means and ways to operate in the current circumstances will be considered in the further development of the action.

Regarding Myanmar refugees located in Thailand, experience also shows that the lengthy return process and the lack of livelihood perspectives have contributed to the limited success

of earlier return efforts. This has, inevitably, contributed to the creation of a protracted situation where many Myanmar refugees find themselves with limited prospects for building self-reliance through acquiring new livelihoods skills. Most of the current camps are isolated in the mountains and therefore hard to access, and further limiting their already restricted movement. Lesson learnt have also shown that lack of information on practicalities and possibilities related to ways of returning to Myanmar are hindering voluntary repatriation efforts. This Action will allow newly displaced persons to assess the situation, gather necessary information without delay and to take an informed decision whether to return to Myanmar.

The recent coup d'état in Myanmar does not allow for close coordination with government and relevant authorities. Past experience shows the importance of promoting long-term perspectives and a clear exit strategy for eventual integration into national services and strategies, once the situation allows.

3.2 Complementarity, Synergy and Donor Coordination

In Myanmar, the Action will complement a series of existing EU initiatives. Namely those: a) addressing, through the Nexus Response Mechanism (NRM), immediate needs where Development, Humanitarian and political intersects, in a flexible way b) Supporting IDPs in Kachin and Northern Shan State in developing Durable Solutions with IDPs and Hosting Communities (DPP, Oxfam) c) supporting education services, via both indigenous providers in Ethnic Areas; d) rural development, through technical and vocational training and financial inclusion; e) the peace process, through the empowerment of youth, woman and Civil Society Organisations and their participation into the peace process; f) other existing EU programmes promoting sustainable development, harmony between communities and integration of returnees and displaced people (via the 'Nexus Response Mechanism'); g) the support to reduce COVID-19 and conflict related short-term and long-term vulnerabilities of people in Shan State and the South-East through providing improved food security, wash related activities and reinforcing community structures to improve resilience and engaging with duty bearers (COVID – resilience, DCA). Complementarity with other Global Programmes such as Education Cannot Wait will be ensured.

Complementarity and synergies will also be ensured with ECHO programmes. ECHO has increased its allocation for 2021 by EUR 9M in response to the Myanmar crisis, including EUR 1.5M for regional implications in Thailand and India. ECHO has also allocated an additional EUR 2M to respond to the third wave of COVID-19 cases in Myanmar. While the Standard Operating Procedures developed by RTG are still not known in detail, it is critical that registration of the new refugee influxes are ensured. UNHCR could/should play a pivotal role in this regard. This would also help a possible voluntary return of the newly displaced refugees when safe and dignified conditions allow.

In Thailand, the EU has followed a comprehensive approach in addressing the plights of Myanmar displaced population by using a combination of humanitarian and development instruments over the past years. The proposed Action will build synergies with the existing Aid to Uprooted People programmes, which are delivering basic services in the camps and preparing populations for return (AUP on-going programme will last until May 2021). The action will also aim at building synergies and complement the ongoing 'South Asia regional programme on labour migration'. Possibilities to offer returnees with skill development training under the labour migration programme will be explored.

The Action also takes note of the Thailand-Myanmar-UNHCR facilitated voluntary return process. The process has stopped in the current political climate. Should it restart, the Action will focus on creating synergies to enhance coordination mechanisms. Coordination of the Action will be ensured on both side of the border with implementing partners and EU Delegations participating to existing coordination mechanisms¹³, such as, among others, the South-East Consultations Working Group in Myanmar - lead by UNHCR and UNDP - including representatives from UN, INGOs and donors. Coordination in Thailand is through the Committee for Coordination of Services to Displaced Persons in Thailand (CCSDPT).

4. DESCRIPTION OF THE ACTION

4.1 Overall objective, specific objective(s), expected outputs and indicative activities

The overall objective of the Action is to contribute to durable solutions for displaced Myanmar populations along the Thai-Myanmar border.

The two specific objectives (SO) of the action are the following:

- SO1:** To increase resilience and self-reliance of the displaced populations and host communities in the areas bordering Thailand, in particular in the South-East of Myanmar, and to prepare for the Internally Displaced People (IDP) to return or relocate if conditions allow.
- SO2:** To provide support to Myanmar people who fled to Thailand in the aftermath of the 2021 military coup, and to facilitate their voluntary and safe return from Thailand to Myanmar if conditions allow.

Expected outputs of the action:

- SO1 - output 1.1:** Short-term assistance and protection measures for displaced population and host communities are available in the targeted areas.
- SO1 - output 1.2:** Social services and livelihood opportunities are strengthened in the targeted areas.
- SO2 - output 2.1:** Basic needs are covered and protection measures are available to post-coup 2021 refugees in Thailand.
- SO2 – output 2.2:** Post-coup 2021 refugees are supported and well informed for a voluntary return to Myanmar once conditions allow.

Indicative activities under Output 1 (1.1 & 1.2):

- **Enhance economic capacities of households** via, for instance, creating Village Savings and Loans Associations (VSLAs) and providing relevant financial literacy trainings and trainings on income generating activities ensuring equal access for women and persons living in the most vulnerable situations.
- **Strengthen self-reliance and resilience through sustainable livelihood opportunities** (agricultural and non-agricultural) and by providing opportunities to acquire new livelihood

¹³ Existing coordination mechanisms in Myanmar include, among others, the South-East Consultations - lead by UNHCR and UNDP, the South-East Working Group which includes representatives from UN, INGOs and donors, the South-East Focus Group – which include NGOs.

skills (e.g. TVET/relevant vocational trainings), with particular focus on youth and women and vulnerable groups.

- **Facilitate and strengthen equal access to basic services (e.g. education, health)** for children and youth (e.g. through creating child friendly spaces, supporting indigenous providers, improving health and psycho-sociological support) including through engagement with ethnic organisations and other key stakeholders on service provision sustainability.
- **Promote peaceful co-existence and cooperation** among targeted populations through conflict mitigating measures, activities and community-participatory approaches.
- **Conduct relevant long-term research** in a selected area(s) of intervention to analyse applicability of durable solution strategies with a view of providing input and lessons learnt for global and regional durable solutions strategies.
- Implement **Gender based violence prevention activities**.

Indicative activities under Output 2 (2.1 and 2.2.):

- **Advocate for and support refugee registration.**
- **Provide assistance for Identity Documentation.**
- **Provide protection and multi-sectoral assistance** to newly displaced refugees based on a coordinated approach, including covering **basic needs** (e.g. health, WASH, non-food items, mine risk education, learning materials) and **livelihood support** to refugees.
- Specific measures in response to the COVID-19 crisis to refugees, such as providing for **COVID-19 screening facilities and referral system**.
- Support refugee hosting sites to meet international standards and **COVID-19 safety measures**.
- Develop and implement **awareness raising and information campaign** on the options for return, including information on the impact of and response to the COVID-19 pandemic as well as income opportunities in possible areas of return.
- **Engage with authorities on sustainable services provision and options to return.**
- **Flow monitoring to track refugee movements** from Myanmar to Thailand for better informed assistance to newly displaced refugees.

4.2 Intervention Logic

By improving self-reliance and resilience of IDPs and host communities through this Action and strengthening better access to public services in the border areas with Thailand and by supporting those who newly cross over into Thailand fleeing the situation in Myanmar, the situation for the concerned population will be improved. The Action will also contribute to avoiding a protracted refugee situation in Thailand by creating a more conducive and favourable environment for voluntary return of Myanmar refugees from Thailand.

Specific objective 1: South-eastern Myanmar has been affected by decades of armed conflict, creating protracted displacement on a large scale. The population in this areas has been facing serious socio-economic constraints, further magnified by the COVID-19 pandemic, natural hazards and ongoing clashes and political crisis in the country. All these factors underline the critical importance of building resilience and self-resilience of the IDPs, people moving to the South-East to take refuge, and host communities. This Action will, from the onset, work on a long term perspective and in particular adopt a durable solutions strategy.

Specific Objective 2: Experience also shows that the lengthy return process and lack of livelihood perspectives have contributed to the limited success of earlier return efforts. Although conditions for voluntary return to Myanmar are currently limited, this Action will allow newly displaced persons to assess the situation, gather necessary information without delay and to take an informed decision whether to return to Myanmar. The Action therefore contributes to avoid a protracted refugee situation of those crossing into Thailand as result of the coup d'état.

The seizing of power by the military on 1 February 2021 does not allow for a direct engagement with the Government of Myanmar and poses limits in terms of engagement with specific stakeholders. While engagement with relevant Ministries in Myanmar is currently not possible, the proposed action will implement activities with a long-term perspective and clear exit strategies, working towards durable solutions, so they could eventually be integrated to national and regional plans, once the situation allows. The Action will further ensure that host communities are integrated in the activities. Activities in Thailand will be aligned to existing EU efforts and Thailand national plans.

4.3 Mainstreaming

With a specific focus on the displaced Myanmar populations on both sides of the Thai-Myanmar border, conflict sensitivity and resilience, as well as rights-based approaches will be mainstreamed in the Action. Gender and youth issues will be mainstreamed in all areas. Women-headed households and vulnerable and poor households will receive special attention. The Action will focus on societal changes and resilience and enhance social cohesion with host communities. Conflict prevention and mitigation activities will be integrated in the activities.

Human rights-based approach and its key principles (applying all human rights for all; meaningful and inclusive participation and access to decision-making; non-discrimination and equality; accountability and rule of law for all; and transparency and access to information supported by disaggregated data) will be integrated throughout the action.

Activities that take into account environmental factors and disaster risk reduction will be promoted. Environmental sustainability and issues linked to land rights will be taken into account. Decent work and self-reliance will be promoted through all livelihood opportunities supported by the Action.

4.4 Contribution to Sustainable Development Goals SDGs

The intervention is relevant for the United Nations 2030 Agenda for Sustainable Development. It contributes primarily to the progressive achievement of SDG 10.7: Migration, while also contributing to SDGs 3: Good Health and Well-Being; 5: Gender Equality; and 16: Peace, Justice and Strong Institutions.

5. IMPLEMENTATION

5.1 Financing agreement

In order to implement this Action, it is not foreseen to conclude a financing agreement with neither of the partner countries.

5.2 Indicative Implementation Period

The indicative operational implementation period of this action, during which the activities described in section 4 will be carried out and the corresponding contracts and agreements implemented, is 60 months from the date of the adoption by the Commission of this Financing Decision.

Extensions of the implementation period may be agreed by the Commission's responsible authorising officer by amending this Decision and the relevant contracts and agreements.

5.3 Methods of implementation for an action under project modality

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures¹⁴.

5.3.1 Indirect management with an international organisation

This action may be implemented in indirect management with one or more international organisations, which will be selected by the Commission's services using the following criteria:

- strong presence and credibility in Myanmar and/or Thailand;
- ability to work across the border;
- having mandate and demonstrable operational capacities to engage in the refugee repatriation process.

The implementation by this entity(ies) entails the achievement of all specific objectives and outputs described in section 4.

5.3.2 Changes from indirect to direct management mode due to exceptional circumstances

In case of exceptional circumstances outside of the Commission's control, the method of implementation could be changed from indirect management with one or more international organisations to direct management through the award of grants and procurement as described in points 5.3.3 and 5.3.4.

5.3.3 Grants (direct management)

(a) Purpose of the grant(s)

The grants will contribute to the achieving of specific objectives 1 and 2 of the Action and their related outputs as described in section 4.

(b) Type of applicants targeted

In order to be eligible for a grant, applicants must:

- be a legal person, and
- be non-profit-making, and

¹⁴ www.sanctionsmap.eu Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.

- be a national or international non-governmental organizations (NGOs) or a civil society organisation (CSO) active in Myanmar and/or Thailand, international (inter-governmental) organisation, and
- be established in a Member State of the European Union or one of the eligible countries under the Development Cooperation Instrument as provided in Article 28 of Regulation (EU) 2021/947, and
- be directly responsible for the preparation and management of the action with the co-applicant(s) and affiliated entity(ies), not acting as an intermediary.

5.3.4 Procurement (direct management)

The procurement contracts will contribute to: 1) the preparation of baseline/preparatory studies to be concluded before the start of the activities related to specific objectives 1 and 2; 2) achieving of specific objective 1 and 2 and its related outcomes, as described in section 4.

Subject	Indicative type (works, supplies, services)	Indicative trimester of launch of the procedure
Baseline/preparatory studies related to activities under specific objectives 1 and/or 2	Services	Q4 2021
Technical assistance related to specific objective 1	Services	Q4 2021
Equipment related to specific objective 1	Supplies	Q4 2021

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.

The Commission's authorising officer responsible may extend the geographical eligibility 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 realisation of this action impossible or exceedingly difficult.

5.5 Indicative Budget

	EU contribution (amount in EUR)	Indicative third party
5.3.1- Indirect management with one or more international organisation(s)	8 000 000	n/a
<i>Specific objective 1</i>	<i>7 000 000</i>	
<i>Specific objective 2</i>	<i>1 000 000</i>	
5.8 & 5.9 – Evaluation and audit	Will be covered by another decision	

Total	8 000 000	n/a
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The budget allocation for specific objectives may be revised during implementation based on detailed implementation plans prepared by the implementing partner(s).

5.6 Organisational Set-up and Responsibilities

A **Project Steering Committee (PSC)** to oversee the implementation of the action will be chaired by the EU. It will comprise the implementing entity(ies) and any other relevant stakeholders. The PSC will approve the Annual Work Plans and facilitate overall project implementation. Detailed Terms of Reference for the PSC will be developed during the inception phase. The implementing entity(ies) will provide secretariat and administrative support to the PSC. The Project Steering Committee will meet quarterly in the initial phase of the project, and every 6 months, in the later phase of the initiative. Ad hoc meetings might be organised if necessary.

5.7 Performance and Results monitoring and reporting

A gender sensitive assessment will be carried out during the inception phase in form of a baseline/preparatory study related to specific objective 1 and 2, to assess the situation and to identify specific needs on both sides of the border. Communities (community representatives, incl. all gender) and CSOs (incl. women's organisations) will be strongly involved in technical consultations.

Monitoring and evaluation will assess gender equality results and the implementation of the human rights-based approach working principles. Monitoring and evaluation will be based on indicators disaggregated by sex, age, disability, migratory status etc. when applicable.

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.

Reports 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 baseline study is foreseen by implementing partner(s) to collect information required to measure progress on the indicators laid out in the Action. A mid-term and a final evaluation will be carried out for this Action via independent consultants. The mid-term evaluation and final evaluation will be carried out to inform policy and programming at various levels (including for policy and programming revision).

The Commission shall inform the implementing partners at least 1 month 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 countries 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 Action, in case of important political developments in Myanmar and the border area.

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

5.9 Audit

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.

For the purpose of enhancing the visibility of the EU and its contribution to this action, the Commission may sign or enter into joint declarations or statements, as part of its prerogative of budget implementation and to safeguard the financial interests of the Union.

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(s), procurement and grant contracts, and contribution agreements.

The Communication and Visibility Requirements for European Union External Action (or any succeeding document) shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

APPENDIX - Indicative Log-Frame Matrix.

THE LOGFRAME, indicators and targets WILL BE REFINED DURING THE INCEPTION PHASE.

	Results chain: Main expected results (maximum 10)	Indicators (at least one indicator per expected result)	Sources of data	Assumptions
Impact (Overall Objective)	The overall objective of the Action is to contribute to durable solutions for displaced Myanmar populations along the Thai-Myanmar border	% of displaced Myanmar populations living below the national poverty line, compared to the national averages, disaggregated by sex, age group	Monthly reports from UNHCR, IOM, TBC, Thai and Myanmar government Reports on SDG progress, UN reports for both countries, Baseline Survey and assessment	<i>Not applicable</i>

Outcome(s) (Specific Objective(s))	<ol style="list-style-type: none"> 1. To increase resilience and self-reliance of the displaced populations and host communities in the areas bordering Thailand, in particular in the South-East of Myanmar, and to prepare for the Internally Displaced People (IDPs)'s to return or relocate if conditions allow. 2. To provide support to Myanmar people who fled to Thailand in the aftermath of the 2021 military coup, and to facilitate their voluntary and safe return from Thailand to Myanmar if conditions allow. 	<ol style="list-style-type: none"> 1.1 Number of IDPs and host communities who gained access to social services and consider their living conditions improved 1.2 Households' and individual's degree of self-reliance, resilience and well-being by type of household (female/male; number of dependants, ages, etc.) 2.1 Number of Myanmar refugees in Thailand who gained access to social services and consider their living conditions improved 2.2 Households' and individual's degree of self-reliance, resilience and well-being by type of household (female/male; number of dependants, ages, etc.) 	<p>Reports from the TBC; UNHCR and IOM reports on status voluntary return per year</p> <p>Surveys by NGOs and KRC</p> <p>Programme reports based on specific Monitoring and Evaluation (M&E) framework M&E Reports</p>	
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	<p>2.1. Basic needs are covered and protection measures are available to post-coup 2021 refugees in Thailand</p> <p>2.2 Post-coup 2021 refugees are supported and well informed for a voluntary return to Myanmar once conditions allow.</p>	<p>2.1.1 Number of post-coup 2021 refugees and host communities with improved access to basic services and sustainable livelihood opportunities (disaggregated by sex, age group, ethnicity, place of origin and destination)</p> <p>2.1.2 Number of post-coup 2021 refugees population and host communities benefitting from health measures and COVID-19 awareness raising campaigns</p> <p>2.2.1 Number of post-coup 2021 refugees receiving information on options for sustainable return (disaggregated by sex, age group, ethnicity, place of origin and destination)</p> <p>2.2.2 Number of post-coup 2021 refugees having access to administrative and logistical support (disaggregated by sex, age group, ethnicity, place of origin and destination)</p>	<p>Project report based on M&E plan</p> <p>Project report based on M&E plan (including baseline/ impact surveys)</p> <p>NGO reports from camps'</p>	
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