



EUROPEAN COMMISSION
HUMANITARIAN AID OFFICE (ECHO)

Humanitarian Aid Decision
Line B7-210 of the general budget of the European Communities

Title: Support to humanitarian aid operations providing protection to victims of armed conflicts

Location of operation: Africa, Asia, Latin America, Mediterranean and Caucasus region, Middle East

Amount of decision: 10.000.000 euro

Decision reference number: ECHO/THM/210/2003/1000

Explanatory Memorandum

1 - Rationale, needs and target population:

1.1. - Rationale:

During the last decade, the world has seen an increasing number of armed conflicts with devastating humanitarian consequences. Following the classification of the Heidelberg Institute for International Conflict Research, evidence suggests that throughout 2002, 42 violent crises or wars have been going on worldwide. Most violent conflicts are waged in Africa and Asia.

The majority of these conflicts do not involve traditional warfare between internationally recognised states but are the result of internal conflicts between armed groups. These developments heavily affect the civilian population. Nowadays, civilians are not only indirect victims of conflicts; they have often become targets themselves.

In many post-Cold War conflicts there is widespread disregard for international humanitarian law (IHL). Warring parties, often irregular armed groups, militias and foreign mercenaries have little knowledge or respect for a core principle of IHL that is, the distinction between combatants and non-combatants. It is for this reason that since 1945 civilians have accounted approximately for 90% of war deaths worldwide. War-affected populations are amongst the most vulnerable people on earth. Worldwide, some 35 million people are displaced from their homes by conflict- approximately 25 million are internally displaced persons.

The protection of civilians who do not take part in hostilities is primarily the responsibility of states. Civilians are entitled to respect for their lives, their physical and mental integrity, dignity, health and family life. However, increasingly, the protection provided by an individual's own state in situations of armed conflict is often insufficient, either because the individual is exposed to an adverse party or because his own state authorities are unable or unwilling to ensure it. When states fail to meet their obligations, the tasks associated with

protection are assumed by humanitarian organisations, in particular the International Committee of the Red Cross.

Protection is the mainstay of ICRC activities: it is at the heart of the ICRC's mandate and IHL. As a neutral and independent organization, the ICRC seeks to ensure that all the parties to a conflict provide individuals and groups with the full protection that is due to them under the Geneva Conventions and their Additional Protocols, as well as other applicable IHL. To this end, it assesses the needs of the general population and responds to them by taking action consistent with its mandate.

In accordance with its Statutes, the role of ICRC is in particular

- to undertake the tasks incumbent upon it under the Geneva Conventions, to work for the faithful application of international humanitarian law applicable in armed conflicts and to take cognizance of any complaints based on alleged breaches of that law;
- to endeavour at all times to ensure the protection of and assistance to military and civil victims of armed conflict or internal strife and of their direct results.

The ICRC's protection programme has seen major expansion in recent years (from 70 million € in 2002 to 100 million € in 2004) in response to the growing worldwide needs for protection of both the civilian population and of persons deprived of freedom. Most experts would agree that these needs will further increase in the years to come and that additional efforts are required to address this challenge

Consequently, the aim of the present decision is to enhance humanitarian action to protect the victims of armed conflicts through the allocation of funds to the ICRC, an experienced and performing partner with a unique mandate and a global outreach in this domain. In view of the deteriorating trends described above, a strengthening of ICRC's capacity to provide such protection is an indispensable prerequisite to reduce humanitarian suffering worldwide.

This is fully in line with ECHO's mandate, which includes support for civil operations to protect the victims of fighting in accordance with current international agreements among the principal objectives of EC humanitarian aid operations as defined in Article 1 and 2 (g) of Council Regulation 1257/96², of 20 June 1996, concerning humanitarian aid.

1.2. - Identified needs:

Increasingly, conflict victims (in particular resident and displaced civilians, people deprived of their freedom and people separated from their families) are in need of protection. Civilians are often caught up in the violence of armed conflicts and directly targeted. Forced displacement, massacres, hostage-taking, rape, forced recruitment of children into armed groups - the list of violations of the fundamental principles of IHL that are committed day after day, across continents, is long. The Coalition to Stop the Use of child Soldiers, for example, estimates that there are more than 300.000 child soldiers actively involved in armed conflicts in more than 30 countries.

Many people are also deprived of their freedom during situations of armed conflicts. In 2002, ICRC visited about 448.000 detainees in more than 75 countries. They are particularly

² O.J. N° L 163, 2.7.1996, p. 1

vulnerable and at the mercy of a power hostile to them. Their physical and mental integrity is often at risk. They are in danger of disappearing, extra-judicial executions or being subjected to torture or ill-treatment. In those cases, a confidential dialogue with the detaining authorities is urgently needed. Also, the dilapidated state of prisons and facilities has an impact on several levels: the impossibility to ensure humane treatment that respects human dignity, families of detainees often having to take on tasks that should be performed by the authorities and affecting officials running the places of detention. Needs also still have to be met when hostilities stop, for many prisoners of war have to be repatriated and liberated detainees remain vulnerable and have to be followed up through home visits after their release.

Conflicts produce populations in flight, children who are lost and alone with no one to look after them, families who are split up and dispersed, combatants who are wounded, taken prisoner, missing or killed in battle and civilians who are arrested, caught up in the fighting, injured or killed. There is a need to restore and maintain family links to reunite separated family members and to ascertain the whereabouts of detainees. According to ICRC, for example, more than 4000 children disappeared during the civil war in Cambodia, more than 8000 in El Salvador, more than 70000 are reported to have been recruited as child soldiers in Myanmar. In 2002, ICRC helped to reunite some 2,300 people, including 1,592 children, with their families. In Angola alone, 1200 unaccompanied minors were registered by ICRC's tracing offices in 2002.

1.3. - Target population and regions concerned:

Funding under this decision will cover mainly three target populations:

- *civilians* who are not or are no longer taking an active part in the hostilities; civilian populations pay a heavy price in armed conflicts ; whereas violations of physical integrity (exterminations, summary executions, forcible disappearances) are usually most likely to catch public attention, psychological harm is no less frequent and devastating, caused for instance by pressure to collaborate, frequent and repeated harassment of civilians going about their daily lives, restricted freedom of movement, restricted access to food and essential medical services or disruption of the family unit.
- *people deprived of their freedom* as a result of armed conflict ; activities in relation to this target population will be intended to ensure that the physical and mental integrity of persons deprived of their freedom is fully respected and that their conditions of detention are in keeping with international standards. Depending on specific circumstances, it may mean striving to prevent forced disappearances or extrajudicial executions, ill-treatment and failure to respect fundamental judicial guarantees, and working to improve detention conditions.
- *families separated by armed conflict* ; activities in relation to this target population will aim to restore or maintain contact between members of families separated by an armed conflict including detainees, so as to relieve their mental anguish.

In keeping with ECHO's strategic objectives for 2003 and 2004, within these target groups, particular attention will be devoted to women, children and the internally displaced who face specific problems which exacerbate their vulnerability.

Warring parties often use sexual violence, including rape, as means of warfare against the civilian population; women and girls are the principal victims of these acts of violence.

Children constitute an especially vulnerable type of victim. Three out of every five war victims assisted by ICRC are children. They are often the powerless victims of atrocities suffered by their relatives. Many of them are killed, wounded or imprisoned, torn from their families and forcibly recruited into combat.

More and more civilians are forcibly displaced as warring parties fighting over territorial control target communities considered supportive of enemy forces in order to weaken them. They are often in acute need of protection.

Activities supported under this decision will focus on consolidating and expanding ICRC's protection capacities in a variety of countries (see table in section 6.2) affected by armed conflict or in a post-conflict situation presenting important protection needs. The selection of countries proposed in this decision is based on ICRC's Emergency Appeals of 2003 and 2004 and ECHO's 2003 and 2004 global needs assessment. In keeping with ECHO's strategic objectives for 2003 and 2004, high need countries are included, as well as "forgotten crises". To the extent that significant uncovered protection needs exist, the decision also encompasses countries identified as "medium need" in ECHO's global needs assessment. In order to avoid double funding, the decision does not include those countries where ECHO is already financing ICRC's protection activities.

1.4. - Risk assessment and possible constraints:

The widespread disregard in today's armed conflicts of core principles of IHL such as the distinction between combatants and non-combatants, the denial of access to the protected population as well as the increasing attacks against humanitarian personnel feature amongst the main constraints of the protection activities that this decision intends to finance.

At times, the ICRC may want to carry out protection work in any one given context of armed conflict, but is prevented from doing so by one or more of the warring factions. In this case, negotiations will continue at various levels. At other times, it may be difficult to clearly identify the belligerent parties to whom ICRC could make representations. However, the mere presence of ICRC delegates on the ground may have a deterrent effect on belligerents during armed conflict.

Often, there is a genuine political will to let ICRC do its protection work, but security conditions are such that this is impossible. At other times, ICRC may start implementing protection activities, but has to suspend them for security reasons. Occasionally, the ICRC may have successfully negotiated at the highest state level to commence protection activities, but is prevented from doing so because officials lower down the hierarchy may not agree or have not been informed properly.

2- Objectives and components of the humanitarian operations proposed:

2.1. – Objectives:

The principal objective of this decision is to ensure, in accordance with the Geneva Conventions and the Additional Protocols, the protection of victims (resident and displaced civilians, people deprived of their freedom and people separated from their relatives) of armed conflicts.

Specific Objectives

- (i) To ensure that civilians who are not or are no longer taking an active part in the hostilities, are respected and protected in accordance with the norms and principles governing the conduct of hostilities;
- (ii) To ensure that the physical and mental integrity of persons deprived of their freedom as a result of armed conflicts is respected and that their conditions of detention are in keeping with international standards;
- (iii) To restore or maintain contact between members of families separated by armed conflicts including detainees, so as to ensure respect of their family rights.

2.2. - Components:

Funding under this decision will cover the following components related to the specific objectives in paragraph 2.1 above:

(i) *Protection of civilians*

- Deployment of ICRC delegates in the field and negotiation with the authorities to obtain access to individuals or groups needing protection and/or assistance;
- Assessment of the living conditions of the civilian population and its means of subsistence, analysis of cases of abuse and violations of IHL and identification of any shortcomings or needs;
- Monitoring individuals who are particularly vulnerable;
- Establishment and maintenance of a dialogue — preventive and corrective — with the civil and military authorities at all levels regarding humanitarian issues linked to the respect of civilians, by reminding them of the applicable norms and principles of IHL.

As a result, interventions to meet the protection needs of civilians will be made in a timely appropriate and adequate manner to ensure *inter alia* increased access to them, to prevent or to stop violations of IHL, to avoid forced population movements as well as to allow internally displaced people to return to their homes.

(ii) *Protection of people deprived of their freedom*

- Deployment of ICRC delegates in the field; negotiation with the authorities to obtain access to places of detention in accordance with procedures that guarantee the effectiveness and consistency of the ICRC's action — visit detainees, assess their conditions of detention and identify any shortcomings and needs for humanitarian assistance;
- Maintenance of a confidential dialogue with the authorities at all levels regarding any problems of a humanitarian nature that may arise;
- Monitoring individual detainees (for specific protection, medical or other purposes);
- Providing training and expertise on protection issues with prison or judicial authorities.

As a result, interventions will be made to ensure increased access to places and persons deprived of freedom as well as to carry out a higher number of visits to them to maintain their physical and mental well-being and to ensure that conditions of detention are in keeping with

international standards. Depending on the situation, this may mean dealing with forced disappearances, extrajudicial executions, ill-treatment, failure to respect fundamental judicial guarantees, or inadequate detention conditions.

(iii) *Restoring family links*

- Deployment of ICRC delegates in the field forwarding family news (through various means, such as Red Cross messages, radio broadcasts, the telephone and the Internet) via the worldwide Red Cross and Red Crescent network;
- Organization of repatriations and family reunifications, including reuniting unaccompanied children with their families;
- Maintenance of family links for people deprived of their freedom (facilitate family visits forwarding Red Cross messages, etc.);
- Issuing of detention certificates and other documents related to persons deprived of freedom;
- Maintenance of family links across front lines;
- Issuing of ICRC travel documents for persons who, owing to a conflict, do not or no longer have identity papers, and are about to be repatriated or resettled in a third country;
- Gathering tracing requests from the families of missing persons, as well as information on detention, disappearances and deaths, and submitting them to the authorities;
- Setting up mechanisms to facilitate dialogue between the authorities and the families of missing persons in order to speed up the tracing process, including the exhumation and identification of human remains;
- Provision of information and support to the families of missing persons;
- Provision of support and training to National Societies' tracing services, both at headquarters and in the field;
- Holding of workshops on protection, including on the subject of unaccompanied children, with NGOs and ensuring practical follow-up.

As a result, interventions will be made in a timely, appropriate and adequate manner to maintain or restore contact between members of families separated by an armed conflict including detainees. People separated by conflict will be reunited, by establishing their whereabouts and then reuniting them with their families. Particularly vulnerable groups, such as unaccompanied children or elderly people, will benefit from special attention under the ICRC protection programme.

3 - Duration foreseen for actions within the framework of the proposed decision:

The duration for the implementation of this decision will be 15 months. Humanitarian operations funded by this decision must be implemented within this period.

Expenditure will be eligible from 1 January 2004. The choice of this date and duration will facilitate effective and efficient planning and reporting as it coincides with ICRC's programme cycle and financial year.

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 decision.

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. The procedure established in the Framework Partnership Agreement in this respect will be applied.

4 – Previous interventions/decisions of the Commission within the context of the crisis concerned herewith

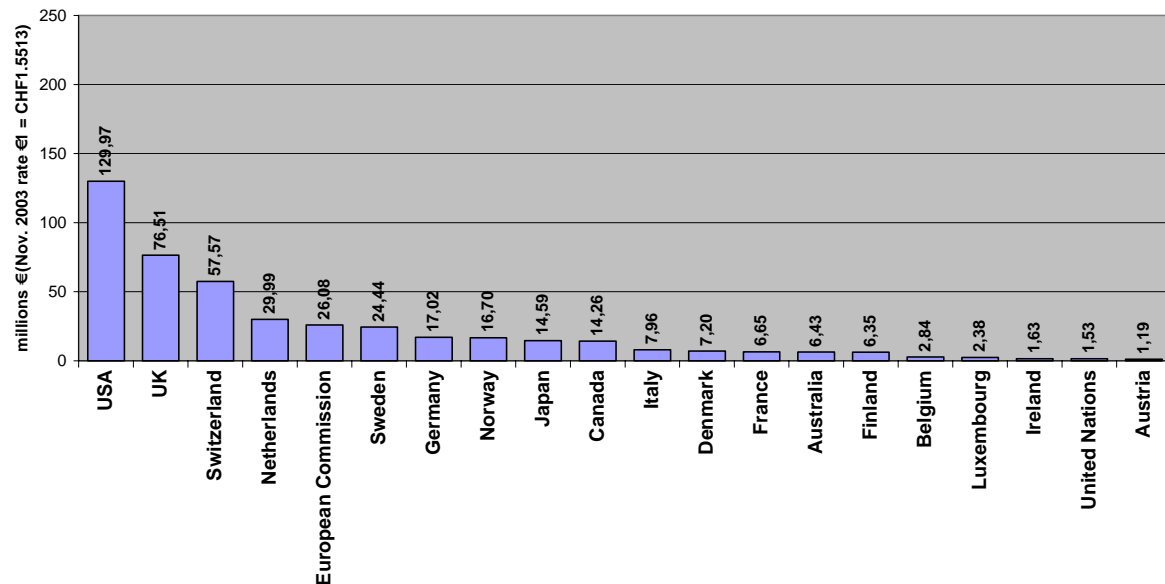
The European Commission has traditionally supported the work of ICRC in the field of protection and assistance in specific geographical operations. In 2002, through ECHO, the Commission provided € 34.3 million to ICRC, making it the organisation's fifth largest donor.

In addition to the crisis-oriented financial support provided to ICRC in 2003, this year, ECHO will also provide thematic funding to ICRC to support its mandate to protect victims of armed conflict. Under thematic funding, ECHO intends to support mandated International Organisations to discharge their international core mandate.

5 - Other donors and donor co-ordination mechanisms

Various other donors also contribute to the work of ICRC as shown below

**ICRC Top 20 Government Donors
2002**



6 –Amount of decision and distribution by specific objectives:

6.1. - Total amount of the decision: 10.000.000 euro

6.2. - Budget breakdown by specific objectives (see next page)

Principal objective: To ensure, in accordance with the Geneva Conventions and the Additional Protocols, protection of victims (resident and displaced civilians, people deprived of their freedom and people separated from their relatives) of armed conflicts and other situations of violence				
Specific objectives	Allocated amount by specific objective (Euro)	Possible geographical area of operations	Activities	Potential partners
Specific objective 1 <i>Protection of civilians:</i> ensure that civilians who are not or are no longer taking an active part in the hostilities, are respected and protected in accordance with the norms and principles governing the conduct of hostilities;	1.700.000	Rwanda, Sierra Leone, Guinea, Liberia, Burkina Faso, Ivory Coast, Ghana, Malawi, Zimbabwe, Eritrea, Central African Republic, Chad, Gabon, Djibouti, Kenya, Tanzania, Sudan, Republic of Congo, Comoros, Lesotho, Madagascar, South Africa, Swaziland, Uganda, Guinea-Bissau, Mali, Niger, Senegal, FRY, Macedonia, Albania, FYR of Macedonia, Bosnia Herzegovina, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan, Azerbaijan, Georgia, Armenia, Morocco/Western Sahara, Sri Lanka, Indonesia, Philippines, Cambodia, DPRK, Laos, Pakistan, Iraq, Colombia	Deployment of field delegates, protection, monitoring, prevention	ICRC
Specific objective 2 <i>Protection of people deprived of their freedom:</i> ensure that the physical and mental integrity of persons deprived of their freedom as a result of armed conflicts is respected and that their conditions of detention are in keeping with international standards;	4.100.000		Deployment of delegates, visits to persons deprived of freedom, monitoring individual detainees, training activities	
Specific objective 3 <i>Restoring family links:</i> restore or maintain contact between members of families separated by armed conflicts including detainees, so as to ensure respect of their family rights.	4.200.000		Deployment of delegates, organisation of repatriation and family reunifications, maintenance of family links, issuing of travel documents	
TOTAL	10.000.000			

COMMISSION DECISION

of

on the financing of humanitarian operations from the general budget of the European Communities to provide protection to victims of armed conflict

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 aid³, and in particular Article 15(2) thereof,

Whereas:

- (1) During the last decade there has been an increased number of armed conflicts with devastating humanitarian consequences;
- (2) Most of these conflicts do not involve traditional warfare between internationally recognised States. They are instead the result of internal conflicts between armed groups which disregard International Humanitarian Law, and in particular the principle of distinction between combatants and non combatants. Civilians are not only indirect victims of conflicts; they are often directly targeted themselves;
- (3) As a result, civilians, in particular residents and displaced civilians, people deprived of their freedom and people separated from their families are increasingly in need of protection;
- (4) Consequently, the funding measures under this decision are envisaged to enhance the protection of victims of armed conflicts;
- (5) The International Committee of the Red Cross is charged under the Geneva Conventions and their Additional Protocols with the protection of civilians;
- (6) An assessment of the humanitarian situation leads to the conclusion that humanitarian aid operations should be financed by the Community for a period of 15 months;
- (7) It is estimated that an amount of 10.000.000 euro from budget line B7-210 of the general budget of the European Communities is necessary to provide protection to victims of armed conflict, taking into account the available budget, other donors' interventions and other factors;
- (8) In accordance with Article 17 (3) of Council Regulation (EC) No 1257/96, the Humanitarian Aid Committee gave a favourable opinion on

HAS DECIDED AS FOLLOWS:

³ OJ L 163, 2.7.1996, p. 1-6

Article 1

1. In accordance with the objectives and general principles of humanitarian aid, the Commission hereby approves a total amount of 10.000.000 euro for humanitarian aid operations to provide, in accordance with the mandate of the International Committee of the Red Cross, protection to victims of armed conflict by using line B7-210 of the general budget of the European Union.
2. In accordance with Articles 2 and 3 of Regulation (EC) No 1257/96, the humanitarian operations shall be implemented in pursuance of the following specific objectives:
 - (i) Protection of civilians: to ensure that civilians who are not or are no longer taking an active part in the hostilities, are respected and protected in accordance with the norms and principles governing the conduct of hostilities;
 - (ii) Protection of people deprived of their freedom: to ensure that the physical and mental integrity of persons deprived of their freedom as a result of armed conflicts is respected and that their conditions of detention are in keeping with international standards;
 - (iii) Restoring family links: to restore or maintain contact between members of families separated by armed conflicts, including detainees, so as to ensure respect of their family rights.
3. The amounts allocated to each of these objectives are listed in the Annex to this decision.

Article 2

The Commission may, where this is justified by the humanitarian situation, re-allocate the funding levels established for one of the objectives set out in Article 1(2) to another objective mentioned therein, provided that the re-allocated amount represents less than 20% of the global amount covered by this Decision.

Article 3

1. The duration for the implementation of this decision shall be for a maximum period of 15 months, starting on 1 January 2004.
2. Expenditure under this Decision shall be eligible from 1 January 2004.
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 4

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

Done at Brussels, *[date to be inserted by SG]*

For the Commission

*[Name to be inserted by SG]
Member of the Commission*

Annex: Breakdown of allocations by specific objectives

Principal objective: To ensure, in accordance with the Geneva Conventions and the Additional Protocols, protection of victims (resident and displaced civilians, people deprived of their freedom and people separated from their relatives) of armed conflicts and other situations of violence	
Specific objectives	Allocated amount by specific objective (Euro)
Specific objective 1 <i>Protection of civilians:</i> ensure that civilians who are not or are no longer taking an active part in the hostilities, are respected and protected in accordance with the norms and principles governing the conduct of hostilities;	1.700.000
Specific objective 2 <i>Protection of people deprived of their freedom:</i> ensure that the physical and mental integrity of persons deprived of their freedom as a result of armed conflicts is respected and that their conditions of detention are in keeping with international standards	4.100.000
Specific objective 3 <i>Restoring family links:</i> restore or maintain contact between members of families separated by armed conflicts, including detainees, so as to ensure respect of their family rights.	4.200.000
TOTAL	10.000.000