

COMMISSION DECISION

on the financing of humanitarian actions from the general budget of the European Communities in India

ECHO/IND/BUD/2008/02000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No.1257/96 of 20 June 1996 concerning humanitarian aid ¹, and in particular Article 2 and Article 15(2) thereof:

Whereas:

- (1) The state of Chhattisgarh, in particular the district of Dantewada, is the epicentre of the Naxalite (Maoist) insurgency, where continual clashes between insurgents and Indian Security forces have resulted in over 1093 reported deaths since 2004, including 726 civilians, and the displacement of over 100 000 civilians;
- (2) The Naxalite conflict has come to be recognised as the “single biggest internal security challenge ever faced by India” (statement by the Indian Prime Minister in 2007);
- (3) Tens of thousands have fled their villages and abandoned their fields, fearing retaliation for alleged non-cooperation. There are at least 24 official camps for internally displaced people (IDPs), in general very basic with insufficient sanitation. For most of those remaining in villages there is no access to education or basic health care services;
- (4) The State structure is fragile and the government has virtually no capacity to deliver to the people of Dantewada and Bijapur districts even some basic amenities. It is virtually impossible to get health professionals to work outside the district capitals, due to the very harsh living conditions, exacerbated by the conflict;
- (5) 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;
- (6) It is estimated that an amount of EUR 850,000 from budget line 23 02 01 of the general budget of the European Communities is necessary to provide humanitarian assistance to over 25,000 victims of the Naxalite conflict in Chhattisgarh, taking into account the available budget, other donors' contributions and other factors;
- (7) The present Decision constitutes a financing Decision within the meaning of Article 75 of the Financial Regulation (EC, Euratom) No 1605/2002², Article 90 of the

¹ OJ L 163, 2.7.1996, p.1.Regulation as amended by Regulation (EC, Euratom) No 1882/2003 (OJ L 284, 31.10.2003, p.1).

² OJ L 248, 16.9.2002, p.1. Regulation as last amended by Regulation (EC, Euratom) No 1995/2006, OJ L 390, 30.12.2006, p.1 and by Regulation (EC, Euratom) No 1525/2007 of 17 December 2007, OJ L 343 of 27.12.2007, p. 9.

detailed rules for the implementation of the Financial Regulation determined by Regulation (EC, Euratom) No 2342/2002³, and Article 15 of the internal rules on the implementation of the general budget of the European Communities⁴.

HAS DECIDED AS FOLLOWS:

Article 1

1. In accordance with the objectives and general principles of humanitarian aid, the Commission hereby approves a total amount of EUR 850,000 for humanitarian assistance for the victims of the conflict in Chhattisgarh by using line 23 02 01 of the 2008 general budget of the European Communities.
2. In accordance with Article 2 of Council Regulation No.1257/96, the humanitarian actions shall be implemented in the pursuance of the following specific objective:
 - To provide multi-sectoral humanitarian support to the internally displaced people and to the inhabitants of the villages in the conflict area, in particular scheduled casts (SCs), scheduled tribes (STs) and other discriminated groups as well as women and children.

The total amount of this Decision is allocated to this objective.

Article 2

1. The duration for the implementation of this Decision shall be for a maximum period of 15 months, starting on 15 October 2008.
2. Expenditure under this Decision shall be eligible from 15 October 2008.
3. If the actions envisaged in this Decision are suspended owing to force *majeure* or comparable circumstances, the period of suspension shall not be taken into account for the calculation of the duration of the implementation of this Decision.

Article 3

1. The Commission shall implement the budget by direct centralised management or by joint management with international organisations.
2. The actions supported by this Decision will be implemented by humanitarian aid organisations that are signatories to the Framework Partnership Agreements (FPA) or the EC/UN Financial Administrative Framework Agreement (FAFA).
3. Taking account of the specificities of humanitarian aid, the nature of the activities to be undertaken, the specific location constraints and the level of urgency, the activities covered by this Decision may be financed in full in accordance with Article 253 of the Implementing Rules of the Financial Regulation.

Article 4

This Decision will take effect on the date of its adoption

³ OJ L 357, 31.12.2002, , p.1 Regulation as last amended by Commission Regulation (EC Euratom) No. 478/2007, OJ L 111 of 28.4.2007, P. 13

⁴ Commission Decision of 5.3.2008, C/2008/773

Done at Brussels, [...]

For the Commission

[...]

Member of the Commission



Humanitarian Aid Decision

23 02 01

Title: Humanitarian assistance for the victims of the conflict in Chhattisgarh

Location of action: India

Amount of Decision: EUR 850,000

Decision reference number: ECHO/IND/BUD/2008/02000

Explanatory Memorandum

1 - Rationale, needs and target population.

1.1. - Rationale :

Although the Naxalite (Maoist) insurgency in India has been active for over 30 years, it has gone virtually unnoticed by the outside world. The state of Chhattisgarh, in particular the districts of Dantewada and Bijapur, is the epicentre of the insurgency where continual clashes between Naxalite insurgents and Indian Security forces, assisted by militias known as the Salwa Judum, have resulted in over 1093 reported deaths since 2004, including 726 civilians¹, and the displacement of over 100 000 civilians². The Naxalite conflict has come to be recognised as the “single biggest internal security challenge ever faced by India” (statement by the Indian Prime Minister in 2007) and affects 172 of India's 602 districts.

While thousands of Scheduled Casts (SCs), Scheduled Tribes (STs) and other exposed populations have fled their villages and abandoned their fields, fearing retaliation from the Naxalites for alleged non-cooperation, the local Salwa Judum militia, supported by police forces, has been forcing villagers to take shelter in at least 24 official camps, run by the Salwa Judum, in order to isolate the Naxalites.

The State structure remains weak and the government has virtually no capacity to deliver to the SCs, STs and other populations of Dantewada and Bijapur districts even the basic amenities (tribals represent up to 79% of the two districts' population³). It is virtually impossible to get health professionals to work in Dantewada and Bijapur outside the district capitals, due to the very harsh living conditions, exacerbated by the conflict.

¹ Source: Home Minister Ram Vichar Netam in a written reply to the Federal Parliament of India, July 2008

² Source: IDMC (Internal Displacement Monitoring Centre), August 2008

³ Source: Government of India – Dantewada Data Sheet – Census 2001

On the positive side the State of Chhattisgarh signed in 2007 a cooperation agreement with the European Commission for a comprehensive support programme, including health. However, tangible benefits from this type of cooperation usually takes at least 2-3 years to materialize and its reach into the Dantewada district will be even more challenging due to the conflict. DG ECHO⁴ expects to phase out the humanitarian assistance to these communities as the improvements generated by the support programme will start producing positive outcomes in the lives of the local population, in terms of better access to social services.

Protection is also an important element in this context. In a situation of "vigilante justice", where people take law into their own hands, security for the civilians both within and outside the IDP⁵ camps cannot be guaranteed. Just like the Naxalites, Salwa Judum activists are involved in illegal checking of all vehicles passing through their area and levying of illegal taxes. The Salwa Judum has been given responsibility for controlling all IDP camps in Dantewada district, although their activists are reliably reported to be responsible for torture, rape and extrajudicial killings. Human rights groups state that the Police often fail to register First Information Reports (FIR) relating to such atrocities by the Salwa Judum activists.

1.2. - Identified needs :

IDPs

Conditions vary from camp to camp, the size of the camp population being a factor (some camps can have a population as small as a couple of hundred, whereas some like Dornapal have a population as large as 14,000, according to the camp administration). In 2007 the authorities started upgrading some camps and declared several to be permanent settlements, increasing concerns about forced displacements.

The IDPs remain extremely insecure with no access to their villages and little to no means of livelihood. In this context mental health is becoming an increasing problem⁶.

People have also fled to neighbouring states (Orissa, Andhra Pradesh, Maharashtra) and some of these remain stranded with insufficient livelihoods opportunities and virtually no access to health or education.

People in villages affected by the conflict

Civilians remaining in these villages are cut off from just about all basic services, in particular health care (Dantewada has a very high incidence of falciparum malaria), and are continuously at risk of being caught between the two warring sides, or punished by one of the sides on suspicion of aiding the other faction. On taking a village, the Naxalites tend to seal the location by blocking all access, digging deep trenches across all access paths/roads, felling trees across access routes and laying land mines. For obvious reasons, government health and education services do not operate in Naxalite areas.

Protection

Civilians are subject to constant pressure, including indoctrination and intimidation by both the Naxalites and the Salwa Judum and there is credible evidence of increasing sexual violence and rape.

⁴ Directorate-General for Humanitarian Aid - ECHO

⁵ Internally Displaced People

⁶ Source: MSF-NL

1.3. - Target population and regions concerned :

The target population are the 719,487 inhabitants of Dantewada and Bijapur districts, in the State of Chhattisgarh, in particular the estimated 100,000 displaced people and those in villages directly affected by the conflict, including in areas from where the Naxalites are operating, for as long as access to them is possible.

These two districts are amongst the worst in India in term of access to education and basic health services, with 1,161 out of 1,220 villages without access to health care and only 214⁷ villages with a school. The conflict has worsened the situation, by destroying infrastructure, and civil servants are unable to operate in these dangerous areas.

Projects financed under this Decision may also benefit conflict-related IDPs who fled to border areas of neighbouring states (Orissa, Andhra Pradesh, Maharashtra). No reliable sources exist which can indicate how many these people may be.

1.4. - Risk assessment and possible constraints :

The most important risks are related to the conflict and the various types of violence associated with it. Consequently there is also the risk that some of the most vulnerable populations will not be accessible to DG ECHO partners, either permanently or occasionally. Other risks refer to natural disasters, in relation to which the area is vulnerable, in particular flooding and droughts.

2 - Objectives and components of the humanitarian intervention proposed:

2.1. - Objectives :

Principal objective: To provide humanitarian assistance to the most vulnerable victims of the Naxalite conflict in Chhattisgarh

Specific objective:

To provide multi-sectoral humanitarian support to the internally displaced people and to the inhabitants of the villages in the conflict area, in particular scheduled casts (SCs), scheduled tribes (STs) and other discriminated groups, as well as women and children.

2.2. - Components :

Due to difficulties in accessing the region, only a very limited number of DG ECHO partners are present and operative in these districts and hence only part of the needs can be addressed.

Health

- Support to primary health care centres and operation of mobile clinics for villagers and displaced people directly affected by the conflict and where there is a high prevalence of malaria and malnutrition.

- Assistance to established health posts in terms of technical staff, equipment and medication.

- Promotion of increased knowledge and awareness of preventative health care and health enhancing behaviour (grass-roots education for health).

⁷ Source: Government of India – Dantewada Data Sheet – Census 2001
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Water and sanitation

Water and sanitation education and awareness raising campaigns for displaced people and villagers. Water quality will be surveyed and remedial actions taken, when necessary.

Protection

Mediation between both sides of the conflict in view of facilitating access by the population affected by the hostilities to basic humanitarian services.

3 - Duration expected for actions in the proposed Decision:

The duration for the implementation of this Decision shall be 15 months. Humanitarian actions funded by this Decision must be implemented within this period.

Expenditure under this Decision shall be eligible from 15 October 2008
Start Date: 15 October 2008

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

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

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

List of previous DG ECHO operations in INDIA				
Decision Number	Decision Type	2006 EUR	2007 EUR	2008 EUR
ECHO/-SA/BUD/2006/01000 (*)	Emergency	300,000		
ECHO/-SA/BUD/2006/02000 (*)	Emergency	3,000,000		
ECHO/IND/BUD/2006/01000	Non Emergency	2,000,000		
ECHO/-SA/BUD/2007/01000 (*)	Global Plan		500,000	
ECHO/-SA/BUD/2007/02000 (*)	Emergency		5,000,000	
ECHO/-SA/BUD/2007/03000 (*)	Non Emergency		6,000,000	
ECHO/DIP/BUD/2007/04000 (*)	Non Emergency		0	
ECHO/IND/BUD/2007/01000	Non Emergency		2,000,000	
ECHO/IND/BUD/2007/02000	Non Emergency		630,000	
ECHO/-FA/BUD/2008/01000 (*)	Non Emergency			2,500,000
ECHO/-SA/BUD/2008/01000 (*)	Global Plan			500,000
ECHO/IND/BUD/2008/01000	Non Emergency			2,000,000
Subtotal		5,300,000	14,130,000	5,000,000
Grand Total		24,430,000		

5 - Overview of donors' contributions

Donors in INDIA the last 12 months					
1. EU Members States (*)		2. European Commission		3. Others	
	EUR		EUR		EUR
Austria		DG ECHO	16,630,000		
Belgium		Other services			
Bulgaria					
Cyprus					
Czech republic					
Denmark					
Estonia					
Finland					
France					
Germany					
Greece					
Hungary					
Ireland	381,760				
Italy					
Latvia					
Lithuania					
Luxemburg	271,409				
Malta					
Netherlands					
Poland					
Portugal					
Romania					
Slovakia					
Slovenie					
Spain					
Sweden	350,357				
United kingdom	1,105,050				
Subtotal	2,108,576	Subtotal	16,630,000	Subtotal	0
		Grand total	18,738,576		

Dated : 19 August 2008

(*) Source : DG ECHO 14 Points reporting for Members States. <https://webgate.ec.europa.eu/hac>
Empty cells means either no information is available or no contribution.

6 - Amount of Decision and distribution by specific objectives:

6.1. - Total amount of the Decision: EUR 850,000

6.2. - Budget breakdown by specific objectives

Principal objective: <i>To provide humanitarian assistance to the most vulnerable victims of the Naxalite conflict in Chhattisgarh</i>				
Specific objective	Allocated amount by specific objective (EUR)	Geographical area of operation	Activities	Potential partners⁸
To provide multi-sectoral humanitarian support to the internally displaced people and to the inhabitants of the villages in the conflict area, in particular scheduled casts (SCs), scheduled tribes (STs) and other discriminated groups, as well as women and children.	850,000	district of Dantewada in the state of Chhattisgarh and neighbouring areas	Access to health Provision of grass-roots hygiene and health education Protection	- ICRC-CICR - MSF-B - MSF-NL - UNICEF
TOTAL:	850,000			

⁸ ARTSEN ZONDER GRENZEN (NLD), COMITE INTERNATIONAL DE LA CROIX-ROUGE (CICR), MEDECINS SANS FRONTIERES BELGIQUE/ARTSEN ZONDER GRENZEN BELGIE(BEL), UNICEF

7 - Evaluation

Under article 18 of Council Regulation (EC) No.1257/96 of 20 June 1996 concerning humanitarian aid the Commission is required to "regularly assess humanitarian aid actions financed by the Community in order to establish whether they have achieved their objectives and to produce guidelines for improving the effectiveness of subsequent actions." These evaluations are structured and organised in overarching and cross cutting issues forming part of DG ECHO's Annual Strategy such as child-related issues, the security of relief workers, respect for human rights, gender. Each year, an indicative Evaluation Programme is established after a consultative process. This programme is flexible and can be adapted to include evaluations not foreseen in the initial programme, in response to particular events or changing circumstances. More information can be obtained at:

http://ec.europa.eu/echo/evaluation/index_en.htm.

8 - Budget Impact article 23 02 01

-	CE (EUR)
Initial Available Appropriations for 2008	486.095.000
Supplementary Budgets	4.154.999,38
Transfers Commission	40.000.000
Total Available Appropriations	530.249.999,38
Total executed to date (by 05/09/2008)	445.761.319,30
Available remaining	84.488.680,08
Total amount of the Decision	850.000

Payment schedule (amounts in EUR):

2008	2009
500.000	350.000

9. MANAGEMENT ISSUES

Humanitarian aid actions funded by the Commission are implemented by NGOs, Specialised Agencies of the Member States, and the Red Cross organisations on the basis of Framework Partnership Agreements (FPA) and by United Nations agencies based on the EC/UN Financial and Administrative Framework Agreement (FAFA) in conformity with Article 163 of the Implementing Rules of the Financial Regulation. These Framework agreements define the criteria for attributing grant agreements and financing agreements in accordance with Article 90 of the Implementing Rules and may be found at http://ec.europa.eu/echo/partners/index_en.htm.

Individual grants are awarded on the basis of the criteria enumerated in Article 7.2 of the Humanitarian Aid Regulation, such as the technical and financial capacity, readiness and experience, and results of previous interventions.