



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels
C(2008) XXX final

COMMISSION DECISION

of

**on the financing of emergency humanitarian Actions from the general budget of the
European Communities in PHILIPPINES**

ECHO/PHL/BUD/2008/02000

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC, Euratom) No.1257/96 of 20 June 1996 concerning humanitarian aid¹, and in particular Article 2(a) and Article 13 thereof,

Whereas:

- (1) Following the failure to sign a historical agreement aimed at putting an end to a decade-long peace process between the Government of the Philippines and the Moro Islamic Liberation Front (MILF), which was due on 5 August 2008 in Kuala Lumpur, armed groups attacked villages in North Cotabato, Mindanao, perpetrating violent acts which triggered significant displacement.
- (2) Further to retaliation from the Armed Forces of the Philippines on 10 August 2008, the conflict escalated and spread to eleven provinces, affecting more heavily five of them, causing the displacement of close to 400,000 people and affecting another 100,000.
- (3) An ECHO monitoring and assessment mission, which took place from 10 to 13 November in Mindanao, witnessed a very difficult situation.
- (4) As of end of November 2008, more than 300,000 persons are still displaced and live in very difficult conditions in and out of evacuation centres. There is no immediate solution in sight, and what was initially considered to be a short-term situation is now becoming protracted.
- (5) Affected populations are in dire need of food, non-food items, water and sanitation, shelter, health care and other assistance.
- (6) To reach populations in need, emergency aid should be channelled through Non-Governmental Organisations (NGOs), or International Organisations including United Nations (UN) agencies. Therefore the European Commission should implement the budget by direct centralized management or by joint management.
- (7) Humanitarian aid Actions financed by this Decision should be of a maximum duration of 6 months.

¹ OJ L 163, 2.7.1996, p. 1.

- (8) It is estimated that an amount of EUR 2,500,000 from budget line 23 02 01 of the general budget of the European Communities is necessary to provide humanitarian assistance to over 300,000 displaced persons, host communities and returnees, taking into account the available budget, other donors' contributions and other factors. Therefore the activities covered by this Decision may be financed in full in accordance with Article 253 of the Implementing Rules of the Financial Regulation.
- (9) 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 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 2,500,000 for emergency humanitarian aid Actions to provide the necessary assistance and relief to people affected by the internal conflict in PHILIPPINES by using line 23 02 01 of the general budget of the European Communities.
2. In accordance with Article 2(a) of Council Regulation No.1257/96, the humanitarian Actions under this Decision shall be implemented in the pursuance of the following specific objective:
 - Provision of emergency assistance to the population affected by the internal conflict in Mindanao.

Article 2

1. The implementation of humanitarian aid Actions funded by this Decision shall have a maximum duration of 6 months from their starting date.
2. Expenditure under this Decision shall be eligible from **1 December 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 humanitarian aid Actions.

Article 3

1. The Commission shall implement the budget by direct centralised management or by joint management with international organisations.
2. Actions supported by this Decision will be implemented either by Non-profit-making organisations which fulfil the eligibility and suitability criteria established in Article 7 of Council Regulation (EC) No. 1257/96 or by International organisations.

² OJ L 248, 16.9.2002, p.1.

³ OJ L 357, 31.12.2002, p.1.

⁴ Commission Decision of 5.3.2008, C/2008/773

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 shall take effect on the date of its adoption.

Done at Brussels

*For the Commission
Member of the Commission*



Emergency Humanitarian Aid Decision
23 02 01

Title: Emergency humanitarian assistance for the people affected by the internal conflict in Mindanao, Philippines

Location of Action: PHILIPPINES

Amount of Decision: EUR 2,500,000

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

Supporting Document

1 - Rationale, needs and target population.

1.1. - Rationale:

On 5 August 2008, the Moro Islamic Liberation Front (MILF) and the Government of the Republic of Philippines (GoP) had to sign a Memorandum of Agreement granting a wider autonomy to the existing Autonomous Region of Muslim Mindanao (ARMM) and broader political and economic leadership to the Muslims on the southern island of the Philippines affected by a conflict between Muslim rebels and the Filipino Army for the last three decades. This Memorandum of Agreement was the result of ten years of negotiations over a peace agreement amid violent episodes which provoked displacement repeatedly over that period.

Following a wave of protests throughout the Philippines against the peace treaty plan, the Supreme Court halted the signature of the Memorandum of Agreement on 4th August, one day before it was to be signed in Kuala Lumpur. The failure to sign the Agreement triggered a violent reaction allegedly on behalf of renegade factions of the MILF which occupied villages, committed atrocities and burned houses, provoking a massive displacement of civilian populations. The Armed Forces of the Philippines (ARF) responded promptly, killing civilians in a number of attacks and aerial bombings and allegedly burning houses and looting civilian houses and crops¹. The conflict spread over to several provinces of western Mindanao, causing more displacement. Compared to previous violent episodes over the last

¹ "Shattered Peace in Mindanao – The human cost of conflict in the Philippines" Amnesty International, October 2008, AI index: ASA 35/008/2008

ten years, the number of civilians directly affected by this most recent escalation of hostilities has increased dramatically, with no clear end in sight.

By 8 September, figures were reaching alarming proportions. The number of persons affected by the conflict was of 501,889 in 343 barangays (villages) in 66 municipalities and 6 cities in 11 provinces². The number of displaced reached 374,530 persons, with 100,266 persons inside 124 evacuation centres and 274,264 persons outside evacuations centres³, i.e. either with relatives or families or in makeshift shelters along the road, etc.

As of 28 November, the latest update from the National Disaster Coordinating Council (NDCC), dated 27 November cites the total number of 327,484 IDPs (68,782 families) with 59,739 persons (13,439 families) in evacuation centres and 267,745 persons (55,343 families) outside these centres⁴, but the first figure could be underestimated.

A number of internally displaced people (IDPs) have been able to go back home, but the situation is very fluid, and many had to return to the evacuation centre because they considered the situation in their villages not safe enough to stay. Others are being barred by the ARF to go back to their villages, allegedly for security reasons.

Displacement is frequent in Mindanao, and people are used to leaving their homes for a few days during fighting and go back, but this appears to be the worst escalation of fighting since the 2000 and 2003 all out war. The violent attacks on communities and the absence of response of MILF leadership to the call for peace by the government are a reason to fear that the situation might still deteriorate and that displacement is going to last at the current level for some months, necessitating the considerable stepping-up of the level of assistance, which was initially granted on a short-term basis.

NDCC also reported on 27 November that the total number of houses damaged is 1,711 (1,445 totally, 266 partially). The damage to infrastructure is estimated at Php 99,024,756.08 and to agriculture Php. 152,566,236. In total, it amounts to Php. 251,590,992.08 (EUR 4,193,183).

Humanitarian response is ongoing since the beginning of the escalation of the crisis, first in the framework of existing operations, then through external funding. DG ECHO⁵ adopted on 2 October 2008 an emergency financial decision for an amount of EUR 4,000,000⁶, with a start date on 10 August 2008. The ICRC and WFP have been distributing food and non-food items and assisting displaced people according to their mandate. The authorities, through the NDCC, have also distributed assistance for an amount of EUR 3,017,883, but wish to avoid an internationalization of the situation in Mindanao underlining that the government is simply implementing a law enforcement operation and that there is no humanitarian crisis, although they recognize that there are gaps in the assistance provided to the affected populations.

During a recent monitoring and assessment mission⁷, DG ECHO staff could witness the very difficult situation in which the IDPs live in evacuation centres. The situation by sector is as follows:

² North and South Cotabato, Lanao del Sur and del Norte, Maguindanao, Shariff Kabunsuan, Sarangani, Basilan, Sultan Kudarat, Misamis Occidental and Misamis Oriental

³ National Disaster Coordinating Council Update, sitrep 30, 7 September 2008

⁴ National Disaster Coordination Council Update, sitrep 76, 27 November 2008.

⁵ Directorate-General for Humanitarian Aid - ECHO

⁶ ECHO/PHL/BUD/2008/01000, partners WFP, ICRC, Oxfam GB, ACH, STCH.

⁷ 11 to 13 November 2008 to North Cotabato (Pikit, Midsayap and Pigcawayan) and Maguindanao (Datu Piang, Mamasapano)

Water, sanitation and hygiene (WASH)

- Most sites lack adequate sanitation facilities/ toilets; the majority of IDPs defecate in the open or in nearby rivers which are also used as water sources and for washing. Many of the few existing latrines are full.
- Many visited sites lack potable water; drinking water is usually taken from unprotected shallow wells or even from open water sources (rivers and lakes).
- People do not have proper containers to carry and store drinking water.
- There appears to be no practice or tradition to boil water from unsafe sources prior to consumption. There was also a paucity of suitable containers in which to boil water.
- Most sites lack waste management.
- There is no water drainage (rain, run-off of water sources, washing areas etc.) from the IDP sites, resulting in water stagnation next to the tents and other improvised shelters, situation which is compounded by the rainy season.

Food

- No standard food ration is implemented by the relief community or government. Some agencies argue that the government distributions have not been adequate; thus they redistribute in areas already serviced in order to deliver a higher ration per family.
- People in evacuation centres are fully dependent on external assistance. The rations distributed being insufficient, they are reducing the number of meals per day.
- In Datu Piang, the nutritional situation of children below 5 is worrying, with 10,5% global acute malnutrition compounded by the very bad water and sanitation status.

Health

- IDPs in the evacuation centres (ECs) listed the following as the most common health problems: acute respiratory infection, diarrhoea, skin disease and trauma.
- In the ECs visited there were no or few health services available; international organizations assist populations with referral/transporting the most serious cases to the hospitals.

Basic commodities/non food items (NFIs)

- Needs identified in the ECs visited include: kitchen utensils, water storage containers (jugs), cloths, hygiene kits, tarpaulins, bedding/covers, lighting/lamps, etc. There have been distributions, but the number of items distributed appears not to be sufficient. The fluidity of the displacement also makes things more difficult.

Shelter

- Most ECs are congested and IDPs often stay in makeshift shelters and tents that are insufficiently waterproof.
- Most of the ECs in Mamasapano municipality are flooded during the rainy season or when the rivers are swollen. The lack of waterproof shelters is a contributing factor to the health problems in the ECs.
- There is currently no assessment on emergency shelter needs by the official cluster.
- GoP is building bunkhouses with one of the objectives being to empty classrooms in order for classes to restart. The bunkhouses are constructed from very cheap quality plastic sheeting and will not resist heavy rains and are also very hot. People will be congested there and SPHERE standards are not being respected. The shelter sites under construction often lack any sanitation facilities. The selected sites do not respect clan

divisions and it is probable that people would be reluctant to move to these new reallocation sites.

Children

- The majority of IDP children are not attending school. Some however have been enrolled in schools where the ECs are located; others receive some attention from IDP teachers.

Livelihoods

- Due to the conflict and the displacement, most farmers have not been able to harvest their crops and are now missing the rice planting season. This means that they have not only lost an opportunity to improve their diet while being displaced, thus increasing their dependence on food distributions, but that most of all they have lost the chance to prepare for the next harvest and will find themselves without livelihoods if and when the conditions allow them to go back home. Many of them have also contracted debts that they had to reimburse after harvesting. Since they have lost their harvests, they are now in a very difficult situation.
- Additionally, some people have lost everything through the looting of their homes and livelihoods.

Coordination

- Coordination is taking place among ECHO partners in order to avoid overlapping, but the fluidity of the displacement makes the situation very difficult.
- WFP has distributed food according to beneficiary lists produced by the authorities, which are only updated from time to time and leave newly arrived people out of the distribution; ICRC food parcels reach also the people who are not included in these lists.
- Validation of the information that is provided by local government units is very challenging as many IDPs are moving back and forth, torn between the desire to go back home where their livelihoods are and the fear of getting caught in crossfire.

1.2. - Identified needs:

The most urgent needs appear to be the following:

- food: as long as the displacement continues, rice distributions will be necessary, together with oil, sugar, beans and any other foodstuff aiming at diversifying the food basket.
- emergency water and sanitation: supply of good quality drinking water is necessary for the affected families. Evacuation centres usually have some source of water but the quantity is totally insufficient for the number of displaced people. Sanitation facilities have to be reinforced in order to reach minimal standards.
- non-food items (NFIs): families have most of the time left their homes without being able to bring anything with them. Affected households, and especially the newly displaced ones, urgently need cooking and kitchen utensils, mosquito nets, mats, blankets, water containers, etc. An upgrading of the level/number of NFIs already distributed should also take place in order to take into account the protracted character of the situation.
- some upgraded shelter assistance, and especially raised platform shelters, are necessary to improve the conditions in evacuation centres and to allow people outside these centres to stay in decent conditions. Up to now, only tarpaulins have been distributed, which are totally insufficient to protect people against the heavy rains.

- health care: basic health care is theoretically being provided to displaced people and other affected populations but local capacities are clearly overwhelmed. Cases of acute respiratory and urinary tract infections are being reported in some places, together with cases of measles. Children are dying of diarrhoea.
- Psycho-social support is necessary, especially for children, in order to tackle the trauma of a protracted displacement situation and the loss of their access to education. This will also have to include protection.
- emergency assistance should be given to IDPs in order to develop alternative livelihoods. If and when they can go back, urgent assistance to livelihoods recovery will have to be provided.
- coordination has to be enhanced and a mapping of IDPs should be done in order to improve the effective access to the most needy IDPs.

1.3. - Target population and regions concerned:

Eleven provinces of the island of Mindanao have been affected by the fighting so far and report displaced populations. Among them are North and South Cotabato, Lanao del Norte and Lanao del Sur, Maguindanao, Shariff Kabunsuan, Basilan, Sarangani and Sultan Kudarat.

The population targeted by the present financial Decision has been affected in one way or the other by the conflict. This includes people being displaced, having lost their home and/or their livelihoods due to looting, etc.

The average number of persons per family in Mindanao is 6.5. The average number of children per family is around 4.5.

Mindanao is one of the poorest regions of the Philippines, with human development figures that are significantly below the national average. Up to 47 percent of the population in the conflict-affected areas are food insecure⁸. The causes of food insecurity are chronic and structural but are exacerbated by conflict, recurring displacement, poor food access and deteriorated livelihoods. This outburst of renewed violence is only compounding an already dire situation.

1.4. - Risk assessment and possible constraints:

The security situation is volatile and fighting may be unpredictable. Humanitarian actors have to get security clearance from both parties before visiting a given area and they have very strict security procedures.

Besides the risk to be caught in crossfire, security risks are numerous:

- Threat of kidnap for ransom by elements of the MILF and other groups (i.e. NPA-New People's Army). Threats of terrorist attacks have also been issued by the MILF and should be taken in consideration.
- the different militias CVOs, CAFGU, police auxiliaries and other civilian militias, and also the reappearance of the Christian Illagas militias are also a threat to security. In Mindanao, the militias increase the danger facing civilians, and set off the vicious chain of reprisals. Lately, Christian mayors have been distributing arms to civilians, in a region where access

⁸ WFP EMOP 10489.1, Immediate support to Conflict-affected Populations in Mindanao, 1 June 2008 to 31 May 2009

to weapons is very easy. It should be noted that serious Human Rights abuses are perpetrated by all sides, and hostage taking is common.

- Impact of perceptions of humanitarian agencies and aid operations: In the tense communal atmosphere of the affected areas, the perceptions of local government, civilian populations, militias etc of the INGOs /ICRC/UN are important security considerations –in some areas the humanitarian agencies are viewed as providing sustenance to the enemy (by helping Muslim IDPs). Conversely (and perversely), the same NGOs are sometimes viewed with suspicion in the MILF areas.
- Violent criminality, especially in Cotobato City, and including clan feuds.

In case of renewed violence, the level of alert could be raised and international staff forced to evacuate the area.

Finally, the rainy season is hampering the operations. Access by road is difficult in some areas.

2 - Objectives and components of the humanitarian intervention proposed:

2.1. - Objectives:

Principal objective:

Emergency humanitarian assistance to people affected by the internal conflict in Mindanao.

Specific objective:

Provision of emergency assistance to the population affected by the internal conflict in Mindanao.

2.2. - Components:

- emergency food distributions,
- provision of drinking water and additional sanitation facilities,
- non-food relief items including household and hygiene kits,
- upgraded shelter assistance,
- primary health care,
- emergency support to alternative livelihoods and early livelihood recovery,
- psycho-social support-and protection,
- coordination and mapping of IDPs and assistance.

3 - Duration expected for actions in the proposed Decision:

The duration of humanitarian aid actions shall be 6 months.

Expenditure under this Decision shall be eligible from **1 December 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 PHILIPPINES				
Decision Number	Decision Type	2006 EUR	2007 EUR	2008 EUR
ECHO/DIP/BUD/2006/01000 (*)	Non Emergency	0		
ECHO/PHL/BUD/2006/01000	Emergency	2,000,000		
ECHO/PHL/BUD/2007/01000	Non Emergency		710,000	
ECHO/DIP/BUD/2008/02000 (*)	Non Emergency			0
ECHO/PHL/BUD/2008/01000	Emergency			4,000,000
	Subtotal	2,000,000	710,000	4,000,000
	Grand Total	6,710,000		

Dated : 28 November 2008

Source : HOPE

(*) decisions with more than one country

The European Commission response to the Mindanao conflict since 1997, both humanitarian aid and other financial instruments, amounts to more than EUR 26,000,000. DG ECHO's last financial Decision for Mindanao was adopted in 2005.

DG ECHO is present in the Philippines with its disaster preparedness programme (DIPECHO). Under the 2008 6th DIPECHO Action Plan for South East Asia⁹ 6 projects have been launched. The Philippines receives about EUR 2,000,000 out of EUR 10,000,000 for in-country disaster preparedness projects in addition to regional initiatives.

⁹ ECHO/DIP/BUD/2008/02000

5 - Overview of donors' contributions

Donors in PHILIPPINES the last 12 months					
1. EU Members States (*)		2. European Commission		3. Others	
	EUR		EUR		EUR
Austria		DG ECHO	4,000,000		
Belgium		Other services			
Bulgaria					
Cyprus					
Czech republic					
Denmark	100,000				
Estonia					
Finland					
France	70,000				
Germany	1,048,750				
Greece					
Hungary					
Ireland	99,750				
Italy	1,000,000				
Latvia					
Lithuania					
Luxemburg	178,094				
Malta					
Netherlands					
Poland					
Portugal					
Romania					
Slovakia					
Slovenie					
Spain					
Sweden	585,861				
United kingdom					
Subtotal	3,082,455	Subtotal	4,000,000	Subtotal	0
		Grand total	7,082,455		

Dated : 28 November 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.

The Commission, through its Uprooted People budget line, has allocated a EUR 3,000,000 envelope to UNDP for assistance to displaced people in Mindanao. This is a non-emergency funding in favour of people displaced by earlier conflict outbreaks.

6 - Amount of Decision and distribution by specific objectives:

6.1. - Total amount of the Decision: EUR 2,500,000

6.2. - Budget breakdown by specific objectives

Principal objective: Emergency humanitarian assistance to people affected by the internal conflict in Mindanao			
Specific objectives	Allocated amount by specific objective (EUR)	Geographical area of operation	Potential partners¹⁰
Specific objective 1: Provision of emergency assistance to the population affected by the internal conflict in Mindanao	2,500,000	Mindanao	- ACH- ESP - IOM - WFP-PAM
TOTAL: 2,500,000			

¹⁰ ACCION CONTRA EL HAMBRE, (ESP), INTERNATIONAL ORGANIZATION FOR MIGRATION (INT), WORLD FOOD PROGRAM

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/policies/evaluation/introduction_en.htm

8. 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/about/actors/partners_en.htm.

For International Organisations identified as potential partners for implementing the Decision, actions will be managed under joint management.

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.