



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels
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COMMISSION DECISION

of

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

ECHO/LKA/BUD/2008/01000

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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) The conflict between government forces and the LTTE² in the north of Sri Lanka has seriously escalated since the beginning of 2008.
- (2) Military advances by government forces in the Vanni³ have led to the displacement of at least 300,000 people.⁴
- (3) In September 2008 the Government of Sri Lanka (GoSL) informed humanitarian agencies working in the Vanni that they should relocate outside the conflict zone since the security of staff and property could not be guaranteed.
- (4) By 1 October 2008 all United Nations (UN) and Non-Governmental Organisations (NGOs) had left the Vanni.
- (5) The International Committee of the Red Cross (ICRC) has been allowed to continue their activities in the Vanni.
- (6) Civilians trapped in the conflict area and already vulnerable after months of protracted conflict and displacement, have little or no access to essential humanitarian supplies.
- (7) Both sides to the conflict have agreed to a system of safe humanitarian convoys with WFP food and other essential supplies to reach people in need in the Vanni.

¹ 1- OJ L 163, 2.7.1996, p. 1.

² Liberation Tigers of Tamil Eelam

³ The "Vanni" is an area covering partially Mullaitivu, Kilinochchi, Mannar and Vavuniya districts in north Sri Lanka.

⁴ IASC Situation Report Sri Lanka, No 149, 16-23 October 2008

- (8) To reach populations in need, emergency aid should be channelled through International Organisations including United Nations agencies. Therefore, the European Commission should implement the budget by direct centralised management or by joint management.
- (9) Humanitarian aid Actions financed by this Decision should be of a maximum duration of 6 months.
- (10) It is estimated that an amount of EUR 2,000,000 from budget article 23 02 01 of the general budget of the European Communities is necessary to provide humanitarian assistance to over 300.000 IDPs and conflict affected population taking into account the available budget, other donors' contributions and other factors. Therefore, the Actions covered by this decision may be financed in full in accordance with Article 253 of the rules for the implementation of the Financial Regulation.
- (11) The present Decision constitutes a financing Decision within the meaning of Article 75 of the Financial Regulation (EC, Euratom) No 1605/2002⁵, Article 90 of the detailed rules for the implementation of the Financial Regulation determined by Regulation (EC, Euratom) No 2342/2002⁶, and Article 15 of the Internal Rules on the Implementation of the general budget of the European Communities⁷.

HAS DECIDED AS FOLLOWS:

Article 1

1. 1. In accordance with the objectives and general principles of humanitarian aid, the Commission hereby approves a total amount of EUR 2,000,000 for emergency humanitarian aid Actions to provide the necessary assistance and relief to IDPs and conflict affected people in SRI LANKA by using article 23 02 01 of the 2008 general budget of the European Communities.
2. 2. In accordance with Article 2(a) of Council Regulation No.1257/96, the humanitarian Actions shall be implemented in the pursuance of the following specific objective:
 - To provide integrated humanitarian assistance to Internally Displaced People (IDPs) and conflict affected population in the Vanni, Sri Lanka

The full amount of this Decision is allocated to this specific objective.

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 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 humanitarian aid Actions.

⁵ 2- OJ L 248, 16.9.2002, p.1.

⁶ 3- OJ L 357, 31.12.2002, p.1.

⁷ 4- Commission Decision of 5.3.2008, C/2008/773

Article 3

1. The Commission shall implement the budget by joint management with international organisations.
2. The Actions supported by this Decision will be implemented by International organisations.
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 IDPs and conflict affected population in the Vanni, Sri Lanka

Location of Action: SRI LANKA

Amount of Decision: EUR 2,000,000

Decision reference number: ECHO/LKA/BUD/2008/01000

Supporting Document

1 - Rationale, needs and target population.

1.1. - Rationale:

The Sri Lanka Army (SLA) has made significant military advances in former areas controlled by the Liberation Tigers of Tamil Eelam (LTTE) in the Vanni since June 2008 causing massive displacement of the local population. The number of IDPs in the conflict affected area has increased from nearly 110,000 in June to over 300,000¹ in October. Kilinochchi, the main administrative town is under direct siege of the SLA and almost all of its population has been displaced. The population has been fleeing from shelling and aerial bombardment and moving eastwards into the LTTE controlled Mullaitivu district.

Due to repeated displacement, access restrictions and disruption to livelihood caused by the fighting, coping mechanisms of the affected population are poor and the majority of people within the Vanni are dependent on humanitarian aid. Until early September 2008 both INGOs and UN agencies were allowed to operate in the Vanni. Access for international staff was difficult but allowed with some restrictions. The transport of limited quantities of relief goods was also possible although fuel restrictions had obliged agencies to scale down operations. In September 2008 the government ordered all INGOs and UN agencies working in the Vanni to relocate their humanitarian and development operations outside the conflict area before 29 September. The reasons given by the government were the security and safety of personnel and property.

¹ IASC Situation Report Sri Lanka, No 149, 16-23 October 2008
ECHO/LKA/BUD/2008/01000

The International Committee of the Red Cross (ICRC) was allowed to remain present in the Vanni with some international staff (7-8 people). ICRC continues shelter, water and sanitation and protection programming apart from acting as a point of contact for both sides. ICRC has made clear however that their capacity is limited and their role will be determined by the ever evolving security situation. ICRC should not be expected to scale up significantly its operation in the Vanni.

The government has also tried to encourage the population in the conflict area to leave the Vanni. At present however there is little or no displacement into Government controlled areas due to both the lack of safe passage and strict restrictions imposed by the LTTE on movement. Reports of SLA treatment of IDPs who have already escaped LTTE controlled areas is also believed to be a deterrent factor. The concept of "safe havens" which has been advocated by humanitarian actors has met with resistance from the parties to the conflict.

In response to the factors above and the possibility of a humanitarian crisis developing, the Commission and other humanitarian actors pressed for the establishment of a system of safe humanitarian convoys with food and other essential supplies to reach people in need in the Vanni. They also insisted on independent observers being allowed to accompany the convoys to ensure that supplies reach those in need without discrimination. UN/WFP successfully negotiated with the government for the establishment of a UN led humanitarian convoy system with international monitors.

By 4 November, four UN convoys carrying a total of 2.300 MT of food from WFP had been allowed into the Vanni. Since these convoys cover the period from 15 September to 4 November this means that only 46% of the monthly food requirements have so far been met. In addition to WFP food, the Government is also sending convoys with food for subsidized selling. However with the erosion of coping mechanisms, very few people have any purchasing capacity.

The government has not yet given permission for any other essential items such as temporary shelter materials, identified as a priority given the onset of the monsoon season, to be transported on the convoys. Water and sanitation materials, health supplies, medicines and non food relief items are also required.

However, the government has asked the international community to contribute to the establishment of a humanitarian hub, including transit camps, in the government controlled district of Vavuniya. The treatment to be extended to IDPs in the camps is a point of concern for the humanitarian community since similar camps such as Kalimoddai, in government controlled areas of Mannar, have been compared to internment camps. United Nations High Commissioner for Refugees (UNHCR) has already shared with the government an "aide memoire" on camp management establishing the principles guiding its engagement in the process of constructing and managing the camps in Vavuniya.

The 2008 Global Plan for Sri Lanka² is already targeting the emergency needs of conflict affected populations in Sri Lanka. Given the increasing IDP population in the Vanni however and the withdrawal of humanitarian agencies, this emergency decision will provide additional resources to meet the increased needs of the conflict affected population through the two agencies (ICRC and WFP) allowed to operate in the conflict area.

1.2. - Identified needs:

Despite repeated government assurances that the needs of IDPs in the Vanni are being fully met, the outcome of recent needs assessments show that there are important gaps.

² ECHO/-SA/BUD/2008/01000
ECHO/LKA/BUD/2008/01000

A joint UN assessment mission undertook a rapid needs survey in the Vanni on 17 October 2008. The mission visited Puthukudiyiruppu (PTK) and Tharmapuram (THA). Despite very limited time on the ground, the assessment team was able to confirm the main needs and priorities in the area. It should be noted that this assessment was consistent with information collected from several sources. The main needs identified are: protection (physical security for civilians), food, shelter and water and sanitation. In addition health and logistics remain important sectors deserving additional support.

ICRC has also stated in its most recent situation report that food, shelter, clean water, sanitation and, above all, security remain the most urgent concerns.³

Protection

The main concern is the physical insecurity of civilians due to ongoing military activity, frequent displacement and forced recruitment as well as lack of privacy for women and girls. In addition, restrictions of movement imposed on civilians by the LTTE and treatment of IDPs leaving the Vanni by the SLA are of paramount concern.

Food

Food remains the overwhelming priority. IDPs rely primarily on WFP and GoSL food aid for their main food source. Although WFP estimates that there will be carry-over food to the first quarter of 2009 under the new PRRO 10756.0 "Food for Peace building and Recovery in Conflict-affected areas", the current increase in demand in the north plus the 3-6 month lead time required for the food to arrive, means that funding pledges are required before the end of the year. WFP's budget for 2009 is USD 71.7 million and there will be pipeline breaks for some commodities from February 2009. Longer term food security is also a point of concern.

Shelter

Interviewees in the Vanni indicated that shelter was their second or third priority after physical security and food assistance. There is insufficient space in communal buildings to accommodate all IDPs and many families are currently occupying paddy and other low-lying land which is likely to be flooded during the present rainy season. The UN assessment team visited two locations where government officials already indicated the need for over 10,000 shelters. Given the limited availability of shelter materials in the Vanni, emergency shelter materials as well as technical assistance are an urgent requirement.

Water and Sanitation

Water resources are insufficient to meet the needs of the increased population. While a small number of tube wells have been constructed by humanitarian agencies, there is a high dependency on water bowsering for drinking water. This is not sustainable due to the lack of fuel for transportation and plastic water tanks.

Ponds and irrigation channels are used for bathing, and IDPs make informal arrangements to ensure gender segregated areas for bathing. Government officials indicated a need for over 2,000 latrines in each of the two locations visited by UN which represents only a fraction of the needs.

Health and nutrition

Therapeutic feeding programmes (United Nations Children's Fund, UNICEF) have been stopped since February and essential milk cargo for children is not allowed into the Vanni. Nutritional indicators, though not comprehensive, indicate a downward trend. 5% of children in Tharmapuram are severely malnourished.

³ ICRC Operational Update 13/10/2008.

Health centres suffer from limited fuel availability for generators and cold chain. From nine operational hospitals in June 2008, there are now four. A shortage of anaesthetic drugs affects the possibility to undertake surgery and there are reports of shortages in certain other drugs and supplies including antibiotics and anti-snake venom. Hospitals also face significant challenges in the area of human resource capacity, inadequate diagnostic and operating facilities, overcrowding, and insufficient water and sanitation.

Logistics

In view of the limited tonnage of food currently being brought into the Vanni there is an increased need for the inter-agency logistics services provided by WFP. WFP has processed a budget revision (USD 1.8 million) and extension of the Special Operation (SO) 10530 "Augmentation of Logistics Preparedness Capacity" until 2010 to support the food programme. In particular, there is an urgent need to expand the fleet capacity by purchasing trucks (procurement of about 10 trucks, having a fleet/workshop manager with truck spares and accessories on site), and to upgrade the storage hub in the north to facilitate the movement of humanitarian cargo to the Vanni.

Vavuniya hub

In the event that there is a sudden and major displacement of population to Vavuniya (see below), it may also be necessary to provide additional resources for the construction and management of IDP camps, provision of basic food, complementary food, water and sanitation protection and health services. So far local government officials have identified eight schools to be used as transit centres while 70 acres of land are being cleared to host displaced families.

1.3. - Target population and regions concerned:

This Decision will target up to 350,000 people affected by the ongoing conflict in the Vanni. The main beneficiaries will be IDP and conflict affected population in the Vanni districts of Kilinochchi, Mullaitivu and Vavuniya.

Operations will take into account the special needs of vulnerable groups such as children, women heads of family, elderly, and disabled.

1.4. - Risk assessment and possible constraints:

The following scenarios have been identified:

1. The most likely scenario in the short term is that the majority of IDPs will remain in the Vanni. People will move eastwards along the A35 road and around the location called, PTK (Puthukudiyiruppu). The provision of humanitarian aid is dependent on continued government approval for the operation of humanitarian convoys and for ICRC operations. There is a risk that security conditions may deteriorate and stop the convoys running. The ongoing monsoon season and the frequent transit of heavy trucks may also lead to bad road conditions which would severely hamper the movement of trucks.
2. A massive displacement out of the Vanni with up to 200,000 IDPs hosted in the Vavuniya "humanitarian hub" is another scenario. This is rather unlikely in the short term but could take place in several waves in the mid to long term (3-6 months). In this scenario a well defined protection policy stipulating the minimal conditions of engagement needs to be adopted. Access to Vavuniya is also a problem with stringent screening in Medawachchiya checkpoint which does not facilitate building up sufficient stocks in Vavuniya.

3. A third scenario would be a combination of the scenarios above with pockets of civilians leaving the Vanni according to the evolution of the military campaign and others remaining in the Vanni. In this case the constraints of both scenarios need to be taken into account.

Manipulation and politicisation of aid is a constant risk in Sri Lanka. DG ECHO⁴ is taking this into account in order to mitigate the possible negative impact of excessive funding.

2 - Objectives and components of the humanitarian intervention proposed:

2.1. Objectives:

Principal objective: To save and preserve the lives of Internally Displaced People (IDPs) and conflict affected population in the Vanni, Sri Lanka

Specific objective:

To provide integrated humanitarian assistance to Internally Displaced People (IDPs) and conflict affected population in the Vanni, Sri Lanka

2.2. Components:

This decision will focus on saving and preserving the life of the Vanni population affected by the conflict. The main sector of intervention will be protection, food, shelter, water and sanitation, health, non food relief items and logistics. The following actions will be considered per sector:

Protection

- International presence in the Vanni aiming at safeguarding respect for IHL principles.

Food

- Provision of basic and complementary food supplies

Shelter

- Provision of emergency and temporary shelter material

Water and sanitation

- Provision of safe drinking water
- Emergency rehabilitation of water sources, including wells
- Emergency rehabilitation of sanitation facilities

Health

- Emergency medical supplies and/or staff

Non food relief items

- Household NFRI kits, hygiene kits and infant kits among other non food items

Logistics

- Reinforcement WFP logistics trucking capacity for humanitarian convoys and aid cargo transport

⁴ Directorate General for Humanitarian Aid -ECHO

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 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 SRI LANKA				
Decision Number	Decision Type	2006 EUR	2007 EUR	2008 EUR
ECHO/-SA/BUD/2006/01000 (*)	Emergency	4,700,000		
ECHO/LKA/BUD/2006/01000	Non Emergency	7,000,000		
ECHO/-FA/BUD/2007/01000 (*)	Non Emergency		2,000,000	
ECHO/-FA/BUD/2007/02000 (*)	Non Emergency		1,000,000	
ECHO/-SA/BUD/2007/01000 (*)	Global Plan		11,500,000	
ECHO/-FA/BUD/2008/01000 (*)	Non Emergency			1,500,000
ECHO/-FA/BUD/2008/02000 (*)	Non Emergency			1,500,000
ECHO/-SA/BUD/2008/01000 (*)	Global Plan			13,500,000
	Subtotal	11,700,000	14,500,000	16,500,000
	Grand Total	42,700,000		

Dated : 30 October 2008
Source : HOPE

(*) decisions with more than one country

5 - Overview of donors' contributions

Donors in SRI LANKA the last 12 months					
1. EU Members States (*)		2. European Commission		3. Others	
	EUR		EUR		EUR
Austria		DG ECHO	16,500,000		
Belgium	600,000	Other services			
Bulgaria					
Cyprus					
Czech republic					
Denmark	2,010,071				
Estonia					
Finland	200,000				
France					
Germany	3,472,621				
Greece	200,000				
Hungary					
Ireland	250,000				
Italy					
Latvia					
Lithuania					
Luxemburg	250,000				
Malta					
Netherlands	999,740				
Poland					
Portugal					
Romania					
Slovakia					
Slovenie					
Spain	216,500				
Sweden	2,470,762				
United kingdom					
Subtotal	10,669,694	Subtotal	16,500,000	Subtotal	0
		Grand total	27,169,694		

Dated : 30 October 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 2,000,000

6.2. - Budget breakdown by specific objectives

Principal objective: <i>To save and preserve the lives of IDPs and conflict affected population in the Vanni, Sri Lanka</i>			
Specific objectives	Allocated amount by specific objective (EUR)	Geographical area of operation	Potential partners⁵
Specific objective 1: To provide integrated humanitarian assistance to IDPs and conflict affected population in the Vanni, Sri Lanka	2,000,000	Vanni	- ICRC-CICR - WFP-PAM
TOTAL:2,000,000			

⁵ COMITE INTERNATIONAL DE LA CROIX-ROUGE (CICR), 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/evaluation/index_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/partners/index_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.