



EUROPEAN COMMISSION

Brussels  
C(2009) XXX final

**COMMISSION DECISION**

**of**

**on the financing of humanitarian Actions in India and Sri Lanka from the general  
budget of the European Union**

(ECHO/LKA/BUD/2009/03000)

## COMMISSION DECISION

of

### on the financing of humanitarian Actions in India and Sri Lanka from the general budget of the European Union

(ECHO/LKA/BUD/2009/03000)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

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

Whereas:

- (1) Due to the conflict between Tamil separatists<sup>2</sup> and the Government of Sri Lanka (GoSL) in the north and east of Sri Lanka between 1983 and 2009, over 100,000 Sri Lankan Tamils have fled to refugee camps in Tamil Nadu, India;
- (2) Living conditions in many of the refugee camps are precarious, particularly in terms of shelter and basic water and sanitation. There is a need for food security and livelihood activities within the camps;
- (3) Many refugees, encouraged by the resettlement programme ongoing in Sri Lanka since mid 2009, are now considering returning to their homes in the former conflict areas;
- (4) There is a need for protection activities including help to obtain civil documents and information on return and reintegration options;
- (5) To reach populations in need, humanitarian aid should be channelled through Non-Governmental Organisations (NGOs). Therefore the European Commission should implement the budget by direct centralized management;
- (6) An assessment of the humanitarian situation leads to the conclusion that humanitarian aid Actions should be financed by the European Union for a period of 12 months;
- (7) It is estimated that an amount of EUR 1,000,000 from budget article 23 02 01 of the general budget of the European Union is necessary to provide humanitarian assistance to over 25,000 Sri Lankan refugees based in India, taking into account the available budget, other donors' contributions and other factors. The activities covered by this Decision may be financed in full in accordance with Article 253 of the Implementing Rules of the Financial Regulation;

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<sup>1</sup> OJ L 163, 2.7.1996, p. 1.

<sup>2</sup> Liberation Tigers of Tamil Eelam (LTTE)

- (8) The present Decision constitutes a financing Decision within the meaning of Article 75 of the Financial Regulation (EC, Euratom) No 1605/2002<sup>3</sup>, Article 90 of the detailed rules for the implementation of the Financial Regulation determined by Regulation (EC, Euratom) No 2342/2002<sup>4</sup>, and Article 15 of the internal rules on the implementation of the general budget of the European Union<sup>5</sup>;

HAS ADOPTED THIS DECISION:

*Article 1*

1. In accordance with the objectives and general principles of humanitarian aid, the Commission hereby approves a total amount of EUR 1,000,000 for the financing of humanitarian Actions in India and Sri Lanka from budget article 23 02 01 of the 2009 general budget of the European Union.
2. In accordance with Article 2 of Council Regulation No.1257/96, the principal objective of this Decision is:
  - To provide humanitarian assistance to Sri Lankan refugees based in camps in Tamil Nadu.

The humanitarian Actions shall be implemented in the pursuance of the following specific objective:

- To improve the humanitarian situation of Sri Lankan refugees based in camps in Tamil Nadu through multi-sectoral assistance such as shelter, water and sanitation, food security and protection activities.

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

*Article 2*

1. The period for the implementation of the Actions financed under this Decision shall start on 1 October, 2009 and shall run for 12 months. Eligible expenditure shall be committed during the implementing period of the Decision.
2. If the implementation of individual actions is suspended owing to force majeure or other exceptional circumstances, the period of suspension shall not be taken into account in the implementing period of the Decision in respect of the Action suspended.
3. In accordance with the contractual provisions ruling the Agreements financed under this Decision, the Commission may consider eligible those costs arising and incurred after the end of the implementing period of the Action which are necessary for its winding-up.
4. The Authorising Officer may, where this is justified by the humanitarian situation, extend the duration of the Decision for a maximum of 6 months provided that the total duration of the Decision does not exceed 18 months, in accordance with Article 90.4 of the Implementing Rules of the Financial Regulation.

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<sup>3</sup> OJ L 248, 16.9.2002, p.1.

<sup>4</sup> OJ L 357, 31.12.2002, p.1.

<sup>5</sup> Commission Decision of 5.3.2008, C/2008/773

*Article 3*

1. In accordance with Article 253 of the Implementing Rules and having regard to the urgency of the Action, the availability of other donors and other relevant operational circumstances, funds under this Decision may finance humanitarian Actions in full.
2. Actions supported by this Decision will be implemented by Non-profit-making organisations which fulfil the eligibility and suitability criteria established in Article 7 of Council Regulation (EC) No 1257/96.
3. The Commission shall implement the budget by direct centralised management with Non-governmental Organisations.

*Article 4*

This Decision will take effect on the date of its adoption.

*Article 5*

This Decision is addressed to the delegated authorising officer.

Done at Brussels,

*For the Commission*  
*Peter Zangl, Director-General*



**Humanitarian Aid Decision**  
**23 02 01**

**Title:** Commission decision on the financing of Humanitarian Actions in India and Sri Lanka from the general budget of the European Union.

**Description:** Humanitarian Aid for Sri Lankan refugees based in camps in Tamil Nadu.

**Location of Action:** India and Sri Lanka

**Amount of Decision:** EUR 1,000,000

**Decision reference number:** ECHO/LKA/BUD/2009/03000

## **Supporting Document**

### **1 - Rationale, needs and target population:**

#### 1.1. - Rationale:

The conflict between Tamil separatists<sup>1</sup> and the Government of Sri Lanka (GoSL) in the north and east of Sri Lanka between 1983 and 2009 has claimed over 100,000 human lives. Over 800,000 people have been internally displaced and at least 100,000 Tamils have fled to Tamil Nadu, India. The escalation of the conflict since 2006 has had a devastating effect on the lives of civilians in the north and east. Many thousands are thought to have died in the final weeks of the conflict and over 270,000 IDPs, mainly ethnic Tamils who fled the last stages were detained in camps in the north for months after the conflict ended. Major violations of international humanitarian law and human rights by all parties<sup>2</sup> have been a hallmark of the conflict and despite the government's military victory over the LTTE in May 2009 many of these violations continue today.

Tamil Nadu is a natural destination for fleeing Tamils, not only because of the geographical location but also because of language, cultural, ethnic and historical ties. According to the Government Department of Rehabilitation, the total Sri Lankan refugee population in Tamil Nadu is 104,067 people<sup>3</sup>. Of those registered, around 74,000 people are accommodated in

<sup>1</sup> Liberation Tigers of Tamil Eelam (LTTE).

<sup>2</sup> GoSL, LTTE and para military factions.

<sup>3</sup> Unofficial sources say there may be an additional 100,000 unregistered refugees.

117 camps spread across 25 districts. The average camp has around 50-100 families. The remainder live with host families or independently with no government support. Some of the camps were originally set up as early as 1983 and a large majority of refugees have been in the camps more than 10 years.

Since January 2006, 24,082 new refugees have settled in the Tamil Nadu camps. The trend is decreasing however, with a total of 2,797 new refugees registered in 2008 and 858 between January and July 2009. This is partly because both Indian and Sri Lankan marines sealed off the Sri Lankan coast during the last military offensive in 2008-2009 to avoid arms traffic and movement of militants. This prevented people from fleeing the island and most of the recent refugees have arrived by air. Once in India they are thoroughly investigated by Indian intelligence services before being sent to camps (or detention centres for those not cleared).

The camps are under the administration of the Tamil Nadu State Government which provides the refugees with free space to build a shelter and free access to basic facilities. A small monthly cash allowance<sup>4</sup> and some subsidized food items such as rice, sugar and kerosene are also provided. Living conditions in the camps vary from location to location but are generally precarious, particularly in terms of shelter and basic water and sanitation which in some camps is almost non-existent. The refugees have free access to the public health system and to government primary/secondary schools, but most refugees view these as very poor compared to the systems in Sri Lanka. Access to tertiary education is difficult. Refugee movements are closely monitored by the police and local authorities and a special permit is required in order to stay overnight outside the camps. Access to the camps is controlled (no internationals or media) and only a few International Non-Governmental Organisations (INGOs) have permission to work there.

The military conflict in Sri Lanka ended in May 2009 and in October the GoSL began an accelerated return programme to resettle IDPs from the camps to their places of origin in Mannar, Vavuniya, Mullaitivu, Kilinochchi and Trincomalee. By early November over 100,000 people had been released from the camps. It is now possible that Sri Lankan refugees in the Tamil Nadu camps will want to return to reclaim their lands and homes. For many refugees, claiming back their land would be a pre-condition to return. The legal process, access to civil documentation and land titles will need to be addressed in parallel with any return. The process is likely to be long and complex administratively especially for older people or those who have been in the camps for a long time.

India has no specific legislation or legal regime that recognises the rights of refugees as a special group in need of protection, and it has not signed the 1951 Refugee Convention nor its 1967 Protocol. The Government of India considers refugee communities on a case by case basis. Apart from the special agreement the United Nations High Commissioner for Refugees (UNHCR) has obtained with the Indian authorities to monitor and aid repatriation requests, UNHCR has no mandate to provide emergency assistance and has no access to the camps. Despite the fact that the camps have existed since 1983, the Indian government has no immediate plans to integrate the refugees into Indian society.

DG ECHO<sup>5</sup> has been funding humanitarian programmes in Tamil Nadu since 2003 as part of the Global Plan or ad hoc decision for Sri Lanka. Due to the current situation in Sri Lanka no long-term decision is foreseen for 2009, consequently an ad hoc decision for the refugees in Tamil Nadu has been proposed. The focus of this decision will be on shelter, water and sanitation, food security and protection.

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<sup>4</sup> Rs 958/month for 2 adults and 2 children.

<sup>5</sup> Directorate-General for Humanitarian Aid – ECHO.

## 1.2. - Identified needs:

### *Shelter and non-food relief items (NFRI)*

- Some long established refugee families and many of the refugees who arrived after 2006 are accommodated in community buildings such as markets, schools and warehouses and in Regulated Market Committees (RMCs). Conditions in these buildings are totally inadequate: lack of fresh air because of limited windows; overcrowding; poor access to water supply resulting in poor hygiene; high level of exposure to health hazards; lack of privacy; etc. The situation remains precarious regardless of any improvements provided. As a priority, families in these centres need to be relocated to adequate individual shelters.
- Each refugee family is provided with one 10 by10 feet shelter by the government on arrival, but this is totally inadequate for larger families of up to 10 people. In addition, shelter in many of the older camps has never been maintained and is in serious need of repair.
- In addition to shelter, an urgent need for newly arrived families is the distribution of Non-Food Relief Items (NFRI) such as cooking utensils, buckets, sleeping mats, and other essentials.

### *Water and Sanitation*

- Access to water is so limited that refugees have increasingly to buy drinking water. There is a need to construct drinking water wells with facilities for water storage and water testing. Most of the camps are also facing health risks because of stagnating water due to the absence of sewage systems.
- In most of the camps, toilets once constructed by authorities are seldom repaired or maintained. The toilets are mostly damaged or in atrocious conditions and there are insufficient toilets for the population. Consequently, in most of the camps, open defecation is a common practice. With DG ECHO support the issue has been addressed in almost 50% of the camps but the need remains completely unmet in the remaining camps.
- Hygiene promotion to the watsan committees and other stakeholders such as women groups, youth groups etc. is essential.
- There is no proper waste disposal system in most of the camps. There is a need to mobilise the community and generate awareness through hygiene promotion and link to the municipal corporation for waste disposal and management.

### *Food Security and Livelihoods*

- Support from the government through food rations and cash is insufficient for a family to survive adequately. Livelihood opportunities are limited since refugees are officially not allowed to work outside the camps. They do have access to daily unskilled work, which provides minimum wages, but they can only leave the camps between 6am and 6pm and this can be a major obstacle to accessing work. Considering these restrictions, alternative options have to be promoted such as support to existing self-help groups, provision of land for agriculture and home gardens, support to women specific livelihood activities, etc. The type of activities to be supported should also have a connection to potential livelihood opportunities in Sri Lanka.
- There are several women headed, elderly and people with special needs who have no means of survival except the minimum ration/cash support by authorities which is again insufficient. These people could be supported with provision of livestock such as goats, poultry etc for immediate income and thus maintenance of the family.

### *Protection*

- Refugees do not have a recognised status or rights and this lack of a legal framework means they have no legal recourse in the case of disputes. Their precariousness is often exploited by employers, through reducing or delaying salaries. They are also reports of harassment by some local authority officers. Refugees in the camps are usually the poorest and are an easy target.
- All registered refugees have a specific refugee identity (ID) card. They can theoretically apply to procedures for registration of births, deaths and marriages in India, similarly to Indian citizens. But there are huge obstacles, one major issue being the administrative burden and cost of processing certificates. Between 30,000 and 80,000 people are believed to have citizenship problems linked to the lack of proper ID, this is further complicated by the fact that Sri Lankan ID can only be issued in Sri Lanka. Support to obtain civil and land documents in Sri Lanka will therefore also be required.
- There is a need for updated information on return and reintegration possibilities and on Indian citizenship for those wishing to consider local integration.

#### 1.3. - Target population and regions concerned:

The population targeted by this decision are the Sri Lankan refugees living in camps in Tamil Nadu, in particular women and children. It is foreseen that the DG ECHO programme will reach a minimum of 25,000 beneficiaries in the refugee camps.

Activities related to legal processes for obtaining Sri Lankan civil and land documents will be carried out in Sri Lanka.

#### 1.4. - Risk assessment and possible constraints:

- INGOs seeking to provide humanitarian assistance in the camps must receive authorisation from the Tamil Nadu authorities.
- Work on facilities such as latrines/water/shelter requires government approval. Facilities should not be better than for local residents.

## **2 - Objectives and components of the humanitarian intervention proposed:**

### 2.1. - Objectives:

Principal objective:

To provide humanitarian assistance to Sri Lankan refugees based in camps in Tamil Nadu.

Specific objective:

To improve the humanitarian situation of Sri Lankan refugees based in camps in Tamil Nadu through multi-sectoral assistance such as shelter, water and sanitation, food security and protection activities.



## 2.2. - Components:

<b>Sector</b>	<b>Activities:</b>
Shelter and NFRI	Provision of temporary emergency shelter for newly arrived refugees Relocation into semi-permanent shelter for refugees living in community shelters Care and maintenance of existing shelters in the camps Provision of NFRI to newly arrived refugees

<b>Sector</b>	<b>Activities:</b>
Water and Sanitation	Construction and rehabilitation of septic tanks, latrines, solid waste disposal facilities Construction and rehabilitation of drinking water wells and water pumps Provision of hygiene promotion activities to refugees Capacity building to hygiene promoters and other stakeholders

<b>Sector</b>	<b>Activities:</b>
Food Security	Provision of livelihood/food security kits to re-start livelihood activities Training in improved livelihood techniques

<b>Sector</b>	<b>Activities:</b>
Protection	Provision of legal assistance to refugee population in India Assistance in obtaining legal documents in India and Sri Lanka Provision of community mobilisation and support for refugee camps Provision of information on safe and dignified return/reintegration options and local integration.

### 3 - Duration expected for Actions in the proposed Decision:

The duration for the implementation of this Decision shall be 12 months.

Humanitarian Actions funded by this Decision must be implemented within this period.

Expenditure under this Decision shall be eligible from 1 October 2009.

Start Date: 1 October 2009.

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/SRI LANKA				
Decision Number	Decision Type	2007 EUR	2008 EUR	2009 EUR
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	12,000,000		
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		4,640,000	
ECHO/-FA/BUD/2008/02000 (*)	Non Emergency		1,500,000	
ECHO/-SA/BUD/2008/01000 (*)	Global Plan		14,000,000	
ECHO/-SA/BUD/2008/02000 (*)	Emergency		3,500,000	
ECHO/DRF/BUD/2008/01000(*)	Non Emergency		34,969	
ECHO/IND/BUD/2008/01000	Non Emergency		2,000,000	
ECHO/IND/BUD/2008/02000	Non Emergency		850,000	
ECHO/LKA/BUD/2008/01000	Emergency		2,000,000	
ECHO/DIP/BUD/2009/02000 (*)	Non Emergency			3,100,000
ECHO/IND/BUD/2009/01000	Non Emergency			2,000,000
ECHO/IND/BUD/2009/02000	Non Emergency			2,000,000
ECHO/LKA/BUD/2009/01000	Emergency			3,000,000
ECHO/LKA/BUD/2009/02000	Emergency			5,000,000
	<b>Subtotal</b>	<b>28,630,000</b>	<b>28,524,969</b>	<b>15,100,000</b>
	<b>Grand Total</b>	<b>72,254,969</b>		

Dated : 22 October 2009

Source : HOPE

(\*) decisions with more than one country

## 5 - Overview of donors' contributions:

Donors in INDIA/SRI LANKA the last 12 months					
1. EU Members States (*)		2. European Commission		3. Others	
	EUR		EUR		EUR
Austria	200,000	DG ECHO	17,134,969		
Belgium	521,449	Other services			
Bulgaria					
Cyprus					
Czech republic	200,000				
Denmark	5,755,805				
Estonia	44,728				
Finland	500,000				
France	1,600,000				
Germany	7,608,986				
Greece					
Hungary					
Ireland	170,000				
Italy	1,225,060				
Latvia					
Lithuania					
Luxemburg	803,332				
Malta					
Netherlands	3,000,000				
Poland					
Portugal					
Romania					
Slovakia					
Slovenia					
Spain					
Sweden	2,634,965				
United kingdom	9,595,119				
Subtotal	33,859,444	Subtotal	17,134,969	Subtotal	0
		Grand total	50,994,413		

Dated : 22 October 2009

(\*) 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 1,000,000.

## 6.2. - Budget breakdown by specific objectives

<b>Principal objective:</b> To provide humanitarian assistance to Sri Lankan refugees based in camps in Tamil Nadu.				
<b>Specific objectives</b>	<b>Allocated amount by specific objective (EUR)</b>	<b>Geographical area of operation</b>	<b>Activities</b>	<b>Potential partners<sup>6</sup></b>
<p>Specific objective 1: To improve the humanitarian situation of Sri Lankan refugees based in camps in Tamil Nadu through multi-sectoral assistance such as shelter, water and sanitation, food security and protection activities</p>	1,000,000	<p>Tamil Nadu</p> <p>Sri Lanka</p>	<p>Shelter and NFRI</p> <p>Water and Sanitation</p> <p>Food Security</p> <p>Protection</p>	<p><u>Direct centralised management</u></p> <p>- ADRA - DEU</p> <p>- CARITAS - DEU</p> <p>- CHRISTIAN AID - UK</p> <p>- DRC</p> <p>- NORWEGIAN REFUGEE COUNCIL</p>
<b>TOTAL:</b>	1,000,000			

<sup>6</sup> Adventistische Entwicklungs- und Katastrophenhilfe e.V., CHRISTIAN AID (GBR), DANSK FLYGTNINGEHJÆLP, DEUTSCHER CARITASVERBAND e.V., (DEU), FOLKEKIRKENS NODHJÆLP, (FKN), NORWEGIAN REFUGEE COUNCIL (NOR)

## **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 Union 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](http://ec.europa.eu/echo/policies/evaluation/introduction_en.htm).

## **8 - Management issues:**

Humanitarian aid Actions funded by the Commission are implemented by NGOs and the Red Cross National Societies on the basis of Framework Partnership Agreements (FPA), by Specialised Agencies of the Member States 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](http://ec.europa.eu/echo/about/actors/partners_en.htm).

For NGOs, Specialised Agencies of the Member States, Red Cross National Societies and International Organisations not complying with the requirements set up in the Financial Regulation applicable to the general budget of the European Union for joint management, actions will be managed by direct centralised management.

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.