



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels
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COMMISSION DECISION

of

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

(ECHO/LKA/BUD/2009/04000)

COMMISSION DECISION

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

(ECHO/LKA/BUD/2009/04000)

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 aid¹, and in particular Article 2(a), Article 4 and Article 13 thereof;

Whereas:

- (1) The conflict between the Government of Sri Lanka (GoSL) and the LTTE², which had been ongoing in the north of the country since 1983, ended on 19 May 2009 when President Rajapakse formally declared victory over the Tamil Tiger rebels;
- (2) Since the end of the conflict, over 250,000 Internally Displaced People (IDPs) who fled the conflict have been held in detention camps in the north of the country;
- (3) On 22 October 2009 the government announced their “Crash Resettlement Programme”, an accelerated release of IDPs from the camps. By mid November over 100,000 IDPs had returned to their places of origin in Jaffna, Trincomalee, Mannar, Kilinochchi and Mullaitivu and a further 25,000 had been released to host families;
- (4) IDPs are returning to areas that have been heavily damaged by the war and completely emptied of population for months. The majority of houses are destroyed and return areas are heavily mined consequently many returnees are living with host families;
- (5) There are huge needs for basic humanitarian support in the return areas including de-mining, temporary shelter, protection, water and sanitation, health, livelihood recovery, food and non-food relief items (NFRIs);
- (6) To reach populations in need, humanitarian aid should be channelled through Non-Governmental Organisations (NGOs) and 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.

² Liberation Tigers of Tamil Eelam.

- (8) It is estimated that an amount of EUR 5,000,000 from budget article 23 02 01 of the general budget of the European Communities is necessary to provide humanitarian assistance to up to 600,000 IDPs, returnees, host families and other conflict affected population, 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;
- (9) The present Decision constitutes a financing Decision within the meaning of Article 75 of the Financial Regulation (EC, Euratom) No 1605/2002³, Article 90 of the detailed rules for the implementation of the Financial Regulation determined by Regulation (EC, Euratom) No 2342/2002⁴, and Article 15 of the internal rules on the implementation of the general budget of the European Communities⁵;

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 5,000,000 for the financing of emergency humanitarian Actions in SRI LANKA from budget article 23 02 01 of the 2009 general budget of the European Communities.
2. In accordance with Articles 2(a) and 4 of Council Regulation No.1257/96, the principal objective of this Decision is:

– To save and preserve the lives of conflict affected population in Sri Lanka.

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

– To provide integrated humanitarian assistance to IDPs, returnees, host families and other conflict affected population in Sri Lanka.

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 22 October 2009. Expenditure under this Decision shall be eligible from the same date. The duration of individual humanitarian aid Actions financed under this Decision shall be limited to a maximum of six months.
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.

³ OJ L 248, 16.9.2002, p.1.

⁴ OJ L 357, 31.12.2002, p.1.

⁵ 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 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.
3. The Commission shall implement the budget:
 - Either by direct centralised management, with Non governmental Organisations,
 - Or by joint management with international organisations that are signatories to the Framework Partnership Agreements (FPA) or the EC/UN Financial Administrative Framework Agreement (FAFA) and which were subject to the four pillar assessment in line with Article 53d 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: Commission Decision on the financing of emergency humanitarian Actions in SRI LANKA from the general budget of the European Communities.

Description: Emergency humanitarian assistance for conflict affected population in Sri Lanka.

Location of Action: SRI LANKA

Amount of Decision: EUR 5,000,000

Decision reference number: ECHO/LKA/BUD/2009/04000

Supporting Document

1 - Rationale, needs and target population.

1.1. - Rationale:

The conflict between the Government of Sri Lanka (GoSL) and the LTTE¹, which had been ongoing in the north of the country since 1983, ended on 19 May, 2009 when President Rajapakse formally declared victory over the Tamil Tiger rebels. In the last months of the conflict, almost 300,000 people, mostly ethnic Tamils, were trapped by the fighting in a narrow corner of land in Mullaitivu. Grave violations of international humanitarian law were committed by both sides during this time and many thousands of civilians were killed and wounded. In April, government forces began to break through LTTE defences allowing people to escape and by mid May over 280,000 people had fled the conflict zone.

Following “screening” by the Sri Lankan Army (SLA) to identify possible LTTE sympathisers, the people who had fled the conflict, were placed in detainment camps in the north of Sri Lanka. Over 250,000 people were held in Menik Farm, a series of camps surrounded by barbed wire and controlled by the military, outside Vavuniya, others have been held in similar camps in Mannar, Jaffna and Trincomalee. The complete lack of freedom for these Internally Displaced People (IDPs), in total violation of international humanitarian law, was stated by the government to be necessary for security reasons. Conditions in the

^{1 1} Liberation Tigers of Tamil Eelam

camps, particularly in the first months, were appalling with major problems in terms of overcrowding, water and sanitation, malnourishment and limited medical facilities. Many people had been separated from their and family friends during the escape and were traumatised by their experiences. Protection issues have been a particular concern with repeated reports of abductions and disappearances and a worrying rise in cases of SGBV² in the camps. Aid agencies have been allowed limited access to provide humanitarian assistance during this time, although no protection activities are permitted. At the beginning of October, almost six months after the end of the war in Sri Lanka, over 240,000 IDPs were still being detained in closed camps.

On 22 October the government announced their “Crash Resettlement Programme”, an accelerated release of IDPs from the camps, and by mid November over 130,000 IDPs had returned to their places of origin in Jaffna, Trincomalee, Batticaloa, Vavuniya, Mannar, Kilinochchi and Mullaitivu. A further 25,000 vulnerable people (elderly, handicapped, orphans) had been released to host families. The return process is chaotic. There is no clear information about IDP basic rights and obligations, legal status or resettlement plans, conditions in their areas of origin or criteria for releases. Return plans are not shared with aid agencies so there is no time for forward planning. Despite the chaos, the return can be classified largely as voluntary. It is clear from their faces that people are happy and relieved to be leaving the camps.

On 21 November the government announced that all the remaining IDPs in camps would be returned to their places of origin before 31 January 2010 and that IDPs in the camps would have freedom of movement from 1 December 2009. It remains to be seen how far this announcement will be translated into concrete action but it is clear that further returns make this financing decision all the more relevant. IDPs are already returning to areas which are heavily mined. The majority of houses and infrastructure have been destroyed or badly damaged as a result of the conflict. There are huge needs for temporary shelters, house repairs, livelihood recovery and water and sanitation. Shops (mostly state run) providing basic items are already open and banks and bus services are starting to operate. The government has instructed teachers released from Menik Farm to open up schools. Hospitals in the return areas have largely been destroyed and there is a shortage of medical staff willing to work in these areas although Ministry of Health mobile clinics are already operating in some districts.

IDPs enjoy relatively good freedom of movement in most return districts, however there are major concerns related to security and safety for returnees in terms of demining particularly in Mullaitivu and Kilinochchi. In terms of humanitarian assistance, the returnees are currently entitled to receive:

- Six months dry food rations (WFP)
- Cash grant of 25,000 rupees³ - UNHCR (20,000) and GoSL (5,000)
- Non Food Relief Items (NFRIs) (government, IOM and UNHCR)
- Roofing sheets and land preparation (government)
- Agricultural tools (Indian government)

Access for humanitarian agencies to returnees varies by district. In Jaffna for example, all agencies, including ICRC have access, while in previously LTTE held districts such as

² Sexual Gender Based Violence

³ Approximately 160 euros

Mullaitivu and Kilinochchi (referred to by the government as “newly cleared areas”) only de-mining agencies and six UN agencies⁴ currently have access.

In terms of people possibly remaining in the camps, many humanitarian actors believe that between 30,000 to 40,000 people could remain in IDP camps either through choice or because of continued security concerns from the government. Despite the recent announcement from the government it remains to be seen how far freedom of movement will be effectively implemented. Many donors (including DG ECHO⁵) and humanitarian agencies, have stated that they will no longer provide support to closed camps since this would perpetuate an intolerable situation in which the government denies freedom of movement to its own citizens.

1.2. - Identified needs:

A DG ECHO Head Quarter mission visited Vavuniya in mid October. DG ECHO missions have also visited Jaffna and Mannar within the last two months.

Support to host families and returnees

UN and INGOs are currently undertaking comprehensive needs assessments in return areas but the following sectors have already been identified for assistance: water and sanitation, including well cleaning; temporary shelter; house repair; livelihood support, including seeds and tools; support for Community Based Organisations (CBOs) and gaps in food and NFRIs, (including requests from many return communities for bicycles since public transport has not yet fully resumed). In Jaffna, humanitarian agencies and local authorities identify that shelters, including house repair, and livelihoods are the two most urgent needs for the returnees.

While official figures are not yet available aid agencies believe that possibly as many as 70% of all IDPs released are living in host families. The government considers that these people are returnees but in fact they are technically still IDPs and it may be years before some of them can return to their homes. In many cases two or three families are sharing a house and as many as 14 people are sleeping in one room. There is an urgent need for assistance such as additional temporary shelters for these people and incentives for host families to avoid tensions and balance the economic extra-burden.

De-mining

IDPs are increasingly being released to villages and areas that have not been fully surveyed and cleared of mines and other unexploded remnants of war (ERW) particularly in Mullaitivu and Kilinochchi. Several major de-mining agencies are working in Sri Lanka and the government has stepped up mine clearance through the Sri Lankan Army (SLA). Mine actions are coordinated through government and local authorities but like the return process, the government fails to share demining plans fully with the agencies who therefore have difficulties to plan their operations and resources efficiently. Agencies estimate that it could take at least 5 years to make all villages completely safe and between 10-20 years to completely de-mine the whole conflict area. Due to the pace of the return, there is often time only to clear the main roads to houses and to mark areas which have not been cleared. In order for de-mining agencies to increase the scale of their operations there is a need for further donor support for de-mining and mine risk education. Agencies are keen to increase staffing levels through training of local population which will in turn provide cash income to

⁴ UNHCR, UNICEF, UNDP, FAO, WFP, IOM

⁵ Directorate General for Humanitarian Aid -ECHO

the returnees. These urgent needs for de-mining activities become even more critical and will have to be reviewed if the return of all IDPs does actually take place before 31 January 2010 as the government has announced.

Protection

Since ICRC is not allowed to access any return areas, apart from Jaffna, there is a huge gap in protection activities. A particular concern is the heavy SLA presence in all return areas. There is also major concern for women headed households and single women returning alone to their villages as well as for handicapped and other vulnerable caseloads. There are also likely to be problems with lost documentation for both civil and land rights. UNHCR has access to all return areas and is currently identifying a national protection strategy but there will also be a crucial need for the presence of INGOs to provide protection by presence.

Health

In the health sector, there is an urgent need for secondary interventions, prosthetics and follow up orthopaedic care for amputees and war wounded both in the IDP camps and in return areas. There is also a need for mobile clinics in return areas and psycho-social counselling among the conflict affected population.

Coordination and logistics

Given the chaotic nature of the return, there is an urgent need for enhanced information sharing and coordination between humanitarian agencies, particularly in Jaffna. Delivery of humanitarian assistance to return areas is also a priority. The monsoon impact on the road network between Vavuniya and return villages and the presence of mines means that logistics need to be reinforced (6x6 trucks, light vehicles, crane and rescue trucks, mobile warehouses, containers) to expand the outreach distribution of humanitarian goods in parallel with the return of the population in the Vanni.

1.3. - Target population and regions concerned:

This Decision will target up to 600,000 people affected by the recently ended conflict in Sri Lanka, including IDPs, returnees and host families. The districts to be covered include Kilinochchi, Mullaitivu, Jaffna, Mannar, Vavuniya, Trincomalee and Batticaloa. This decision will not cover assistance to closed camps.

UNOCHA estimates that the total IDP caseload in Sri Lanka is 525,000⁶. With the return process in progress, many IDPs from the “old” caseload are now also returning to their places of origin in order to reclaim land and houses. In order to avoid tension in villages where there are returnees from both the new and old caseload, ECHO may have to assist both caseloads.

Given the scale of the needs and the limited amount of this funding decision, the focus will be on the “new” caseload of Vanni IDPs and returnees.

1.4. - Risk assessment and possible constraints:

The Commission has established a series of humanitarian benchmarks as a basis for consideration of humanitarian funding. These benchmarks are:

⁶ This includes 286,000 “new” caseload i.e. those displaced in the latest phase of the conflict after 2006 and 239,000 “old” caseload i.e. those displaced by previous phases of the conflict before 2006.

- freedom of movement for all IDPs in the camps which should be granted immediately and not necessarily be linked to the return process; those IDPs who could stay with host families, relatives and friends should be allowed to do so;
- conditions in the camps to be in accordance with internationally accepted standards with a prioritisation of freedom of movement and family reunification, management of the camps to be transferred from military to civilian authorities;
- voluntary, safe and dignified return of IDPs to their places of origin;
- transparent, coherent and realistic plans for IDP return, as well as for demining linked to return, based on humanitarian principles, to be shared with donors and aid agencies;
- full and unhindered access to camps and return areas for donors and all aid agencies;
- full and unhindered access for protection activities.

Some progress has been made by the government towards these benchmarks in terms of the release of over 125,000 IDPs from the camps. Access to IDPs for donors and aid agencies has also improved both in the closed camps and in some return districts. In addition, the accelerated resettlement has helped to decongest the large overcrowded camps and improved access to basic services for the camp population. However, it is essential to continue to engage with the GoSL and to emphasise the importance of complying with the humanitarian benchmarks. In particular: freedom of movement for all IDPs, (including the remaining camp population by the end of the year); voluntary, safe and dignified return; allowing agencies to carry out protection activities; access for all aid agencies and donors, including DG ECHO, to all IDPs and returnees.

2 - Objectives and components of the humanitarian intervention proposed:

2.1. - Objectives:

Principal objective:

To save and preserve the lives of conflict affected population in Sri Lanka

Specific objective:

To provide integrated humanitarian assistance to IDPs, returnees, host families and other conflict affected population in Sri Lanka

2.2. - Components:

The main focus of this humanitarian intervention will be to save and preserve the lives of IDPs and conflict affected population in the early stages of their return to places of origin. The main sectors of intervention will be protection, demining, health, shelter, water and sanitation, food and non food items, logistics support and coordination. The key actions for these sectors will include:

Protection:

International presence, family reunification, support registration and database of IDPs, provision of legal assistance particularly in relation to civil and land documentation, support and counselling to victims of the conflict, SGBV and support to vulnerable individuals.

Demining:

Surveying, active demarking and demining of areas linked to a return of population and Mine Risk Education.

Health:

Provision of medical assistance to returnee population through mobile clinics, specific care for victims of the conflict (disabilities identification, physiotherapy, orthopedic surgery, prosthetics and follow up) psycho-social interventions.

Shelter/NFRI:

Distribution of shelter material and construction of temporary shelters; distribution of essential NFRI.

Water/Sanitation:

Semi-permanent latrines, provision of drinkable water with emergency distribution system, well cleaning.

Livelihoods:

Small-scale and short-term livelihood initiatives to restart households economy at the very beginning of the return through distribution of livelihoods packages such as support to gardening, fishing and agricultural inputs, support to self help women's groups.

Logistics:

Transport of humanitarian goods and staff, installation of logistic basis for the humanitarian community (storage, communication, accomodation).

Coordination:

Provision of accurate, regular information on the humanitarian situation, the needs and the response; reinforcing the coordination of the humanitarian response.

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 22 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:

The previous emergency decision for Sri Lanka (ECHO/LKA/BUD/2009/02000) targets the emergency needs of IDPs in the camps. All operations under this decision will end in December 2009.

List of previous DG ECHO operations in 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	11,500,000		
ECHO/DIP/BUD/2007/04000 (*)	Non Emergency	0		
ECHO/-FA/BUD/2008/01000 (*)	Non Emergency		1,500,000	
ECHO/-FA/BUD/2008/02000 (*)	Non Emergency		1,500,002	
ECHO/-SA/BUD/2008/01000 (*)	Global Plan		13,100,000	
ECHO/LKA/BUD/2008/01000	Emergency		2,000,000	
ECHO/LKA/BUD/2009/01000	Emergency			3,000,000
ECHO/LKA/BUD/2009/02000	Emergency			5,000,000
	Subtotal	14,500,000	18,100,002	8,000,000
	Grand Total	40,600,002		

Dated : 16 November 2009
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	200,000	DG ECHO	10,000,000		
Belgium	500,000	Other services			
Bulgaria					
Cyprus					
Czech republic	200,000				
Denmark	6,257,869				
Estonia	44,728				
Finland	700,000				
France	1,600,000				
Germany	8,206,240				
Greece					
Hungary					
Ireland	170,000				
Italy	1,225,060				
Latvia					
Lithuania					
Luxemburg	775,000				
Malta					
Netherlands	3,000,000				
Poland					
Portugal					
Romania					
Slovakia					
Slovenie					
Spain					
Sweden	2,457,226				
United kingdom	9,595,119				
Subtotal	34,931,242	Subtotal	10,000,000	Subtotal	0
		Grand total	44,931,242		

Dated : 16 November 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 5,000,000

6.2. - Budget breakdown by specific objectives:

Principal objective: To save and preserve the lives of conflict affected population in Sri Lanka.			
Specific objectives	Allocated amount by specific objective (EUR)	Geographical area of operation	Potential partners⁷
<p>Specific objective 1:</p> <p>To provide integrated humanitarian assistance to IDPs, returnees, host families and other conflict affected population in Sri Lanka</p>	5,000,000	North and east Sri Lanka	<p><u>Direct centralised management</u></p> <ul style="list-style-type: none"> - CARE - DEU - DRC - FSD_573 - GERMAN AGRO ACTION - HALO TRUST - HANDICAP (FR) - MSF - NLD - NORWEGIAN REFUGEE COUNCIL - OXFAM - SAH - ZOA <p><u>Joint management</u></p> <ul style="list-style-type: none"> - OCHA - UNHCR - WFP-PAM
TOTAL: 5,000,000			

⁷ ARTSEN ZONDER GRENZEN (NLD), CARE INTERNATIONAL DEUTSCHLAND E.V. (DEU), DANSK FLYGTNINGEHAELP, DEUTSCHE WELTHUNGERHILFE e.V., Fondation Suisse de Déminage (FSD), HANDICAP INTERNATIONAL (FR), NORWEGIAN REFUGEE COUNCIL (NOR), OXFAM (GB), Schweizerisches Arbeitershilfswerk, THE HALO TRUST (GBR), UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES - BELGIUM, UNITED NATIONS, OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS, WORLD FOOD PROGRAM, ZOA-Vluchtelingen zorg

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 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.

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 Communities 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.