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COMMISSION DECISION

of

**on the financing of humanitarian actions in Pakistan from the general budget of the
European Union**

(ECHO/PAK/BUD/2010/01000)

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on the financing of humanitarian Actions in Pakistan from the general budget of the European Union

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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 aid¹, and in particular Article 2, notably 2(c), Article 4, and Articles 15(2) and 15(3) thereof;

Whereas:

- (1) As the result of the internal conflict in Pakistan 1.4 million people have been displaced from their homes following clashes between the army and militant groups. Some of them have been displaced since August 2008; others since May 2009 when 2.6 million people fled their homes and some others have been recently displaced following new military intervention in the Federally Administered Tribal Areas (FATA).
- (2) Most of these Internally Displaced Persons (IDP) are living with host families, putting extra pressure on an already very poor and vulnerable population. Some other IDPs are living in expensive rented accommodation in very difficult conditions.
- (3) At the same time, some 1.95 million people have returned or are returning to their places of origin and will be in need of assistance during the return process and beyond, as they may have lost everything, notably in terms of livelihood.
- (4) In contrast, some people have not been able to leave the conflict affected areas, the so-called stayees, and are in need of assistance as are the host families whose capacities have been largely overstretched by months of hosting the IDPs.
- (5) Furthermore, the situation being very volatile, new displacements could be triggered by new clashes in the same areas or in other areas of the region or even in neighbouring provinces such as Baluchistan;
- (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 centralised management or by joint management;

¹ OJ L 163, 2.7.1996, p. 1.

- (7) 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 18 months;
- (8) It is estimated that an amount of EUR 30,000,000 from budget articles 23 02 01 (EUR 25,000,000) and 23 02 02 (EUR 5,000,000) of the general budget of the European Union is necessary to provide humanitarian assistance to over 1.4 million displaced people, potentially 1.95 million returnees and an unknown number of people who have stayed in the conflict affected areas as well as host families, taking into account the available budget, other donors' contributions and other factors. Although as a general rule actions funded by this Decision should be co-financed, the Authorising Officer, in accordance with Article 253 of the Implementing Rules of the Financial Regulation, may agree to the full financing of actions;
- (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 Union⁴;
- (10) In accordance with Articles 17(2) and 17(3) of Council Regulation (EC) No. 1257/96, the Humanitarian Aid Committee gave favourable opinions on 10 June 2010.

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 30,000,000 for the financing of humanitarian actions in Pakistan from budget articles 23 02 01 (EUR 25,000,000) and 23 02 02 (EUR 5,000,000) of the 2010 general budget of the European Union.
2. In accordance with Article 2, notably 2(c), and Article 4 of Council Regulation No.1257/96, the principal objective of this Decision is to provide assistance and protection to the vulnerable population affected by the conflicts in Pakistan. The humanitarian actions shall be implemented in pursuance of the following specific objective(s):

1 - To improve the humanitarian situation of conflict affected populations by providing multi-sector humanitarian assistance and protection.

A total of EUR 22,000,000 from budget article 23 02 01 is allocated to this specific objective.

2 - To improve the conditions for delivering humanitarian assistance by providing essential support services with a focus on coordination and advocacy, the provision of security information/advice and training.

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

A total of EUR 3,000,000 from budget article 23 02 01 is allocated to this specific objective.

3 - To improve the humanitarian situation of conflicts affected populations by providing food assistance.

A total of EUR 5,000,000 from budget article 23 02 02 is allocated to this specific objective.

3. The Authorising Officer may decide on non-substantial changes in accordance with Article 90.4 of the Implementing Rules of the Financial Regulation. Accordingly, when required by the changing circumstances, resources may be reallocated between specific objectives 1 and 2 up to a maximum of 20% of the total amount of the Financing Decision or up to a total of EUR 3,000,000, whichever is reached first.

Article 2

1. The period for the implementation of the actions financed under this Decision shall start on 1st June 2010 and shall run for 18 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.

Article 3

1. As a general rule, actions funded by this Decision should be co-financed. The Authorising Officer, in accordance with Article 253 of the Implementing Rules, may agree to the full financing of actions when this will be necessary to achieve the objectives of this Decision and with due consideration to the nature of the activities to be undertaken, the availability of other donors and other relevant operational circumstances.
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 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 Financial Administrative

Framework Agreement with the UN (FAFA) and which were subject to the four pillar assessment in line with Article 53d of the Financial Regulation

Article 4

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

Done at Brussels,

For the Commission

Member of the Commission



Humanitarian Aid Decision

23 02 01

23 02 02

Title: Commission decision on the financing of humanitarian actions in Pakistan from the general budget of the European Union

Description: Humanitarian assistance for the victims of conflicts in Pakistan

Location of Action: Pakistan

Amount of Decision: EUR 30,000,000

Decision reference number: ECHO/PAK/BUD/2010/01000

Supporting document

1 Humanitarian context, needs and risks

1.1 Situation and context

The Pakistani regions of Baluchistan, Federally Administered Tribal Areas (FATA) and Khyber Pakhtunkhwa Province (KPP)⁵, formerly known as the North-West Frontier Province (NWFP) border Afghanistan. They have been exposed to violence between different militant groups and government forces for a long time, although the causes of the conflicts differ.

Fighting between government forces and militants from FATA and KPP triggered the displacement of large numbers of persons from August 2008 onwards (mainly from Bajaur Agency). When a peace agreement⁶ between the Government of Pakistan (GoP) and pro-Taliban militants in Swat broke down, prompting a major military offensive by the Pakistani Army in late April 2009, the displacement accelerated. Further military operations in Lower Dir, Buner and Swat triggered sudden and massive displacement of civilians to the safer areas

⁵ Change in the Constitution published in the *Gazette of Pakistan* on 20 April 2010

⁶ The Malakand Accord, of 16 February 2009, that had been agreed upon after two years of fighting, included a ceasefire in Swat (between the Taliban and the army) and the imposition of sharia law in the districts of Malakand, Swat, Shangla, Buner, Dir, Chitral, and Kohistan.

around Peshawar Valley. By the end of June 2009, the number of officially registered IDPs (Internally Displaced People) reached 2.1 million, bringing the overall number of displaced to 2.7 million officially registered IDPs⁷.

Following an official announcement by the army, Buner District was declared safe for return in mid-May 2009. In July, the end of the emergency phase was officially announced also in Swat. A return process to Swat, staged and encouraged by the authorities, gathered pace in August but slowed down shortly afterwards, with 1.95 million returnees to date, according to official sources⁸.

Currently, the Pakistani Army continues conducting military operations in FATA (notably South Waziristan, Orakzai, Kurram, Khyber, Mohmand, Bajaur, areas where the border with Afghanistan is very porous). The South Waziristan ground operation began on 17 October 2009 and triggered the displacement of more than 330,000 persons. It has been recently reported finished. As from November 2009, other military interventions continued along the Afghanistan border districts (Kurram, Orakzai, Mohmand Agency), causing an additional displacement of up to 640,000 persons⁹, mainly to the adjacent districts of KPP and FATA, notably to Hangu and Kohat. The official numbers nevertheless lag behind the actual numbers due to flawed registration process¹⁰. Final warnings of further impending ground operations have caused an increased pace of displacement in recent weeks, especially from Orakzai. The possibility of spill over to other areas as well as a full-fledged attack on Northern Waziristan cannot be excluded.

In addition, pockets of resistance and instability remain in Buner, Swat, Upper and Lower Dir despite the heavy military presence. Night time curfews and military checkpoints are still in place to some degree. Serious security incidents, including suicide bombing by insurgents, occur almost on daily basis. Reports of arbitrary detention and extrajudicial killings have been made public¹¹.

In sum, the total numbers of potential beneficiaries as of April 2010 is estimated at more than 3.5 million people, without the host families, whose number is unknown.

1.2 Identified humanitarian needs

The humanitarian situation can be summarised as follows in terms of categories of people affected and their needs:

- (1) Needs related to the situation of the newly **displaced** population (from FATA into KPP), which requires an emergency type of assistance; almost 300,000 individuals are already displaced and the influx continues due to ongoing military operations.
- (2) Needs of the population previously displaced and still **IDPs**:

⁷ The displacement in May was adding to the already existing displacement dating August 2008.

⁸ OCHA sitrep dated 16 April 2010

⁹ Based on the average number of 8 people per family.

¹⁰ Please see also the statistics in Annex to compare the difference in numbers of registered and verified households.

¹¹ Pakistan Human Rights Commission, Press Release of 22 February 2010, available at <http://www.hrcp-web.org/showprel.asp?id=109>

- (a) IDPs from South Waziristan in Dera Ismael Khan and Tank districts (KPP) where assistance is limited due notably to restricted access for humanitarian actors; almost 340,000 individuals are currently displaced.
- (b) IDPs from other FATA areas, Malakand¹² division and Swat. This notably concerns the IDPs originating from Bajaur Agency, some of whom are being displaced for the 4th or 5th time since August 2008, into KPP/Peshawar surroundings and Lower Dir. It also concerns people who moved from Mohmand Agency into Peshawar. Finally, the people remaining from Malakand Division and Swat displacement. In total, this category consists of approximately 760,000 people, some of whom are still in camps, the largest one being Jalozai with 111,452 people (80% coming from Bajaur) and other camps in Peshawar valley and in Lower Dir where there is a constant threat of closure.
- (3) The 1.95 million people who have **returned** to Malakand and Swat who have lost their livelihoods and sometimes also their houses; there are also potential returnees to other areas such as South Waziristan, other FATA agencies and KPP districts. Official returns to Mohmand started on 14 April, to Bajaur on 22 April. South Waziristan may be the next location of a significant returnee influx.
- (4) The **stayees**, meaning people living in conflict affected areas who have stayed behind during the military interventions (notably in Upper Swat) and have been affected either directly (by military or insurgents) or indirectly (cut off livelihoods opportunities). Access to the stayees in current conflict affected areas (South Waziristan, Orakzai, Bajaur, Kurram, Mohmand, Khyber) is not possible due to ongoing military interventions. Access to stayees in Swat, affected by the May 2009 displacement, is possible although very difficult. In Upper Swat alone, it is estimated that almost 250,000 people can be considered as stayees.
- (5) Whenever possible, and in line with the *do no harm* approach, support to the host families, whose figures are unclear, should be embedded in the response.
- (6) Finally, the humanitarian community should be prepared to respond to future/**potential** new emerging needs linked to potential new military interventions in the FATA areas, notably North Waziristan or the possibility of other provinces of Pakistan becoming unstable.

Protection

Protection of civilians is an overarching and fundamental need in this context and will remain a priority for DG ECHO. In the context of humanitarian crises, the fundamental objective of protection strategies is to enhance physical and psychological security or, at least, to reduce insecurity, for persons and groups under threat; to reduce the risk and extent of harm to populations by seeking to minimise threats of violence, coercion and deprivation, and to enhance opportunities to obtain safety and dignity.

Registration of IDPs is normally considered an important component of protection activities. In the Pakistani context, the official registration process (and its associated verification

¹² Malakand division which does not exist any more under the new administrative division of Pakistan, traditionally includes Lower Dir, Upper Dir, Swat, Buner, Shangla, Malakand and Chitral

process) has proven to be a factor of exclusion of a large part of the affected population¹³. It is therefore necessary to improve the registration process in order to facilitate the indiscriminate access to assistance to all the vulnerable people in need.

In terms of beneficiaries, specific attention needs to be paid to the most vulnerable parts of the population, in particular women-headed households who are more discriminated when it comes to being able to access the assistance. Partners will be invited to demonstrate the gender approach of each intervention in terms of beneficiaries and staff allocated to the project. Clear disaggregated data should be provided. Attention to children, in particular to prevent them from being separated during displacement movements, will be paid. This could also take the form of provision of child-friendly spaces and/or educational activities. Attention to people with disabilities and the elderly will also be paid.

Protection should be mainstreamed/streamlined into all aid programmes.

Camp Coordination and Camp Management (CCCM)

A limited part of the IDP population is currently staying in 9 camps (130,497 IDPs out of 1.4 million)¹⁴. There is a need to support the establishment of camps in areas of new displacements (when necessary) and at the same time to support the already established camps, the biggest one of them being Jalozai in Nowshera (111,452 individuals)¹⁵.

Emergency Shelter and Non-Food Items (NFIs)

Shelter remains an unmet need of those newly and previously displaced as people continue to stay predominantly with host families or in over-priced rented accommodation (90%), depleting their own limited resources and those of the often poor host families. The question of shelter for returnee families whose houses have been destroyed in the fighting is also not addressed properly due to the slow onset of development funding. There is therefore a need to continue the support for emergency shelter. Other priority goods include jerry cans, kitchen sets, blankets, hygiene kits, etc.

The need for "summerisation" or "winterisation" of the shelter depending of the season should also be carried out when necessary, bearing in mind the potentially extreme weather conditions in Pakistan.

Health, psycho-social interventions and nutrition

Meeting the urgent needs and gaps in health services for the newly displaced people is a priority as there are either no facilities or existing facilities are reported short of medical equipment, medicines, supplies and human resources, notably female medical staff. Therefore, there is a real need to provide health services through mobile clinics and health facilities run or supported by the humanitarian health actors.

As for the return areas, the first assessments report that approximately 29% of health facilities are damaged. For FATA the rate is 16% of the health facilities in the affected areas¹⁶.

¹³ IDPs may not be registered because: they are not coming from the area notified by the government as 'conflict – affected', they do not have an identification card (problematic especially for women and children temporarily or permanently heading households); illiteracy; lack of information; lack of access to registration points (high transport costs, gender insensitive registration points, sectarian lines of division preventing access); arbitrary closure of the registration in districts; security incidents; threatening set-up of the registration points with presence of security forces; fear of being forced to return later once on government list; and many other reasons. Officially recognised conflict-affected areas are currently limited to Swat, parts of Buner, Shangla and Lower Dir as well as parts of Bajaur Agency, parts of Orakzai Agency and parts of South and North Waziristan.

¹⁴ Humanitarian Update by OCHA – 30/04/2010

¹⁵ Source: NADRA (http://www.pdma.gov.pk/PaRRSA/Camp_Data.php)

¹⁶ Source: PDMA <http://www.pdma.gov.pk/PaRRSA/su-health.php>

Following the past and ongoing military events and forced displacement, trauma and psychological distress are likely to be widespread, particularly among vulnerable groups of the population. Therefore, **psychosocial** interventions (or components) might be necessary.

On **nutrition**, surveys show a decline in both the quantity and quality of food of a typical household intake and decreased frequency of infant breastfeeding among IDPs after displacement. This could expose the conflict-affected population to malnutrition and micronutrient disorders.

Water, Sanitation & Hygiene (WASH)

In the situation of ongoing displacement, limited access to health services and overcrowding of available shelter, specific attention needs to be given to provision of potable water and sanitation, accompanied by targeted hygiene education and provision of hygiene kits. WASH activities are very much needed both in camps, especially in the newly established ones, and in host families. Hygiene education and distribution of kits is also particularly needed for women and children.

Humanitarian Food assistance

Priority should be given to meet the emergency needs of the most vulnerable parts of the population, including inter alia the newly displaced population. The decision as to whether assistance will be in kind or otherwise will be determined on a case by case basis, taking into account stock of local markets and complementarity with other stakeholders.

Primary focus will be given to initiatives targeting the worst affected population groups, underserved areas and identified gaps in humanitarian assistance.

Bearing in mind the support provided by the authorities through cash grants or food in kind to those registered, the priority should be to reach the unregistered households which cannot access the official assistance.

When appropriate, DG ECHO will encourage its partners to use cash and vouchers, resorting to food assistance distributions only in duly justified cases. In this respect, support could be given to emerging opportunities for coordinated advocacy and action within the humanitarian community, with effective cluster leadership.

Coordination and advocacy

There is a need for an increased coordination of the response efforts, needs assessments and protection of humanitarian principles, in a context of high risk of militarisation of the humanitarian space. UNOCHA needs to be further supported in terms of presence and capacity in order to fully play its mandated role of coordination, information sharing and management, and advocacy.

In terms of needs assessment, the recent methodology used and tested, the so-called Multi Cluster Rapid Assessment (MCRAM), has proven to be of added value to the humanitarian community in identifying the needs and gaps in different sectors and areas. Its use could be encouraged when feasible and relevant.

At the same time, NGOs' efforts to strengthen their coordination and advocacy, notably through the Pakistan Humanitarian Forum (regrouping 35 of the largest international NGOs operational in Pakistan) may usefully be supported.

Security

In terms of security, there is a clear need to strengthen the security management for humanitarian actors through a collective approach. The deteriorating situation (increase of security incidents over the last months) justifies reinforced information sharing, coordination and training, especially, but not exclusively, for the NGO community.

Logistics

The complexity of the crisis and its scattered geographical locations may require reinforced support in terms of logistics.

Disaster preparedness and Disaster risk reduction (DRR)

Bearing in mind that Pakistan is a very natural disaster-prone country, mainstreaming of disaster preparedness/Disaster Risk Reduction in the interventions is highly encouraged when feasible. In these cases, the DRR components should be fully integrated in the overall approach and response, and actively pursued by the partners.

Assistance to the conflict-affected population that might also be affected by natural disasters, which would further exacerbate their situation, should also remain an option under this financing decision.

Mine action

During the offensive in the Swat Valley, both parties to the conflict were reported to have used antipersonnel landmines¹⁷. Use of mines has been also recorded in other districts of the KPP, in the FATA and in Baluchistan province.

Therefore, demining (at the moment dealt with by the Army) as well as awareness raising on mine and Unexploded ordnance (UXO) issues are considered as a potential need of the communities, especially for returnees and for the part of the population that has remained in the conflict affected areas. In line with the humanitarian mandate of DG ECHO, if demining activities were possible, it should only be limited to humanitarian demining aiming at providing the access to the beneficiaries for humanitarian assistance.

Livelihood support

Bearing in mind DG ECHO priority for response to emergency needs of the conflict affected populations, short term livelihood activities may be supported if they have an added-value and an expected impact on the food security situation of the population. Particular attention will be given to interventions with a clear exit strategy and complementarity with more long-term instruments.

Improved partner coherence and cooperation around assessment, robust market analysis, response innovation, and joint impact assessment and advocacy will therefore remain core intervention priorities for any future livelihood recovery support.

¹⁷ Landmine Monitor Report 2009: Toward a Mine-Free World and Human Rights Watch (HRW), "Pakistan: Taliban, Army Must Minimize Harm to Civilians," 18 May 2009

1.3 Risk assessment and possible constraints

One of the main risks is limited or no **access** for assessment, relief delivery and monitoring, either due to security problems or to restrictions imposed by the authorities or for cultural reasons.

In terms of **security**, the situation has deteriorated over the last months. 2010 has already seen deadly attacks on the Pakistani population being in the conflicts and displacement areas and in big cities such as Peshawar, Islamabad, Lahore or Karachi. The humanitarian community has also paid a large tribute with 12 people killed and 12 injured only in 2009 and new attacks in 2010.

In terms of **restrictions** imposed by the authorities, it is difficult to obtain the Non Objection Certificate in some areas and access refused to some areas such as DI Khan and Tank for expatriate staff. Furthermore, the high involvement of the military themselves in the response to the crisis¹⁸, especially in the areas of on-going conflict, put at risk the overall impartiality and neutrality of humanitarian assistance.

Bearing in mind **cultural** sensitivities in Pakistan, notably as far as women are concerned, the limitations to properly access part of the beneficiaries should not be underestimated. Partners will have to carefully ensure that the design of each intervention integrates this aspect.

In terms of monitoring, it is important to mention that DG ECHO will only fund projects which can potentially be monitored, including by its own staff. This is without prejudice to all the potential restrictions, including security, which could, at the end, prevent the monitoring from taking place.

The other important risk is the **non respect of humanitarian principles** in the delivery of assistance due to the linking of assistance to the official registration process and verification¹⁹. The growing body of evidence of widespread exclusion (see footnote 8) shows the importance of delinking humanitarian assistance from the registered/verified IDP status in order to reach all those in need. The fact that unregistered (or not verified) people cannot access aid, although they represent genuine conflict-affected people in need of humanitarian assistance is in contradiction to humanitarian principles. In the same vein, a clear identification of humanitarian needs is required in order to avoid filling gaps of the slowly arriving reconstruction and development assistance.

Each intervention funded by DG ECHO will have to apply solely the vulnerability and needs-based criteria. In the absence of respect of such principle-based approach, there will be no support from the humanitarian funds of the European Commission, which will continue its advocacy efforts in this domain.

The general **low level of funding** of the humanitarian crisis in Pakistan may also be a constraint. The UN Pakistan Humanitarian Response Plan (PHRP) which foresees almost USD 538,000,000 for 6 months in 2010 is currently only 24% funded. Whilst ECHO has expressed some reservations about certain elements of the PHRP (which has been the result of a lengthy negotiation process with the authorities), a recent advocacy paper²⁰ from the

¹⁸ At federal level, the entity in charge of the response to the crisis is the SSG (Special Support Group) headed by the military (currently General Nadeem).

¹⁹ The verification process aims at internalising "cleaning" the registration process from duplication, non eligibility, etc

²⁰ "Crisis far from over: millions still in need of assistance as funds dry up" – 21/04/2010

Pakistan Humanitarian Forum (PHF) indicated the risk linked to the drying up of funds while millions of people (at least 3.5 million) are still in need of assistance.

Furthermore, it seems that more and more donors are reluctant to go for bilateral funding, especially with NGOs, which might negatively impact the necessary flexibility and rapid reaction capacity of humanitarian actors.

The level of UXO and mine contamination remains to be assessed and might also hamper delivery of assistance. Furthermore, natural disasters and extreme weather conditions such as monsoons, earthquakes, heat waves, may restrict some interventions and may also require rapid reorientation of other activities to meet new priority needs.

2 Proposed DG ECHO response

2.1 Rationale

DG ECHO's response to the current humanitarian crisis in Pakistan has been quite significant with EUR 70,500,000 allocated in 2009 through two funding decisions of EUR 25,500,000 for emergency and EUR 45,000,000 for ad hoc interventions. Some interventions funded in 2009 are still implemented in 2010.

Globally, DG ECHO's response in 2009 appears to be appropriate in terms of response to needs, even though the changing humanitarian situation and the challenges in terms of respect of humanitarian principles have forced DG ECHO and its partners to carefully refine their approach. In this respect, guaranteeing access to all vulnerable parts of the population on the sole basis of needs and vulnerability, whatever their status (registered or not), has been the overall guiding principle.

Bearing in mind the scale of the displacement in 2009, it is clear that DG ECHO funding has contributed to the adequacy of the response in the camps but more importantly outside the camps where 90 % of the IDP were residing. Having in mind the overarching objective of protecting the population, the activities in terms of shelter, water and sanitation, health and food assistance have rightly been focused on the displaced population, with attention paid to the host communities and later on, support to the return process.

In March 2010, an ECHO programming mission took place and was able not only to meet with all relevant stakeholders, but also to go to the field and assess directly the situation in Swabi/Buner, Swat and Kohat and Hangu. As a result, it is clear that we are confronted with an almost forgotten humanitarian crisis, far more complex and scattered in terms of geographical areas when compared to 2009, with significant emergency needs in the new areas of displacement and still very significant challenges in terms of access to the beneficiaries and respect of humanitarian principles.

Therefore, the proposed intervention aims at:

- covering the new emergency needs in all relevant sectors of intervention such as protection, shelter, water and sanitation, health, food assistance, etc. In the case of food assistance, it has been assessed that the use of cash and vouchers would certainly be the most appropriate way of intervention in a country where the markets are mostly functioning.
- ensuring an adequate coverage of the needs linked to the return process.
- ensuring an appropriate level of follow-up in some places of previous interventions where the complete phasing-out is not yet possible.

- responding to the needs of the most vulnerable, i.e. IDPs, returnees, stayees or host families. In this respect, in line with ECHO policies, specific attention will be given to women, and especially to women headed households, in full respect of the cultural environment; to children, elderly and people with disabilities.
- supporting the humanitarian actors in their co-ordination (including civil-military coordination), advocacy and security strengthening efforts. Support to logistics may be envisaged in that context.
- advocating for the respect of humanitarian international law and principles and for access to all the victims of the conflicts. In that respect, the proposed intervention is fully in line with the European Consensus on Humanitarian Aid.

Specific efforts will be continued in terms of advocacy for the humanitarian space. DG ECHO will only fund partners and projects which are based on needs and vulnerability assessments and have a potential for monitoring.

2.2 Objectives

- Principal objective: To provide assistance and protection to the vulnerable population affected by the conflicts in Pakistan.

- Specific objectives:

1. To improve the humanitarian situation of conflicts affected populations by providing multi-sector humanitarian assistance and protection.

2. To improve the conditions for delivering humanitarian assistance by providing essential support services with a focus on coordination and advocacy, the provision of security information/advice and training.

3. To improve the humanitarian situation of conflicts affected populations by providing food assistance.

2.3 Components

For specific objective one:

- Protection
- Camp Coordination and Management
- Emergency shelter and Non Food Items
- Health, psychosocial interventions and nutrition
- Water, sanitation and hygiene
- Disaster preparedness and disaster risk reduction mainstreaming
- Mine action
- Food assistance and livelihood support

For specific objective two:

- Humanitarian coordination and advocacy
- Security information, advice and training
- Logistics

For specific objective three:

- Food assistance

- short term food security
- Early livelihood recovery
- Nutritional support
- Disaster preparedness and disaster risk reduction mainstreaming

2.4 Complementarity and coordination with other EU services, donors and institutions - (See table 3 in annex)

Concerning humanitarian aid, DG ECHO's response has been implemented in coordination with and full knowledge of other donors' interventions. At EU level, information on funding is shared at the Islamabad level on a monthly basis²¹. DG ECHO also participates in all donor coordination meetings²² and has regular bilateral contacts with the main donors.

Information sharing with the EU Delegation, DG RELEX and AIDCO is dynamic and constant in all sectors of intervention, including food. It is nevertheless important to note that the ongoing 2010 humanitarian funding is far from being sufficient to cover the extent of newly emerging needs. It seems that donors are mainly concentrating their efforts on rehabilitation and reconstruction and not so much on the humanitarian crisis which is almost reaching the state of a "forgotten crisis".

As for the Pakistani authorities, who bear the responsibility for their own citizens, they are very involved in the registration process of IDPs, notably at provincial level. Then, the assistance is limited to the registered and verified IDP and is mostly aiming at supporting the return to the places of origin. It has notably been the case for the return to Swat with 25,000 Rupees cash grant per returnees' household. In the case of Di Khan and Tank, IDPs receive support in cash with 5,000 Rupees per month per household in replacement of the food ration. The level of support for return to all the current conflict-affected areas, including South Waziristan, has not yet been announced.

In terms of co-operation/development, Pakistan is a country largely supported by the international community from development to trade, security, energy etc. Many financial commitments have been made, including in the framework of the Friends of Democratic Pakistan initiative²³. At the European level, Pakistan is the beneficiary of an initiative entitled "*Strengthening EU Action in Afghanistan and Pakistan*" adopted by the General Affairs and External Relations Council (GAERC) on 27 October 2009.

European Commission development policy focuses mainly on education and rural development. The Instrument for Stability has been supporting one elections process and capacity building for law enforcement.

As concerned the food component, DG ECHO is aware of the 2009-2011 food facility commitments in Pakistan which include support to WFP (almost EUR 14,000,000), FAO (EUR 24,070,000) and NGOs. The food assistance strategy of DG ECHO in Pakistan will continue concentrating on the emergency needs and if covering a more livelihood approach, it will be done in complementarity with the other instruments.

²¹ coordinated by the EU Delegation

²² notably the informal donors' breakfast meetings where OCHA provides briefings and updates

²³ The Friends of Democratic Pakistan (FoDP) is a group aimed to extend support the democratic Government of Pakistan in its efforts to consolidate democracy and support social and economic development in the country. The group was launched in New-York on 26 September 2008 on the sidelines of the United Nations General Assembly session. The initial meeting was co-chaired by the United States, the United Kingdom, the United Arab Emirates and Pakistan. The Friends of Democratic Pakistan seeks to help Pakistan address its security, development, energy and institution building challenges.

Following the return process, donors were requested by the Government of Pakistan to support mainly the rehabilitation and reconstruction phase. At a meeting of the Friends of Democratic Pakistan in Istanbul in August 2009, the so-called *Malakand strategy* was designed and supported by all donors, including the EU²⁴.

While the humanitarian crisis was still very present, many initiatives took place on the need to rehabilitate, reconstruct and develop the conflict-affected zones such as:

- **CERINA** – Conflict Early Recovery Initial Needs Assessment, tabled by the Inter Cluster Coordination meeting in June 2009 whose main objective was to assess the needs for early-recovery planning.

- **A DNA** – Damage Needs Assessment requested by the government to the World Bank and the Asian Development Bank whose main objective was to assess the monetary value of physical damages. A multi trust fund has been put in place but is not yet in action as the threshold of USD 100,000,000 supposed to trigger its implementation has not yet been reached. The European Commission is supposed to contribute with EUR 15,000,000 coming from the Instrument for Stability.

- **A PCNA** – Post Crisis Needs Assessment (currently on-going – results expected for June 2010) with the World Bank, the Asian Development Bank, the UN and the EU whose main objective is peace building in a short term reconstruction perspective. The PCNA is supposed to cover 9 sectors including good governance; justice reform, rule of law; agriculture; infrastructure; education; health; social protection and communication. Ultimately, the multi trust funds, put in place for the DNA, may be used for the PCNA.

DG ECHO is closely following all these processes as they constitute an exit strategy for the humanitarian actors in some areas where reconstruction is feasible and would allow humanitarian aid to focus on the most urgent needs arising in other parts of KPP and FATA. Nevertheless, at the time of the ECHO mission in March 2010, no concrete results could be observed at field level.

Furthermore, all current reconstruction plans target solely Swat, Buner, Dir and Peshawar valley with no precise information about the FATA areas.

The delay in getting all the instruments in place to start with rehabilitation and reconstruction has implications for the humanitarian stakeholders:

- It does not allow a proper transition process in the areas of return where people are expecting reconstruction/rehabilitation of their houses, public infrastructure such as schools and health centres, and restoration of livelihoods opportunities, notably in the agriculture sector.
- It puts in danger the humanitarian workers and agencies as they are the only ones visible in the field but not necessarily fully responding, to the priority expectations of the population and local authorities. These priorities were clearly expressed during the ECHO field mission in Swat.
- It therefore does not allow all the humanitarian stakeholders to move from some areas and focus on the most urgent needs.

²⁴ This support is included in the EU Action plan for Pakistan.

2.5 Duration

The duration for the implementation of this Decision shall be 18 months. The duration of the Decision is justified by the complexity of the crisis and the very volatile security conditions that require a maximum of flexibility for implementation. Furthermore, natural disasters may also slow down the implementation of the projects during some periods of the year.

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

Expenditure under this Decision shall be eligible from 01 June 2010 in order to allow a smooth transition between some projects ending in June under the 2009 ad hoc decision.

Start Date: 01 June 2010

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.

3 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.

4 Management Issues

Humanitarian aid actions funded by the European Union 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 Financial and Administrative Framework Agreement with the UN (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 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.

5 Annexes

Annex 1 - Summary decision matrix (table)

| Principal objective To provide assistance and protection to the vulnerable population affected by the conflicts in Pakistan | | | | |
|--|---|---------------------------------------|--|---|
| Specific objectives | Allocated amount by specific objective (EUR) | Geographical area of operation | Activities | Potential partners²⁵ |
| To improve the humanitarian situation of conflicts affected populations by providing multi-sector humanitarian assistance and protection | 22,000,000 | Pakistan | <ul style="list-style-type: none"> ✓ Protection ✓ Camp Coordination and Management ✓ Emergency shelter and NFIs ✓ Health, psychosocial interventions and nutrition ✓ WASH ✓ Disaster preparedness and Disaster risk reduction mainstreaming ✓ Mine action ✓ Food assistance and livelihood support | <u>Direct centralised management</u> - ACH- ESP - ACTED - ACTIONAID - CARE - UK - CARITAS - AUT- CARITAS – DEU - CONCERN WORLDWIDE - CORDAID - DANCHURCHAID – DNK - DIE JOHANNITER, (DEU) - FSD_573 - HANDICAP (FR) - HELPAGE INTERNATIONAL - UK - HOPE'87 - ICMC - IRC – UK - ISLAMIC RELIEF - MAG – UK - MALTESER HILFSDIENST - MERCY CORPS SCOTLAND - MERLIN - NORWEGIAN REFUGEE COUNCIL - OXFAM - UK - PLAN INTERNATIONAL UK - RI-UK - SAVE THE CHILDREN – UK - SOLIDARITES <u>Joint management</u> - ICRC-CICR - IOM - UNHCR – UNICEF - WHO |

²⁵ ACCION CONTRA EL HAMBRE, (ESP), ACTIONAID, AGENCE D'AIDE A LA COOPERATION TECHNIQUE ET AU DEVELOPPEMENT, (FR), CARE INTERNATIONAL UK, CARITAS AUSTRIA, (AUT), CATHOLIC ORGANISATION FOR RELIEF AND DEVELOPMENT AID (NLD), COMITE INTERNATIONAL DE LA CROIX-ROUGE (CICR), CONCERN WORLDWIDE, (IRL), DEUTSCHER CARITASVERBAND e.V., (DEU), FOLKEKIRKENS NODHJALP, (FKN), Fondation Suisse de Déminage (FSD), HANDICAP INTERNATIONAL (FR), HELPAGE INTERNATIONAL (GBR), HOPE'87 - HUNDREDS OF ORIGINAL PROJECTS FOR EMPLOYMENT, INTERNATIONAL ORGANIZATION FOR MIGRATION (INT), ISLAMIC RELIEF WORLDWIDE, International Rescue Committee UK, JOHANNITER-UNFALL-HILFE E.V., MALTESER HILFSDIENST e.V., (DEU), MEDICAL EMERGENCY RELIEF INTERNATIONAL (GBR), MERCY CORPS SCOTLAND (GBR), MINES ADVISORY GROUP (GBR), NORWEGIAN REFUGEE COUNCIL (NOR), OXFAM (GB), PLAN INTERNATIONAL (UK), Relief International-UK, SOLIDARITES, (FR), THE INTERNATIONAL CATHOLIC MIGRATION COMMISSION (CHE), THE SAVE THE CHILDREN FUND (GBR), UNICEF, UNITED NATIONS - FOOD AND AGRICULTURE ORGANIZATION, UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES - BELGIUM, UNITED NATIONS, OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS, WORLD FOOD PROGRAM, WORLD HEALTH ORGANISATION - ORGANISATION MONDIALE DE LA SANTE

| | | | | |
|---|------------|----------|--|--|
| To improve the conditions for delivering humanitarian assistance by providing essential support services with a focus on coordination and advocacy, the provision of security information/advice and training | 3,000,000 | Pakistan | <ul style="list-style-type: none"> ✓ Coordination and advocacy ✓ Security information, advice and training ✓ logistics | <u>Direct centralised management</u> - IRC - UK <u>Joint management</u> - IOM – OCHA - WFP-PAM |
| To improve the humanitarian situation of conflicts affected populations by providing food assistance. | 5,000,000 | Pakistan | <ul style="list-style-type: none"> ✓ Food assistance ✓ short term food security ✓ Early livelihood recovery ✓ Nutritional support ✓ Disaster preparedness and disaster risk reduction mainstreaming | <u>Direct centralised management</u> - ACH- ESP - ACTED - ACTIONAID - CARITAS - AUT - CARITAS – DEU - DANCHURCHAID - DNK - HOPE'87 - OXFAM - UK - RI-UK - SAVE THE CHILDREN - UK <u>Joint management</u> - FAO - ICRC-CICR - WFP-PAM |
| TOTAL | 30,000,000 | | | |

Annex 2 - List of previous DG ECHO decisions

| List of previous DG ECHO operations in PAKISTAN | | | | |
|---|---------------|-------------|-------------|-------------|
| Decision Number | Decision Type | 2008 EUR | 2009 EUR | 2010 EUR |
| ECHO/-AS/BUD/2008/01000 (*) | Global Plan | 750,000 | | |
| ECHO/PAK/BUD/2008/01000 | Ad hoc | 1,500,000 | | |
| ECHO/-AS/BUD/2009/01000 (*) | Global Plan | | 750,000 | |
| ECHO/DIP/BUD/2009/02000 (*) | Ad hoc | | 510,000 | |
| ECHO/PAK/BUD/2009/01000 | Emergency | | 25,500,000 | |
| ECHO/PAK/BUD/2009/02000 | Ad hoc | | 45,000,000 | |
| ECHO/-AS/BUD/2010/01000 (*) | Global Plan | | | 750,000 |
| | | | | |
| Subtotal | | 2,250,000 | 71,760,000 | 750,000 |
| TOTAL | | 74,760,000 | | |

Date : 28/04/2010

Source : HOPE

(*) decisions with more than one country

Annex 3 - Overview table of the humanitarian donor contributions

| Donors in PAKISTAN over the last 12 months | | | |
|--|-------------|------------------------|------------|
| 1. EU Member States (*) | | 2. European Commission | |
| | EUR | | EUR |
| Belgium | 1,500,000 | DG ECHO | 71,250,000 |
| Czech Republic | 400,000 | | |
| Denmark | 3,351,524 | | |
| Estonia | 63,898 | | |
| Finland | 4,250,000 | | |
| France | 2,500,000 | | |
| Germany | 14,442,662 | | |
| Ireland | 549,599 | | |
| Italy | 2,089,000 | | |
| Luxembourg | 930,000 | | |
| Netherlands | 1,000,000 | | |
| Poland | 309,000 | | |
| Romania | 50,000 | | |
| Slovenia | 50,000 | | |
| Sweden | 4,096,263 | | |
| United Kingdom | 29,350,868 | | |
| Subtotal | 64,932,814 | Subtotal | 71,250,000 |
| TOTAL | 136,182,814 | | |

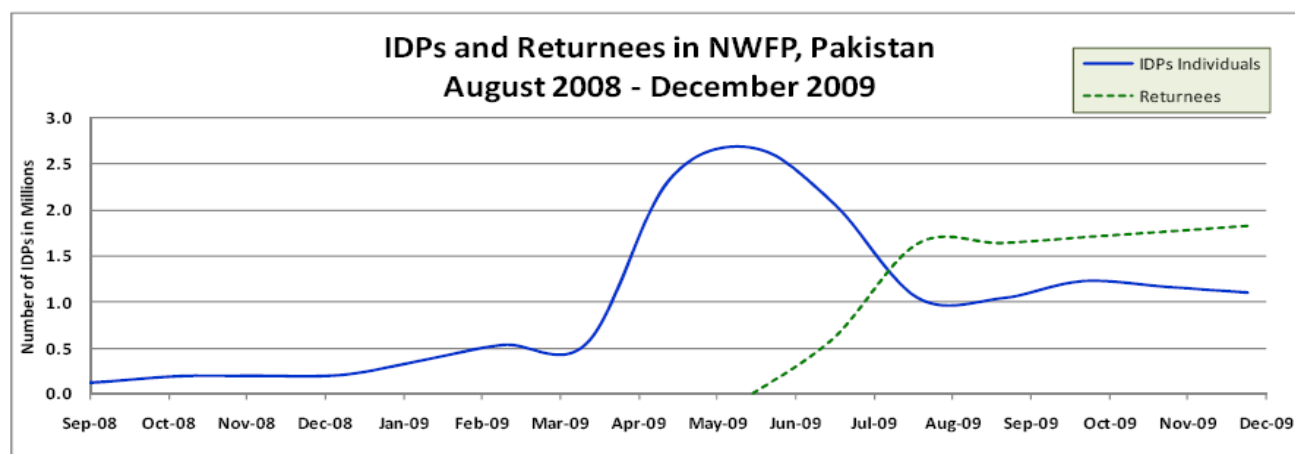
Date : 28/04/2010

(*) Source : DG ECHO 14 Points reports. <https://webgate.ec.europa.eu/hac>

Empty cells : no information or no contribution.



Annex 5 - Statistics on humanitarian situations



Source: Humanitarian End of Year Review 2009, UNOCHA, 13 January 2010-04-30

