

THE HUMANITARIAN RESPONSE INDEX 2009



Whose Crisis? Clarifying Donor's Priorities

DARA



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Clarifying Donor Priorities



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DARA – Development Assistance Research Associates – is an independent, international, non-profit organisation, which works to improve the quality and impact of development and humanitarian interventions. We do this through research, evaluations, promoting learning and knowledge sharing.

DARA aims to enhance global efforts to reduce human suffering and inequity and encourage prevention. Our focus is on the improvement of humanitarian action, the promotion of international stability and development, and the reduction of disaster risk.

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Crisis Reports

Sri Lanka



Sri Lanka at a Glance

Country data

- ▶ Population (2007): 20 million
- ▶ Under five mortality rate (2006): 13 per 1,000
- ▶ Human Development Index Ranking (2008): 104
- ▶ Life expectancy (2006): 72 years
- ▶ Official Development Assistance (2007): US\$801,000,000

The crisis

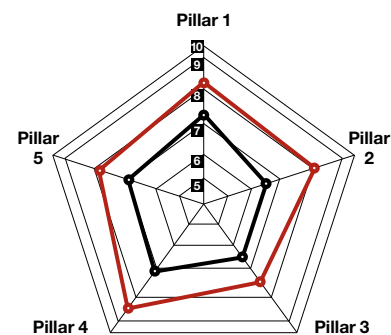
- ▶ Decades of conflict between the Sri Lankan Government and Tamil Tigers have killed more than 150,000; from January to mid-May 2009, fighting left 7,500 dead and more than 15,000 injured;
- ▶ Final two weeks of fighting before Sri Lankan Government declared victory thought to have caused thousands more deaths, though exact figures are unknown;
- ▶ More than 275,000 civilians fleeing the conflict have been placed in overcrowded internment camps;
- ▶ Lack of rule of law and need for protection in areas previously held by the LTTE

The response

- ▶ Of US\$198 million required in 2008, CHAP donors covered 70 percent, or US\$139 million. 2009 CHAP calls for more than US\$270 million;
- ▶ While food requirements 88 percent covered in 2008, significant gaps remain in protection of civilians, access and safety of humanitarian personnel and operations, mine action, and economic recovery and infrastructure;
- ▶ Sri Lankan Government was unprepared to handle displaced population, but reluctant to accept international assistance, and has allowed only limited access to camps.

Donor performance

- ▶ Donors rated highest in Protection and International Law (Pillar 4), and lowest in Working with humanitarian partners (Pillar 3);
- ▶ Donors rated reasonably well in responding to needs and support for neutral, impartial humanitarian action, but poorly in working to find long-term funding arrangements and supporting organisational capacity and preparedness;
- ▶ Donors criticised for inadequately advocating protection and safe humanitarian access, as well as not anticipating and preparing for consequences of final stages of conflict.



HRI 2009 scores by pillar

- Pillar 1** Responding to needs
- Pillar 2** Prevention, risk reduction and recovery
- Pillar 3** Working with humanitarian partners
- Pillar 4** Protection and International Law
- Pillar 5** Learning and accountability

- Sri Lanka
- All crisis average

Sri Lanka *Processing a Slaughter Foretold*¹

Silvia Hidalgo

Sri Lanka is bleeding, suffering from a violent 26-year conflict. With a death toll of more than 150,000 and several hundreds of thousands more affected, the wounds of war are deep. The most recent escalation in fighting in 2009 opened a new chapter of increased – and predictable – suffering as civilian populations were once again caught in the crossfire, unable to flee and subjected to inhumane treatment and an impossible life-threatening situation.

The Sri Lankan Government interned some 280,000 civilians in 2009. Many were injured and traumatised after months of entrapment amid fighting, and, with insufficient access to food and water, significant numbers were later displaced and held in what many Sri Lankans and humanitarian workers define as detention camps. The camps, in the north of the country, are congested and inadequate and present serious access problems for aid agencies. Those accommodated there remain at risk, due to poor conditions and potential disease outbreaks.

Despite the government declaring the end of the conflict in May 2009 and the separatist and terrorist group the Liberation Tigers of Tamil Eelam (LTTE) conceding defeat, the situation in the country remains bleak given the absence of rule of law in many areas and the considerable humanitarian needs of both the displaced and at-risk populations.

Faced with the reality of the bloodshed, the failure of any prevention efforts and the continued suffering and need in Sri Lanka, the role of the international community has been seriously challenged. Questions emerge regarding the current, potential and differing roles of donors at different stages and levels in a country where both public opinion and the government are far from fond of the aid community.

The context of the crisis

From January 2008, when it formally abrogated the 2002 Cease-Fire Accord (CFA) with the LTTE,² the Sri Lankan Government's focus was placed exclusively on winning 'the final battle'. A year later, as of mid-January 2009, fighting intensified in the northern Vanni region, creating a major humanitarian crisis. Hundreds of thousands of civilians were trapped in a small – and shrinking – stretch of land under LTTE control.

Brad Adams, Asia Director of Human Rights Watch, declared: "The government and the LTTE appear to be holding a perverse contest to determine who can show the least concern for civilian protection." The Sri Lankan military repeatedly shelled populated areas in its declared 'no-fire zone', while the LTTE hid behind thousands of civilians who were either forced to fight against government troops or used as human shields. Until the very last moment of LTTE resistance, civilians were prevented from escaping the war zone.

Both sides committed grave human-rights abuses. An estimated 7,500 civilians were killed³ – including more than 1,000 children – and more than 15,000 wounded between mid-January and early May 2009. At the time of the Humanitarian Response Index (HRI) mission, casualty figures were more than twice those of Gaza, yet the crisis in Sri Lanka received almost no attention.

After a final offensive in mid-May, the Sri Lankan Government declared victory. The last two weeks of fierce fighting are thought to have caused thousands more deaths.

The humanitarian situation remains desperate for the 280,000 civilians⁴ who escaped the war zone and were placed in camps, as well as the thousands injured. Camps for internally displaced persons (IDPs) were 30,000 to 40,000 people beyond capacity and conditions failed to meet all international standards. Later in August, the camps – guarded by soldiers and surrounded by barbed wire – were flooded after heavy rains. The government claimed it could not release civilians until it finished screening the camps for potential rebel fighters. Unprepared to handle the inflow of IDPs, the Sri Lankan Government requested international assistance, yet also limited the access of international relief organisations to the camps. Weeks after the fighting ended, it still failed to give the International Committee of the Red Cross (ICRC) access to the former conflict zone in the north-east.

Aside from the situation in the camps, significant current and future challenges exist throughout the country. An International Crisis Group (ICG) (2009) report, 'Development Assistance and Conflict in Sri Lanka: Lessons from the Eastern Province', helps shed light and sound alarm bells on a worrying situation in the east that could extend to the 'newly liberated' territories.⁵ There is no rule of law in the 'post-conflict' areas of late 2007 and early 2008, and they are marred by violent clashes between political factions and impunity for killings and disappearances, many allegedly committed by government security forces. Insecurity, extortion and fear are undermining the ability of agencies and contractors to implement projects.

The government has yet to devolve power to the Eastern province and take the necessary steps to establish guarantees to restore a sense of trust and security for the population. From a humanitarian perspective, there is an alarming need to step up protection on all fronts.

Sri Lanka is a small country with a population of 20 million people where the bulk of donors have no real vested interests. It is a lower middle-income country that has greatly benefited from aid, yet it is one that is particularly critical of international aid efforts. The country also suffered the impact of the 2004 Indian Ocean tsunami.

The problem of access

The Sri Lankan context poses a number of challenges for the international aid community, the main one cited by all humanitarian actors being access to the areas and people in need. As one HRI respondent put it: “The government is judge and party in this conflict and that affects everything.”

The attitude of the government towards the aid community – the United Nations, NGOs and most donors – has proved a pervasive problem. Relief agencies are subject to government hostility, heavy taxation, visa constraints and even, in some cases, interference with their programme bank accounts (DARA 2009). With the harassment of national aid workers, agencies resort to using expatriates for an increasing number of tasks. However, although expatriates may not face security problems, they do face restrictions on visas and on travel within Sri Lanka.

The animosity that many Sri Lankans direct towards the aid community is difficult to understand fully. It was exacerbated during the response to the tsunami when the government was very critical of humanitarian agencies’ responses, questioning the legitimacy of many organisations which “sold the images of our grieving children to obtain funding for their own benefit” (DARA 2008). In contrast, the Sri Lankan Government values its relationships with Asian donors who offer bilateral support without questioning the government on internal affairs. The diplomatic community reacts with caution and concern, not wanting to become ‘*persona non grata*’.

Coupled with this are major security concerns, mainly faced by NGOs. At the time of the HRI mission, dozens of humanitarian workers and national staff members of relief agencies were trapped in the LTTE-held areas. They are often also victims of shelling and some even killed. For the security of their staff, reasons of access and continuity of their programmes, humanitarian agencies are inhibited from speaking out publicly on any humanitarian issue. The result is that there are virtually no attempts made at the field level to criticise or change the situation.

The Humanitarian Response: too little, too weak, too late...?

At the time of the HRI mission, which was at the height of the crisis, funding was not cited as a major constraint. As agencies were having trouble accessing those in need, lack of means was not yet a consideration.

Agencies and major NGOs did, however, underline that before January there were few donors willing to fund emergency teams, contingency plans and programmes, despite recognising the imminent need for a full-fledged response. In many cases, the European Commission’s Humanitarian Office (ECHO) was cited as the only donor funding organisations for this purpose. Observers felt this was key as, without continued support, emergency teams have to be dismantled

At the end of May, the 2009 UN Consolidated Humanitarian Action Plan (CHAP) for Sri Lanka was almost 40 percent funded, with US\$60,776,039 received out of the US\$155,112,669 required. With newly pledged amounts, coverage would be 56 percent.

Japan is Sri Lanka’s most important development aid donor, although the United States is the country’s largest humanitarian donor, giving US\$62.8 million from 2008 to mid-2009. Aside from its significant food aid channelled through Food for Peace (US\$42.9 million from 2008 to May 2009), the remainder of its humanitarian assistance – focused on IDPs and returnees – is important in absolute terms.

Since September 2008, the United Kingdom Department for International Development (DFID) has stepped up its aid, allocating £12.5 million of humanitarian assistance to Sri Lanka.

Asian donors include South Korea, which contributed to the World Food Programme (WFP), and Vietnam, which announced US\$30,000 to help the Sri Lankan Government solve the IDP problem. China gave US\$1 million as emergency relief assistance for IDPs.

After the onslaught of thousands of civilians, what makes this crisis particularly discomfiting for the parties involved and the international community in Sri Lanka is that everyone anticipated the outcome. With such a predictable result, one would think that the international community would have the means to alleviate the suffering and avoid the slaughter of innocent civilians.

In April, John Holmes, UN Under-Secretary-General for humanitarian affairs, warned of a “bloodbath”. The ICRC in turn described the situation as “nothing short of catastrophic”. Calls for the Sri Lankan Government to halt its offensive and accept a humanitarian pause went unheard. The requested halt – to enable two weeks of relief supplies to get in and a humanitarian corridor to be established for civilians to escape – was to no avail. Relief agencies were denied full access to reception points and military screening centres, and so protection was insufficient in areas where either civilians or Tamil Tiger fighters might have surrendered or crossed into government-held areas.

At the time of the HRI mission a year before, donors were working on ensuring the effectiveness of aid work with the government of Sri Lanka and an agreed framework of principles to promote the respect of international humanitarian law (IHL) and human rights. In their working group, donors moved to clarify and promote guiding principles which would counter:

- ▶ Difficulties faced by agencies in the field;
- ▶ The diminishing humanitarian space;
- ▶ Negative media campaigns against agencies;
- ▶ Harassment and security threats facing agency staff (Bilateral Donor Group 2007).

Certain donors, mainly the EC, the US and Germany, did take a stance.⁶ There is the view, however, that not enough was done either in Colombo or abroad, and that those who did speak out were not the ones who could positively influence the Sri Lanka Government.

With the end of the fighting, the US continued to send strong messages, remaining “deeply concerned for the welfare of the hundreds of thousands of internally displaced persons... the tremendous loss of life and hardship endured by civilians in northern Sri Lanka”. It urged the government to “allow humanitarian access to the camps and to work hand in hand with the UN, ICRC, and non-government organisations to ensure all IDPs are accorded rights and care meeting the highest international standards” (Blake 2009).

Significantly, greater credence is given to a US position that states: “To truly defeat terrorism, the government of Sri Lanka needs to begin to heal the wounds of the conflict, and work toward building a democratic, prosperous, tolerant and united Sri Lanka and work toward justice and reconciliation for both sides” (Blake 2009).

Application of the Good Humanitarian Donorship: Lost in translation?

With UN agencies and NGOs undermined, donors have a critical role to play in Sri Lanka. They need to follow developments closely and remain committed to a common stance and principled approach.

For example, there are ethical dilemmas when considering how to support and provide assistance in the state-run camps where those who managed to escape the conflict zone remain interned. In June 2009, control over IDP camps had yet to be transferred from the military to civilian authorities and aid agencies trying to provide assistance faced heavy restrictions. A Sri Lankan doctor, voicing the opinions of many, observed that the packed camps, surrounded by barbed wire, were inhumane and that it was an incongruity to see UN High Commissioner for Refugees (UNHCR) tents in these camps which are anything but humanitarian. For UNHCR in Colombo, shelter is a right and they will provide this assistance. But is it possible to provide assistance without being able to monitor use?

“What makes this crisis particularly discomfoting for the parties involved is that everyone anticipated the outcome.”



© AFP PHOTO / HO / Sri Lankan Army

One NGO said: “We have to explain to the government that the funding that provides the support requires our presence for accountability reasons and that we simply can’t not have access to the camps. For donors, it’s Parliament and so on...” (DARA 2009). One major donor, expressing a view on the provision of food aid through the WFP but controlled by the government, felt that the humanitarian imperative at certain emergency stages had to supersede the accountability imperative.

Donors unanimously put forth five conditions that had to govern aid efforts:

- ▶ Full and unhindered access of aid agencies to camps;
- ▶ Freedom of movement of IDPs;⁷
- ▶ Demilitarisation of camps, including no uniforms or weapons;
- ▶ Early IDP return;
- ▶ ICRC access to previous conflict zones and respect for human rights and IHL.

These conditions were designed to shield humanitarian agencies from being used by the Sri Lankan Government or military, and prevent aid from doing harm. Their progress was to be monitored after three months. In August 2009, when the camps were hit by heavy rains, access remained restricted and rights groups continued to urge the government to free civilians from camps that continued to be guarded by soldiers and strung with barbed wire.

Good – and bad – practice

In the Sri Lankan context, relief agencies noted just how important donor understanding, commitment and presence were, given the complex environment. Comprehensive donor support requires a real appreciation for the situation and for humanitarian Principles.

In May 2009, key members of four international organisations – Human Rights Watch, the International Crisis Group, Amnesty International and the Global Centre for the Responsibility to Protect – asked Japan, as the largest international donor to Sri Lanka, to “play a more active role” in confronting the worsening humanitarian crisis, saving countless civilian lives and implementing aid policies that ensure recovery. Japan has officially endorsed the *Good Humanitarian Donorship (GHD) Principles* and the guiding humanitarian principles agreed upon by the international community within Sri Lanka. It has also signed up to conditions that should govern humanitarian assistance in favour of IDPs. The overwhelming impression, however, is that Japan is not a staunch or vocal supporter of principled approaches and that perhaps it fails to fully identify with them.

Nonetheless, in June, Japan continued to be an active donor, albeit appearing to stay clear of providing assistance that would compromise the common approach foreseen by donors – funding organisations, for example, in the de-mining field, and focusing on establishing conditions for possible IDP return and recovery.

Vietnam’s US\$30,000 contribution was accompanied by a welcome for “the recent victory of the government and people of Sri Lanka” (Government of Sri Lanka). China, handing over its US\$1 million cheque, stated it was “impressed by the sincere commitment and the efforts of the Sri Lankan Government to do its utmost to assist the large number of civilians who have come over to cleared areas” (The foundation of Co-Existence 2009).

East versus West

The Sri Lankan Government is openly critical of Western donors and in particular of Europeans. The aid community has known since the resumption of hostilities in 2007. Since last September, UN and humanitarian workers were forced by the government to leave LTTE areas.

At the peak of the humanitarian crisis in April 2009, the US and UK governments released statements calling for a pause in hostilities to facilitate humanitarian access and civilian departure from the ‘no-fire zone’. To many, the actions of both governments and the UN were too little, too late. Part of the problem seems to be that no one wants to be in the spotlight and risk becoming *persona non grata* in Colombo. Hence, concerted and decisive action was missed.

Finally, Sri Lanka and Sri Lankans were possibly just not high enough on the international or domestic agendas of influential nations.

Behind the scenes, the US tried to exert pressure on the Sri Lankan Government, and the US Ambassador in Colombo is engaged on the humanitarian front. At the height of the crisis, the US Government released statements calling for a humanitarian pause, and its programme planning since at least the beginning of 2009 was very much ahead of other actors in focusing on post-conflict efforts.

The UK, despite its level of funding, was regarded as somewhat absent or distant and detached, with no real presence in Colombo and limited participation in coordinated efforts. Humanitarian personnel felt that the

UK should be more involved and that its potential principled contribution and influence was missed. In contrast to some Asian donors, DFID stresses that none of its assistance goes directly to the Government of Sri Lanka. DFID in fact relies mostly on multilateral partners for its effort.

The EC, through ECHO, was viewed by the vast majority of aid agencies as the best donor in Sri Lanka. Its comprehension of the situation and backing of humanitarian efforts was highly appreciated. In contrast to other crises, where a change in personnel in-country has weakened efforts or modified ECHO's stances or approach, continuity has been maintained. What proved specifically important for key humanitarian agencies is that ECHO was able to provide funding and support early on. Without this support, organisations would have had to shut down programmes and leave the country knowing that escalation of the conflict was imminent and capacity needed.

Other European donors, including Germany, are quick to confirm that the "international community must also expand its humanitarian aid" (German Information Centre 2009). They also warn that preferential trade regulations (Generalised System of Preferences (GSP+)) and an IMF loan can only be granted if the government of Sri Lanka finally acts to safeguard human rights and protect the entire population, and makes a start on a comprehensive political process of reconciliation and peace.

Lessons learnt and recommendations for the future

The case of Sri Lanka is important in the context of assessing donor responses, essentially because donors have such a key role. In the context of Sri Lanka, where the UN and NGOs are so weak, close donor coordination and a joint approach become essential.

For some, Sri Lanka is an example of good donor coordination, with the existence of guiding principles, and efforts to arrive at a common stance that includes Japan. While private funding is valued for its flexibility among other factors, it is recognised that official and governmental donor presence is essential to promote access, enable humanitarian action and safeguard essential principles.

It is those donors that are not active or present that are regarded as poorer donors, especially when they fail to back up common positions. As in other contexts, the issue of 'stray' GHD donors and non-traditional donors such as China surfaced, together with the urgency of bringing them to the table while not compromising existing Principles.

In reference to humanitarian reform, some aspects of the Sri Lankan context fuel the argument against a one-size-fits-all approach to processes and mechanisms related to the humanitarian system. Neither the protection nor shelter sectors led by UNHCR were clustered in Sri Lanka, the argument being that real coordination and information-sharing cannot take place in the presence of a government which has been a party to the conflict. The make-up of clusters and their functioning faces difficulties in crises that are complex emergencies.

Additional attention should be placed on the consequences of withdrawing international monitors from conflict areas, as occurred when the European Union declared the LTTE a terrorist group.

Looking to the future in Sri Lanka, important challenges remain. In addition to the spotlight that is necessarily placed on the need for material assistance and immediate plans, there are other, persisting needs – protection by presence is important and the situation in the north of the country has shifted attention away from the east. The ICRC shutting down its offices in many areas seems premature and to send a wrong message in terms of needs.

Conclusion

Reflections from the field include the fact that it is 'too late' for Sri Lanka. It may indeed be 'too late' in terms of avoiding immediate widespread loss of life and demonstrating how important saving lives and humanitarian action is for the international community. Donors can certainly do more to save lives and push issues of access. There is a continued need for further prioritising humanitarian action at the global level and within the international system. Reactions at the highest levels often come too late for them to make any difference on the ground.

Important rifts exist across donors. The 'Western' donors that were present in Sri Lanka were generally well regarded by the humanitarian community in Sri Lanka primarily because they sought to push forward a common and principled approach. More, however, could have and can still be done in terms of supporting protection efforts throughout the country.

In Sri Lanka, every effort to heal wounds in a divided country must be made, with decisive actions to safeguard the population in previously-held Tamil areas and to establish normalcy. A popular saying from the Hindu Deepavali festival is, "Hatred will never cease by hatred; hatred ceases by love alone." In this, the international community can play a supportive role.

About the Author

Silvia Hidalgo

Co-Founder, DARA

Silvia Hidalgo is the Co-Founder of DARA and has directed the organisation since its inception. She was responsible for the creation of the Humanitarian Response Index, which stemmed from her work assessing official donor funding in the Tsunami Evaluation Coalition against Good Humanitarian Donorship Principles. More recently, as a part of a Disaster Risk Reduction Initiative, she is involved in developing the Disaster Risk Management Index that measures countries' efforts in managing natural hazards-related risk. Prior to her involvement with DARA, she acted as Desk Officer for ECHO in Bosnia and Herzegovina, then as Head of the EC's Sarajevo sub-office, and Regional Delegate of the Spanish Red Cross in the wake of Hurricane Mitch, shaping the response in Central America. With over 15 years' experience in the field of humanitarian aid and development, she is an experienced evaluator and has worked for both donor governments and the Red Cross Movement, and assessed the performance of multi-stakeholder country strategies, UN agencies and NGOs. She is a member of the Board of FRIDE and a full member of Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP).

Notes

- 1 Information based on field interviews with key humanitarian agencies in Sri Lanka from 18 March 2009 to 28 March 2009 and 100 questionnaires on donor performance (including 84 OECD-DAC donors).

The HRI team, composed of Silvia Hidalgo, Nicolai Steen, Fernando Espada, expresses its gratitude to all those interviewed in Sri Lanka. The opinions expressed here are those of the author and do not necessarily reflect those of DARA.

- 2 The LTTE, also known as the Tamil Tigers, is a separatist group in Sri Lanka that has been advocating a homeland for ethnic Tamils since the 1980s on the grounds that they feel persecuted by Sri Lanka's ethnic majority, the Sinhalese. The LTTE, listed as a terrorist group by the European Union in 2006, is responsible for many high-level assassinations, and more than 200 suicide attacks. The Tamils are an ethnic group that mostly lives in southern India (mainly in the state of Tamil Nadu), and in northern and eastern Sri Lanka. Tamils comprise approximately ten percent of the island's population, according to a 2001 government census. Their mainly Hindu religion and Tamil language distinguish them from the majority of Sri Lankans who are Sinhalese – members of a largely Buddhist, Sinhala-speaking ethnic group. When Sri Lanka was under British rule, most Sri Lankans regarded the Tamil minority as collaborators and resented the Tamil's perceived preferential treatment. But since Sri Lanka became independent in 1948, the Sinhalese majority has dominated the country.
- 3 According to South Asia Terrorism Portal (2009), a terrorism database, more than 13,000 people were killed in 2009, including more than 9,000 civilians, the highest number of casualties in a single year since the conflict began.
- 4 United Nations High Commissioner for Refugees (UNHCR) July figure. The number facilitated by the UN Office for the Coordination of Humanitarian Affairs (OCHA) was 275,000 in June 2009.
- 5 The Sri Lankan Government took effective control of Sri Lanka's Eastern province in mid-2007.
- 6 Japan, for its part, also officially signed up to the Principles and the common framework but did not come across as a staunch supporter or advocate.
- 7 Regarding the issue of freedom of movement for IDPs, ID registration cards were foreseen.

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