



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels  
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**COMMISSION DECISION**

**of**

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

(ECHO/LKA/BUD/2009/02000)

## COMMISSION DECISION

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

(ECHO/LKA/BUD/2009/02000)

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 aid<sup>1</sup>, and in particular Article 2(a) and Article 13 thereof,

Whereas:

- (1) The ongoing conflict between government forces and the LTTE<sup>2</sup> in the north of Sri Lanka has escalated dramatically since the beginning of 2009, creating serious humanitarian needs for almost 300,000 civilians caught up in the conflict.
- (2) On 20 April 2009 Sri Lankan forces breached LTTE defences in the conflict zone, allowing over 130,000 trapped civilians to flee from the fighting.
- (3) Following initial security screening by the army, the civilians were taken to IDP<sup>3</sup> camps in government controlled territory in the north of Sri Lanka, where 65,000 people who had previously fled the fighting were already being detained.
- (4) The government announced on 19 May 2009 the definitive defeat of the LTTE, and since then a further 85,000 civilians have arrived in the IDP camps.
- (5) Humanitarian conditions in the majority of the overcrowded camps are far below minimum standards: there is no freedom of movement for IDPs; health facilities are overwhelmed; there are grave shortcomings in the provision of water and sanitation services; and serious protection issues.
- (6) To reach populations in need, 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 central direct management or by joint management.
- (7) Humanitarian aid Actions financed by this Decision should be of a maximum duration of 6 months.

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

<sup>2</sup> Liberation Tigers of Tamil Eelam

<sup>3</sup> Internally Displaced Persons

- (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 300,000 Internally Displaced Persons (IDPs) and 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 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 1605/2002<sup>4</sup>, Article 90 of the detailed rules for the implementation of the Financial Regulation determined by Regulation (EC, Euratom) No 2342/2002<sup>5</sup>, and Article 15 of the Internal Rules on the Implementation of the general budget of the European Communities<sup>6</sup>.

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 emergency humanitarian aid Actions to provide the necessary assistance and relief for up to 300,000 IDPs and conflict affected population in SRI LANKA by using article 23 02 01 of the 2009 general budget of the European Communities.
2. In accordance with **Article 2(a)** of Council Regulation No.1257/96, the humanitarian Actions under this Decision shall be implemented in the pursuance of the following specific objective:
  - To provide integrated humanitarian assistance to Internally Displaced Persons (IDPs) and conflict affected population in Sri Lanka.

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

*Article 2*

1. The implementation of humanitarian aid Actions funded by this Decision shall have a maximum duration of 6 months from their starting date.
2. Expenditure under this Decision shall be eligible from 20 April 2009.
3. If the Actions envisaged in this Decision are suspended owing to force majeure or comparable circumstances, the period of suspension shall not be taken into account for the calculation of the duration of the humanitarian aid Actions.

*Article 3*

1. The Commission shall implement the budget by central direct management or by joint management with international organisations.

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<sup>4</sup> OJ L 248, 16.9.2002, p.1.

<sup>5</sup> OJ L 357, 31.12.2002, p.1.

<sup>6</sup> Commission Decision of 5.3.2008, C/2008/773

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. Taking account of the specificities of humanitarian aid, the nature of the activities to be undertaken, the specific location constraints and the level of urgency, the activities covered by this Decision may be financed in full in accordance with Article 253 of the Implementing Rules of the Financial Regulation.

*Article 4*

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

Done at Brussels

*For the Commission  
Member of the Commission*



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

**Title:** Emergency humanitarian assistance for IDPs and conflict affected population in Sri Lanka

**Location of Action:** SRI LANKA

**Amount of Decision:** EUR 5,000,000

**Decision reference number:** ECHO/LKA/BUD/2009/02000

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**Supporting Document**

**1 - Rationale, needs and target population.**

1.1. - Rationale:

The latest round of the brutal conflict between government forces and Liberation Tigers of Tamil Eelam (LTTE) has led to an unimaginable humanitarian catastrophe which is currently causing untold tragedy for almost 300,000 predominantly ethnic Tamil civilians. Grave violations of international humanitarian law are being committed by both sides of the conflict in total impunity.

There have been two quite distinct humanitarian crises, one in the combat or so-called "no fire zone"(NFZ) and another in the IDP camps. In the NFZ, a narrow sand spit bordered by the sea to the east and a lagoon to the west, an estimated 300,000 civilians were trapped by fighting between January and May 2009. Despite repeated assurances from the government that heavy weapons were not being used in the zone, UNOSTAT satellite imagery of the area showed multiple shelling craters from heavy artillery. Reliable estimates suggest that over 7,000 people have been killed since January and thousands more wounded. In addition to the threat of death or injury from shelling, unconfirmed reports state that many hundreds of people have died from shortages of food, drinking water and medical supplies.

Civilians were prevented from leaving the zone not only because of the ongoing military activity but also because they were being used by the LTTE as "human shields". Reports from civilians recount killings by the LTTE of family members who attempted to cross the front lines. Despite the constraints, around 60,000 people had managed to flee the conflict up until early April 2009.

On 20 April, government forces broke through a defensive “bund” created by the LTTE in the so-called no fire zone. This allowed thousands of trapped civilians to wade across the lagoon to government controlled territory and in the following days over 135,000 fled the conflict zone. By 14 May, over 195,000 people were being detained in 38 IDP camps mainly in Vavuniya, but also in Jaffna, Trincomalee and Mannar. A further 2,000 IDPs were in hospitals around Vavuniya and Trincomalee. On 16 -17 May, the government reported that they had "rescued" the remaining 70,000 or more civilians from the zone. This final exodus will bring the total number of people fleeing the zone to over 265,000.

These people, many of whom are seriously injured and malnourished, are first taken by the army to "screening" centres throughout the Vanni where possible LTTE sympathisers are identified and detained. Apart from some very limited UN and ICRC<sup>1</sup> presence at the final Omanthai screening point, there is no international presence allowed at any of the other points. People who pass through the screening process regularly report that they have been separated from husbands, sons, brothers and other family members during the screening and have no idea where these family members are being detained.

The IDPs arriving in the camps have already suffered trauma and undergone extreme hardship in the last few months and their needs are enormous. The government and local authorities are completely overwhelmed by the influx and despite their efforts and the unceasing hard work of humanitarian aid agencies, minimum standards are not being met. Major concerns in the camps include overcrowding, malnourishment, dehydration, limited medical facilities and family separations. Limited water and sanitation facilities at some of the sites are compounding existing health issues. Each camp is surrounded by barbed wire with a strong military presence both inside and outside. Civilians are not allowed to leave the camps without permission from the military. Even the elderly, disabled and orphans who have friends or family outside the camps are not allowed to join them. Government plans to move all IDPs from current locations to the gigantic Menik Farm camp outside Vavuniya for "security reasons" are alarming.

UNHCR is attempting to lead a "principled approach" to humanitarian assistance in the camps<sup>2</sup>, including on issues such as the civilian nature of the sites, freedom of movement, a time bound transparent screening process, host family solution and early return, but progress with the Sri Lankan authorities is slow. Consequently agencies and donors, including DG ECHO, are currently limiting aid to life-saving emergency assistance only.

The government and UN launched an Emergency Appeal (USD 50 million) within the framework of the current CHAP<sup>3</sup> on 4 May. ICRC also made an urgent appeal to donors for further funding in an update on 1 May. The CERF<sup>4</sup> has allocated USD 10 million to the crises.

The 2008 Global Plan for Sri Lanka<sup>5</sup> already targets the emergency needs of conflict affected populations in Sri Lanka. In addition, emergency decisions adopted in October 2008<sup>6</sup> and March 2009<sup>7</sup> provided funding to WFP<sup>8</sup> (EUR 2 million) and ICRC (EUR 3 million) to continue their work in the Vanni. This emergency decision will primarily target IDPs who have fled from the conflict zone and are now in the screening process or in IDP camps.

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<sup>1</sup> The International Committee of the Red Cross - ICRC

<sup>2</sup> UNHCR Aide-Memoire and Guidance Note on assistance to IDPs

<sup>3</sup> The Common Humanitarian Action Plan - CHAP

<sup>4</sup> The Central Emergency Response Fund - CERF

<sup>5</sup> ECHO/-SA/BUD/2008/01000

<sup>6</sup> ECHO/LKA/BUD/2008/01000

<sup>7</sup> ECHO/LKA/BUD/2009/01000

<sup>8</sup> World Food Programme - WFP

## 1.2. - Identified needs:

A DG ECHO mission visited the camps in Vavuniya in the last week of April 2009 and reported the following needs. DG ECHO experts in food, water/sanitation and health/nutrition have also visited Sri Lanka in the past few weeks to assess the situation.

### *Protection*

The IDP camps are heavily overcrowded, with military and para-military groups present inside and outside the camps. There are regular reports of abductions, disappearances and rape by the military within the camps. There is no freedom of movement for IDPs. Despite repeated calls from agencies to allow the elderly, disabled and orphans to live with host families, only a limited number have been allowed to leave. Many families were separated and underage children and the elderly left to fend for themselves but family reunification by both ICRC and UNHCR has been hampered by the government. The registration process is slow and data is not shared with humanitarian agencies.

There is a complete lack of transparency surrounding the screening process. There are also worrying reports of IDPs being assaulted and harassed by the military during flight.

### *Health and Nutrition*

The health and nutrition status of people leaving the conflict zone is extremely poor. Consequently, health facilities in the government controlled northern zones are completely overstretched by the high number of war wounded and increased loads of patients due to the IDP influx. There are four times as many patients as beds. Several health partners have reported that many wounded and ill patients die before they even arrive in the hospitals and others die while they are lying on mats on the floor. There is an urgent need to support the health sector either through reinforcing capacity in existing health structures or setting up fully fledged field hospitals.

In the camps, UNICEF reports that malnutrition levels are higher than the national average. IDPs also suffer from acute respiratory diseases, chickenpox, dermatological diseases, diarrhea, etc. Outbreaks of cholera, dysentery, and mosquito borne diseases are significant risks and could spread very rapidly. In addition, many people suffering from poorly treated conflict related injuries do not get the medical attention they require as mobile clinics and hospitals are overloaded. There is also an urgent need for post-operative care, physiotherapy, orthopedic and related services as well as psychosocial care.

### *Water and Sanitation*

In the largest IDP camp, Menik Farm, the current situation in terms of water and sanitation is life threatening. Until the arrival of the IDPs this land was jungle and there are no sustainable ground water sources. Although UNICEF has started the construction of a pipeline (from a nearby river) it will take months to connect all of the Manik Farm area and be insufficient to meet needs, as the river does not have sufficient yield. Consequently, water bowsering will be the main water provision solution in the months to come. Current capacity<sup>9</sup> can only adequately meet the needs of 100,000 IDPs and with a population of 180,000, the needs of more than 80,000 IDPs cannot be met. There is an urgent need for water purification, storage, transport and well managed distribution as well as the construction of emergency latrines and bathing areas. In the transit camps in Vavuniya (mainly schools) additional water sources need to be built or rehabilitated and existing drinking water supply and sanitation facilities need to be expanded.

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<sup>9</sup> Wash Cluster Vavuniya. "WASH cluster capacity and Gap analysis" UNICEF draft 5 of May 2009.

### *Non food relief items (NFRIs)*

IDPs arriving as part of the recent massive influx left all their possessions behind as they fled the conflict. As a consequence, many do not have a change of clothes, shoes or basic hygiene items. The government has provided “ad hoc” distributions (aid collected from donations around the country) but this falls far short of the needs. There are urgent needs for items such as clothing, bed sheets, towels, plastic mats, mosquito nets and hygiene kits. The Government representative responsible for the camps, or “Competent Authority”, has also ordered that the communal kitchen system be replaced by individual cooking. This will require the distribution of kitchen sets as well as fuel.

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

This Decision will target up to 300,000 people affected by the ongoing conflict in Sri Lanka. The main beneficiaries will be IDPs and conflict affected population in the districts of Killinochchi, Mullaitivu, Vavuniya, Jaffna and Mannar.

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

The humanitarian imperatives are clear but there are several constraints and limitations in terms of the humanitarian space. If the basic requirements for implementation are not met, operations may have to be suspended. Constraints include:

- Lack of respect by the government for basic humanitarian principles including in particular the civilian nature of the IDP camps. The government has not as yet shared any plans for an early return of the IDPs and there is a risk that these camps could become long term ghettos for the Tamil people.
- Access for humanitarian agencies to the IDP camps in Vavuniya was reasonable until mid May when the government started to refuse entry to the camps for all vehicles. There is still very little access for NGOs to camps in Jaffna.
- Government hostility to the aid community is seriously hampering operations. Problems include difficulties in obtaining visas for expatriate staff and other essential authorisations, and serious delays for humanitarian goods and staff at the Meddawachchiya checkpoint south of Vavuniya. There are also difficulties over a new Memorandum of Understanding (MoU) proposed by the government for NGOs.
- The government consistently denies there is any problem in the provision of humanitarian assistance. All assistance in the IDP camps is overseen by the Government representative responsible for the camps, or “Competent Authority”. This could lead to the manipulation and politicisation of aid.
- Donors regularly have problems in obtaining authorisation to visit the camps. This may lead to aid operations not being properly monitored.
- Security and safety of aid staff, particularly local staff, working in Sri Lanka is a major constraint. Over 40 local aid staff have been killed in Sri Lanka since mid 2006, including 3 ICRC local staff members who died recently due to shelling.
- The massive displacement taking place now, on top of the almost 200,000 IDPs in Vavuniya, is likely to lead to a collapse of the already overcrowded structures and facilities in place.

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

### 2.1. - Objectives:

Principal objective:

- To save and preserve the lives of Internally Displaced Persons (IDPs) and conflict affected population in Sri Lanka.

Specific objective:

- To provide integrated humanitarian assistance to Internally Displaced Persons (IDPs) and conflict affected population in Sri Lanka.

### 2.2. - Components:

The focus of the humanitarian intervention will be on saving and preserving the lives of the IDPs and conflict affected population in Sri Lanka. The main sectors of intervention will be protection, water and sanitation, health and non food relief items. The following will be the key actions for these sectors:

#### *Protection*

- International presence
- Family reunification

#### *Water and sanitation*

- Provision of safe drinking water
- Provision of emergency washing facilities and latrines

#### *Health and Nutrition*

- Emergency assistance to the health sector including medical supplies and/or staff
- Physiotherapy and orthopedic services
- Psychosocial care
- Nutritional support

#### *Non food relief items*

- Provision of NFRIs including clothes, towels, bed sheets, plastic mats, mosquito nets, kitchen sets, hygiene kits, infant kits and other non food items

## **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 20 April 2009.

If the implementation of the Actions envisaged in this Decision is suspended due to force majeure or any comparable circumstance, the period of suspension will not be taken into account for the calculation of the duration of the humanitarian aid Actions.

Depending on the evolution of the situation in the field, the Commission reserves the right to terminate the agreements signed with the implementing humanitarian organisations where the suspension of activities is for a period of more than one third of the total planned duration of the Action. In this respect, the procedure established in the general conditions of the specific agreement will be applied.

#### 4 - Previous interventions/Decisions of the Commission within the context of the current crisis

List of previous DG ECHO operations in SRI LANKA				
Decision Number	Decision Type	2007 EUR	2008 EUR	2009 EUR
ECHO/-FA/BUD/2007/01000 (*)	Non Emergency	2,000,000		
ECHO/-FA/BUD/2007/02000 (*)	Non Emergency	1,000,000		
ECHO/-SA/BUD/2007/01000 (*)	Global Plan	12,000,000		
ECHO/DIP/BUD/2007/04000 (*)	Non Emergency	0		
ECHO/-FA/BUD/2008/01000 (*)	Non Emergency		1,500,000	
ECHO/-FA/BUD/2008/02000 (*)	Non Emergency		1,500,000	
ECHO/-SA/BUD/2008/01000 (*)	Global Plan		14,000,000	
ECHO/LKA/BUD/2008/01000	Emergency		2,000,000	
ECHO/DIP/BUD/2009/02000 (*)	Non Emergency			
ECHO/LKA/BUD/2009/01000	Emergency			3,000,000
	<b>Subtotal</b>	<b>15,000,000</b>	<b>19,000,000</b>	<b>3,000,000</b>
	<b>Grand Total</b>	<b>37,000,000</b>		

Dated : 12 May 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		DG ECHO	20,500,000		
Belgium	600,000	Other services	54,500,000		
Bulgaria					
Cyprus					
Czech republic					
Denmark	4,553,205				
Estonia					
Finland	200,000				
France	1,600,000				
Germany	6,694,496				
Greece					
Hungary					
Ireland	170,000				
Italy	920,060				
Latvia					
Lithuania					
Luxemburg	250,000				
Malta					
Netherlands	1,000,000				
Poland					
Portugal					
Romania					
Slovakia					
Slovenie					
Spain					
Sweden	246,068				
United kingdom	6,186,244				
Subtotal	22,420,073	Subtotal	75,000,000	Subtotal	0
		Grand total	97,420,073		

Dated : 12 May 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

<b>Principal objective:</b> <i>To save and preserve the lives of Internally Displaced Persons (IDPs) and conflict affected population in Sri Lanka</i>			
<b>Specific objectives</b>	<b>Allocated amount by specific objective (EUR)</b>	<b>Geographical area of operation</b>	<b>Potential partners<sup>10</sup></b>
Specific objective 1: To provide integrated humanitarian assistance to Internally Displaced Persons (IDPs) and conflict affected population in Sri Lanka	5,000,000		<ul style="list-style-type: none"> <li>- ACTED</li> <li>- CARE - DEU</li> <li>- DRC</li> <li>- GERMAN AGRO ACTION</li> <li>- MSF – FRA</li> <li>- NRC</li> <li>- OXFAM – UK</li> <li>- SAVE THE CHILDREN - UK</li> <li>- UNHCR</li> <li>-UNICEF</li> <li>- ZOA</li> </ul>
TOTAL: EUR. 5,000,000			

<sup>10</sup> AGENCE D'AIDE A LA COOPERATION TECHNIQUE ET AU DEVELOPPEMENT, (FR), CARE INTERNATIONAL DEUTSCHLAND E.V. (DEU), DANSK FLYGTNINGEHJALP, DEUTSCHE WELTHUNGERHILFE e.V., MEDECINS SANS FRONTIERES (F), NORWEGIAN REFUGEE COUNCIL (NOR), OXFAM (GB), THE SAVE THE CHILDREN FUND (GBR), UNICEF-UNITED NATIONS CHILDREN'S FUND, UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES - BELGIUM, ZOA-Vluchtelingenorg

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

## **8. Management issues**

Humanitarian aid Actions funded by the Commission are implemented by NGOs, Specialised Agencies of the Member States, and the Red Cross organisations on the basis of Framework Partnership Agreements (FPA) and by United Nations agencies based on the EC/UN Financial and Administrative Framework Agreement (FAFA) in conformity with Article 163 of the Implementing Rules of the Financial Regulation. These Framework agreements define the criteria for attributing grant agreements and financing agreements in accordance with Article 90 of the Implementing Rules and may be found at [http://ec.europa.eu/echo/about/actors/partners\\_en.htm](http://ec.europa.eu/echo/about/actors/partners_en.htm).

For International Organisations identified as potential partners for implementing the Decision, actions will be managed under joint management.

Individual grants are awarded on the basis of the criteria enumerated in Article 7.2 of the Humanitarian Aid Regulation, such as the technical and financial capacity, readiness and experience, and results of previous interventions.