

**NATIONAL FRAMEWORK FOR  
RELIEF, REHABILITATION  
AND RECONCILIATION IN  
SRI LANKA**

**May 2002**

# National Framework for Relief, Rehabilitation and Reconciliation in Sri Lanka

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## I. INTRODUCTION

### (a) Background and Context

A political resolution of the seventeen-year old civil conflict in Sri Lanka has in the last six months become a real and tangible prospect. Following the national elections in November 2001, events have moved the peace process forward with speed and purpose. An agreement was concluded in February between the Government of Sri Lanka and the leadership of the LTTE separatist movement on a cessation of hostilities. This has been followed up with intensified contacts at the political level, both through the facilitation mechanism offered by the Government of Norway and through direct contacts. Confidence-building measures in the form of a gradual and stepped-up relaxation in the movement of persons and goods across earlier demarcation lines have led to a new climate of promise and hope. Finally, political negotiations for a settlement that may lead in the first instance to provisional constitutional arrangements in the North and East have been scheduled for the end of June.

The economic and social consequences of two decades of violence can however not be erased at the stroke of a pen; nor can it be taken for granted that the process of making peace will proceed as smoothly in the future. Meanwhile, Sri Lanka remains a war-torn society. The armed conflict has exacted a heavy toll of fatalities, military and civilian, of human hardship and misery. The number of persons who have perished during the conflict is held to be over 60,000. Over the years, the populations that have in one way or another been directly affected by the conflict are estimated to number 1.7 million. There are still vast numbers of internally displaced. As late as November 2001, the internally displaced families drawing dry rations, as reported by the Commissioner General of Essential Services, amounted to 683,256 individual beneficiaries. The share of internally displaced households ranges from 40 percent in Ampara District to 95 percent in Mannar. More than one-third of all homes have been damaged or destroyed in the North-East Province. A majority of the displaced has sought shelter in welfare centers and with friends and relatives, many of them repeatedly after having returned to their areas of origin. Many families have spent over ten years in welfare centers where conditions have been cramped, offering little hope for a better future. The prevalence of underweight among children is as high as 50 percent in some areas; physical injury and psychological stress is widespread, and large numbers of children suffer from war-related trauma. In several areas, basic social services have seriously deteriorated, affecting all basic needs in health, education, transportation, electricity, water supply and sanitation.

The social and economic dislocation has been no less severe. The conflict has damaged the economic foundation of many communities in the North-East and of villages in the border areas. For those communities, it is important to restore economic opportunities and to begin the arduous process of rebuilding livelihoods. Rehabilitation and reintegration activity must go forward urgently if those displaced by the conflict are to regain their sense of dignity and their self-reliance.

Nation-wide economic activity has been severely disrupted causing the contribution of the North-Eastern Province to national GDP to fall from 15 percent in the 1980s to 4 percent in 1997. A large share of public expenditures has been absorbed by the conflict,

negating poverty reduction efforts in other parts of the island. According to some estimates, the economic losses from the conflict amount to as much 2 percent of GDP per annum.

Despite the Government's efforts to ensure that the rights of all ethnic groups are respected, the conflict has left its mark on the psyche of the people. It has induced many citizens to leave Sri Lanka, draining the nation of a pool of skills and talent badly needed to lead economic development. A process of national reconciliation, of psychological healing and understanding, is now essential to restore the nation's faith in the inherent strength of its multi-ethnic and multi-denominational character.

### **A national commitment**

Restoring peace is widely seen as the single most important challenge facing Sri Lanka at the start of the new millennium. The various diplomatic and political initiatives that are now underway hold the promise of bringing the nation ever closer to achieving this critical goal.

Unlike conflict situations in many other countries, the Government of Sri Lanka has from the start recognized its obligations to the conflict affected populations and is committed to providing humanitarian relief, essential services, rehabilitation and development support even while the conflict endured. These services were not limited to conflict affected persons living in secure areas, but through the governmental civil administration structure which continued to function in all affected areas, food and medicine being provided by government agencies free of charge to all recognized displaced persons.

The Government of Sri Lanka has thus been committed to maintaining a level of normalcy in all parts of the country. Even where security was not established, public services in education and health were provided to the population by the civilian administration under extreme and restrictive conditions. Banking and postal operations also functioned within this restrictive environment, at the same time as the conflict situation necessitated rigorous controls in the movement of persons and goods.

This government commitment is demonstrated by an expenditure totalling over Rs. 50 billion since 1987 for life-saving support and to alleviate hardship among the affected populations; many billions of rupees have been paid in compensation to persons for bodily injuries and to families who have lost family members and their properties. The Government's efforts have been amply acknowledged by the international community, which has responded by providing generous assistance, bilaterally and multilaterally, reinforcing the Government's determination to lessen hardship among people exposed to the conflict, to support the rehabilitation of persons and communities and to create an environment that is conducive to reconciliation.

### **The operational hurdles**

At the same time the economy in the conflict areas has operated under crippling constraints; railway and trunk road connections through the Northern and Eastern Provinces are broken; power supply from the national grid is cut off and regular

telephone links are severed; markets and trade between conflict and adjacent areas has been reduced to a fraction of normal economic exchange.

Despite all efforts, the Government has faced a variety of operational impediments in the delivery of humanitarian assistance, in carrying out rehabilitation projects, in reconstructing damaged and destroyed assets and in promoting reconciliation. This is primarily due to the fact that relief and other activities could not be conducted in the midst of open and violent conflict. No government can fully discharge its responsibilities under war conditions, when the prerequisites for unhindered implementation of relief, rehabilitation and development programmes are lacking.

### **Identifying the obstacles**

Following a series of consultations, organized in cooperation with a World Bank technical team, systematically collecting the views of the various stakeholders, government agencies, international organizations and NGOs, a number of deficiencies were identified, as follows:

- ❑ inadequate knowledge of internationally accepted norms for providing humanitarian assistance and protection to IDPs;
- ❑ lack of a clear policy allowing IDPs to choose between returning home and relocating in new areas;
- ❑ deterioration of basic community services, including education, health, water, sanitation, and legal assistance, in the conflict areas;
- ❑ restrictions on trade, physical mobility and development work in conflict areas;
- ❑ lack of adequate communication between government authorities and the conflict-affected groups;
- ❑ absence of effective mechanisms for empowering conflict-affected groups to participate in programme decision-making at the village level;
- ❑ limited opportunities for NGOs, community-based organizations and other instruments of civil society to assist in the relief and rehabilitation effort;
- ❑ lack of adequate coordination among the many government agencies engaged in relief and rehabilitation;
- ❑ lack of community-level information and knowledge due to difficulties encountered with data collection in the conflict areas;
- ❑ and absence of a clear and coherent strategy for conflict resolution and reconstruction in war-torn areas.

The Government recognizes that relief and rehabilitation programmes have not been as effective as desired. In part, this was because of the dynamics of conflict and the confrontational attitudes it generated; in part operational obstacles arose from the persistent tension – and indeed contradictions - between rehabilitation objectives and security concerns. Understandably, the civilian administration and the military establishment, from their differing vantage points, did not always reach the same conclusions in assessing the needs of the populations living in the affected areas. With the present access and freedom of movement of persons and goods, this dichotomy in policy and operational approaches has largely been eliminated.

Another reason for diminished programme effectiveness has been the fragmentation of the institutional set-up and weak coordination of the various activities undertaken. Poor living conditions in over-crowded welfare centres, inadequacy and delays in the provision of food assistance, deterioration of the socio-economic infrastructure in affected areas, slow progress of reconstruction activities, under-utilization of the scarce funds available for relief and rehabilitation work, partial delivery of the Unified Assistance Scheme (UAS) to resettling families and other victims of the conflict, in large measure reflected weaknesses in the institutional arrangements.

### **(b) The RRR Framework Process**

In July 1999, the Government initiated the Relief, Rehabilitation and Reconciliation (RRR) Framework process to address these challenges. Its objectives are to help strengthen Sri Lanka's capacity 1) to ensure that the basic needs of people affected by conflict are met; 2) to rebuild productive livelihoods; and 3) to facilitate reconciliation across ethnic lines. The process is expected to generate outputs in the form of revised policies, guidelines, strategies and mechanisms providing a common basis and direction for effective support to uprooted populations and communities in affected areas.

In its quest for peace-building and reconciliation, the RRR Framework process is part and parcel of the Government's poverty reduction strategy as articulated in the Framework for Poverty Reduction issued in November 2000, and provides material inputs for the ongoing formulation of a National Poverty Reduction Strategy.

The RRR Framework is furthermore complementary to the Action Plan developed by the presidential task force for a National Programme on Human Disaster Management, which presents a comprehensive view of the economic and human dimensions of the continuing civil strife and charts a course for reconstituting the physical, social and psychological foundations of society, providing a blue-print for recovery.

### **A vision of peace and reconciliation**

In the final analysis, the vision of ultimate reconciliation and peace constitute the very foundation of the Framework. In a pervasive way, they underlie both the proposed policy guidelines and the specific recommendations offered, and lend basic legitimacy to the undertaking.

Central to the RRR Framework is the recognition that years of conflict have seriously aggravated the conditions of poverty among the large majority of people living in the conflict areas. Their predicament calls for special measures to give effect to the three overarching goals of poverty reduction, namely to create opportunities for growth and better access to social services among the poor, to ensure an effective social protection system, and to empower the poor by giving them a voice in matters affecting their lives.

The call for greater decentralization of governance, down to the village level, is thus a step forward in the pursuit of a long-term strategy that should better enable poor communities to bring their special concerns and aspirations to the notice of local administrations, and to participate in the decision-making processes. Empowerment of

local communities is also predicated on the fact that it is at this level that the cornerstones of reconciliation must be laid, through the build-up of human and social capital of trust and belief in a future free of fear and retribution.

In this regard, the Government recognizes the crucial role played by civil society, the private sector and non-governmental organizations, given their extensive coverage and access to poor communities in all areas. A host of civil society interventions to mitigate the effect of war and to improve the situation of these communities are undertaken in the areas of conflict, many of them supported with external funding. The Government is committed to do all in its power to facilitate initiatives of this kind.

### **Stakeholder participation**

As a point of departure, and to remedy the lack of participation on the part of target communities, the Government initiated a series of consultative workshops at the district level organized by the Consortium of Humanitarian Agencies (CHA) and a number of sectoral or thematic workshops organized by the National Peace Council (NPC). Representatives of government institutions, local organizations, stakeholder associations and international agencies attended the workshops. Their purpose was to bring to light the main grievances of beneficiary communities, problems and concerns affecting the districts, to assess existing bottlenecks in the delivery of relief and in carrying out rehabilitation projects, as well as to recommend strategies and procedures to strengthen RRR work in a multi-cultural and multi-ethnic setting.

#### **Consulting the beneficiaries**

In total, 52 community-level consultative workshops were held in 13 districts. Further, 12 sectoral or thematic workshops were held with participants from key stakeholder organizations representing: Muslims forcibly evicted from the Northern Province, Ex-combatants, the Media Profession, Trade Unions, Civil Society, Women's Groups, Religious Dignitaries, the Education Sector and Business Leaders.

To move the process forward, national-level working groups were established to deliberate on four critical elements of the RRR Framework, namely aid modalities, coordination and institution-building, programme priorities, and reconciliation and peace-building. Each working group was composed of participants designed to bring to the framework process the experience and concerns of government officials, representatives of national and international relief and rehabilitation organizations, and donor agencies.

At the same time the Government set up a Steering Committee for RRR to provide leadership to the development of the Framework and to ensure the necessary linkages with key decision-makers within the Government, civil society and the donor community. Members of the Steering Committee were accordingly encouraged to join the working groups dealing with the individual issues.

Each working group produced a set of recommendations, which were then reviewed by a core group composed of two members from each working group; the core group identified the basic principles involved, checked for internal consistency and feasibility of



implementation. The policy principles, an action plan and their justification form the basis of the present report.<sup>1</sup>

The present draft document, National Framework for Relief, Rehabilitation and Reconciliation in Sri Lanka has been extensively reviewed by the core working group. Two successive drafts have been considered by the RRR Steering Committee. Subject to the amendments introduced, the Committee has approved the present document for submission to the Office of the Prime Minister for final consideration.

### (c) **Intended Use of the Framework**

From its inception the RRR process has been seen as both a process and a product. The process accordingly does not end with the present report. The civil conflict has yet to come to a final conclusion; although the advent of peace is now a real prospect, the peace process itself will generate its own dynamics, in the political negotiation, on the ground and in the context of programme implementation. There are as yet many uncertainties. Some contingency provisions and mechanisms will accordingly remain in place. Follow-up proposals and recommendations for monitoring and evaluating programme outcomes are presented in the concluding Chapter VI.

In particular, whatever the future holds in store, it is vitally important at this stage to start planning for the post-conflict period. Post-conflict preparedness is crucial to minimizing the many problems that attend the transition to normalcy and lasting peace; resources need to be raised for the substantial investments in rehabilitation and development that are now called for, and for laying the foundations for genuine reconciliation. A host of preparations are now becoming urgent, both in the area of economic regeneration and in rebuilding human and social capital.

The report's recommendations are addressed to all stakeholders, to officials of the concerned Government ministries at central, provincial, district, division and village levels, and to the beneficiary communities, the principal stakeholders. The report is also addressed to members of the Armed Forces, to international agencies working in Sri Lanka, to members of national and international NGOs engaged in humanitarian action, rehabilitation work and reconciliation initiatives. It should be brought to the attention of cadres involved in the conflict; it should also be disseminated to parliamentarians and political parties in a call for their support, as well as be used to sensitize all concerned in the televised and printed media.

Lastly, the RRR Framework document will constitute an important working tool, as a frame of policy reference, for the proposed National Coordinating Committee on Relief, Rehabilitation and Reconciliation (NCCR), which should now take over from the Steering Committee and given responsibility for keeping the RRR process ongoing and alive, for proposing policy adjustments when change is appropriate, in the light of new post-conflict requirements, as well as for monitoring and evaluating the impact of the process.

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<sup>1</sup>) For a more detailed description of the RRR Framework Process, see Annex III

## II. RRR : A FRAMEWORK OF POLICIES AND STRATEGIES

As the RRR Framework process evolved, a number of distinct policy choices has emerged and crystallized from the discussions in the various working groups, from voices heard in the district workshops, and from the deliberations of the Steering Group. These policies relate not only to the issue of human rights and the specific rights of the displaced; they also touch on the relationship between relief and development, and the overriding need for reconciliation and peace-building.

In the area of programme management and coordination, they introduce novel approaches to decentralization and deconcentration, to the adoption of uniform standards, and to the need for transparency and accountability in the procedures and practices used. Finally, the policies lay down guidelines for the movement of persons and goods, as well as for improving the general preparedness for the post-conflict transition to peace and recovery.

### **(a) Policy on the Application of International Humanitarian Law (IHL)**

- Adherence to International Humanitarian Law (IHL) must constitute the basis for the conduct of the parties to the conflict. The law is binding not only for governments but also for insurgent groups, without conferring any legal status upon the contending parties.

A reaffirmation of the principles of International Humanitarian Law by all parties to the North-East conflict is an overarching expression of RRR policies. Such a step will require the enactment of enabling legislation and a renewal of procedures for the protection of civilian populations and non-combatants, calling for compliance from all parties. At the legislative level, the Government will need to introduce an Act to give effect to the Geneva Conventions of 1949; by considering accession to IHL treaties to which Sri Lanka is not yet a state party, it would further signal its strong commitment to IHL principles.

To support the implementation of this overarching policy, a series of parallel steps need to be taken to familiarize all concerned agencies, civilian and military, with the dictates of IHL and its application in Sri Lanka. A review of existing legislation should be conducted, focusing on possible inconsistencies, and a comprehensive analysis of violations of IHL undertaken, identifying mechanisms and measures to rectify them.

### **(b) Policy on the Rights of the Displaced**

- The universally accepted rights of displaced persons, to protection, to liberty and security of person, to humanitarian assistance and to their return, resettlement and integration in society, constitute a key principle of official policy in the conduct of relief, rehabilitation and reconciliation activities on behalf of the internally displaced persons affected by the conflict.

The universally accepted rights of the internally displaced - to protection, to liberty and security of person, to humanitarian assistance and to their return, resettlement and integration in society - are enshrined in the *Guiding Principles on Internal Displacement*, a document drawn up at the request of the United Nations Commission on Human Rights and General Assembly. Having been developed over the past eight years in consultation with a number of concerned governments, the *Guiding Principles* unquestionably also apply to the situation in Sri Lanka.

It should be noted that in most essential respects the Government already subscribes to and attempts to adhere to the various principles contained in the above document, which is annexed to this report. The population of displaced persons in Sri Lanka is however exceptionally large, and it cannot always be taken for granted that principles of this kind, albeit endorsed, are observed in each and every instance.

If formally adopted by the Government, a series of parallel steps need to be taken to ensure that all ministries bring their policies into line with these *Guiding Principles*. It will furthermore be necessary to review the legal framework of the relevant laws to ensure that there are no inconsistencies. A comprehensive analysis of the current situation is also required so as to identify what improvements should be undertaken to fill gaps and effect remedies for the future.

❖ **Workshop voices:** *The internally displaced are unable to register as voters and do not have any voting rights. After discussion, government authorities agreed to address the issue (District Workshop, Puttalam).*

### (c) Policy on Maximizing Rehabilitation and Development

- ❑ Need to pursue to the maximum extent, as local conditions permit, rehabilitation and development interventions as vital contributions to the peace-building process.

In times of violent conflict, there is an overriding concern to mitigate its impacts through humanitarian action and to prevent the possible spread of civil strife and violence. In line with this approach, there is a general tendency to discontinue or postpone rehabilitation and development work, because of the possible risk, often real, that any assets thus created would again be destroyed.

At the same time, every effort must be made to protect existing development assets, whether in the form of infrastructure or social and economic processes. It is generally recognized that close linkages exist between relief work, rehabilitation and development. Humanitarian work must be conducted in a manner that does not create dependencies or frustrate future rehabilitation efforts. It is equally important that rehabilitation and development interventions build on the assets created by sustained relief operations.

Rehabilitation is not only a matter of restoring the earlier status quo; as the prolonged conflict has radically modified the development context, rehabilitation becomes an integral part of development, and there should in the transition to peace be a continuing focus on

opportunities to alleviate poverty, to promote gender equality and to protect the rural environment.

It is in this context that it becomes vitally necessary to place today's RRR activities in a post-conflict perspective. The north-east region has a high incidence of poverty, due in large part to the armed conflict, and it is likely to provide an enabling environment for possible further unrest. Whatever the causes and effects, priority programmes must eventually be directed towards revitalizing the local economies and to providing full access to existing social services in the region.

#### **(d) Policy on Reconciliation and Peace-Building**

Some important follow-up steps recommended in the context of reconciliation and peace-building are presented in Chapter V. If all conflicting parties and political formations act in a manner consistent with the basic norms and principles of IHL, this will furthermore reinforce the reconciliation and peace-building process and provide important linkages with the political processes.

- ❑ Given the importance of education and language use in fostering respect for cultural identities across ethnic and religious boundaries, the Government should take all deliberate steps to revise as appropriate some of the existing educational practices and to promote the equal use of Sri Lanka's official languages.

- ❑ There is an urgent need to create within Sri Lankan society a sense of national identity transcending the present ethnic and religious divisions.

Policies with respect to reconciliation and peace-building relate specifically to the goal of achieving language parity between Sinhala and Tamil and of promoting a sense of Sri Lankan nationhood. All measures recommended should be well coordinated in their implementation and accompanied by a clear work plan, a set of time limits for the attainment of specified objectives, and by evaluation and monitoring arrangements. To achieve success, the Government must take an active lead by providing the necessary guidelines, funds and other necessary facilities.

Existing formal structures of education need to be modified, by introducing multi-ethnic schools in areas of mixed populations; by revising current textbooks that contain material that does not reflect the multi-ethnic reality of Sri Lanka; by making language training in Sinhala and Tamil as well as English compulsory for all students; and by desegregating teacher training institutions.

The Constitution already provides for equality in the use of Sinhala and Tamil, and its provisions can be implemented as a matter of priority. Measures need also to be taken to ensure that all individuals can be served by both public and private agencies in both languages; incentives can be offered to civil servants proficient in the two languages and in English; and training facilities for translators, in particular to satisfy the needs of the judicial system, should be expanded as a matter of urgency.

❖ *Workshop voices: Authorities must verify that forms and documents are available in all languages, and that there are translators in state institutions, particularly at checkpoints, in police stations, for legal aid and when family members are inquiring about arrests (Sectoral workshop).*

As part of the effort to instill a sense of national identity that transcends – but also accommodates – the ethnic, religious, social and regional diversity of the country, an interactive process with the participation of both state and non-state actors should be instituted.

Media channels, printed and electronic, can be used to good effect for the purposes of reconciliation and peace-building, encouraging them to draw up their own code of ethics when reporting on ethnic and socio-cultural issues. The experience in the use of media by other multi-ethnic societies as a positive force for reconciliation is available and should be fully exploited.

### (e) Policies on Programme Management and Coordination

#### Decentralization

- ❑ In line with the principle of subsidiarity, planning and programme coordination functions, including operational control, should be decentralized to the district, division and village levels, vesting coordination committees at the appropriate level with these functions.

At present responsibilities for funding and implementing relief and rehabilitation programmes are shared among a number of different agencies at the central level, with subsidiary roles attributed to local government structures. This has resulted not only in a fragmented approach to relief, rehabilitation and reconciliation activities and lack of coordination but also to an overly centralized, management of the entire process, where programmes are supply-driven rather than justified by needs. To remedy the current division of authority, and fragmentation of competence, resources and information, local coordination, planning and operational control should be decentralized to the district and divisional levels. Their capacities should be strengthened as appropriate, in the spirit of the deconcentration and devolution provisions of the Constitution that already exist.

In particular, the participation of beneficiary communities and a needs-based approach to project identification should be promoted by allocating this initiating function to the village level, when projects concern a single village or cluster of villages.

Such arrangements do not detract from the prospective role played by provincial councils and the proposed Provincial Coordinating Committee for RRR, when the interests of several districts are involved, or from a central policy and coordination role, where the interests of more than one province are concerned.

In order to decentralize and delegate the functions of programme planning and operational control, it is recommended that the Government institute a “ladder” of committees in all areas that have been affected by the conflict, at the district, divisional and village levels. These committees should be dedicated to the conduct of RRR activities, each with their designated specific responsibilities. A major burden will necessarily fall on district authorities through the proposed District Coordinating Committee on RRR, which should be mandated to review, appraise, finalize and prioritize all RRR programmes recommended for implementation. No plans or projects should go forward without the clearance of this Committee.

The specific composition and attributions of the various committees are elaborated in more detail in Chapter IV.

### **Uniform standards**

- ❑ To maintain uniform standards, central and provincial coordinating committees should be vested with the task of formulating policy and with monitoring and evaluation functions.

The functions of overall policy formulation, monitoring and evaluation need to be vested in a single coordinating body at the central level.

In order to ensure uniform and equitable policies and standards, and to resolve any inter-province or inter-district issues, a National Coordination Committee on Relief, Rehabilitation and Reconciliation (NCCR) is needed to direct policy and strategies, conduct regular assessments of the overall RRR situation and facilitate the dialogue between all concerned actors, government institutions, multilateral and bilateral donors and implementing agencies as well as NGOs.

Other devices to enhance dialogue between all interested parties include forums to discuss constraints in the delivery of essential services. Such constraints should be minimized; should circumstances so require, ad hoc or monthly meetings with representatives of the Ministry of Defence may be instituted to address any concerns that the civilian administration and donors may have in regard to security issues.

### **Transparency and accountability**

- ❑ In the interest of transparency and accountability, an independent humanitarian ombudsman system should be established to channel complaints and grievances from beneficiaries, from affected community-based organizations, and from the public and bodies concerned with relief, rehabilitation and reconciliation.

An independent institutional instrument is suggested to receive and process grievances and complaints made by affected individuals, beneficiary communities, and members of organizations dealing with RRR activities. The proposed Humanitarian Affairs Ombudsman (HAO) system, established under the authority of the Human Rights Commission and operating at central and district level, would contribute substantially to enhancing accountability and transparency.

As a vehicle for channeling and coordinating complaints, the HAO will essentially be a routing mechanism and will not have the mandate to arbitrate. The model is predicated on the effective functioning of the coordinating committees envisaged by the RRR Framework at the national and district levels.

❖ ***Workshop voices:** Unless there is a change in outlook and thinking, discrimination cannot be eradicated. Government, non-government, security personnel and politicians must all be motivated to understand the plight of people and not show partiality or discrimination in any form (District workshop, Batticaloa)*

The HAO, and the District HAO, must however have sufficient authority to carry out inquiries they judge to be appropriate under the circumstances. Unlike an arbitration procedure, the powers of the HAO are limited to investigating grievances and complaints. The issue of ultimate remedy or redress is a matter for the DCCR and the National Coordinating Committee on RRR, as appropriate.

#### **(f) Policy on the Movement of Persons and Goods**

- ❑ Application of security-related restrictions on the movement of persons and goods in a manner consistent both with the need to ensure the basic security of all citizens and with the aim of minimizing hardship among the affected populations.

The legitimate concerns of the Government and its responsibility to ensure the safety of all citizens are fully recognized. At the same time, it is important to realize that excessive security measures and complicated administrative procedures in regulating the movement of people and goods contribute to discrimination, foster corruptive practices and inevitably create resentments among the affected populations that are inimical to peace-building and reconciliation.

To obviate such outcomes, the application of security restrictions should be guided by the following set of principles:

- ◆ Armed conflict creates difficult and abnormal conditions. A fundamental objective must however be to ensure that the rights of citizens are protected and that civilian persons have access to goods and services without discrimination. Every effort should be made to restore normal conditions to the maximum extent possible;
- ◆ Any security measures introduced should be established according to the law and through legal means;
- ◆ Any security measures introduced should be implemented without investing individuals with excessive authority;
- ◆ All security measures should be time-limited and subject to review, including a judicial review, on a periodic basis.

**(g) Policy on the Transition to Peace and Recovery**

□ The transition to peace and recovery presents new challenges to a number of existing national institutions. They cannot wait until these post-conflict issues are thrust upon them but need to plan in advance and equip themselves to manage the many problems associated with the aftermath of violent conflict.

RRR policy will be to minimize any delays resulting from lack of post-conflict preparedness. Even with the end of violent conflict, many present-day problems will continue to exist for some time during the transition to peace and recovery. Development strategies will face new sets of choices and priorities.

The problems of providing adequate social services to vulnerable groups, the reintegration into society of former combatants, the lack of facilities to care for the traumatized and mentally distressed, will be posed with increasing acuity.

In the area of mine action, effective mine clearance of agricultural and other lands important to the community will not be possible, unless the contaminated areas have first been properly surveyed and demarcated. A large number of personnel will need to be trained for landmine clearance and other purposes, including the conduct of mine awareness campaigns. In order to obviate an ad hoc approach to this serious problem, a properly constituted body needs to be created to coordinate all related issues.

The new investments needed for economic recovery, for the repair of infrastructure that has been damaged or destroyed will be onerous, straining the resource base of the country to the utmost. The resource needs for resettlement alone, and for assisting formerly displaced communities to restore and revitalize local production and trade, *are now* many times magnified. It is therefore of the utmost importance that preparations be made at an early date for the post-conflict scenario.



### **III. PRIORITIES FOR IMPROVING PROGRAMME EFFECTIVENESS AND TIME FRAMES**

The following priorities for action attempt to translate into concrete measures the various policy prescriptions contained in the preceding chapter. They derive from present and continuing concerns with respect to key elements of the relief, rehabilitation and reconciliation process.

The recommendations do not constitute a comprehensive plan of action. Not all of the issues involved have been or could be fully addressed by the Working Groups taking part in the RRR exercise. Rather the intention is to set priorities for improving the effectiveness of relief, rehabilitation and reconciliation work, taking into account the needs of populations in the conflict-affected areas and the opportunities for streamlining the delivery of assistance to these regions. The time frames needed for their implementation must take into account any limitations faced by Government and other agencies, in terms of budgets and human resources, in carrying out the recommendations.

It is recognized that, in making the priority recommendations for policy-oriented action listed below, difficulties in undertaking rehabilitation work in the conflict-affected areas will always be present. Some of the priorities of immediate concern can and should be implemented in the short term; most of them can be initiated in the short term but are of a continuing nature and their purpose can only be achieved in the medium and long term.

In all cases an estimate of the time frame needed for enactment is made. An inclusive and continuous process of consultations among Government, donors, NGO stakeholders and the people, in particular through the mechanism of the National Coordinating Committee for RRR, should accordingly take place on a regular basis to take stock of the progress made in implementing the various recommendations and to support initiatives for promoting economic revitalization, which is central to the improvement of the quality of life and dignity of people living in conflict-affected areas.

#### **(a) General recommendations**

##### **International Humanitarian Law**

- Elicit from the parties to the conflict and all political formations a reaffirmation of their commitment to International Humanitarian Law.

To translate its policy on IHL into practical measures, the Government will need to ensure that the IHL treaties to which it has become a State-party (i.e. Common Article 3) are implemented; it can also promote respect for IHL as official policy by enacting enabling legislation and by establishing judicial and administrative procedures for the protection of civilian populations and non-combatants; place restrictions on means of warfare, notably weapon types, methods of warfare and military tactics ensuring minimum damage to civilian life and property; and lastly, call on all other parties to the conflict to reciprocate by committing themselves to the same level of compliance as any other combatant.

In particular, it will be necessary to familiarize – through dissemination, discussions and training – civil servants, military personnel, staff of the Human Rights Commission and the Legal Aid Commission, relief workers, university teachers and staff of other concerned authorities with IHL and its application in Sri Lanka. A dialogue should also be initiated with the public in the conflict areas to apprise of the actions proposed under the RRR Framework with respect to IHL.

❖ *Workshop voices: There are some people making decisions, which are actually against the law of the land and international conventions. People are making these decisions but are not being held accountable. There is a system for recourse, which is a legal system (Sectoral workshop).*

On the legal front, it will be necessary to:

- Promote agreements between the military forces and insurgent groups to adhere to IHL, including monitoring, self-monitoring and external verification, drawing on the experience of other countries where similar processes have been applied;
- Mainstream IHL in the observance of the legal responsibilities of combating parties, sensitizing individual combatants, in particular those in command positions;
- Undertake a review of the legal framework of laws relevant to IHL with a view to identifying and addressing gaps in national legislation;
- Ensure that humanitarian agencies have access to conflict areas to carry out their mandate under the Geneva Convention.

A comprehensive analysis of violations of IHL should be undertaken, stipulating mechanisms and measures needed to rectify them. The impact of breaches of IHL on individuals and society as a whole - in physical, psychological, social, economic and political terms – should be publicized. It is finally recommended that the Government consider and promote the declaration of an annual IHL Day.

Time frame: Eighteen months

Responsible entities: Office of the Prime Minister, Ministry of Foreign Affairs, Ministry of Justice, Law Reform and National Integration, Ministry of Defence, Ministry of Public Administration, Human Rights Commission, Legal Aid Commission.

### **Internal displacement**

- ❑ Adopt the *Guiding Principles on Internal Displacement* as official policy for assisting internally displaced persons affected by the conflict and commit the concerned ministries to bringing their policies and programmes into alignment with these principles.

In order to give effect to the key policies on internal displacement, a series of parallel actions need to be taken to ensure that all agencies involved adhere to the principles. To this end, it is recommended that the Government take steps to create awareness among and familiarize – through dissemination, discussions and training – civil servants,

military personnel, staff of the Human Rights Commission and the Legal Aid Commission, other competent authorities and humanitarian workers with the contents of the *Guiding Principles on Internal Displacement* and their application in Sri Lanka. It will further need to initiate a series of consultations in the conflict areas on the RRR Framework process, providing feedback to the public on its intention to apply these principles.

On the legal front, it is recommended that the competent authorities:

- Review the legal framework of laws relevant to the displaced using the Guiding Principles as the analytical instrument for identifying gaps in the national regime for the protection of the displaced, in line with Sections II and III of the document;
- Make a comprehensive analysis of the situation of the internally displaced using the *Guiding Principles* as a basis for identifying specific policy and programme improvements to be effected from 2002 onwards;
- Develop a “National durable solutions policy” for the displaced to ensure a comprehensive and consistent approach to the resettlement of the displaced in their areas of origin or in other areas, and of returning refugees from India or elsewhere, in conformity with Section V of the *Guiding Principles*;
- Support the Human Rights Commission in its effort to provide enhanced protection and assistance to the displaced using the Guiding Principles to set the standards.

As a means of giving additional focus to the situation of the internally displaced and of promoting the *Guiding Principles*, the Office of the UN Special Representative for Internally Displaced Persons and of the UN Coordinator for Internally Displaced Persons should be requested to make their know-how and experience available to Sri Lanka.

Time frame: Twelve months

Responsible entities: Office of the Prime Minister, Ministry of Justice, Law Reform and National Integration, Ministry of Foreign Affairs, National Coordinating Committee on RRR.

### **Uniform application of practices and procedures**

- Update policies, strategies and programmes concerned with relief, rehabilitation and reconciliation in order to ensure uniformity of application in the various areas affected by the conflict.

A large number of institutions are involved in relief, rehabilitation and reconciliation work, each of them prone to pursuing different policies and strategies. To ensure greater uniformity, it is recommended to update, and revise as appropriate existing policy, strategies, programmes and procedures adopted for the delivery of essential services and for activities in support of durable solutions for resettlement, relocation, rehabilitation, reconstruction and reconciliation.

In particular, care should be taken to ensure that relief activities do not create excessive dependencies or frustrate future rehabilitation and development efforts. These in turn should build on the assets created by humanitarian interventions.

The policies and strategies adopted should take into account the close linkages that exist between relief, rehabilitation and development. Whether medium term or long term, rehabilitation and development objectives invariably coexist and merge within the same activity. It is precisely at the level of objectives that the intimate links between rehabilitation and development become apparent. Most projects are multi-purpose and serve several goals simultaneously. This is seldom recognized. A traditional food-for-work project to reconstruct a damaged school - normally seen as a relief effort - illustrates the case: it provides food to villagers whose harvests may have failed (relief); it provides temporary employment (relief and rehabilitation); it rebuilds a damaged asset (rehabilitation); it enables children to continue their schooling (development); and it strengthens institutional capacity to handle this type of crisis situation (disaster preparedness).

Rehabilitation and development activities should be maintained as far as possible, unless security conditions and compelling reasons of safety force their suspension. To this end, it is recommended that the Government strengthen policies where necessary to

- Protect development gains, orienting development programmes and plans to respond to the realities of the conflict, and promoting reconciliation;
- Set criteria for the promotion of any development activity as long as impediments and imbalances do not restrict the implementers executing the programmes or projects;
- Facilitate the continuation of work already started by humanitarian agencies and building on the assets created through relief assistance to ease the transition to early recovery;
- Promote, in a flexible manner, quick impact projects to support livelihoods and the basic needs of communities;
- Support projects of an income-generating character and the availability of credit, as a means of reducing dependencies;
- Support specific peace-building initiatives between the conflicting parties.

Time frame: Continuous

Responsible entities: National Coordinating Committee on RRR, Ministry of Resettlement, Rehabilitation and Refugees, Ministry of Eastern Development and Muslim Religious Affairs, Ministry Assisting Vanni Rehabilitation, Provincial Coordinating Committee on RRR, District Coordinating Committee on RRR.

### **Resettlement and reintegration**

- ❑ Regular surveys and assessments should be carried out with a view to accelerating and expanding opportunities for resettlement and reintegration, with priority given to the long-term displaced in welfare centres.

Durable solutions for displaced families have long been hampered by inadequate knowledge of the conditions prevailing in their places of origin. In the past year the CGES has carried out systematic surveys, providing data on the villages and districts of origin of displaced families as well as confirmation of their wish to be resettled. The survey results would be available for review by the Ministry of Resettlement,

Rehabilitation and Refugees, as well as by its counterpart for Eastern Development, to verify the practical possibilities for resettlement and to provide the necessary budgets. Surveys of this kind should be conducted on a periodic basis in order to reduce the harmful impact of life in camps and to redirect resources to rehabilitation projects.

The option of voluntary relocation of families who cannot return to their original places of residence due to the prevailing security situation has long been accepted and should be actively pursued, giving priority to large families, to those who have languished in welfare centers for extended periods and to families that have made repeated attempts to return to their home location.

It is further recommended that

- In the resettlement or relocation of displaced families, continuity and progression is essential between grant assistance for resettlement and the longer-term poverty alleviation programme;
- In relocation sites, in particular, the needs of host communities should also be catered in the interest of social harmony between resettling and host communities;
- The progress of integration of resettled and relocated displaced families, as well as assessments of the socio-economic environment created, should be continuously monitored and followed up with appropriate interventions.

Time frame: Twenty-four months

Responsible entities: National Coordinating Committee on RRR, Ministry of Resettlement, Rehabilitation and Refugees, Ministry of Eastern Development and Muslim Religious Affairs, Ministry Assisting Vanni Rehabilitation.

### **Movement of persons and goods**

- ❑ All restrictions on the movement of persons and goods should be kept under continuous review. While accommodating legitimate security concerns, every effort should be made to lessen any hardship experienced by populations in the affected areas.

The policy objective should be to uphold an economic and social environment in such areas as close to normal as security considerations allow. Restrictions should not be introduced if seen as ineffectual or possibly counterproductive. In this regard, it is already clear that the present relaxation of restrictions in the movement of people and goods across the established check-points are proving beneficial to the populations in the affected areas and to the restoration of a greater degree of normalcy. In other words, and barring adverse developments, the Northern and Eastern Provinces can henceforth be treated as areas where normal conditions prevail, and where rehabilitation and development activities should be carried out to the fullest extent possible.

❖ ***Workshop voices:** Travel restrictions have led to a closing up of markets and a growing gap between the North-East and the South, due to scarcity of goods and the low purchasing power in the North-East. This has had a particularly negative impact on some Tamil-owned industries...business in the North is almost impossible and has led to a general decline in investment and development (Sector workshop).*

The periodic review of the security measures taken locally in response to the situation on the ground should be included in the terms of reference of the proposed National Coordinating Committee on RRR. It should ensure that such reviews take into account the interests of both the civilian and military branches of government, civil society, humanitarian organizations, and the affected populations.

Time frame: Continuous

Responsible entities: National Coordinating Committee on RRR, Ministry of Defence, Joint Programme Facilitation Committee.

### **Computerized ID card register**

- ❑ Establish a computerized identity card register accessible to provincial and district authorities.

The Government has approved a project to establish a central computerized identity card system, establishing a Secretariat for Personal Identification (SPI) to which regional authorities would have access. The computerized integrated database will be set up providing a national register of all citizens on an equal basis without geographic or ethno-religious distinctions.

❖ ***Workshop voices:** Many displaced people have lost their official papers when they were displaced. This requires a new administrative procedure that can respond to this need (Sector workshop).*

Data pertaining to the identification of persons, as well as births and deaths, will be collected at the divisional level and transferred electronically to the integrated database, to which national agencies will have access subject to prior approval.

The Ministry of Defence in 2001 initiated action for the construction of a building to house the Secretariat and called for construction tenders. These plans were put on hold due to budget constraints, and resources have yet to be allocated for the project. At the same time, further consideration is being given to the design of the data base and whether it should be developed as a full-fledged national register.

It is recommended that the Government give priority to determining the final design of the register and to seeking resources to implement the database component of the project, as the present lack of funding appears to be the only obstacle to its full implementation.

Time frame: Twelve months

Responsible entities: Ministry of Interior

## (b) Programme modalities

Many of the modalities applied in carrying out relief, rehabilitation and reconciliation activities have remained unchanged for many years, and several features of ongoing operations are ripe for review. It is recognized that – as with the previous recommendations - they may have policy and financial implications. Nevertheless, the principal thrust of the recommendations below relates to specific features of the ongoing programme, where identified shortcomings provide the rationale for the adjustments that are judged necessary.

### Adequacy of assistance packages

- An urgent review is needed of the adequacy of relief and assistance packages provided to displaced families in welfare centres and to support their resettlement.

The quantity of dry rations, or cooked meals, provided to displaced and affected persons has remained unchanged for extended periods. Over time, as a result of rising commodity prices, the adequacy of dry rations has eroded and at present only cover the partial needs of displaced families, leaving them to supplement their entitlements through temporary labour and other uncertain activities for generating additional income. The provision of dry rations is fixed in money terms and not as a function of daily nutritional values.

Time limits as a basis for determining eligibility for food assistance should be discontinued. Clear-cut criteria for eligibility should instead be established, taking into account the need to encourage productive activity while protecting vulnerable groups.

A standards-based approach to the definition of assistance packages for resettling or relocating displaced families should be adopted, rather than relying on preconceived monetary levels. This is particularly important in respect of food, shelter and income generation, for which present assistance schemes should be upgraded to support sustainable reintegration. The use of specific standards rather than fixed cash values will provide protection from regional and temporary price differentials.

A technical committee should be established to examine these issues and recommend adjusted food assistance to meet the calorific and nutritional requirements of beneficiaries and to set standards for resettlement and relocation packages.

Time frame: Three months

Responsible entities: National Coordinating Committee on RRR, Ministry of Finance, Ministry of Resettlement, Rehabilitation and Refugees.

### UAS entitlements

- A review and reformulation of the entitlement programme available through the Unified Assistance Scheme is now necessary.

Under the Unified Assistance Scheme (UAS), families or persons that have endured injury or loss of life, damage to property and economic activity due to ethnic violence,

acts of insurgency and consequent civil unrest, from 1983 until the present, are eligible to compensation in the form of cash grants, loans and materials.

The UAS was introduced in 1988 and despite the adjustments in the entitlements made since then, remain inadequate. The scheme should now be revised to meet the requirements of eligible families or persons, increasing entitlements as necessary in the light of present conditions.

Time frame: Three months

Responsible entities: National Coordinating Committee on RRR, Ministry of Finance, Ministry of Resettlement, Rehabilitation and Refugees.

### **Verification of data**

- District Secretaries should be assisted in verifying the accuracy of data relating to persons qualifying for relief and rehabilitation assistance as result of the conflict.

Statistical data provided by the concerned district and division authorities on displaced populations in several affected areas have been questioned, creating shortfalls in the provision of dry rations to affected and displaced families in welfare centers and other emergency facilities. Accurate and reliable information on the number of affected and displaced persons is obviously a prerequisite for the provision of timely and adequate food assistance and for assessing other basic needs.

Whenever statistical information provided by the district and division authorities is not accepted, attempts should be made to validate data using other sources of information. There is an urgent need to develop a transparent system for verifying and monitoring the population figures in some affected areas. It is noted that the Ministry of Resettlement, Rehabilitation and Refugees is currently engaged in updating its information on beneficiary populations, with UNHCR assistance.

Time frame: Six months

Responsible entities: National Coordinating Committee on RRR, Ministry of Resettlement, Rehabilitation and Refugees, District Coordinating Committee on RRR.

### **Management of welfare centres**

- Welfare centers should be managed with the active participation of the displaced families to instill a spirit of self-reliance and to prepare camp residents for resettlement or relocation.

The tendency for residents of camps and welfare centers to become passive recipients of handouts from relief agencies should be counteracted by every means. Welfare centers should be managed in such a way that camp residents are made active partners in organizing their own well-being, capitalizing on their sense of dignity and wish to be self-reliant. Management committees, with representatives of the welfare centre residents, state officials, NGO and host community representatives have been established in many locations. Such arrangements should be generalized. Participatory management of



welfare centers is essential for avoiding the creation of dependencies and for developing leadership among the displaced, to help prepare the people for resettlement or relocation.

❖ **Workshop voices:** *Relief and rehabilitation programmes are not adapted to different needs nor changes in context. Groups receiving relief aid or compensation all pointed out that their specific needs were not met. Within one community different people will have varying needs... Also, economic support and the provision of dry rations are based on a ceiling of family income which is no longer relevant due to the rise in the cost of living (Sector workshop).*

Time frame: Continuous

Responsible entities: District Coordinating Committees on RRR

### **Vulnerable groups**

- ❑ Greater attention needs to be given to vulnerable groups among the displaced, by providing special assistance and care to these categories.

At present special schemes of assistance to vulnerable groups among the displaced populations are rare, beyond the financial compensation given to individuals that have sustained disabilities as a result of the conflict or to families who have lost a family member. There are a large number of unaccompanied children, handicapped, mentally retarded and traumatized persons, widows and women-headed households, nursing mothers and elderly, for whom special support should be provided.

Time frame: Continuous

Responsible entities: Ministry of Resettlement, Rehabilitation and Refugees, Ministry of Eastern Development and Muslim Religious Affairs, Ministry Assisting Vanni Rehabilitation, District Coordinating Committees on RRR.

### **Multi-purpose cooperative societies**

- ❑ Multi-purpose co-operative societies (MPCS) and other private institutions active in relief operations should be strengthened and compensated for unremunerated work.

MPCSs play a vital role in the distribution of food assistance and in the procurement of goods making up the basic dry rations. The coupon system on which much of the distribution of dry rations is based is administered by these societies without compensation in most cases. In most of the affected areas, they perform an essential function in providing marketing outlets and maintaining economic activity.

Adequate facilities should be provided to co-operative societies and private sector institutions supplying dry rations and other essential items to the uncleared areas. They should be granted financial assistance not only to procure the necessary food and other essential items but also to maintain the fleet of trucks required to ensure uninterrupted

supplies. The performance of some of these institutions has been badly affected by the shortage of funds and transport vehicles.

Time frame: Continuous

Responsible entities: Ministry of Cooperatives, District Coordinating Committees on RRR.

### (c) Post-Conflict Preparedness

#### Reintegration of ex-servicemen and former combatants

- Preparatory work is urgently needed to develop strategies and mechanisms to assist the reintegration of former combatants and policemen. In the absence of designated ministerial responsibility for the reintegration of ex-combatants, an inter-ministerial body composed of expert officials from the ministries of defence, planning, labour, vocational training, and others should be established to study the various issues at hand and to present viable solutions.

A recent ILO report on the immediate and future challenges of reintegrating former soldiers, veterans and ex-combatants points out that problems of integrating ex-service men into civil society already exist. An estimated 1500 soldiers a year leave the army after completed service and have very few employable skills; to which should be added an unknown number of deserters over the past five years, estimated at up to 50,000. There has been a rise in crime and violence, carried out by “gangs”, many with military backgrounds, posing an added threat to the social fabric of the country.

Problems of this order, which have also been highlighted in the report of the Task Force on Human Disaster Management, are likely to increase steeply once the transition to peace and normalcy sets in. Various steps have been taken earlier to harness the energies of youth, given the intermittent eruption of youth unrest in the past. Other measures can also be taken at this stage to handle existing problems and to prepare for the future, by for instance identifying target groups and making special provisions for the various categories within existing job placement services, educational and vocational training establishments, and facilities for health and psychiatric care.

❖ **Workshop voices:** *Administrative procedures cause considerable difficulty to the disabled soldiers. If they go to the government office to talk about their problems, they are told that the person responsible is absent, etc. But it is impossible to complain because the politicians back the offenders, and the corrupt offenders are thus protected. Beneficiaries must go through long bureaucratic procedures, which are not clear – not clear between the different departments (Sectoral workshop).*

Reports on the subject indicate that current capacities in Sri Lanka to address effectively the reintegration of former soldiers and combatants and ex-police officers are inadequate for coping with situations that may be expected following demobilization.

Many of the elements are in place but need strengthening; others need to be created from scratch and should therefore claim the Governments attention at an early date.

The concerned government and non-government agencies are currently developing a strategy, with ILO support, for strengthening national capacity to face future reintegration challenges. They are also developing a pilot project, which aims to test and validate an approach to facilitating the economic and social reintegration of disabled ex-servicemen with a view to expanding this methodology to wider groups of disabled persons.

As a provisional step to establish an inter-ministerial body to manage and coordinate the various measures that are now needed, the National Coordinating Committee on RRR should set up on an urgent basis a sub-committee composed of officials from the various concerned agencies and representatives of interested non-governmental organizations.

Time frame: Twenty-four months

Responsible entities: National Coordinating Committee on RRR, Ministry of Defence, Ministry of Finance, Ministry of Employment and Labour, Ministry of Social Welfare, Human Disaster Management Council, Rana Viru Seva Authority.

### **Mine action**

- Every effort should be made to create an efficient national mine action capacity, by determining where institutional responsibility for mine action should be located; by continuing to promote mine awareness among affected populations in all areas; by conducting mine field surveys; and by initiating the training of mine clearance personnel.

The experience of other countries having to cope with land mine infestation indicates that preparations for the rapid clearance of contaminated areas should be undertaken well ahead of the advent of peace. Military de-mining personnel are usually not trained to cater for civilian requirements. In general, however, there is a tendency to await peaceful conditions before embarking on civilian-sponsored mine action programmes. This has usually resulted in unacceptable delays in clearing mine-infested areas at a time when it is most needed, as creating a viable capacity to carry out such activities can take up to two years.

Such delays have often crippled vital rehabilitation and development work. Most landmines have been laid in the Jaffna peninsula and in the Vanni area, and records of the location of the minefields have been kept by both the armed forces and LTTE. There is always a risk that such records are lost; one way of minimizing this risk would be for the armed forces and LTTE to desposit copies of all minefield records in their possession with an agreed neutral institution or country for safe custody. Such an arrangement could materially contribute to speeding up mine clearance work.

Contamination has however spread with the flooding of several of the mined areas and many landmines are no longer in their original location. With time, the problem of stray mines becomes increasingly serious. This gives additional urgency to programmes of mine awareness, surveys and the marking of unsafe areas.

It is clear also, that if a national mine action programme, including demining, is to be ultimately effective, it must be an integrated effort involving also the LTTE. Even if intensive and sustained mine clearing operations cannot immediately be initiated, every effort should be made to establish a viable, nationally based mine action capability, decide on its institutional home, build up national expertise in all areas of mine action and to train an adequate number of mine clearance personnel. External cooperation should be sought for this purpose.

Time frame: Six months

Responsible entities: Office of the Prime Minister, Ministry of Defence, Ministry of Resettlement, Rehabilitation and Refugees.

#### **IV. INSTITUTIONAL MECHANISMS AND COORDINATION**

Better institutional co-ordination is central to efforts to improve the effectiveness of relief, rehabilitation and reconciliation programmes. The recommendations take into consideration the strength and weaknesses of the existing institutional framework, the layers of government (national, provincial, district and divisional), the concerns of the affected communities expressed in the course of the district and sectoral workshops sponsored by the RRR Framework exercise, and the multi-dimensional nature of RRR activities.

While the establishment of a single authority is seen as the best approach for an effective and efficient institutional framework, considerations of a pragmatic nature argue against a single authority in the present context. Thus, rather than creating a new institutional framework or dismantling existing structures, the recommendations aim at instituting practical and workable arrangements, in the shape of coordinating committees at national and local levels.

It is accordingly recommended that the policy and coordinating functions associated with monitoring and evaluating the progress of the RRR Framework process should be vested with a National Coordinating Committee on RRR at the central level.

The rationale underlying the ensuing recommendations is summarized in Chapter II, Section (e), on programme management and coordination. The key principles envisage steps leading to a meaningful delegation of responsibilities for programme planning and operational control and seek to foster the participation of beneficiaries in needs assessment and project identification. At the same time, they uphold the principle – in the interest of uniformity and equal standards – of vesting central and provincial mechanisms with the tasks of policy formulation, monitoring and evaluation.

##### **(a) At the National Level:**

##### **Policy direction and coordination**

In order to ensure that RRR activities are guided by uniform policies and standards and that they are properly monitored and evaluated, it is recommended that the Government

- Establish a National Coordinating Committee on Relief, Rehabilitation and Reconciliation to ensure that uniform strategies, programmes and procedures are adhered to by all stakeholders, that adequate financial resources are made available and that the overall humanitarian situation is regularly assessed.

The National Co-ordinating Committee on RRR will provide a forum for a continuous dialogue with all key actors involved in relief, rehabilitation and reconciliation activities with a view to reaching consensus on issues of common interest. A vital role of the Committee will be to overcome the disparate effects and institutional fragmentation that may result from the fact that a number of agencies at the central level share responsibility for the conduct of relief, rehabilitation and reconciliation endeavours. In bringing together these various efforts in a coordinated whole, the Committee will specifically perform the following functions:

- Ensure that uniform policies and equitable standards are adhered to by the stakeholders;
- Ensure the existence of an appropriate regulatory framework for integrating government, bilateral, multi-lateral and NGO resources in RRR activities;
- Monitor the progress of the implementation of RRR programmes and evaluate outcomes;
- Assist in the removal of implementation constraints and resolve any inter-district issues;
- Take all the requisite steps to integrate the post-conflict perspective in the RRR Framework Process, as outlined in Chapter VI; and
- Collect and disseminate information related to RRR activities.

### **Composition of the National Coordinating Committee on RRR**

Chairman appointed by the Hon. Prime Minister  
 Ministry of Policy Development and Implementation  
 Human Disaster Management Council (Presidential Secretariat)  
 Ministry of Foreign Affairs  
 Peace Secretariat (SCOPP)  
 Ministry of Resettlement, Rehabilitation and Refugees  
 Ministry of Eastern Development and Muslim Religious Affairs  
 Ministry Assisting Vanni Rehabilitation  
 Ministry of Justice, Law Reform and National Integration  
 Ministry of Home Affairs, Provincial Councils and Local Government  
 Ministry of Defence  
 Ministry of Social Services  
 Ministry of Finance  
 Ministry of Human Resource Development, Education and Cultural Affairs  
 Ministry of Co-operatives  
 Official Languages Commission  
 Chief Secretaries of the affected provinces  
 Representatives of UN agencies  
 Representatives of Multilateral and Bilateral Donors  
 Representative of ICRC  
 Representatives NGOs engaged in humanitarian assistance

In order to give the National Committee on RRR authoritative status, it is recommended that all nominees of the participating ministries be officially appointed to the Committee by the Hon. Prime Minister.

Time frame: Three months

Responsible entities: Office of the Prime Minister, Ministry of Policy Development and Implementation.

## Programme facilitation

- Whenever circumstances so warrant, establish an Essential Services Coordinating Committee to provide a forum for resolving constraints and impediments in the delivery of essential services and ensuring wider participation in addressing the concerns of the civil administration in regard to security issues.

It is recommended that the earlier Essential Services Coordinating Committee (ESCC), which facilitated ministerial interaction in conducting relief operations be resurrected, on a contingency basis, to ensure that there is no disconnect between relief and rehabilitation work. Relief measures need to be designed within the perspective of subsequent rehabilitation and development. Coordination is furthermore essential between the Ministry of Resettlement, Rehabilitation and Refugees and the Department of Social Services (DSS), which provides food assistance to part of the displaced populations with the support of the World Food Programme, leading to differing standards in the provision of dry rations. Specifically, the ESCC should perform the following functions:

- Review the emergency needs of affected and displaced population;
- Ensure that other agencies give effective support to the Ministry of Resettlement, Rehabilitation and Refugees in maintaining shelter, food, as well as adequate health, education, water and sanitation facilities to the displaced in welfare centers;
- Examine, as a result of periodic surveys, possibilities for expanded resettlement and relocation;
- Review the possibilities of restoring civil administration in affected areas.

### Composition of the ESCC

Ministry of Resettlement, Rehabilitation and Refugees (Chair)  
 Ministry of Eastern Development and Muslim Religious Affairs  
 Ministry Assisting Vanni Rehabilitation  
 Ministry of Defence  
 Ministry of Social Services  
 Chief Secretaries of affected provinces  
 Director, Ceylon Electricity Board  
 Director, Road Development Authority  
 Director, Sri Lanka Telecommunications Authority  
 Chairman, Bank of Ceylon, and Chairman, People's Bank  
 District Secretaries of affected districts  
 Representative of UN agencies  
 Representative of ICRC  
 Representatives of NGOs engaged in humanitarian assistance

Time frame: As and when necessary

Responsible entity: National Coordinating Committee on RRR, Ministry of Policy Development and Implementation, Ministry of Resettlement, Rehabilitation and Refugees.

- If circumstances require, establish a Programme Facilitation Committee, to meet periodically or on a monthly basis, as a forum for discussing security concerns related to implementation of externally funded projects.

In the past, the Ministry of Defence has chaired two committees dealing with essential services and medical supplies. Since a number of humanitarian agencies, and multilateral and bilateral donors working in affected areas, have an interest in the impact of security measures, it is recommended that the Ministry of Defence, when the situation warrants, convene a Programme Facilitation Committee, with wider participation, on a monthly basis, in addition to the two existing committees.

#### **Composition of the Programme Facilitation Committee**

Ministry of Defence  
 Members of the Committee on Essential Services  
 Members of the Committee on Medical Supplies  
 Chief Secretaries of the affected provinces  
 Representatives of UN agencies  
 Representatives of IFIs  
 Representative of bilateral donors  
 Representative of ICRC  
 Representatives of NGOs engaged in humanitarian assistance

Time frame: As and when necessary

Responsible entity: National Coordinating Committee on RRR, Ministry of Defence.

#### **Transparency and accountability**

- Appoint, as part of the Humanitarian Affairs Ombudsman system, a Humanitarian Affairs Ombudsman (HAO) to coordinate and expedite the resolution of complaints and grievances through the National Coordinating Committee on RRR.

Under the overall authority of the Human Rights Commission, the HAO should function in an independent manner, processing unresolved complaints referred to the HAO from the district level, and receive complaints from the public relating to humanitarian assistance provided by government agencies at the national level, NGOs and international organizations. The HAO will have authority to take the following actions with regard to complaints:

- Conduct inquiries and recommend improvements to practices and procedures of government agencies, NGOs and international organizations engaged in the delivery of humanitarian assistance;
- Conduct studies on issues relating to humanitarian activities and submit recommendations to the National Coordinating Committee on RRR for consideration and further action.



In investigating complaints and allegations regarding inadequacies in the delivery of humanitarian assistance by government agencies, NGOs and international organizations, the HAO may request any official of such an institution to appear before the HAO and provide explanations in regard to the issues raised. It is recommended that government agencies, NGOs and international organizations accept the HAO as the competent authority for the resolution of complaints and comply with the actions taken by the HAO in the conduct of inquiries.

The HAO will re-examine unresolved complaints received from the District HAO, together with recommendations made by the District Coordinating Committee on RRR. The HAO will forward such cases to the National Coordinating Committee on RRR for adjudication and communicate its decision to the concerned institution. The HAO will monitor compliance of the Committee's rulings and report back to the Committee on any instances of non-compliance.

The HAO may entertain complaints from the public on issues arising at the national level. Any complaints involving district agencies will be routed to the District HAO for appropriate action. The HAO may further carry out independent investigations on issues relating to humanitarian activities and recommend suitable improvements to the National Coordinating Committee on RRR.

Time frame: Six months

Responsible entities: Office of the Hon. Prime Minister, Presidential Secretariat, Human Rights Commission, Ministry of Justice, Law Reform and National Integration.

#### **(b) At the Provincial Level**

- ❑ Establish a Provincial Coordinating Committee (PRCC) as a coordinating mechanism to facilitate the proper coordination, execution and monitoring of programmes for which the Provincial Council is responsible.

While Provincial Councils are currently not empowered under the Constitution to undertake relief and reconstruction activities, a significant part of present RRR operations falls within the purview of the devolved functions of Provincial Councils. The role of the Provincial Council with respect to RRR activities needs to be further clarified, in keeping with the emerging consensus on the need for more decentralized regimes.

In the absence of the Chief Minister, the Governor of the Province should chair meetings of the PRCC. As a general observation, the absence of political leadership and the non-functioning of the North-East Provincial Council are adverse factors in the implementation of RRR programmes in the North-East Province.

In the interest of overall coordination, as well as capacity-building at the provincial level, the PRCC should be party to the review and appraisal of district programmes and ensure that these are integrated with those of the province as a whole.

### **Composition of the PRCC**

Chief Minister  
 Chief Secretary  
 Heads of Provincial Departments  
 District Secretaries, as chairmen of DCCRs  
 Officials of line ministries.

Time frame: Six months

Responsible entities: Office of the Hon. Prime Minister, Presidential Secretariat, Ministry of Home Affairs, Provincial Councils and Local Government.

### **(a) At the Level of Districts, Divisions and Villages**

#### **Local operational control and coordination**

In order to decentralise planning, operational coordination and control, it is recommended that the Government

- Establish, in all districts affected by the conflict, District Coordination Committees on Relief, Rehabilitation and Reconciliation (DCCR), under the chairmanship of the District Secretary.

At present, relief and rehabilitation activities in the Northern and Eastern Provinces come under the purview of the Ministry of Resettlement, Rehabilitation and Refugees, the Ministry of Eastern Development and Muslim Religious Affairs, and the Ministry Assisting Vanni Rehabilitation. To ensure that activities are based on district needs and to promote locally based approaches in the planning and implementation of RRR projects, reinforcement of the district coordination apparatus is vital.

### **Composition of the DCCR**

District Secretary  
 Ministry of Resettlement, Rehabilitation and Refugees  
 Ministry of Eastern Development and Muslim Religious Affairs \*  
 Ministry Assisting Vanni Rehabilitation \*  
 Regional Commissioner representing the Provincial Council assigned to the district  
 Divisional secretaries  
 Officers of the district administration concerned with the delivery of RRR programmes  
 Civil Affairs Officer of the Security Forces in the district  
 Representatives of Citizen Committees  
 Representatives of the UN agencies  
 Representatives of national and international NGOs involved in humanitarian work  
 District Humanitarian Affairs Ombudsman (Observer)

\* Where districts in the Eastern Province and Vanni are concerned

To this end, the DCCR should be given all the necessary powers and responsibilities. As chairman, the District Secretary should represent the DCCR in the coordinating structures proposed at central and provincial levels. The DCCR would have a secretariat with staff provided by the various ministries that maintain offices at the district level.

❖ *Workshop voices: Project coordination is poor. Some kind of problem is that maybe a school has a tank but they don't have electricity – so in reality it's like they didn't have a tank. Then that becomes somebody else's problem. Some people point this out to the higher authorities but nothing happens (Sector workshop).*

The DCCR should be mandated to identify RRR projects for implementation, as well as review and appraise RRR projects recommended at the division level; finalize and prioritize selected projects in consultation with elected representatives, citizens representatives, NGOs, Provincial Council and line Ministry staff stationed in the districts.

In the area of coordination, the DCCR should

- Ensure that selected projects conform to standards and guidelines set by the relevant implementing ministry and by the proposed National Coordinating Committee on RRR;
- Ensure that RRR interventions are consistent with district development programmes, through the District Development Committee and the District Co-ordinating Committee;
- Develop annual district RRR work plans and monitor project execution.

In the area of programme implementation:

- Prepare monthly, quarterly and annual physical and financial progress reports and forward to Provincial Council and the implementing ministry concerned;
- Remove constraints and bottlenecks and ensure proper financial management and uninterrupted cash flow to implement projects;
- Coordinate the operational RRR activities undertaken by NGOs;
- Propose post-conflict project initiatives for implementation on a pilot basis.

In order to enable district services to carry out the above functions, substantial capacity-building is required. It is recommended that the option of outsourcing the expertise and additional manpower needs should be examined to augment existing capacities at the district level.

### **Emergency preparedness and response**

- ❑ Establish, as a sub-committee of the DCCR, a District Emergency Preparedness and Response Committee, under the chairmanship of the District Secretary..

The sub-committee on emergency preparedness and response will be responsible for crisis management in the district, for identifying and seeking urgent relief and other

emergency interventions. The Committee should meet on a semi-regular basis in order to devise emergency preparedness plans and to oversee the provision of emergency assistance in times of crises.

#### **Composition of the Sub-Committee**

District Secretary  
 Relevant divisional secretaries  
 District officials concerned with health, food supply, cooperatives, water, sanitation and transportation  
 Civil Affairs Officer from the Security Forces in the district  
 Representative of the Ministry of Social Services  
 Representatives of the Multi-purpose Cooperative Societies (MPCS)  
 Representatives of the Consortium of Humanitarian Agencies (CHA)  
 Representatives of the UN Agencies,  
 Representatives of the ICRC

The sub-committee should make periodic assessments of potential emergency needs and be responsible for the overall administration and coordination of relief interventions, and assign responsibilities and specific tasks to the different participating agencies.

Time frame: Three months

Responsible entities: Ministry of Public Administration, Management and Reform, Province Governors, District Secretaries.

#### **Bottom-up planning and community participation**

- ❑ Establish, in all divisions affected by the conflict, Divisional Relief, Rehabilitation and Reconciliation Committees (DIVR), under the chairmanship of the Divisional Secretary.

The main function of the Divisional Relief, Rehabilitation and Reconciliation Committee will be to identify projects and prepare an annual divisional plan for RRR, with a view to ensuring a bottom-up approach to the planning of programmes. All programmes should be submitted to the DCCR for review and approval. Once projects are approved, the DIVR will oversee and monitor their implementation. To enable the divisional secretariat to carry out these functions, it is recommended that its capacity be strengthened with the addition of a Divisional Rehabilitation Officer to assist the Divisional Secretary, particularly in divisions with substantial rehabilitation activity.

#### **Composition of the DIVR**

Divisional Secretary  
 Division level officers  
 Grama Niladharys of the Division  
 Representatives of NGOs  
 Representatives of affected, resettled, relocated, and host communities

- Establish Village Rehabilitation Committees (VRC), under the chairmanship of the Grama Niladhary.

A Village Rehabilitation Committee should be established in each village affected by the conflict and in areas where people have been resettled or relocated. The VRC will identify the needs of their villages and participate in the formulation and implementation of projects. This will serve to empower the affected people and enable them to determine the scope and contents of the projects they need, in line with the principle that need assessments, the design and implementation of projects should be done with village participation. VRC participation in RRR activities is meant to ensure that affected people are not merely passive beneficiaries, but directly involved in the projects from which they benefit.

#### **Composition of the VRC**

Grama Niladhary  
 Village level officers  
 Representatives of NGOs  
 Representatives of community-based organizations  
 Representatives of affected, resettled, relocated and host Communities

The functions of the VRC will be to prepare village profiles, collect data needed to identify the needs of the village, and participate in the design and implementation of projects. In addition, the VCR should

- Help mobilize community participation;
- Ensure that beneficiaries assist in implementing village projects;
- Identify obstacles or bottlenecks in project implementation and seek the assistance of higher authorities, if they cannot be removed at the village level.

Tine frame: Three months

Responsible entities: Province Governors, District Secretaries, Divisional Secretaries

#### **Delegation of authority**

- To streamline the provision of essential services, sufficient powers should be delegated to the provincial and district levels, under the overall authority of the Ministry of Resettlement, Rehabilitation and Refugees.

In view of the major commitments undertaken in the northern districts and to streamline the provision of essential services, a senior officer of the Ministry of Resettlement, Rehabilitation and Refugees should be outposted in Vavuniya to serve the Northern Province.

Similarly, the appointment of district secretaries as agents for the provision of essential services, with sufficient delegation of powers, should be envisaged to render emergency responses more timely and effectively in times of crisis.

Time frame: Three months

Responsible entities: Office of the Prime Minister, Ministry of Resettlement, Rehabilitation and Refugees.

### **Processing of complaints**

- Under the proposed decentralized structure of the Humanitarian Affairs Ombudsman system (HAO), appoint a District Humanitarian Affairs Ombudsman (DHAO) for each of the DCCRs, deputising for the HAO. The DHAOs will constitute an impartial mechanism and report to the HAO at the national level.

❖ *Workshop voices: Though contrary to official policy, many non-Sinhalese people feel that they are discriminated against in health services and education. This also occurs in applying for jobs, due to their place of origin or lack of knowledge of Sinhalese. At checkpoints, Tamils and Muslims are singled out (Sectoral workshop).*

Under the overall authority of the Human Rights Commission, the DHAO will be mandated to receive complaints from individuals and community-based organizations on all aspects of humanitarian assistance provided in the district. The DHAO will be authorised to take the following actions in regard to complaints:

- Conduct inquiries and recommend improvements to practices and procedures of district-based government institutions and NGOs;
- Conduct inquiries on issues arising at district level and submit the findings to the DCCR for action;
- If DCCR action is seen as inadequate, forward the complaint to the HAO for action;
- Determine the proper jurisdiction of the complaint and forward to HAO for action.

In conducting his/her inquiries into complaints and allegations of inadequacies in the delivery of humanitarian assistance, the DHAO will have the authority to request any official holding a position in a government institution or NGO providing services in the district to appear before the DHAO or provide explanations as to issues raised.

Based on his/her findings, the DHAO will recommend to the institution concerned a suitable course to redress the reported grievance. Any recommendations made must be in conformity with the mandate and authority of the institution and organization involved.

In the event that his/her recommendation is not complied with, the DHAO will submit the case to the DCCR for resolution. The DHAO will serve as an observer on the DCCR. If submissions made by the DHAO to the DCCR are not adequately remedied or found to be within the jurisdiction of a national authority, the DHAO will forward such issues to the HAO.

The DHAO will also serve on the DCCR, given its role as an oversight body. The Committee may request the DHAO to carry out inquiries and investigate issues brought before the Committee.

Time frame: Six months

Responsible entities: Ministry of Justice, Law Reform and National Integration, Human Rights Commission, Office the Humanitarian Affairs Ombudsman.

## **V. RECONCILIATION AND PEACE-BUILDING**

In any political or social conflict, reconciliation and peace building are challenging and difficult processes, as the bases for trust and collective activity have been eroded and remain fragile. Reconciliation initiatives tend to be disparate and disjointed, needing different time frames and action plans. Their implementation generates its own dynamics, creating new sets of issues. The following series of actions, by no means exhaustive, represent activities that can be undertaken both in the short term and on a long-term basis.

### **(a) Conflict Impact Assessment**

- The impact and consequences of rehabilitation and development initiatives in terms of their potential for promoting reconciliation should be carefully assessed. All government agencies and other state actors, whether or not directly concerned with relief, rehabilitation and development, should carry out their programmes with the long-term vision of reconciliation and peace-building.

While it is recognized that development work cannot be halted whenever hostilities erupt, development initiatives should be carefully assessed so as to understand their potential for ultimate reconciliation and to prevent possible adverse consequences. To this end, the following proposal should be considered:

All development goals should be framed within a reconciliation perspective. Conflict impact assessments should be undertaken on a systematic basis to identify the potential and constraints of each project in terms of reconciliation, and to gain an understanding of the programme strategies that should be applied to strengthen the peace-building role of projects within the communities concerned.

For this to become a reality, capacities at local and regional levels need to be built, drawing on skills already available within state agencies and non-governmental organizations.

For their part, the ministries concerned with Buddhist Affairs, Hindu Affairs, Muslim Affairs and Christian Affairs, rather than focusing exclusively on matters affecting their own religious communities, can play effective conciliatory roles through their respective spiritual leaders and strengthen government policies of ethnic integration.

Time frame: Continuous

Responsible entities: District Coordinating Committees on RRR, Divisional Coordinating Committees on RRR, Ministry of Ethnic Affairs.



## (b) The Issue of Language Parity

### Coordinated work plan

- Prepare and adopt a coordinated work plan, establishing intermediate and long-term objectives to achieve language parity in the practical world of education and state administration, with set time limits for implementation and monitoring mechanisms.

Two constitutional amendments provide for language parity between Sinhala and Tamil as the official languages of Sri Lanka. Many of the resulting provisions in law and administrative practice however have failed to live up to the constitutional requirement to secure equal status for the Tamil language and to overcome the disabilities of Tamil-speaking people.

The various proposals recommended and described in more detail *below* interact in many ways and are mutually reinforcing. Their implementation needs to be governed by a well-structured, coordinated plan as well as carefully monitored, if the proposed measures are to achieve their intended purpose. For its part, the Government needs to provide revised guidelines, funds and other necessary facilities

Time frame: Six months

Responsible entities: Ministry of Human Resources Development, Education and Cultural Affairs, Ministry of Public Administration, Management and Reforms, SLIDA, Ministry of Defence, Public Service Commission, Judicial Services Commission, National Police Commission, Official Languages Commission.

### Need for translators and interpreters

- At the earliest possible stage, launch expanded training programmes for trilingual school teachers, translators and interpreters for the military, the civil service and the courts of justice.

As elaborated below, all citizens should be able to obtain service from both public and private agencies in either Sinhala or Tamil. Government agencies in particular should ensure that cadre positions and facilities (for translation and word processing in both Sinhala and Tamil) satisfy this requirement. Systematic translation of official documents from one language to the other has a significant political function and is particularly important for the administration of justice. The Government's Translator Services need to be upgraded and expanded; crash courses for translators and interpreters should also be organized.

Time frame: Twenty-four months

Responsible entities: Ministry of Public Administration, Management and Reform, Ministry of Justice, Law Reform and National Integration, Official Languages Department.

## Education structures

- Changes are needed in the existing formal structures of education in order to achieve ideals of reconciliation in the longer term.

Despite declared state objectives, the formal education process does not perform its given role in terms of reconciliation and integration. In a sense, children can be seen as the vehicles for peace, whilst schools and institutions of learning are the symbols and mechanisms for peace. To enhance the role played by the formal education system, the following measures are recommended:

- a) The Government should promote and strengthen existing multi-ethnic (multi-language) schools where more than one ethnic group is located. New schools should also be multi-ethnic if established in locations with mixed populations. Thus, if new schools are established in mixed urban and rural areas, including estates, such schools should be multi-ethnic. Students from all ethnic and religious groups should be admitted to these schools according to their ratio of presence in that location, and students should be provided instruction in both Tamil and Sinhala. Existing long-established schools are difficult to convert into multi-ethnic schools, being institutions of entrenched traditions, and it would not be wise to alter their character. The Government must however seek to focus on curricula and on extra-curricular activities susceptible of achieving the goals of inter-ethnic harmony.

❖ **Workshop voices:** *The main cause for misunderstanding among communities is the language barrier. Hence Tamils should be encouraged to learn Sinhala, and Sinhalese to learn the Tamil language even at school level. One community should be able to recognize the culture of the other (District workshop, Trincomalee).*

- b) Where opportunities exist, non-state agencies, such as multilateral and bilateral organizations, national and international NGOs, and private sector institutions, should promote and assist institutions of learning not segregated by religion, ethnicity or language.
- c) Some school textbooks currently used contain material biased in terms of ethnicity, religion and other identities. These should be removed and revised to reflect the multi-cultural reality of Sri Lanka. To achieve this, the Ministry of Education and the National Institute of Education (NIE) will need to expand the Textbook Review Committee by co-opting scholars and individuals who have studied these issues. The relative dearth of Tamil text writers is a cause for special concern and needs to be rectified. To this end, a national pool of resource persons should be identified, outside the NIE core group, to provide active help in the task of textbook writing. Such a group should be multi-ethnic and multi-denominational in character and be given formal training in the fundamentals and dynamics of textbook writing, drawing on successful experiences elsewhere, such as in Northern Ireland, Canada and Switzerland. Text publication should furthermore progressively be expanded to the private sector, with the state setting and monitoring the norms and standards for such publications.

- d) Compulsory language training in Sinhala and Tamil as well as in English should be given to all students from year one onwards. To carry out this recommendation, the means and institutional infrastructure to train teachers need to be devised as a matter of priority. In this context, there is also a need to make such training interesting by adopting novel language training techniques, such as the use of electronic media. Of equal importance is the immediate need to recruit and train teachers who can provide this service.
- e) Even if good schools and textbooks exist, they are unlikely to play a positive role if teachers are not properly trained to take into account the country's multi-ethnic and multi-religious reality. In this regard, school teachers should in the future to the extent possible be trained in non-segregated training establishments, as may appear warranted by demographic and geographic factors. In addition to their specialized training, these trainees should also be given the necessary teaching skills for serving in a multi-ethnic and multi-religious socio-political environment. The recent policy paper prepared by the National Authority for Teacher Education accepts the principle that no ethnically segregated teacher education institutes should be established in the future. The proviso should be added that where segregated training colleges (in religious or ethnic terms) presently exist in mixed areas (eg. Dharga Town near Aluthgama), these should be reorganized in line with the policy of integration.

Time frame: Continuous

Responsible entities: Ministry of Human Resources Development, Education and Cultural Affairs, National Institute of Education, National Education Commission.

### **The language provisions of the Constitution**

- ❑ The practical implementation of language provisions in the Constitution should be considered a national priority.

The Constitution and the relevant legal framework already provide for equality in the use of Sinhala and Tamil, but these provisions need to be more rigorously enforced. To this end, it is recommended that

- a) All individuals should be ensured service from both public and private agencies in either Sinhala or Tamil. If cadre positions and facilities (e.g. translators, Sinhala or Tamil language word processors) do not exist in Government agencies which have direct dealings with the public, such positions must be immediately created, as in the case of the courts of justice, and the necessary facilities provided.
- b) Based on established criteria, certain jobs should be allocated to individuals functionally proficient in both Sinhala and Tamil (e.g. selected positions in post offices and banks). In addition, promotion schemes for professional categories should be linked to language skills; thus, promotions in the ranks of Government medical, engineering, teaching and other professions should as far as possible be linked to functional bilingual proficiency in Sinhala and Tamil, as well as in English.

- c) Existing legal mechanisms to monitor the proper implementation of language legislation and regulations should be mobilized and utilized more effectively. In addition, a Parliamentary Committee on the Implementation of Language Policy should be instituted to which citizens can directly make representations. The Committee should be empowered to summon any official before it, in investigating the proper implementation of language policy.
- d) Translation from one language to the other is recognized as having a significant social and political function. This pertains not only to official documents but also to other literature produced in Sinhala and Tamil as well as English that may be beneficial to the process of reconciliation. In this context, the Government Translator Services need to be upgraded and expanded. The issue of language translation needs however to be planned for the longer term, and in this context the Government should study the possibility of establishing specialized courses in translating at university level. To induce students to take such a course, clear incentives must be built in. The need for high-level training in this field is specifically stressed.
- e) The need for translation is particularly important for the administration of justice. The dearth of trained and competent court interpreters is noted with great concern. This causes significant delays in court proceedings, particularly when dealing with citizens who only speak and read Tamil. The Official Languages Department, in consultation with the Ministry of Justice, Law Reform and National Integration, should address this problem.
- f) In the course of the RRR Framework process, a consultant study was commissioned to examine the implementation of language policy in Sri Lanka. The following priority concerns based on the study's findings are endorsed:
- (i) The effectiveness of the Official Languages Department and programmes with which it is associated should be evaluated;
  - (ii) The skills and professional capacities of the Official Languages Department should be strengthened to enable it to discharge its functions satisfactorily;
  - (iii) The Commission on Official Languages, as the regulatory body overseeing the implementation of official language policy, should be strengthened;
  - (iv) Mechanisms focusing on the language issue should be put in place to ensure coordination among concerned agencies, viz. the Ministry of Justice, Law Reform and National Integration, the Judicial Services Commission, and the Ministry of Public Administration, Management and Reform.

Time frame: Continuous

Responsible entities: Office of the Prime Minister, Ministry of Human Resources Development, Education and Cultural Affairs, Ministry of Public Administration, Management and Reform, Ministry of Justice, Law Reform and National Integration, Commission on Official Languages, Human Rights Commission.

### (c) The Need for Nation-Building

#### The vision of a common national identity

- ❑ Government policies in the social and economic spheres should be inspired by the vision of instilling a sense of common national identity within Sri Lankan society transcending the present ethnic and religious divisions.

As described below, deliberate efforts should be made to promote a sense of national identity that transcends – but also accommodates – the ethnic, cultural and regional diversity of the Nation, by instituting an interactive process of nation-building with the participation of both state and non-state actors.

While individuals rightfully may identify with different groupings, efforts must be made to promote their national identity as Sri Lankans. This sense of national identity has two components: a) a politically defined national identity as Sri Lankan citizens and b) other cultural identities. State policy needs to accommodate cultural diversity, while creating over time a harmonious and transcendent national identity. This endeavour must be interactive and involve the participation of both state and non-state actors. Educational establishments, media, and civil society are obvious partners in achieving this long-term goal.

#### Role of the media

- ❑ Responsible and professional media are an essential component of any programme of reconciliation. Conditions should therefore be created to foster the emergence of independent and professional media.

A nation-building strategy must attempt to enlist the active cooperation, through the SL National Press Council, of printed and electronic media. By encouraging media to prepare their own code of ethics when reporting on ethnic and socio-cultural issues, existing media can become a positive force for reconciliation and nation-building.

At present Sri Lankan media are not seen to play their full potential role, in terms of reconciliation and peace-building. An environment needs to be created in which professional journalism is practiced independently and impartially. To this end, the following measures should be considered:

- a) The Government should support the emergence of professional and proactive media that promote peace and national reconciliation in the specific context of the present political and ethno-religious conflict.
- b) Apart from encouraging media to apply its own code of conduct when reporting on issues dealing with ethnicity, religion and other socio-cultural matters, a media training center or programme should be established, where the curriculum would specifically address such issues, as well as enhance the professional skills of media personnel. Existing courses in journalism that need further strengthening in this context should be identified, and sources of funding explored. Lessons learned and

the experience of other countries in the region with regard to the role of media in conflict prevention and national reconciliation should also be tapped.

❖ **Workshop voices:** *All sectors viewed censorship of war news as detrimental to their situation. Although many understood that some information must be protected, most felt that the censorship was covering information that was not security sensitive. Media personnel are unable to fulfill their role adequately. People from the South are frustrated in not finding out the real situation of the war on the ground and in being kept ignorant of living conditions in war-torn areas. People in the North-East feel that their problems and living conditions are not portrayed accurately in the media. All sectors felt that if there was a more adequate and truthful portrayal of the situation in the North-East, then more people would understand and support the need for peace...(Sectoral workshop).*

- c) While there is some academic information on the role of print media in the context of ethnic conflict and war, little research has been done on the subject of how electronic media can be mobilized to advance the cause of peace and reconciliation. It is suggested that further studies be carried out to identify clearly areas where electronic media can make a positive contribution to reducing conflict.
- d) Comparative literature from other multi-ethnic societies should be carefully studied to learn how media can contribute to inter-ethnic understanding in these societies. Such information can then be used to promote the role of the media as a positive force for reconciliation in Sri Lanka.

Time frame: Continuous

Responsible entities: Ministry of Mass Communication, Ministry of Ethnic Affairs, National Press Council, Sri Lanka Broadcasting Corporation, Sri Lanka Rupavahini Corporation, University of Kelaniya.

## VI. TRANSITION TO PEACE : THE NEXT RRR PHASE

### Policies followed by concrete action

The present report represents a staging post in the development of the National Framework for Relief, Rehabilitation and Reconciliation. Its starting point was a diagnostic exercise that identified shortcomings in the administration of current RRR programmes and in the Government's efforts to alleviate hardship among the civilian populations residing in areas of conflict and those displaced by the recurring violence of the last decade.

The diagnosis was amplified through district workshops and wide-ranging consultations with the constituency of beneficiaries, who spoke out freely about their concerns. The exercise was then carried forward by four Working Groups, gathering all stakeholders and interested parties at the national level to deliberate on the ways and means of correcting what should be fixed and of ensuring greater coherence to the overall effort.

The deliberations of the Working Groups produced a set of guiding principles, building up a policy platform or frame of reference against which the various concrete steps recommended on a priority basis for both the short, medium and long term should be judged. The policy prescriptions address vital issues: the observance of human rights as well as the basic rights of displaced persons, the intimate linkages between relief, rehabilitation and development, the decentralisation of programme management and coordination, the issues of language parity and nation-building, the need to look at security concerns in a wider perspective, and to make urgent preparations for the transition to peace.

❖ **Workshop voices:** *It is very necessary not to lose momentum in the promotion of peace efforts. Enthusiasm generated among the key stakeholders by these workshops should be maintained at the district level (District workshop, Puttalam and Anuradhapura)*

The outcome of the deliberations of the working groups now needs to be brought to a wider audience. To begin with, there should be a feedback to all those who participated in the sectoral and district workshops, maintaining the dialogue with the beneficiaries and bringing the present answer to their concerns and to any expectations that may have been raised. Second, implementation is unlikely to be successful unless the results of the exercise are also carried into the public domain by publicizing extensively the results of the RRR Framework process.

## **Monitoring and follow-up**

The RRR Framework process however does not end with policy recommendations, even if adopted in full, or with a statement of concrete actions. It is relatively easy to reach agreement on principles of policy; it is more difficult to follow through on the specifics of what should be done. For this reason implementation of the recommendations must be monitored and their impact evaluated on a continuous basis. The political negotiations could be of brief duration or protracted; while they are in progress, the situation on the ground is subject to change, and their outcome is bound to change the RRR landscape dramatically. The recommendations will therefore need to be viewed in an evolving context. New policy considerations will inevitably come to the fore and influence future programme decisions.

The RRR process must therefore now be forward-looking. With respect to policy, monitoring and follow-up functions, it appears logical that responsibility for systematically following up on the Framework recommendations be shouldered by the proposed National Coordinating Committee on RRR.

It is proposed that the Committee have its secretariat in the Ministry of Policy Development and Implementation, and that its Chairman be designated by the Hon. Prime Minister; the Members of the Committee should also be formally appointed by the Prime Minister on the advice of the sponsoring department or agency.

In this manner, the National Committee will acquire the authority and standing that it needs to play an effective coordinating role. It should have powers to establish sub-committees to deal with complex matters of concern to a more limited number of agencies, such as the demobilization and reintegration of ex-servicemen, the issue of language parity, and the speedy initiation of mine action programmes. A sub-committee should also be tasked with organizing a continuous dialogue with beneficiary constituencies and with bringing information on the RRR process to a wider audience. A Committee-appointed Working Group on Post-Conflict Preparedness, as proposed below, would further materially support the Committee's work.

## **The post-conflict scenario**

The legacy of two decades of civil strife will remain a burden for Sri Lankan society for a long time to come. A whole generation of Sri Lankans has been affected by the conflict, if only in the way violence has been shaping attitudes towards other political, ethnic and religious groupings in society. Such trends can only be reversed over time. To rebuild the human and social capital of inter-ethnic trust, painstaking efforts must be made by all parties, starting with the cease-fire and peace negotiations, which will inevitably entail political uncertainties and a degree of risk-taking based on faith and trust in the inner strength of the multi-cultural character of Sri Lankan society.

The many, more immediate and practical problems associated with the transition to peace are now crowding in and confronting economic and social institutions, many of which are ill-equipped and poorly resourced. A large number of people have been direct victims of violence, with the loss of life and property, disability and displacement.



Assistance to displaced communities for resettlement and for restoring livelihoods is likely to demand resources well in excess of those needed to maintain displaced families in welfare centers. The investments required to repair infrastructure, public and private, that has suffered damage and destruction are at this stage almost incalculable. The need to combat increased criminality, to provide social services to vulnerable groups, bereft families, women, children and elderly, to reintegrate ex-combatants into society, and to improve the facilities that should care for the traumatized and mentally distressed is already acutely felt.

To some degree, the RRR Framework process has already taken this post-conflict perspective into account, in making a call for better preparedness to cope with the impending challenges. The process has highlighted the urgent measures that should now be taken to produce a lasting reconciliation among the former adversaries. It calls for full and formal adherence to International Humanitarian Law and to the UN Guiding Principles on Internal Displacement. It has placed emphasis on nation-building and stressed the linkages between relief, rehabilitation and development priorities such as poverty reduction, gender issues and environment concerns. It has drawn on the experience gained from present resettlement and relocation programmes, emphasizing the need to expand family income opportunities and local production. The policy choices emerging from the RRR process will to a large extent continue to be valid in confronting the problems of transition. But the Framework process has thus far only begun to scratch the surface.

### **Integrating the post-conflict perspective in the RRR Framework Process**

The inevitable conclusion of this brief analysis is that the Framework process is as yet far from complete. It points to an obvious next step in the process, along with a recommendation that the Government and the NCCR take early action to

- Establish a high-level working group, reporting to the NCCR, to integrate the post-conflict perspective in the RRR Framework process, incorporating post-conflict preparedness as its new focus. The working group should be directed to make a full review of the various demands that will face the Nation during the transition to peace.

With the intent of advancing the state of preparedness for the post-conflict period, careful thought should be given to the terms of reference of the Working Group. The intention would not be to produce a full-fledged National Reconstruction and Development Plan, with all the requisite detail, but rather prepare a preliminary outline defining the main determinants that would shape any viable strategies for reconciliation, reconstruction and development that will ensue. It should accordingly take a broad view, examining such issues as the impact of prospective further decentralization and devolution of powers from the centre to the provinces.

Draft terms of reference for the proposed Working Group on Post-Conflict Preparedness are suggested below.

The working group should discuss and propose strategies and options, if necessary on a contingency basis, designed to set the country anew on the path of sustainable economic recovery, development and social peace.

Systematic information should be collected from the districts, aggregating a first inventory of the required repair of infrastructure - of road and railway links, of power supply, of neglected village irrigation tanks, of damaged school buildings and health centers - to compile preliminary estimates of the volume of resources required for reconstruction. The working group will further need to assess the method and cost implications of fully restoring social services and safety nets in areas where the delivery of such services has for long periods been reduced as a result of the emergency.

Unless already covered by sub-committees constituted by the National Coordinating Committee on RRR, sub-units of the working group should be tasked to consider specific issues. One such important issue to be examined is the ways and means of accelerating poverty alleviation programmes in the North-East, believed to have one of the highest poverty rates in the country, and of bringing these programmes within the purview of national poverty reduction strategies. These have many ramifications, but without such strategies, there can be little prospect of an early return to a healthy economy and sustainable future growth.

Other sub-units of the working group may be necessary to ensure that progress is made on the complex undertakings of moving towards language parity in the education system and of implementing the full observance of International Human Rights Law.

The guiding principle must in this case be that it is never too early to plan for a durable peace and for a return to normal conditions. A general state of preparedness for the post-conflict period and better knowledge of what it entails could have incalculable benefits. It alerts society to the nefarious consequences of any possible resurgence of conflict. It will shorten the transition to normalcy and help persuade communities, government and opposition groups that the dividends of peace are at hand. In this regard, the various elements of the post-conflict perspective provide building blocks for the parallel political process that will eventually determine the shape of the RRR Framework to ensure a genuine and enduring reconciliation.

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## **Working Group on Post-Conflict Preparedness**

### DRAFT TERMS OF REFERENCE

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The overall mandate of the Working Group on Post-Conflict Preparedness is to integrate in a comprehensive and more explicit manner the post-conflict perspective in the National RRR Framework, as part of the next stage in the process.

To this end, the Working Group will identify and examine the various areas of concern that will demand increasing attention in the period of transition to peace. In the light of its examination, it will discuss the relevant strategies and options, if necessary on

a contingency basis, designed to restore normalcy, accelerate economic recovery and allow the country to resume the course of sustainable development and social peace.

The Working Group should avoid attempting to produce, or to carry out preparatory work to produce, a full-fledged national reconstruction and development plan, which task is within the jurisdiction of established agencies of Government.

The Working Group should however, as part of the RRR process, prepare a first outline defining the main determinants shaping any viable strategies for rehabilitation, reconstruction and development that will ensue. It will accordingly take a broad view examining such issues as the likely impact of further decentralization and devolution of powers from the centre to the regions.

In particular, the Working Group is tasked to investigate economic and social parameters as they relate to the following topics, not excluding any other subject it may wish to elucidate, to draw appropriate conclusions and make recommendations as required.

- ❑ Assemble in systematic fashion information collected at the district level and aggregate a first inventory of the required repair of infrastructure, of road and railway links, power supply networks, tanks and irrigation systems, of damaged school buildings, health centres or other municipal facilities. Identify and recommend technical studies for priority works wherever required and compile preliminary estimates of the volume of resources needed for rehabilitation and reconstruction.
- ❑ Assess present methods of delivery and cost implications of fully restoring social services and safety nets in areas where the provision of such services have been reduced or held in abeyance as a result of the emergency;
- ❑ Undertake a full review of the present state of preparedness for the re-insertion of demobilised soldiers, policemen and ex-combatants into civilian life, examining in particular the training, employment and health care support systems needed for their successful reintegration in society. The particular needs of the different categories of men and women returning to civilian life, those having completed regular military and police service, deserters, as well as the former combatants of armed groups and child soldiers, should be assessed. Recommend an institutional location for the coordination of all related activities.
- ❑ Undertake a full review of the state of preparedness in terms of the national capacity to carry out mine action programmes, including consideration of a declaration of adherence by Sri Lanka to the International Convention on Land Mines. Recommend the institutional location for coordination of all mine action programmes, with emphasis on the speedy clearance of mine-infested areas;
- ❑ Examine ways and means of applying the prescriptions of the National Poverty Reduction Strategy in implementing poverty alleviation programmes in the North-East, rated to have one of the highest incidences of poverty in the country.

- Provide impetus and assistance to such complex undertakings as the introduction of language parity in the educational system and within the state administration, taking into account the implications of a steep increase in the numbers of translators and interpreters on an already over-sized civil service staff establishment, and reviewing the options available for resolving competing priorities of this kind;

The Working Group will adopt its own rules of procedure; thus, some of the issues included in its terms of reference may best be examined by sub-units of the principal Working Group, with more limited participation. It will complete its work in six months and prepare a consolidated report for submission to the National Coordinating Committee on RRR for consideration and further action.