USAID/G/DG

SRI LANKA DEMOCRACY AND GOVERNANCE ASSESSMENT

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David Timberman, MSI
Gwendolyn G. Bevis, MSI

lcooley@msi-inc.com

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EXECUTIVE SUMMARY

This assessment is intended to provide USAID with an analytical and programmatic framework that can be used by the USAID Mission in Sri Lanka to determine its democracy and governance (DG) program priorities and, if deemed necessary, develop a new DG strategy. Given the huge impact Sri Lanka's 18-year-old civil war has had on politics and governance, this assessment treats the armed conflict as a key aspect of the DG sector. It posits a central DG problem, explains the dimensions of that problem, and suggests ways donors can address some of the elements of the problem. It then outlines a framework for the Mission's DG program, taking into consideration existing constraints, opportunities, and resources.

Defining the DG Problem in Sri Lanka. Based on its interviews and review of literature, the assessment team believes that the central DG problem facing Sri Lanka is:

> *The gradual unraveling of the Sri Lankan nation-state due to the combined effects of protracted ethnic-based conflict and deteriorating democratic rights and institutions.*

This statement of the problem has two components worth underscoring. First, it reflects the belief that serious and perhaps irreparable damage is being done to the very foundation of Sri Lanka, the notion of it being a single nation-state. Second, the problem statement reflects the team's belief that the protracted conflict and the obvious decline in democratic politics and governance are directly and powerfully linked: the conflict fuels democratic decline and vice versa. ***Thus, efforts to address the decline in Sri Lanka's democratic institutions will have limited impact if they are not supported by efforts to find a peaceful solution to the conflict. And conversely, strengthening civil society and reforming government can contribute to the process of ending the war and achieving a lasting peace.***

Key causes of the DG problem and options for donors. The team has identified five key and inter-related causes of the DG problem Sri Lanka faces. It follows that efforts to address Sri Lanka's DG problem must directly or indirectly address all or most of these causes. They are:

1) The notion of the Sri Lankan nation subscribed to by many Sinhalese – including most of Sri Lanka's politically influential Buddhist monks – is based on a firmly-rooted belief in the primacy of the Sinhalese/Buddhist majority and its culture.

2) Elite political competition, principally between two major political parties, fuels ethnically-based majoritarianism and is increasingly undemocratic.

3) The government is excessively centralized and the large size of the state sector gives the government excessive influence over society and intensifies political competition for control of the state.

4) The impact of civil society organizations (CSOs) on politics and governance has been limited by ethnic and other divisions within civil society, by the relative power of the state and political parties, and by the highly partisan nature of the media.

5) The ethnic conflict has become a well-entrenched institution that exerts a pernicious influence on society, the economy, politics, and policy-making and governance.

Following from this, we believe there are five broad areas where donor assistance can help to strengthen democratic institutions and governance in Sri Lanka. These are: supporting efforts to end the conflict and achieve a sustainable peace; discouraging undemocratic forms of political competition; encouraging the

rule of law and respect for rights; supporting efforts to improve national and local level governance; and supporting greater and more effective citizen participation in politics and government.

Key considerations and assumptions. The team's recommendations regarding the focus and priorities of the DG program reflect the following considerations:

Constraints in the political environment: Ending the conflict is largely a matter of "high politics" which fall outside the direct influence of a foreign assistance program. Given the top-down nature of governance in Sri Lanka, the power of the executive presidency, and the weakness of sub-national government, the opportunities for supporting meaningful reform within the government are limited, although not entirely absent. Furthermore, there is little evidence that parliamentarians and political parties are strong proponents of peace, rights and reform.

Opportunities: On the other hand, the independence, diversity and vitality of citizens groups in Sri Lanka (and, to a lesser degree, the media) provide opportunities for addressing the country's pressing DG problems. While civil society has a number of shortcomings, elements of it are committed to promoting peace, rights and democratic reforms at both the grassroots and national levels. In recent years, there has developed greater public awareness of the costs of the conflict and the need for a political solution to it, in part as a result of fairly extensive debate over potential changes to the constitution. A debate is currently underway over the creation of four independent commissions.

Assumptions regarding funding and management: Given the uncertainties surrounding both levels of future funding and the management configuration of the USAID Mission, the team's recommendations are based on three assumptions:

- DG activities need to have impact with relatively low levels of funding;
- The DG program needs to have flexibility to adjust to changing funding levels and mandates;
- The DG program must be manageable by the USAID Mission.

Other donors' activities: Our recommendations take into consideration the program areas of other donors, including both the areas in which other donors are not active and areas where they are active and USAID/SL can complement these activities.

Recommendations for USAID Sri Lanka's DG program. Given these considerations, the assessment team recommends that the Mission consider developing a DG program that works in three primary inter-related areas:

1. Expanding constituencies for peace. Given the duration and huge cost of the war, there is surprisingly little organized opposition to its continuation. This is in part a reflection of the real risks of appearing sympathetic to the LTTE/Tamil cause and in part a reflection of the weaknesses of civil society groups. While the potential impact of civil society groups on the process of ending the war shouldn't be exaggerated, a larger and more effective constituency for peace can help to create an environment more supportive of a negotiated end to the war. In order to increase the size and effectiveness of constituencies for peace, the following are needed: the capabilities and reach of existing groups need to be strengthened; new groups and sectors of society need to become involved; activities need to be better coordinated and sustained; and there needs to be more and better use of the mass media.

2. Empowering groups to defend against rights abuses springing from the conflict and the erosion of democracy. This program area addresses the need to empower groups of people whose rights are abused or curtailed owing to the conflict and the erosion of democracy. It will focus on the abuse and statutory contraction of rights stemming from the conflict and the erosion of democracy. The rights addressed

within this program area include universally recognized basic human rights, political rights and civil rights. This program area also might address land issues related to resettlement/ relocation and the particular rights issues of displaced communities. The target populations include detainees under the PTA and emergency regulations, families of the disappeared, IDP's, disenfranchised voters, and journalists subjected to intimidation. Support would also be given to strengthen democratic labor groups seeking to protect and expand the rights of women and other disempowered workers. Assistance will be directed to organized groups of affected citizens in order to multiply the effect of support and to sustain citizens' capacity for defending their rights.

3. Strengthening support for key democratic reforms. Government-initiated efforts to reform Sri Lanka's political institutions usually are episodic and half-hearted. Frequently these reform initiatives are sidetracked or diluted by partisan political concerns. Typically there is little follow through or poor implementation. Therefore, there is a need for independent, non-partisan and continuing support for genuine reform of governance, including inputs into the design process, lobbying, public debate and monitoring. Mission support should be principally for non-governmental groups, but there may also be occasional opportunities to support the efforts of reformers in the government by providing technical assistance and the means to open the reform process to greater public participation.

Recommendations regarding program management. The team believes that the proposed program can best be implemented by a US PVO partner under the oversight of the Mission. We believe that the program requires that the implementing organization establish an in country presence. We also recommend that the lead PVO partner be part of a consortium of U.S. and Sri Lankan organizations that can provide expertise in the three program areas.

Given this, we estimate that the *minimum* amount of funding necessary to successfully implement a DG program along the lines described above is approximately $800,000 per year (excluding the cost of additional Mission staff). If funding permits, the team recommends that the Mission consider hiring at least one additional staff person to properly oversee the development and management of the proposed program.

Other recommendations. In order to maximize the impact of USG-funded DG activities, the team recommends that the Mission consider the following:

- Explore ways that other USG/USAID programs can support the Mission's DG objectives;

- Actively promote donor coordination and dialogue with the government; and

- Engage quasi-governmental and private organizations, including the U.S. Institute of Peace, the National Endowment for Democracy, and US foundations and universities.

I.   INTRODUCTION

This democracy and governance (DG) assessment for Sri Lanka has been prepared for USAID by Management Systems International (MSI).[1]   The purpose of this assessment is to provide an analytical and programmatic framework that can be used by the US Mission in Sri Lanka to determine democracy and governance program priorities and develop a new DG strategy.

This assessment is somewhat different from standard DG assessments in three ways. First, given the huge impact Sri Lanka's 18-year-old civil war has had on politics and governance, this assessment treats the armed conflict as a key aspect of the DG sector. Second, in response to the expressed needs of USAID/Sri Lanka and time constraints, this assessment does not include a discussion of all Sri Lanka's democratic institutions and processes. Rather, it posits a central DG problem or challenge, explains the various dimensions of that problem, and then suggests ways that donors can address some of the elements of the problem. Finally, again at the request of the Mission, a significant portion of the assessment is devoted to proposing an actual programmatic framework and identifying possible activities and mechanisms, taking into account existing constraints, opportunities and resources.

II.   DEFINING THE DEMOCRACY AND GOVERNANCE PROBLEM IN SRI LANKA

Sri Lanka is in serious jeopardy of squandering its considerable promise – as a multi-ethnic society, as a relatively successful developing economy, and as a democratic polity. As a nation, Sri Lanka should be benefiting from the varied skills and abilities of its diverse, multi-ethnic population.[2]   It should be building on its already relatively high level of socio-economic development, including its high literacy rate and its relatively good income distribution. It should be improving upon its democratic traditions, which include competitive elections, lively party-based parliamentary politics, an independent judiciary, active trade unions and a generally free media.

Instead, today Sri Lanka suffers from a protracted, though geographically limited, civil war that continues to inflict heavy costs on the nation, on the economy and on the Sri Lankan people. While ethnic violence can be traced at least as far back as 1958, severe communal violence directed at Tamils in 1983 sparked civil war in the northern and eastern provinces. The war has gone through repeated cycles of heavy fighting, ceasefires, attempts at negotiation, and resumption of fighting. To date the war has caused

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[1] This assessment is written for MSI by Gwendolyn Bevis and David Timberman, who visited Sri Lanka from April 16 to May 4, 2001. Ms. Bevis and Mr. Timberman met with a range of Sri Lankans, USAID partners and other donors in Colombo, Kandy, Trincomalee, Anuradhapura, Vavuniya and Puttalam. Ms. Bevis and Mr. Timberman wish to thank Mark Silva, USAID/Sri Lanka, for all the logistical arrangements he made, as well as for his many substantive contributions. We also wish to thank Jehan Perera of the National Peace Council for his assistance.

[2] As of 1981, when the last census was taken, about 74% of all Sri Lankans were Sinhala. Eighteen percent were Tamil Hindu, 12% of which were Sri Lankan Tamil and 6% up-country or estate Tamils (whose families had been brought to Sri Lanka by the British). Seven percent of the population was Tamil-speaking Muslim. The remainder were Sinhalese Christians, Anglo-Sri Lankans and descendents of Dutch and Portuguese settlers. The northern province has been predominantly Tamil Hindu, the eastern province largely Tamil Hindu but with significant numbers of Tamil Muslim and Sinhalese, cities heterogenous, and other areas predominantly Sinhalese but intermixed in places.

around 65,000 deaths, displaced some one million people, with another half million leaving the country to claim refugee status abroad, and caused massive damage to personal and public property.[3]

As a result, the country is increasingly divided, physically, linguistically, and socially. Tamils, the Muslim and Christian minorities, and even the Sinhalese majority (especially in the northeast and border areas) all feel vulnerable. Human rights and democratic traditions have been eroded by the conflict, election violence and the abuse of democratic institutions. The integrity of policy-making and governance – from the national to the local level – has been seriously damaged by extreme partisanship and a zero-sum approach to politics.

The country's relatively high level of socio-economic development is endangered by the high costs of the conflict, by sub-optimal economic growth and by inefficiency and corruption in government. In particular, the war-ravaged North and East are lagging far behind the South in their socio-economic development. But even in the relatively more prosperous South and West, economic growth is not generating enough employment opportunities; as a result, increasing numbers of Sri Lankans, primarily women, are going abroad to find work. And for other disadvantaged segments of Sri Lankan society – particularly families forced to move because of the conflict, widows and orphans, and workers on tea and coconut plantations – the prospects for security and prosperity remain dim.

Problem statement

Based on interviews and a review of the relevant literature, the assessment team believes that the central DG problem facing Sri Lanka can best be formulated as follows:

The gradual unraveling of the Sri Lankan nation-state due to the combined effects of protracted ethnic-based conflict and deteriorating democratic rights and institutions.

This statement of the problem has two components worth underscoring. First, it reflects the belief that serious and perhaps irreparable damage is being done to the very foundation of Sri Lanka, the notion of it being a single nation-state. The use of the phrase "nation-state" is significant because it links the concept of the nation (the shared sense of a Sri Lankan identity) with the concept of the state (the institutional apparatus that governs and protects the nation). The notion of a single Sri Lankan nation-state has, at best, always been a very fragile concept that required nurturing and protection. The "unraveling" of the nation-state has been occurring gradually, over many years. But like a frog that is gradually boiled to death by slowly heating up the water, at some point the incremental damage done to the notion of a single nation-state becomes massive and irreversible. This is the threat Sri Lanka faces, if it hasn't already passed the point of no return.

Second, the problem statement reflects the belief that the protracted conflict and the obvious decline in democratic politics and governance are directly and powerfully linked: the conflict fuels democratic decline and vice versa. ***Thus, Sri Lanka's DG problems cannot be addressed without also addressing the conflict, and strengthening democratic institutions is an important element both for bringing the***

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[3] The Sri Lanka Foreign Ministry has estimated that about one third of the country's Tamil population of 2.4 million is living outside of Sri Lanka. Canada alone has an estimated 170,000 strong expatriate and refugee Tamil population. Other countries with large Tamil populations are India, Britain and Germany. The number of internally displaced persons in Sri Lanka itself has varied, reaching a high of 1,017,000 in December 1996 when the Sri Lankan army retook the northern capital of Jaffna. In more recent years the figure has varied between about 6-700,000.

war to an end and to achieving a lasting peace. Conversely, strengthening civil society and reforming government can contribute to the process of ending the war and achieving a lasting peace.

The two-way links between democratic governance and the conflict are direct and strong. They include:

- The violence and rights abuses employed by both sides of the conflict are intrinsically undemocratic and weaken democratic institutions. The decline in respect for rights and institutions fuels a culture of insecurity, violence and extremism (as evidenced by the LTTE, the growth of para-military groups, and the violence now surrounding elections).

- The conflict polarizes society and physically divides the nation, thus eroding the understanding, trust and tolerance that are foundation stones for democracy. Today, there are few politically active organizations in Sri Lanka that are able to bridge the divide between ethnic groups. The deterioration of understanding, trust and toleration in turn make it easier for both sides to perpetuate the conflict.

- The expense of the conflict drains human and financial resources that could be better applied to governance. (For example, the team was told that as much as 80% of the police force is dedicated to the conflict, causing a huge deficit in the police's ability to do everyday police work.) Politicians at all levels use the conflict as an excuse for inadequate government services. The decline in governance perpetuates some of the social conditions that fuel the conflict (e.g., deteriorating public education, a low rate of job creation, and a linguistically divided society).

- Finding a sustainable solution to the conflict requires a new concept and a new form of governance. As one Sri Lankan peace activist has observed: "The challenge to Sri Lanka today is to find a suitable structure of governance in which multiple groups of peoples can co-exist and cooperate within a single state without members of one group being able to unilaterally impose their wishes on the members of other groups."

- Finally, in the event that the war ends, democratic institutions and processes will be key to keeping the peace and reuniting and reconciling the nation.

III.   KEY UNDERLYING CAUSES OF SRI LANKA'S DG PROBLEM

The assessment team has identified five underlying and inter-related causes of the DG problem Sri Lanka faces.[4] It follows that efforts to address the central DG problem must directly or indirectly address all or most of the major causes. The five are:

1) The notion of the Sri Lankan nation subscribed to by many Sinhalese – including most of Sri Lanka's politically influential Buddhist monks – is based on a firmly-rooted belief in the primacy of the Sinhalese/Buddhist majority and its culture.

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[4] Much has been written about the underlying and proximate causes of Sri Lanka's 18-year-old civil war. This assessment will not review that history in detail, except as it relates to the deterioration of democracy in Sri Lanka. For background on the conflict see: Robert I. Rotberg, ed., *Creating Peace in Sri Lanka: Civil War and Reconciliation* (Washington, DC: Brooking Institution Press, 1999); David Little, ed*., Sri Lanka: The Invention of Enmity* (Washington, DC: United States Institute for Peace Press, 1994); S. J. Tambiah, *Buddhism Betrayed? Religion, Politics, and Violence in Sri Lanka* (Chicago: University of Chicago Press, 1992).

2) Elite political competition, principally between two major political parties, fuels ethnically-based majoritarianism and is increasingly undemocratic.

3) The government is excessively centralized and the large size of the state sector gives the government excessive influence over society and intensifies political competition for control of the state.

4) The impact of civil society organizations (CSOs) on politics and governance has been limited by ethnic and other divisions within civil society, by the relative power of the state and political parties, and by the highly partisan nature of the media.

5) The ethnic conflict has become a well-entrenched institution that exerts a pernicious influence on society, the economy, politics, and policy-making and governance.

A discussion of these five underlying causes follows.

1.   The dominance of the Sinhalese-Buddhist concept of the Sri Lankan nation

Key points

- Sinhalese nationalism presumes the dominance of Sinhalese-Buddhist culture and the centrality of this to Sri Lankan identity.

- Non-Sinhalese Buddhists are viewed as politically and culturally subordinate.

- This contributes to multiple vulnerabilities: Sinhalese, Buddhists, Tamils, Muslims and Christians all feel vulnerable.

- Extreme Tamil nationalism also limits the rights of non-Tamils.

Background

The notion of the Sri Lankan nation subscribed to by many Sinhalese – including most of Sri Lanka's politically influential Buddhist monks – is based on a firmly-rooted belief in the primacy of the Sinhalese/Buddhist majority and its culture. This conception of the nation sees the island of Sri Lanka as the designated sanctuary of Sinhala-speaking Buddhists. Because of this, the Sinhala language, Buddhism and the whole territory of the island are inextricably linked. By extension, full citizenship rests upon one being a Sinhalese Buddhist. In turn, anyone falling outside this category is considered politically and culturally subordinate. Tamils – Hindu and Muslim – and Sinhalese Christians all feel vulnerable within this conception of Sri Lanka.

Of course, not all Sinhalese Buddhists share this view. Not even all Buddhist monks advocate this version of Sinhalese Buddhism, and there is evidence that the hardline Buddhist clergy are not as powerful as they once were. Nevertheless, this ideology has provided powerful legitimacy for exclusionary governance structures in the past, and can have insidious effects on Sinhalese attitudes to the conflict today.

This conception of Sri Lanka as essentially Sinhalese-Buddhist has been developed since at least the late 1800's. Buddhist monks, in response to British colonial policies with regard to Christianity, the English language and education, began selectively to construct a history of Sri Lanka that portrayed Sinhalese-speaking Buddhists as the rightful rulers of the island, and an ideology that projected that history into the future. They also combed old texts for evidence that political activism by the Buddhist clergy was an important tradition in Sri Lanka, in order to justify their contemporary political involvement.

As Tamils became more successful than Sinhalese-speaking Buddhists, relative to their numbers, and Britain withdrew from Sri Lanka, Buddhist nationalists turned their attention to the relationship between Sinhalese Buddhists and Tamils, and the perceived disproportionate advantages Tamils possessed in terms of access to higher education, government jobs and economic opportunities. Buddhist nationalism thus also has economic resonance: as noted Sri Lanka scholar Stanley Tambiah puts it, "insofar as Sinhala Buddhist nationalism is a gospel of excluding Tamils from competition, it is fueled by…frustrations of unemployment and poor employment." Another important driver of Sinhalese Buddhist nationalism has been the sense of vulnerability of Sinhalese Buddhists to being overrun by Tamil Hindus – because of the large Tamil Hindu population in India. Sinhalese Buddhists have thus been characterized as "a majority with a minority complex." So history was again selectively reconstructed to portray Tamils as newer arrivals to the island than the Sinhalese, and to demonstrate that the two ethnic groups have been in conflict for "thousands of years." It is important to note, however, that the historical record is not in fact definitive, either on the order of various groups' arrival on the island or on the extent of conflict among them.

Tamils, at least in the years leading up and following independence, can fairly be labeled as behaving like "a minority with a majority complex." As early as the 1930's, Tamil leaders demanded a "50-50" division of seats in the parliament between Sinhalese Buddhists and all minorities. In 1976 Tamil leadership openly advocated a separate Tamil state for the first time. The ability of the Tamils to oppose the Sri Lankan state has been strengthened by their traditionally high level of education, their majority status in the north-east part of the country, and the material and moral sustenance they have received from India, particularly the South Indian state of Tamil Nadu. Accordingly, the Sri Lankan ethnic conflict may be described as one between two majorities, one based in the south-west of the country (Sinhalese) and the other in the north-east (Tamil). It has been argued that Tamil leadership was slow to recognize the Sinhalese majority's sense of grievance aroused by Tamils' great success in obtaining government positions and higher education relative to their numbers in the population (some figures are given in the next subsection), as well as the Sinhalese fears of being "overrun" by its larger neighbor.

Tamil nationalism, somewhat surprisingly, has been secular. It has primarily stressed the need for a Tamil "homeland" within the island, citing a history of Tamil rule over the north and east. Part of this may be due to the fact that Liberation Tigers of Tamil Eelam (LTTE) leader Prabakaran is a relatively low-caste Tamil Hindu. The promotion of Hinduism is therefore not in his personal interest, and he has been able to mobilize support among lower caste Tamils by prohibiting discrimination on the basis of caste in the areas he controls. However, extreme Tamil nationalism, like Sinhalese Buddhist nationalism, leaves little room for the full exercise of citizenship by non-Tamil Hindus (including Tamil-speaking Muslims) within the hoped for "Tamil Eelam." The LTTE has expelled, even ethnically "cleansed", Tamil-speaking Muslims and Sinhalese in areas it controls.

Sinhalese and Tamil attitudes today

Few Sinhalese support political manifestations of extremist Sinhalese-Buddhist ideology. In elections held since 1994, extremists parties have not received more than about 1 percent of the popular vote. Nor can extremists mobilize numbers on the streets. Most people want the war to end, and they know that those who take extremist positions are not the ones who will end the war soon. But extremists are given a place and a voice out of proportion to their numbers by the media.

Another reason for the poor electoral showing of Sinhalese extremists is that the political leadership of the two main Sinhalese-dominated political parties support a political – not a purely military – solution to the ethnic conflict. To some extent, party leaders have adopted more moderate stances because they know public opinion is increasingly doubtful about the likelihood or desirability of a military solution. An opinion poll conducted by the National Peace Council in November–December 1999 showed that 48

percent of Sinhalese were in favor of government-LTTE negotiations, another 48 percent were not in favor and 37 percent favored an outright military solution. These findings suggest that the Sinhalese are divided, though with those willing to accept a political solution and compromise perhaps enjoying the upper hand.

In the absence of reliable opinion polls – especially in the North and East – it is only possible to make educated guesses about Tamil attitudes towards the LTTE, the conflict and Eelam. It seems likely that that most Tamils believe that the LTTE is the most effective negotiator for Tamil national rights and therefore should represent the Tamil community at the negotiating table with the government. However, once the basic power-sharing scheme between ethnic communities and regions is reached, it is likely that the plural nature of the Tamil community (polity) would assert itself. It is likely that in the second phase of negotiations other Tamil political parties would insist on being involved in the negotiation process, if for no other reason than to ensure that pluralistic, multi-party politics are protected in the north-east.

While the concept of Eelam – the creation of an independent Tamil state – probably was seen as essential by many Tamils in the 1980s and 90s, the belief in the necessity of this seems to have moderated somewhat in recent years. [5] There appears to be greater recognition among Tamils that this ideal of a separate state is not achievable. The reasons for this probably include the absence of international support Eelam, the experience of harsh LTTE rule in the North and East, and the apparently genuine effort by the government to give regions greater autonomy. As a result, Tamils may be more willing to accept an arrangement that gives them greater autonomy and power-sharing, while they remain part of the Sri Lankan nation-state.

2. Elite political competition, principally between two major political parties, fuels ethnically-based majoritarianism and is increasingly undemocratic.

Key points

- Given that Sinhalese comprise about 75% of the electorate, the two major political parties frequently have pandered to Sinhalese-Buddhist interests and insecurities in order to win elections.

- In order to maintain their popularity and placate the politically influential Buddhist clergy, political leaders (aided by a highly partisan media) frequently magnify and manipulate identity issues.

- Politically motivated manipulation of the constitution and key government institutions has embedded ethnicity-based preferences into laws and institutions.

- The bureaucracy has been politicized.

- Electoral violence and fraud is now a major phenomenon.

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[5] The maximalist side of the Tamil negotiating position is articulated in the so-called Thimpu principles. In 1985 the Tamil parties, including the LTTE, met with the Sri Lankan government in Thimpu, the capital of Bhutan. The Tamil parties issued a statement enumerating "four cardinal principles" that would need to be satisfied in order to solve the "Tamil national question." They are: (1) Recognition of the Tamils of Sri Lanka as a nation; (2) Recognition of the existence of an identified homeland for Tamils in Sri Lanka; (3) Recognition of the right of self-determination of the Tamil nation; and (4) Recognition of the right to citizenship and the fundamental rights of all Tamils who look upon the island as their country. The Tamil statement also observed that "Different countries have fashioned different systems of governments to ensure these principles." The Sri Lankan government has never accepted the Thimpu principles.

Background

Given the ethnic distribution of the population – with Sinhala-speaking Buddhists in the clear majority – and an electoral system at independence that rewarded simple majorities, political elites early on recognized the need to appeal to the Sinhalese majority. Compounding the temptation to mobilize along ethnic lines was the weakness of the parties at independence – they had no grassroots bases. The one nationwide organization with a grassroots base was the Buddhist clergy. When S. W. R. D. Bandaranaike broke away from the then ruling United National Party (UNP) to form the Sri Lanka Freedom Party (SLFP), he therefore relied on a platform appealing Sinhalese to win office in 1958, and used the Buddhist clergy in particular to mobilize voters. Politicians have used appeals to ethnically framed aspirations and fears ever since.

Sri Lanka's demographics and first-past-the-post electoral system also allowed the Sinhalese-dominated ruling parties unilaterally to take decisions, including to change the constitution, in ways that adversely affected Tamil interests. The ruling party needed the support of neither the other Sinhalese-dominated party nor ethnic minority parties to form a strong government. Thus, both the 1972 and 1978 (present) constitutions were the products of ruling parties, without the support of the opposition.

Ethnically-based preferences and restrictions became embedded in state institutions, further exacerbating grievances, fears and the importance of ethnic identities. Bandaranaike rewarded his followers by enacting a number of policies that favored Sinhalese speakers and Buddhists, over the vehement protests of Tamils. Subsequent governments enacted further policies seen as discriminatory by non-Sinhalese Buddhists. These policies included:

- disenfranchisement of nearly one million Tamil plantation workers (descendents of 19th century indentured workers brought from India by the English) in 1948-9;
- "Sinhala only" language legislation, making Sinhalese the country's official language, in 1956;
- educational policies restricting opportunities for Tamil youth to enter universities, introduced in the 1970s;
- settlement of Sinhalese farmers from the south in the north-east, beginning in the 1930's, increasingly seen as deliberate colonization by Tamils;
- Buddhism was provided with special status and state patronage in the 1972 constitution; and
- Prevention of Terrorism Act (PTA) of 1979, that gives the government considerable extra-judicial discretion in arresting and detaining persons suspected of terrorism, relaxes restraints on official torture, and limits public expression.

These policies contributed to the emergence and radicalization of Tamil nationalism. The material impact of such policies can be seen the changing make-up of state employment. From 1956 to 1970, the proportions of Tamils employed by the state fell from 60 to 10 percent in the professions, from 30 to 5 percent in the administrative service, from 50 to 5 percent in clerical service, and from 40 to one percent in the armed forces. In 2000, no Tamils were recruited into the Sri Lanka Administrative Service. The quota system for university admissions had similar effects: the percentage of university places in science-based disciplines held by Tamils fell from 35.3% in 1970 to 19% in 1975. Tamils prospects for employment were thereby reduced substantially as well.

Belatedly, the 1978 Constitution recognized Tamil as a national language. It instituted a proportional representation (PR) system that allows for increased Tamil representation in parliament. This system also forces the formation of coalition governments which strengthens the position of ethnic minority parties, several of which are currently in government. In 1987 Tamil was made an official language, and limited decentralization was introduced. Educational policies have also been modified. Tamils nevertheless still

feel aggrieved, and it has become extremely difficult for governments to retreat from preferential policies, and from the whole idea of policy-making on ethnic grounds. The PTA, meanwhile, is still in force.

Politics today

Politics is pursued as a zero-sum, winner-take-all game between the two major parties, the United National Party (UNP) and the Sri Lanka Freedom Party (SLFP), which have alternated in power since independence. The most obvious manifestation of this is the unwillingness of the opposition (whichever party it is) to compromise with the government on peace proposals and constitutional revisions – and/or the unwillingness of the government to put forward broadly acceptable proposals. There is a familiar cycle that begins with ruling party negotiations with Tamil leaders paired with proposals for changes in the Constitution and other policies (such as devolutionary measures). These initiatives are opposed or diluted by the party out of power and Sinhalese/Buddhist extremists, which leads to the collapse of negotiations and political reform efforts.[6] It is worth noting that the switch in 1978 to proportional representation, and the need for coalition governments, has also made it extremely difficult for the ruling party to obtain the 2/3 vote in parliament needed to amend the constitution.

In the latest twist, the PA government is apparently contemplating semi- or unconstitutional measures (such as a popular referendum or a constitutional assembly) to push through its constitutional reform package this summer. As observers have pointed out, such measures would delegitimize those changes and prompt a backlash if the opposition gets into government. The legitimacy of the Constitution as a foundational institution could be fundamentally eroded.

The zero-sum nature of politics is also manifest in rising electoral violence, in addition to electoral fraud and vote buying. The Center for Monitoring Election Violence registered 1,500 cases of poll-related violence and 58 murders during the October 2000 elections. Once in power, winners use public resources for personal gain, and deploy state resources and personnel to ensure that they win the next election. The bureaucracy has thus become thoroughly politicized, and therefore even more ineffectual and biased than it would otherwise have been. Petty and large-scale corruption, while not as bad as in some countries, appears to be increasing. While the courts have on occasion punished offenders, the team got the sense that no government body, not least the Commissioner of Elections, is currently capable of or willing to brake the larger trend.

Prospects for reform within the SLFP are slight at this time. The SLFP centers on the person of the president, Mrs. Kumaratunga, and can even be considered dynastic. The extent of its genuine base at the grassroots level – that is, an organizational and membership base not dependent upon the party's access to government jobs and resources – is unclear. The UNP appears to include a number of younger politicians interested in party reform, but it is unclear how significant a group they are. The UNP can, however, be said to have a relatively organized, grassroots base.

Other parties are small and gain power through alliances with the party in power. As noted above, the SLFP must form a coalition to rule (it is currently part of the ruling People's Alliance or PA), and this has given an opportunity to a number of other parties to participate in the government, including some Tamil parties. Of the 46 registered parties, eight have seats in parliament at this time. The more important smaller parties are all ethnically based. There are several Tamil parties, most of which are breakaway factions from the LTTE, although they vary in how moderate or militant they are. None has sufficient

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[6] This occurred in 1957 with the Bandaranaike-Chelvanayagam Pact, in 1969 with the Senanayake-Chelvanayagam Pact, in the 1980s to negotiations and attempted reforms under Presidents Jayewardene and Premadasa, and with SLFP constitutional reform packages in 1994-5 and 2000.

support to speak for Tamils as a whole, and Tamil parties are in both the government and the opposition. The LTTE has systematically eliminated rivals in the areas it controls. The so-called "Indian" Tamils who work mostly on the tea plantations vote mostly for the Ceylon Workers' Congress. There are two Muslim parties, of which the Sri Lanka Muslim Congress is the larger.

The Marxist Janatha Vimukthi Peramuna (JVP, or People's Liberation Front) has emerged a powerful (legal) third force. During the 1980s, before it became legal, the JVP led two vicious armed uprisings in the south. These insurgencies drew on the large numbers of discontented and alienated Sinhalese youth in the south, and they were brutally suppressed by the military and police. Today, the JVP remains an ultra-leftist, anti-capitalist and anti-Western party, but it has moderated its militancy in order to attract more voters, and now competes legally in elections. In fact, the JVP is attempting to legitimize and differentiate itself by being more principled and less corrupt than the other parties.[7] It continues to have a strong base in the south, which has enabled it to win 10 seats in the 225-seat parliament. It is perhaps the most organizationally disciplined of the major parties, with a cadre-like base and growing influence on universities and in labor unions.

The JVP sees itself as a secular party and therefore hopes to attract all ethnic groups. To date, however, it has been unsuccessful in attracting the support of the ethnic and religious minorities. For practical purposes the JVP is a party of Sinhalese Buddhists, although it does not promote Buddhism in a religious sense. Their socialist views are viewed with disfavor by the Buddhist hierarchy, which is landed and feudal in orientation. But the JVP has attracted a significant number of young and radical Buddhist monks. With regard to the ethnic conflict, the JVP has yet to develop a practical set of policy responses. Its position is that devolution is unsuitable for Sri Lanka, and the solution lies in the center ensuring equal rights for all Sri Lankans. This is not satisfactory to Tamils.

3. The government is excessively centralized and the large size of the state sector gives the government excessive influence over society and intensifies political competition for control of the state.

Key points

- The large size of the state and the tradition of statist approaches to social issues causes people to look to the government as the principal actor and the principal resource for addressing ethnic issues (e.g., by providing jobs and educational opportunities).

- The importance of the state as a source of jobs and other economic benefits greatly raises the stakes of political competition.

- The highly centralized system of government gives the national government preponderant influence over local affairs at the same time that channels of representation are weak.

- The absence of meaningful political offices at lower levels of government makes control of the center critical, further raising the stakes in politics.

Discussion

The nature of the state in Sri Lanka directly feeds the damaging political competition described above. Sri Lanka inherited a centralized, unitary, paternalistic state from the British colonial administration.

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[7] Election monitoring groups have noted that when the JVP complains about an election irregularity, the complaint is invariably accurate; the same cannot be said about the two main political parties.

Under Sirimavo Bandaranaike and the SLFP in the 1960s, state policy became thoroughly socialist. The state became even more important for employment, as the private sector was stunted by nationalization and job creation in the agricultural sector stagnated. Economic liberalization began in the late 1970s under President Jayawardene and his UNP government, and continues under the current government. But the state sector is still huge. With 12% of its labor force employed in government in 1999 (17% if the semi-government sector is included), the country has the largest bureaucracy per capita in Asia.[8] By way of comparison, Sri Lanka's 57 public sector workers per thousand of population exceeds that of Malaysia (45 per thousand), Singapore (37 per thousand), and Thailand (31 per thousand) and is more than double that of the Philippines (23 per thousand). In other words, controlling the state means controlling the allocation of a large portion of Sri Lanka's jobs, as well as controlling the security apparatus. The stakes of politics are therefore extremely high. Moreover, attitudes about the role of state are difficult to roll back.

The structure of the Sri Lankan state – centralized, unitary, and since 1978 with a strong executive presidency – is also important. Although the constitution was amended in 1987 to create a system of provincial, municipal and urban councils, there is little meaningful political power at lower levels. Elected officials are present only at the level of provincial councils (except in the north and east), municipal or urban councils (depending on the size of the urban area or town), and large clusters of villages in rural areas called "pradeshiya sabhas." These bodies have relatively little political discretion and fewer resources. Most resources are transfers from the center, although local elective bodies have some authority to raise taxes. The bureaucratic administration at local levels is topped by a Government Agent (GA) in each of 25 districts, which are in turn sub-divided into divisions administered by a divisional secretary who reports to the GA. The GA is potentially quite powerful because of his role in coordinating central resources and monitoring performance. Efficiency, innovation and participation in governance at local levels thus depend largely on the character of the GA. In any case control of the center is critical, again raising the stakes of the few electoral contests that exist, and creating a zero-sum game for the contestants.

A centralized, unitary state limits the avenues Sri Lankans have for representation. By the same token, the system isolates decision-makers from citizens. The team has heard that excessive centralization on the person of the president, manifested for example in many interviewees' belief that the government takes action only on topics of interest to the president, has noticeably limited the government's access to information – on citizen attitudes, the effectiveness of its own programs, and possible solutions to problems.

State structure and functioning is of course highly distorted in the north and east. In many areas in those regions under government control, elected local government bodies have been suspended. Even where they operate, the military has significant influence over civilian governance. In areas under LTTE control, the LTTE operates a shadow, one-party state in which willingness to serve is essential to families' access to goods, services and mobility.

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[8] For a brief but useful analysis of Sri Lanka's bloated public sector, see: *Sri Lanka: Recapturing Missed Opportunities*, The World Bank, June 16, 2000, pages 19- 24.

4.   The impact of civil society organizations (CSOs) on politics and governance has been limited by ethnic and other divisions within civil society, by the relative power of the state and political parties, and by the highly partisan nature of the media.

Key points

- Despite Sri Lanka's democratic traditions and the relatively high quality of its human resources, there isn't a strong tradition of independent civil society or of peaceful mass political mobilization by civil society groups.

- Most of civil society, including the media, is divided along ethnic, linguistic, caste and often partisan lines.

- Well-funded, English-speaking civil society groups tend to be elitist and centered in the capitol, and lack strong connections to grassroots groups.

- The development of civil society is further constrained by the real threat of violence and the dominance of the state and political parties.

- The absence of channels for peaceful political participation may facilitate the resort to extremism, such as Buddhist nationalist organizations, the JVP in the 1980's, and the LTTE.

Discussion

The 1990s saw a gradual but tangible development of civil society in Sri Lanka, in part because the PA government was more tolerant of it than the preceding UNP government had been. Today, Sri Lanka boasts a fairly wide range of civil society groups – including community-based groups, development and social service NGOs, business and professional associations, labor unions, religious groups and think tanks.[9] Likewise, the media is fairly pluralistic, though of generally low quality. There are government-owned and private media companies, and a multiplicity of newspapers representing the range of views of the major political and ethnic groups. Sprinkled across civil society are a number of highly capable and committed people, a reflection of the relatively high quality of Sri Lanka's human resources.

These generally positive aspects notwithstanding, civil society's role in reversing the deterioration of democracy is limited by a number of factors. The team was struck by the relative weakness of civil society groups, particularly with regard to promoting peace and advocating reforms needed to make politics and governance more democratic. Given Sri Lanka's democratic traditions, the team was surprised to hear of the limited efforts non-partisan groups exert to contact officials or government agencies that could help them, and the limited means they appear to have at their disposal for participating in politics. Even the politically thoughtful groups lack a clear agenda for intervening in politics, especially at the national level.

The impact of civil society groups has been limited by the dominance of the state and political parties, by ethnic and other divisions within civil society and by the high-risk, violence-prone nature of Sri Lankan politics. Related to this is the absence of a strong tradition for peaceful political action other than by voting and, more recently, through the legal system.

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[9] To the serious detriment of the quality of higher education in Sri Lanka, to date only state-owned universities are permitted. While there are not any serious infringements on academic freedom, it appears that the universities do not encourage their faculty to do policy-oriented research and analysis. As a result, most policy-oriented analysis is produced by scholars and activists associated with independent think tanks.

In addition, the centralized nature of government has been mirrored by the clustering of CSOs in the capitol, discouraging the flow of resources to civil society outside capitol. The English-speaking, elite-led groups in the capitol tend to attract donor money, but lack strong links to groups at the grassroots.[10] Meanwhile smaller, non-English speaking groups at the grassroots – the groups that are often more willing to take risks, to mobilize large numbers – lack access to donors, decision-makers and resources at national levels. There is also very little in the way of professional corporate philanthropy, as distinct from individual philanthropy.

Perhaps most importantly, much of civil society remains almost entirely segmented along ethnic lines. Some groups, including business associations and sports clubs, do have multi-ethnic membership, but these groups tend not to be politically active, and members appear to avoid raising contentious issues amongst themselves.

These gaps in channels for participation may have allowed more extremist groups and forms of mobilization to prosper. The JVP's bloody insurrection in the 1980s has already been mentioned. The JVP is now working hard to establish legal organizations such as unions that carry its Sinhala nationalist ideas to a wider population. Buddhist nationalists – clergy and lay people – have represented another important source of organization in society. The LTTE in areas it controls thoroughly dominates civil society groups, and conducts systematic propaganda campaigns that reinforce inter-regional and inter-ethnic divisions.

The media, print and electronic, private and government-owned, are generally of low quality and, most importantly, often actively contribute to Sri Lanka's DG problems and perpetuation of the conflict. The media is highly segmented along ethnic/language lines: "Reportage of the war in the media, irrespective of whether it is the state-owned or private media, reflects popular prejudices about terrorism and ethnic grievance as well as common ethnic stereotypes."[11] Within ethnic groups, media outlets are highly partisan. People are cynical about the truth of the news they hear, see and read, but at the same time, have no access to more valid reporting. In addition, the team found no media outlets based outside of Colombo. The exception is Jaffna where, because it is so cut off from the rest of the country, now has several presses with large circulations.

5. **The ethnic conflict has become a well-entrenched institution that exerts a pernicious influence on society, the economy, politics, and policymaking and governance.**

Key points

- The conflict has become institutionalized through the PTA and Emergency Acts; by the government's efforts to insulate the South from the costs of the conflict; by the semi-permanent demarcation of government and LTTE areas in parts of the North and East; and in the rise of groups with a material interest in the perpetuation of the war (for example, arms dealers).

- Militarization (along with a decline in civilian authority) and the institutionalization of violence are crucial effects of the war.

- The costs of the conflict are huge and not sustainable.

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[10] An important exception to this is Sarvodya, Sri Lanka's best-known social development NGO, which is active in about 12,000 villages across Sri Lanka.

[11] Paikiasothy Saravanamuttu, "Sri Lanka – the Intractability of Ethnic Conflict," p. 201, in Darby and MacGinty, eds., *Peace Processes* (2000).

The "institutionalization" of the conflict

As we have discussed above, the civil war drags on because of the inflexibility of both the LTTE and Sinhalese nationalists; the failure of political parties to cooperate in solving the conflict; the difficulty in changing the constitution;[12] and the fears of the Sinhalese population with regard to allowing Tamils more autonomy. As a result, the conflict has become institutionalized in two important ways. First, a variety of policies and interests have developed around it and become deeply entrenched. For example, by making payments for the salaries, pensions and other benefits to an ever increasing number of families of soldiers, the government in effect has redistributed income to rural areas and created a class of people economically dependent upon the conflict. Other groups with an interest in the perpetuation of the war also have arisen, including arms dealers and smugglers of embargoed goods. Second, the conflict's negative effects have become "normal" aspects of every day life for many Sri Lankans. Some areas (for example, around Trincomalee) in effect are permanently divided between government- and LTTE-controlled territories. Families in the North and East have been separated for years and a whole generation of children have grown up in IDP camps. Worse still, almost two decades of polarization and distrust have led many Sinhalese and Tamils to have completely different world views.

A culture of violence in particular has been institutionalized, resulting in an erosion of respect for human rights and a rise in human rights violations. Large scale and systematic violence may be said to have started with the anti-Tamil riots of 1983 (although ethnically motivated and targeted episodes of violence have occurred since at least 1956). Militarization became entrenched with the government's brutal suppression of the equally brutal JVP insurrection in the late-1980s. Civil administration is suspended, or under heavy military influence, in many areas under government control in the north and east, and the LTTE run a shadow state in areas under their control. Paramilitary groups have proliferated. And deserters, numbering 20-30,000 and still possessing their weapons, have become a major law and order problem in the south.

At the same time, the government is able to argue, with the tacit acquiescence if not agreement, from much of the population, that security concerns should often override the exercise of rights, including rights to free movement around the country and freedom of speech. An example of such limits is the pass system in the northeast. Tamils are most affected, subject to frequent harassment even in pursuit of everyday errands. Government censorship of the media is in place, and self-censorship is probably even more powerful. In the south, people's fear of others' perceptions that they are "disloyal" has generally dampened political participation, while in the north fear of the LTTE has even more severe effects.

Even in the absence of violence, Sri Lankans from different ethnic groups distrust each other and generally are unable to understand what people in the other groups are experiencing and thinking. Most Tamils perceive the LTTE's fight as a just struggle, while many Sinhalese perceive Tamils as LTTE sympathizers. Most Sinhalese have little awareness of the everyday humiliations and restrictions Tamils now experience. As noted above, polarization pervades civil society and the media. The educational system and government institutions (including the military) no longer provide common territory on which ethnic groups can interact.

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[12] According to Article 82 of the Sri Lankan Constitution, a constitutional amendment requires approval by two-thirds of the Parliament. Under Article 85, the president is required to submit any constitutional amendment passed by Parliament to a referendum. The ruling PA has only a slender majority of seats.

The costs of the conflict

The past and continuing costs of Sri Lanka's civil war are staggering. Direct costs on military expenditures alone reached a record high in 2000, at 30% of overall government revenue, approximately equal to 6% of GDP. The opportunity costs of the war, due for example to lost investment, damaged infrastructure, the costs of rehabilitation and resettlement, are estimated at close to US$16 billion, or 131% of GDP in 1995. Another study puts the total value cost of the conflict from 1984-96 at nearly 170 percent of Sri Lanka's total GDP for 1996. The Central Bank of Sri Lanka estimates that the conflict has reduced economic growth by 2-3 percentage points a years. These are resources that could have gone to strengthening institutions of civilian governance and to socio-economic development. Associated with the large amounts of money being pumped into the war effort is rising corruption and the creation of interests in perpetuation of the war.

Not least, the war has significantly constrained development and resulted in the impoverishment of large numbers of Sri Lankans. Development in the north and east has probably been reversed. Good data on those regions are not available but INGOs report poverty as bad as in the poorest communities in India. A perception in much of the rural south that economic opportunities are limited provides continuing grounds for discontent among over-educated, under-employed Sinhalese youth.

IDPs in so-called "welfare centers," estimated to number as many as 400,000 by UNHCR, live in abysmal conditions, with highly uncertain prospects of either returning to their original homes or finding a decent life in resettlement areas. IDPs in camps and outside are often seen as interlopers by prior residents, and the government persists in treating their situation as temporary (despite the fact that many IDPs have lived in camps for over nine years). This assumption sets up significant barriers to IDPs' political participation and economic opportunities. For example, IDPs, like all Sri Lankans, need birth certificates to obtain national ID cards which in turn enable citizens to access certain state services, to exercise their voting rights, and for many non-Sinhalese, to travel within the country. Most IDPs, not surprisingly, lost these documents when they were displaced, but rectifying this problem is a time-consuming, costly process involving travel to Colombo.

A final point worth noting is the extent to which the costs of the war are *not* experienced by many Sri Lankans, especially Sinhalese. Despite the war, and missed development opportunities, per capita income ($820) remains the highest in the region and GDP growth has averaged around 5% since the early 1990s, sustained primarily by the manufacturing sector. The government has been careful to cushion the impact of war through subsidies on staples and fuel, among others. Tellingly, over 50% of the population are currently welfare recipients. The government also provides members of the armed forces and their families with relatively generous pay, benefits and pensions, making military service a important opportunity for poor families. At the same time, fighting has been confined largely to the north and east. As importantly, the government has avoided instituting conscription. As one informant said, if Members of Parliament's sons had to forego attending Oxford because of they were called up, the war would have been over years ago.

The prospects for peace negotiations

The Peoples' Alliance (PA) government was voted in in 1994 with the avowed aim of ending the war. Since coming to power, the government has entered into several rounds of negotiations (including one now mediated by Norway), and put forward a set of constitutional revisions, including greater devolution and stronger rights guarantees, that it believes can satisfy both sides. Unfortunately, expectations that the PA could effect a political settlement have been disappointed. Preliminary negotiations with the LTTE have repeatedly collapsed, as have discussions with the opposition UNP over constitutional change. The government has continued to wage a military campaign against the LTTE, but a military solution appears

increasingly remote as well. Government troops have retaken the former LTTE stronghold of Jaffna (lost in the 1980s) and attempted to restore civilian rule, but the city remains cut off from the rest of island. Elsewhere, the military appears to be making little headway on retaking LTTE-controlled areas. At the time of the team's arrival in Sri Lanka, the LTTE was observing a ceasefire it had unilaterally declared, and this was tacitly honored by the Sri Lankan military. But shortly before the team left the country, the LTTE called off the ceasefire, and fighting resumed, with rumors of heavy casualties on both sides.

Despite the bleak history of attempts to end the war, there is some reason for optimism. The general population is war weary, and there has been considerable education of the population regarding the need for power sharing arrangements that could resolve the ethnic conflict. The government has developed a constitutional reform scheme that provides for power-sharing between the regions and ethnic communities. There is a bipartisan agreement to work together on the solution to the ethnic conflict. There is also strong international pressure on the two belligerents, both parties have accepted third party mediation by Norway.

Until last month, the government was circumspect about moving forward with peace negotiations, and about the possibility of reaching even preliminary agreements with the LTTE. For example, it viewed the LTTE ceasefire with suspicion, assuming it to be a way to gain time to rearm and regroup and to avoid being declared a terrorist organization by Britain. Suddenly, however, dynamics supportive of the peace process on government's side appear to have developed. In May, for example, the government applauded the Norwegian role in the peace process, and called for it to be hastened.

There are three possible reasons for the government's change of heart. The first is the continuing downward spiral of the economy and the increasing pressure that international donors are putting on the government. Even the Central Bank, in an unprecedented statement, has called strongly for an end to the war if the economy is to recover. The second source of pressure on the government is the threat of LTTE military action, both within and outside the north-east, now that the LTTE's unilateral ceasefire has ended. The four-month ceasefire had given ordinary Sri Lankans, as well as politicians, a sense of the relief and the social and economic activity that accompanies the absence of fighting. Sri Lankans do not want to return to a situation in which they feel threatened in their daily lives.

The third important factor propelling the government towards peace talks with the LTTE is the prospect of a no-confidence motion from the opposition UNP. For the no-confidence motion to succeed, the opposition will need the support of the Tamil parties in parliament and some members of the ruling party. The opposition appears to have won covert support from some members of the SLFP. Some of the Tamil parties also appear to be tempted by the idea of replacing the PA government with a new one in which they play a part. They may remain loyal to the government, however, if it pursues peace talks and de-escalating the war.

IV.   ADDRESSING THE CAUSES OF SRI LANKA'S DG PROBLEM: OPTIONS FOR DONORS

Given the problems discussed above, there are five broad areas where donor intervention seems desirable and possible. These are:

- Support efforts to end the conflict and achieve a sustainable peace;

- Discourage undemocratic forms of political competition;

- Encourage the rule of law and respect for rights;

- Support efforts to improve national and local level governance;

- Support greater and more effective citizen participation in politics and government.

Each of these is briefly discussed below. The role of other donors and the potential role for USAID in each area are also discussed.

1. Support efforts to end the conflict and achieve a sustainable peace.

Ending the conflict ultimately will require an agreement among the three principal actors: the LTTE, the ruling party, and the opposition party. This will require a significantly greater degree of self-determination for the Tamils (with protections for the Muslim and Sinhalese minorities in the north and east) within a framework that is viewed as preserving the integrity of the Sri Lankan nation-state. To get to this point, all three of the principal actors will need to feel that their current and future interests are not seriously jeopardized by a compromise.

While the process of reaching an agreement is largely a matter of "high politics" among the leadership of the three groups, to some extent public opinion and public pressure will play a role. A number of opportunities present themselves in this respect. First, Sri Lanka is experiencing an apparent increase in war weariness. Second, there appears to be growing public awareness of the costs of the conflict and the need for a political solution to it. This may be, in part, the product of fairly extensive debate in recent years over changes to the constitution and the "3R" process. An important risk, however, remains the susceptibility of peace activists to discrediting as disloyal and even to harassment.

International encouragement and pressure is and will continue to play a small but important role in moving the three sides closer to a mutually acceptable compromise. Foreign donors can indirectly contribute to this by supporting activities that increase both the pressure and the rewards for a compromise. There are several ways, therefore, that donors can support elements of Sri Lankan society to encourage a settlement acceptable to all sides. These include supporting activities that seek to do the following:

- Build broader and more effective constituencies for peace, at both the local and national levels;
- Encourage greater involvement of business, professional associations, trade unions/ labor, and religious leaders;
- Collect and disseminate information on the social and economic costs of the conflict;
- Stimulate new thinking and public debate on structures of government that will allow for meaningful self-determination for the Tamils;
- Identify and build consensus on the broad elements of a solution to the conflict; and
- Highlight and criticize media reporting that fuels inter-ethnic distrust and animosity.

The role of donors: A great deal is being done in this broad area, including by the Norwegian Agency for Development Cooperation (NORAD), the Swedish International Development Agency (SIDA), the Dutch, the Canadian International Development Agency (CIDA), and the British High Commission. Most activities appear to be at the grassroots level, involving local conflict resolution and peace-building. The team found less support for public information campaigns, encouraging new thinking, and constituency-building, although some support appears to have been provided for media campaigns. NORAD has supported some awareness raising for parliamentarians.

Potential role for the Mission: Given the central argument of this assessment – that the conflict and democratic decline in Sri Lanka are inextricably linked – the team believes the DG program should address the conflict. Despite the considerable activity of other donors, the team believes there are some

important opportunities for the Mission to work in this area. Much can be done to strengthen and link constituencies for peace, to generate new ideas and build consensus on them, and to educate the public about the costs of the conflict. Mission support should be structured so as to allow groups to respond quickly and flexibly to opportunities. The Mission and its partners will need to coordinate closely with other donors active in this area and will need to be sensitive to suspicions (and accusations) that supporting peace advocates is an unacceptable form of foreign intervention in Sri Lanka's domestic affairs.

2. Discourage undemocratic forms of political competition.

The most egregious forms of undemocratic politics in Sri Lanka include: the manipulation of ethnic fears; the use of violence and intimidation for political ends (including but not limited to electoral violence); the pervasive politicization of the civil service; the impunity from law enforcement enjoyed by politicians, and the increasing influence of political considerations on the police and the judiciary; and a general lack of public transparency and accountability.

Most of these problems are caused by a combination of flawed politicians, weak institutions and the shortcomings of civil society. As a result, changing these forms of undemocratic behavior can not be done quickly or simply. It takes a variety of interventions over a long period of time. The highly partisan, zero-sum nature of politicians and political parties is probably not amenable to change by donors in the short term. However, as mentioned above, there has been fairly extensive debate over the institutional reforms Sri Lanka needs in order to make for less destructive politics. The government continues to advocate extensive constitutional reform, including devolution, termination of the executive presidency and electoral reform. And as of this writing, the UNP has proposed the creation of four independent commissions (for the civil service, judiciary, police, and elections) to help to depoliticize government.

In this environment, donors should consider supporting Sri Lankan efforts to do the following:

- Create more mechanisms for dispersing and sharing power (e.g. stronger local government, independent commissions, etc);
- Reform the electoral system, including perhaps in ways that make elected representatives more responsive to their constituencies;
- Create *genuinely independent* supervisory commissions for elections, the judiciary, the police and the civil service;
- Strengthen and enforce laws governing elections and the behavior of political parties;
- Encourage non-partisanship within the media;
- Improve the public's access to information regarding government affairs.

The role of donors: Donors in Sri Lanka generally have been reluctant to get involved in domestic politics. A number of donors, however, are supporting domestic election monitoring, including the British, NORAD, the Dutch, SIDA and CIDA. NORAD and CIDA have supported study tours for parliamentarians on issues related to the conflict and devolution. The Friedrich Naumann and Friedrich Ebert Stiftungs have worked with the UNP, although they are not providing direct support.

Potential role for the Mission: The Mission and its partners have considerable experience with strengthening democratic institutions and supporting policy reform. Given the behavior and priorities of the vast majority of Sri Lanka's political elite, the assessment team sees little potential in supporting legislative training or political party development. Both institutions are highly problematic, and neither is likely to reform from within. Instead, the team believes the Mission should focus its resources on

supporting efforts by Sri Lankan think tanks, CSOs and the media to: (a) put pressure on politicians for reform, (b) assist politicians and government in the design and implementation of reforms, and (c) stimulate greater public debate of and participation in the reform process. To be successful, activities should involve government officials, parliamentarians and party leaders, as well as other sectors of society including business, labor and religious leaders.

3. Encourage the rule of law and respect for human rights.

In Sri Lanka there is a fairly strong attachment to the *ideals* of the rule of law and respect for human rights; but *in practice* both have been compromised when they've come in conflict with political interests and/or security considerations. The diminished respect for the rule of law is compounded by a gradual decline in the entire judicial system – a decline caused by the real and perceived security imperatives arising from the conflict *and* by the more general decline in the quality and independence of Sri Lanka's public institutions. At the same time, the judiciary remains the one institution of governance in Sri Lanka with some credibility, and the Human Rights Commission is generally well-respected, given the limits on its influence. Sri Lanka also has a fairly well-developed community of human rights lawyers.

To encourage the rule of law and respect for human rights, donors should consider supporting Sri Lankan efforts to do the following:

- Strengthen judicial administration, with the particular goal of increasing transparency and accountability within the judiciary;
- Encourage analysis of and public debate on key constitutional and legal reforms;
- Promote legal and human rights awareness;
- Develop new, non-traditional approaches to legal assistance; and
- Pursue public interest litigation.

The role of donors: A large number of donors are supporting rule of law and rights-related programs. They include AusAID, NORAD, the Netherlands, SIDA, UNDP, CIDA, and the World Bank. Many of the larger donors are working with government institutions – especially the Ministry of Justice and the Human Rights Commission – on judicial administration, and on such "access to justice" issues as legal aid, legal awareness, and community-level dispute resolution. A number of smaller donors, like NORAD, are working with NGOs on rights awareness and legal aid. CIDA may be providing the most support in the human rights area. The Bank is also preparing a project with the Ministry of Justice to survey the content of the laws with regard to rights. However, the largest project addressing judicial administration and the content of the law – funded by the Bank – focuses on commercial law and disputes. Few donors are focused on developing the capacity of groups in society to defend their rights over the long term, and few appear to emphasize rights violations directly related to the conflict. To the extent that "conflict" is addressed, it tends to be local issues that are usually not directly related to the civil war.

Potential role for the Mission: Given the relatively low levels of DG funding anticipated for the future, the team does not advise supporting strengthening judicial administration. Under the best of circumstances, improving judicial administration is an expensive and long-term endeavor. Absent a genuine commitment to reform among top political and judicial leaders, it can be a bottomless pit. Instead, the team believes that the Mission should build upon and help to redirect some of the law- and rights-related work it has been supporting. This is an area in which the Mission has made a significant investment – with significant impact – and in which the Mission and its partners have considerable experience and expertise.

4. Support efforts to improve national and local level governance.

Governance in Sri Lanka is in serious decline. Many government agencies and services are under funded because of resources being diverted to the war effort. The bureaucracy is bloated and poorly paid. The civil service has lost most of its independence and, with it, much of its vitality. The police are politicized and consumed with security concerns. There is a widespread perception of increasing corruption in the bureaucracy, judiciary and army. Provincial and local governments are even weaker: they have limited ability independently to generate resources, the central government can easily override them, areas of responsibility and lines of authority often are unclear, and their human resources are weak. The problems with provincial and local governance have been made worse by the half-hearted and poorly implemented efforts at partial devolution; genuine devolution will make the problems at the local level even more pronounced.

The decline in governance is attributable to the conflict, to the overly centralized state established by the country's constitution (and not seriously redressed by the attempts to date to devolve power), and to the unrelenting efforts of political leaders to use the state for personal and partisan purposes. Arresting and reversing the decline in governance is, to a considerable degree, dependent upon an end to the conflict. But in addition to this, reversing the decline will require a change in the behavior of political leaders – a change that is likely to occur reluctantly and slowly.

Donors have a large stake in the quality of governance in Sri Lanka. The success of many donor-funded projects depends on the effectiveness of government agencies; other donor-funded programs are in response to the failure of government. In addition to encouraging the government to initiate reforms, donors should support Sri Lankan efforts to do the following:

- Ensure the creation of genuinely independent civil service, police and electoral commissions;
- Monitor and analyze the performance and needs of local government;
- Develop human resources and multi-lingual language abilities in local government; and
- Promote participatory planning at the local level.

Role of donors: Donors include AusAID, UNDP, and CIDA. All the projects the team has heard of are with government, primarily to strengthen capacity through training and study tours. Most appear to be fairly generic in content. UNDP is working on strengthening the fiscal framework for devolution.

Potential role of the Mission: The Mission should exercise a healthy dose of skepticism regarding government-initiated reform efforts at the same time that it remains open to "windows of opportunity" for genuine reform created by unanticipated developments and/or changes in elite perceptions. The Mission does not have the resources for major investments in government, so it should try to identify issues or places where small amounts of funding or technical assistance can have impact, either by supporting nascent reform initiatives or by creating pilot projects. The Mission should also consider support for more public analysis and debate on how to improve governance at the national and local levels.

5. Support greater and more effective citizen participation in politics and governance.

Supporting greater and more effective citizen participation is a vital element of the four preceding areas. However, Sri Lanka lacks a strong tradition of non-partisan citizen participation, and the channels for this are somewhat limited and underdeveloped. Many Sri Lankans eschew politics and political parties because they view them as being overly partisan, corrupt and prone to violence. And while there are many civil society organizations (CSOs), very few have large memberships and groups tend to be Colombo-centered and fractious. While some CSOs are highly partisan, many others lack either the

desire or the ability to engage in public policy issues. Finally, the threat of violence or of character assassination also inhibits political activism.

Despite their shortcomings, civil society organizations offer the best means for increasing citizen participation in politics and governance. The community of Sri Lankan CSOs – including professional and labor groups, religious organizations, membership organizations and a wide variety of NGOs – is very pluralistic and moderately energetic. Additionally, over the last decade there has been significant growth of private media outlets, including at least one investigative paper.

In order to increase citizen participation and its impact, donors should support Sri Lankan efforts to the following areas:

- Develop the media to provide more and better information;
- Build stronger and more sustainable citizens groups;
- Help citizens groups to develop better skills in advocacy, lobbying and public outreach;
- Build coalitions and networks, including local-national links, and cross-ethnic links;
- Promote multi-sectoral dialogues involving government, the private sector and CSOs; and
- Encourage greater citizen participation in politics.

The role of donors: As mentioned in the preceding sections, a large number of donors are supporting civil society organizations working on human rights issues and peace/conflict resolution issues. The team does not have detailed information on donor support for civil society groups outside these areas or for civil society building per se. One exception is the Australian Community Assistance Scheme, which is designed to increase the capacity of civil society at the grassroots. The team identified only isolated and small media development efforts, and no work with associations of journalists. The Norwegians are apparently in the process of setting up a journalists' training program; it is unclear how this will be focused, if it is not intended to be generic.

Potential role for the Mission: The Mission and its partners have considerable experience with strengthening civil society; The Mission should look to build on this experience. Sri Lanka has a number of impressive or promising CSOs that deserve Mission support. Some CSOs are capable of delivering results and having impact quite quickly. But to maximize their impact, and increase the number of groups capable of having impact, capacity- and network-building are needed. The Mission should also encourage its partners to explore ways to better use and engage the mass media. At the same time, the Mission will need to be mindful of the risks involved for civil society groups attempting to "push the envelope."

V. RECOMMENDATIONS FOR THE SRI LANKA DG PROGRAM

A. Summary

The assessment team recommends that the Mission in Sri Lanka consider developing a DG program that works in three inter-related areas:

1) Expanding constituencies for peace;

2) Empowering groups to defend against rights abuses springing from the conflict and the erosion of democracy; and

3) Strengthening support for key democratic reforms.[13]

To maximize impact in these areas, the DG program should vigorously promote the following:

- Supporting activities that strengthen links across ethnic groups and regions;

- Innovative use of the media for information dissemination and public debate;

- Strengthening the organizational capacity and outreach of selected citizens groups;

- Encouraging the participation of women; and

- Maximizing linkages to other USG and USAID programs.

The team believes that the proposed program can best be implemented by a USPVO partner under the oversight of the USAID Mission. We believe that the program requires the implementing organization establish an in-country presence. Given this, we estimate that the *minimum* amount of funding necessary to successfully implement a DG program along the lines described above is approximately $800,000 per year (excluding the cost of additional Mission staff). The team recommends that the USAID Mission consider hiring at least one more staff person to properly oversee the development and management of the proposed program.

B.   Key assumptions and considerations

The team's recommendations regarding the focus and priorities of the Sri Lanka DG program reflect a variety of assumptions and considerations. These are:

1. *Constraints and opportunities in the political environment*

Constraints in the political environment that affect the range of potential DG program opportunities include the following:

- Ending the conflict is largely a matter of "high politics" which fall outside the direct influence of a foreign assistance program.

- Given the top-down nature of governance in Sri Lanka, the power of the executive presidency, and the weakness of sub-national government, the opportunities for supporting meaningful reform within the government are limited, though not entirely absent.

- There is little evidence that parliamentarians and political parties are strong proponents of peace, rights and reform.

- Almost all political discourse is highly partisan and this partisanship infuses a significant portion of civil society.

Given these constraints, and the seriousness and complexity of the DG problems in Sri Lanka, it is important that donors, including USAID, have modest expectations about what can be accomplished with relatively small amounts of money over relatively short periods of time.

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[13] The Mission may wish to consider using the following as a statement of its DG SO: "Strengthening constituencies for peace, rights protection and key democratic reforms."

However, it also is important that the Mission take advantage of the opportunities that exist or might exist in the future. These can include changes in leadership and/or leadership priorities, shifts in public opinion, opportunities to influence the drafting of legislation and regulations, etc. In Sri Lanka, these include:

- The diversity and vitality of citizens groups (and, to a lesser degree, the media) in Sri Lanka provide opportunities for addressing the country's pressing DG problems. While civil society has a number of shortcomings, elements of it are committed to peace, rights and democratic reforms at both the grassroots and national levels.

- In recent years, there has developed greater public awareness of the costs of the conflict and the need for a political solution to it, in part as a result of fairly extensive debate over potential changes to the constitution.

- There is growing recognition of the deterioration of many of Sri Lanka's key institutions. This is reflected in the debate is currently underway over the creation of four independent commissions.

- The media, while generally partisan, is pluralistic and can be used for disseminating information and ideas.

2. Funding and management

The team's recommendations are conditioned by several assumptions concerning funding and management. These are:

- The level of future ESF funding for DG activities may range from a low of about $750,000 per annum to as much as $3 million. Therefore, the DG program needs to have flexibility to adjust to fluctuating funding levels as well as to shifts in ESF priorities and programs.

- Given the uncertainties regarding funding as well as the more short-term focus of ESF funding, the DG activities need to have impact with relatively small levels of funding. The team believes that a "bare bones" DG program -- consisting of support for a few but not all of the illustrative program activities -- can be implemented for about $800,000 per year (not including Mission staff costs). If more funding is available, more of the illustrative activities can be developed and supported.

- The DG program must be manageable by the USAID Mission. To this end, the team assumes the bulk of the DG program will be carried out through the issuance of a RFA or RFP. The team also assumes the Mission will have the staff capability to manage the program.

3. Other donors and USAID's comparative advantage

The team's recommendations also take into consideration the program areas of other donors, including both the areas in which other donors are not active and areas where they are active and the Mission can complement these activities.[14]

The Mission does not have a single niche, but there are several ways in which it has a significant comparative advantage. These are:

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[14] The team was not able to meet with every donor during its three-week visit to Colombo. The primary sources for the team's knowledge of other donors' activities are interviews with donors, a CIDA report on "Governance Programming in Sri Lanka" prepared in December 2000, and Mark Silva's summary of other donors' DG activities (attached).

- Because of the scope of its humanitarian, EG and DG programs, the Mission has relationships with a range of influential policymakers and opinion leaders. As a result, the Mission has a relatively high degree of credibility and convening power in both governmental and non-governmental circles.

- Through the Asia Foundation, the Mission has been a major supporter of human and legal rights in Sri Lanka. This support has made a difference to many individuals and groups and has generated considerable "goodwill" for the Mission.

- Many of the nominally "humanitarian" programs being supported by the USG increasingly have elements concerned with empowering citizens groups and imparting conflict resolution skills.

- Through its use of its USPVO partners, USAID can make small, timely grants and provide needed technical assistance and expertise. USAID and its USPVO partners also have the ability to make available to Sri Lankans expertise from countries most relevant and useful to Sri Lanka.

While the USG is not one of the largest donors in Sri Lanka, it is a major donor and equally important, both major political parties seek good relations with the US. Therefore, we assume that the USG, though the use of diplomatic channels and public statements, can have a degree of influence on government policies and actions that affect the DG environment.

C.   Caveats

The team's recommendations are not informed by any formal evaluations of past and current DG activities carried out by the Mission and its partners. Therefore, the team's programmatic recommendations are best viewed as preliminary or tentative recommendations requiring further study and development. These recommendations might have to be altered considerably depending on the situation in Sri Lanka, further assessment of partners' interests and capabilities, and the future programs of other donors. Additionally, the Mission should be careful not to promise levels and durations of funding it may not be able to deliver.

It is also important to point out several key sensitivities that the Mission will need to be aware of. These include: (a) the suspicions of some Sri Lankans about the motives behind foreign funding for and involvement in the search for a solution to the conflict; (b) the perception on the part of some Sinhalese that too much foreign funding is going to the North and the East; and (c) the apparent reluctance of some other donors to engage in meaningful coordination.

D.   Discussion of recommended DG program priorities

The team recommends that the Mission's DG program focus on three inter-related areas of activity: 1) expanding constituencies for peace; 2) empowering groups to defend against rights abuses springing from the conflict and the erosion of democracy; and 3) strengthening support for key democratic reforms. The team's recommendation of three program areas represents a "first cut" at sharpening and narrowing the Mission's programmatic focus. But as the following descriptions will show, there is still a fairly long menu of possible activities under each program area. The Mission will need to choose among these (or develop additional activities) taking into consideration, among other things, limitations on the use of ESF funds, the need for focus, the potential for impact and the opportunity to create synergies among activities.

The three program areas are described in greater detail below.

Program Area #1: Expanding Constituencies for Peace

Given the long duration and huge cost of the war, there is surprisingly little organized opposition to its continuation. This is in part a reflection of the real risks of appearing sympathetic to the LTTE/Tamil cause and in part a reflection of the weaknesses of civil society groups. While a number of local and foreign organizations support grassroots conflict resolution, there isn't a sustained and broad-based "movement" for peace.[15] Some 30 NGOs and civic organizations engage in peace-oriented activities on an ad hoc basis, but only about five NGOs are involved in peace work on a full time basis. They are trying to put pressure on the warring parties, but they have been most successful in promoting a public discourse on peace and conflict resolution as an antidote to biased/ inaccurate war reporting (whether by government or private media), uncompromising government and LTTE propaganda and chauvinism.

While the potential impact of civil society groups on the process of ending the war shouldn't be exaggerated, a larger and more effective constituency for peace can help to create an environment more supportive of a negotiated end to the war. In order to increase the size and effectiveness of constituencies for peace, the following are needed: the capabilities and reach of existing groups need to be strengthened; new groups and sectors of society need to become involved; activities need to be better coordinated and sustained; and there needs to be more and better use of the mass media.

In supporting efforts to promote peace, the Mission and its partners must endeavor to build upon and/or complement the activities of other donors. Additionally, in order to avoid suspicions of foreign agendas, emphasis should be placed on helping Sri Lankan groups to more effectively advocate for peace.

It appears that even under the best of circumstances, and barring extraordinary events, achieving a complete and lasting end to the conflict will be a drawn out process. The program activities recommended below are principally directed at facilitating the resolution of the conflict; but many will also support sustaining a peace.

An end to the war will not solve all of Sri Lanka's conflict-related problems. Peace, when it finally comes, will bring with it a host of challenges: resettlement will generate its own set of problems; civil war may be replaced by more localized conflicts; land disputes will multiply; demobilization and demilitarization of both government security forces and the LTTE will be costly; and the reconstruction of the north and east will be a massive task that may provoke new debates and anxiety over the equitable distribution of resources. Development of a program for the post-conflict period will require an assessment closer to the time that peace appears imminent.

Illustrative program activities[16]

Activities that the Mission might support can be categorized as "core" and "supporting" activities.

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[15] The team views grassroots or community level conflict resolution (between and/or within ethnic groups) as distinct from (although potentially related to) efforts to resolve the conflict between the SLG and the LTTE. The team believes that it is the activation of political constituencies for peace, rather than the building of better inter-ethnic relations from the ground up, that is most likely to contribute to the ending of the war. Local level work takes on greater significance in a post-conflict situation when one would expect conflicts to become more localized.

[16] It is important to emphasize that the lists of possible activities that follow are only illustrative: that is, they are intended only to give concrete examples of what might be done by the Mission and its partners. Prior to supporting any of these activities, the Mission and its partners will need to determine if the political and programmatic environment is suitable and ascertain the interest and abilities of the relevant Sri Lankan groups.

Core activities include:

- Organize a nation-wide, participatory "visioning" exercise to contribute to a consensus on where Sri Lanka wants to be and how to get there. (This builds upon the Mission's idea of supporting "Leaders for Peace.")

- Promote the engagement of business groups, professional associations and labor;

- Support the creation of a peace-building/conflict resolution resource center or centers, preferably outside Colombo;

- Help peace groups to develop memberships, volunteer programs, and domestic funding;

- Support media campaigns and other public education on the costs of the conflict;

- Support better/multi-lingual media coverage on the conflict and its impact on the entire nation (e.g., through training, awards, support for local reporting);

- Provide incentives to university professors and students to do better and more creative research and analysis on the conflict and how to end it.

Supporting activities include:

- Provide training to groups on facilitation, advocacy, use of the media, membership development and fundraising;

- Support public opinion polling and the analysis and dissemination of survey data;

- Continued donor insistence on a negotiated settlement.

Program Area #2: Empowering Groups to Defend Against Rights Abuses Springing from the Conflict and the Erosion of Democracy

This program area addresses the decline in the respect for human rights in Sri Lanka and, over the longer term, the relatively limited role that civil society groups have played in countering the erosion of democracy. The need now is to focus on protecting and expanding Sri Lankans statutory basic human rights; to strengthen the capacity of those vulnerable to rights violations as groups, rather than individuals; and to provide groups with wide range of tools for defending their rights.

Activities in this area will therefore emphasize the following:

- *Empowering groups of people whose rights are abused or curtailed owing to the conflict and the erosion of democracy.* Assisting organized groups of Sri Lankans will multiply the effects of support and assure more sustained activity. Advocacy efforts in particular are more likely to have impact when they can demonstrate "strength in numbers" and can call upon organized support. Ideally group memberships, or at least broader group networks, will cut across ethnic lines.

- *Focusing on the abuse and statutory contraction of rights stemming from the conflict and the erosion of democracy.* The rights addressed within this program focus include universally recognized basic human rights, political rights, and civil rights. Activities in this program area are also expected to address land issues related to resettlement/relocation and the particular rights issues of displaced

communities. The target populations include detainees under the PTA and emergency regulations[17], families of the disappeared, IDP's, disenfranchised voters, and journalists subjected to intimidation. Support would also be given to strengthen democratic labor groups seeking to protect and expand the rights of women and other disempowered workers.

The team recommends expanding efforts to work in the north and east, but with three caveats: (a) The capacity of civil society groups in the north and east is likely to be limited. (b) Those organized groups that exist are likely to be strongly influenced by the LTTE. This will limit how assistance can be used, and carries the risk that assistance will be diverted to and benefit the LTTE. And (c) The Mission should be sensitive to perceptions of fairness in the delivery of assistance among regions and ethnic groups so as to strengthen cross-regional links and multi-ethnic cooperation, and avoid weakening program implementation and exacerbating ethnic and regional divisions.

The Mission has supported a number of programs to protect citizens' rights in recent years (primarily but not exclusively through The Asia Foundation's Human Rights Initiative (HRI)). These include rights awareness activities, legal aid (NGO and governmental), monitoring and documentation of rights violations, and support to the Human Rights Commission, along with legal education for professionals, judicial administration, government mediation boards, and other rule of law activities. These programs have dealt with a broad range of rights and beneficiaries. The team recommends, on the one hand, more focus in terms of the rights and beneficiary groups addressed – that is, on conflict-related rights violations and victims. On the other, in order to have greater impact on underlying problems, efforts to protect and expand rights need to extend beyond narrow legal approaches. The Sri Lankan legal system, despite its serious problems, remains a credible avenue for redress amongst the population. But the legal system should be seen as part of a larger set of tools citizens can deploy for the advancement of their rights. As importantly, assistance needs to move away from activities focused on individuals and legal relief, that empower lawyers more than clients, to groups of affected citizens and their sustained capacity for defending their rights.

Some of the programs the Mission has supported under the HRI represent important steps in the directions we recommend under Program Area #2 with respect to work with groups, a focus on conflict-related rights violations, and broadening groups' "toolbox" with respect to rights. Examples include: a hotline and e-mail network that allow human rights groups in the north, east and south to document the scale of human rights violations and assist victims promptly; regular prison visits to detainees under the PTA and emergency regulations, along with awareness programs for the police running those prisons and the development of a consortium of groups coordinating prison activities; a study of the impact of the PTA on the legal system; public interest litigation, including a case on IDP voting rights; a multi-lingual radio call-in shows on rights; and the creation of a consortium of legal assistance groups. These activities can be built upon. More generally the Mission's prior assistance has helped build a community of increasingly sophisticated and creative legal resource groups and activist lawyers who can contribute to this program area.

Illustrative program activities

Core activities include:

- *Organizing groups of victims of rights violations* or those vulnerable to rights violations under the PTA and emergency regulations in order to strengthen and sustain their ability to defend themselves.

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[17] The Public Security Ordinance, invoked for the third time in Sri Lanka's history in 2000, provides security forces with sweeping powers to conduct arrests and seizures.

Many victims and families may not yet be well organized and will require significant help; other, pre-existing groups, among fishermen facing fishing restrictions for example, can be encouraged to expand their activities to pursue their rights. (Note: It is critical that support avoids strengthening groups in ways that reinforce ethnic divisions and grievances.)

- *Building coalitions* across organized groups, between organized groups at local levels and those at the national level, and between groups and decision-makers. The first two will facilitate the exchange of information and skills, and build larger constituencies for reform. The second will provide national level advocacy with greater legitimacy. And the last will connect those constituencies to those who may be able to affect rights laws, policies and enforcement. Links need to be forged both within the north and east and between the north and east and the south.

- *Monitoring* patterns of rights violations, relevant legal and policy debates and changes, and the actions of decision-makers, by target groups. Monitoring will enable groups to better understand the conditions that affect them and to capitalize on windows of opportunity for change in those conditions.

- *Collecting, analyzing and disseminating information* regarding relevant policies and laws, and proposed legislation, and regarding the nature and patterns of violations, their causes and successful remedies, by target groups. Such information and analysis can provide the bases for mobilizing affected groups, and for effective advocacy campaigns.

- *Training trainers/ paralegals* in organizing techniques, assessing group needs, advocacy skills, and how to use the legal system, for members of affected groups. Crucially, trainees will be drawn from and remain in the organized groups, so that those groups gain an on-going ability to defend and expand their rights through a wide range of tools.

- *Advocacy* to improve laws and policies regarding human rights, to get better enforcement of good laws and policies, and to make the larger population aware of how people's rights are affected by the conflict and the deterioration of democracy. Advocacy campaigns will use a wide range of tactics for communicating to decision-makers, including lobbying of appointed and elected officials at local and national levels, along with watchdog efforts; use of the media and other public/ mass campaigns; and use of the legal system for test case/ public interest litigation.

- Creating a *legal defense fund* dedicated to landmark/ precedent-setting cases.

- *Legal assistance to groups* (and individuals if necessary) that provides timely support to people whose fundamental rights have been violated, especially under the PTA and emergency regulations.

Supporting activities include:

- Training on network building, advocacy and media campaigns;
- Establishing a resource center and/or communications network for groups to share information and expertise in rights advocacy;
- Using existing human rights groups to provide paralegal and advocacy skills to groups vulnerable to rights abuses.

Program Area #3: Strengthening Support for Key Democratic Reforms

Government-initiated efforts at reform usually are episodic and half-hearted. Frequently these reform initiatives are side-tracked or diluted by partisan political concerns. Typically, there is little follow-through or reforms are poorly implemented. Therefore, there is a need for independent, non-partisan and continuing support for genuine reform, including inputs into the design process, lobbying, public debate and monitoring.

Mission support should be principally for non-governmental groups, but there may also be occasional opportunities to support the efforts of reformers in the government by providing technical assistance and the means to open the reform process to greater public participation.

The Mission should consider supporting reform efforts in the following three areas:

a) Encouraging innovations in local government

The purpose of supporting limited, selected activities at the local level is two-fold: First, to support efforts to make local governance more participatory and multi-ethnic. Second, to generate some potentially replicable examples of innovative and effective local government programs.

Possible activities include:

- Support innovative pilot programs with selected local governments (e.g.: bond issues);

- Support participatory and multi-ethnic planning processes;

- Build/strengthen associations of local officials;

- Provide awards for "best practices" in local government;

- Support research on local government needs, institutions and processes, including monitoring and dissemination of information on any pilot projects supported.

b) Generate support for electoral reform

The electoral system of Sri Lanka has flaws, but is not uniformly bad. Some aspects, like proportional representation, have increased minority (especially Tamil) representation. On the other hand, some provisions, like the use of the open list, probably exacerbate ethnic voting and intra-party violence. What is unambiguous, however, is that there are serious problems with the implementation of laws governing political parties and elections. The team recommends that the Mission support efforts to assess and debate the strengths and weaknesses of the existing electoral system, with a particular focus on the system's impact on heightening zero-sum competition and on majoritarian, ethnic-based politics. We also suggest the Mission support efforts to promote the creation of a genuinely independent Election Commission.

Possible activities include:

- Support the efforts of domestic election monitoring groups, think tanks and universities to assess, prioritize and advocate for reforms in the content and implementation of electoral laws;

- Provide technical assistance to the proposed independent Election Commission if the Mission determines it is genuinely independent, nonpartisan and committed to energetically and fairly implementing electoral laws and procedures.

c) Support efforts at genuine civil service reform

The purpose of this set of activities is increase the independence and integrity of the civil service in order to reduce the deleterious influence of partisan politics and patronage on the functioning of the government.

Possible activities include:

- Support analysis and public discussion of the function of a genuinely independent Civil Service Commission;

- Assuming an independent Commission is formed, support monitoring and analysis of its performance;

- Support efforts to strengthen civil service unions and associations.

Supporting activities for all three:

- Public opinion polling and the dissemination of findings;

- Support for analysis of the census;

- Continuing donor dialogue with the government regarding the importance of good governance.

E.   Other recommendations

In the event that the Sri Lanka Mission decides to develop a DG program in the areas proposed above, the team offers the following recommendations for implementing the program and maximizing its impact:

Program management

The team believes that the proposed DG program can best be implemented by a US PVO partner under the oversight of the Mission. We believe that the program requires that the implementing organization establish an in country presence. We also recommend that the lead PVO partner be part of a consortium of US and Sri Lankan organizations that can provide expertise in the three program areas.

Given this, we estimate that the *minimum* amount of funding necessary to successfully implement a DG program along the lines described above is approximately $800,000 per year (excluding the cost of additional Mission staff). ESF DG allocations for Sri Lanka for FY 2001 have been discussed in the range of $750,000 and $3,000,000. Depending on the actual funding level, the team recommends that USAID consider hiring one to two additional staff persons (one local, one American) to properly oversee the development and management of the proposed program. These individuals could also help coordinate and manage the array of USG DG-related programs (e.g.: the Public Diplomacy small grants program, the 416B-funded program, etc.).

Explore ways to strengthen linkages to other USG programs

In order to maximize the impact of the DG program, the team recommends that the Mission explore the ways that other USG and USAID programs can support the Mission's democracy objectives. Specifically, the team recommends the Mission do the following:

- Identify ways in which USAID's economic growth and SARI/Equity programs can support the Mission's DG objectives;

- Examine ways that 416B-funded and other humanitarian assistance programs can better support the Mission's DG objectives and promote policy dialogue with the Sri Lankan government;

- Explore ways that the PAO's programs (including the IVP and Fulbright programs, programs for the local media and public opinion polling) can complement the Mission's democracy activities;

- Explore ways to enhance the complementarity of DoD human rights training programs and examine the possibility of DoJ support for police training; and

- Explore the possibility of engaging USAID/OTI.

Other recommendations

- The team was struck by the apparent insufficiency of communication and coordination among donors working in the DG sector. We recommend that the Mission actively support greater donor coordination, particularly coordination that is less formal and more focused on information sharing regarding programs and actives. We also recommend that the Mission encourage more donor dialogue with the government on major DG issues.

- In order to increase and diversify the institutions active in Sri Lanka, we encourage the Mission to engage quasi-governmental and private organizations, including the U.S. Institute of Peace, the National Endowment for Democracy, and US foundations and universities.

- We understand the Mission may want to carry out a comprehensive assessment of the current and future sources of conflict in Sri Lanka. If the Mission decides to do this, we suggest that the following questions be among those addressed by the assessment:

  1) What is known about how small-scale conflicts (such as conflicts over property, family issues, religion, etc.) are dealt with in LTTE-controlled areas?
  2) What is the nature and extent of small-scale conflict in regions that include both "cleared" and "uncleared" areas? How are these dealt with?
  3) What types of "post-conflict" conflicts are likely to arise following a peace agreement (e.g., conflicts over land, resettlement and resources for reconstruction)? What mechanisms can be developed to manage these conflicts?
  4) What is the current state of thinking in SL regarding the need and potential viability of some sort of "truth and reconciliation" process?
  5) How widespread and intense is discontent among Sinhalese youth? What are the causes of this? Unmet expectations? Un- and under-employment? Cultural and/or ideological alienation?
  6) How vulnerable/alienated do Tamil-speaking Muslims feel? What is the potential for inter-religious conflict?
  7) What is the capacity of the government, universities and NGOs to deal with "next generation" conflicts? What can be done to increase capacity in Sri Lanka?
  8) Are there constitutional and/or legislative measures that will help to minimize conflict in the future?

ANNEX 1

LIST OF INTERVIEWEES

M. I. S. Ahamed. Assistant Secretary, Ministry of Ethnic Affairs, National Integration and Mineral Resources Development (Colombo)

Edward Anderson, Management Systems International (Washington, DC)

Lewis Anselem, Deputy Chief of Mission, U.S. Embassy (Colombo)

Dr. Vinya S. Ariyaratne, Executive Director, Sarvodaya Shramadana Movement (Colombo)

Anuruddha Basnayake, Chairman, Kundasale Community Development Foundation (Kandy)

Joe Bolger, Field Director, Governance and Institutional Strengthening Proejct (GISP) (Colombo)

Mr. Chandrasekera, Government Agent, Trincomalee District (Trincomalee)

Christine Chung, Senior Program Officer, Asia Team, National Democratic Institute (Washington, DC)

William Conklin, Field Representative, Sri Lanka, Solidarity Center/ American Center for International Labor Solidarity (Colombo)

Rizvina de Alwis, Program Officer, Governance and Institutional Strengthening Proejct (GISP) (Colombo)

Ms. Lakmali Cabraal, Lawyers for Human Rights and Development (Colombo)

Dinesha de Silva Wikramanayake, Assistant Representative, The Asia Foundation (Colombo)

Dr. Harendra de Silva, Director, National Child Protection Agency (Colombo)

K. M. de Silva, Executive Director, International Centre for Ethnic Studies (Kandy)

Sagarica Delgoda, Country Representative, Friedrich Naumann Stiftung (Colombo)

Dayananda Dissanayake, Commissioner of Elections, Elections Secretariat (Colombo)

Rohan Edrisinha, Director, Centre for Policy Alternatives (Colombo)

Prof. L. Fernando, Social Scientists' Association (Colombo)

Fr. Oswald B. Firth, Director, Centre for Society and Religion (Colombo)

Adolfo Franco, Counsel, Committee on International Relations, U.S. House of Representatives (Colombo)

Dr. Gaya Gamhewage, Save the Children U.K. (Colombo)

Mr. Ganesh, Government Agent, Vavuniya District (Vavuniya)

William Gill, Sri Lanka Desk Officer, U.S. Department of State

Ricki Gold, Asia-Near East Bureau, USAID

Donna Hicks, The Program on International Conflict Analysis and Resolution, Harvard University (telephone interview from Washington, DC)

Steve Holgate, Public Affairs Officer, U.S. Embassy (Colombo)

Steve Hollingworth, Country Director, CARE International (Colombo)

Donald Horowitz, Duke University Law School (telephone interview from Washington, DC)

Samanthi Jayamanna, Senior Legal Officer, Community Legal Aid Programme, Ministry of Justice (Anuradhapura)

Shanaka Jayasekara, Programme Support Co-ordinator, National Framework for Relief, Rehabilitation and Reconciliation, United Nations Development Programme (Colombo)

T. Kubais, Secretary, Citizens Committee (Puttalam)

Lawrence Lachmansingh, Deputy Director, Asia, National Democratic Institute (Washington, DC)

Andrew Mann, First Political Officer, U.S. Embassy (Colombo)

Rajni Mendis, Centre for the Study of Human Rights (Colombo)

Vicki Moore, Director, USAID Mission (Colombo)

Kandiah Neelakandan, Chairman, Legal Aid Commission (Colombo)

G. H. Peiris, International Centre for Ethnic Studies (Kandy)

Jehan Perera, Media Director, National Peace Council (Colombo)

Gary Robbins, Project Development Officer, USAID Mission (Colombo)

Victor Robinson, Project Director, VOICE, CARE International (Anuradhapura, Colombo)

Kingsley Rodrigo, Executive Director, PAFFREL (Colombo)

Timothy Ryan, Regional Director for Asia, Solidarity Center/ American Center for International Labor Solidarity (met in Colombo)

Marlies Salazar, Representative to Sri Lanka, Konrad Adenauer Stiftung (Colombo)

Mangala Samaraweera, Minister for Urban Development (Colombo)

Paikiasothy Saravanamuttu, Executive Director, Centre for Policy Alternatives, and Centre for Monitoring Election Violence (Colombo)

Daniel Schiber, Office Responsible, International Committee of the Red Cross (Trincomalee)

Ambassador Teresita Shaffer, Brookings Institution (Washington, DC)

Dayananda Silva, RAPID Project, CARE International (Vavuniya)

Mark Silva, Democracy Officer, USAID Mission (Colombo)

A. Sivanandan, Senior Legal Consultant, Forum for Human Dignity (Colombo)

K. Sivapalan, Chairman, Eastern Rehabilitation Organisation (Trincomalee)

Pearl G. Stephen, Coordinator, Women's Development Centre (Kandy, Colombo)

Pauline Taylor-McKeown, Sri Lanka Programme Director, Save the Children U.K. (Colombo)

R. Tharmakulasingam, Senior Assistant Secretary, Ministry of Ethnic Affairs, National Integration and Mineral Resources Development (Colombo)

Jeevan Thiagarajah, Executive Director, Consortium of Humanitarian Agencies, and Chairman, Institute of Human Rights (Colombo)

Justice Shiranee Tillakawardene, Judge, Court of Appeal (Colombo)

Ilkka Uusitalo, Ambassador/Head of Delegation, Delegation of the European Commission to Sri Lanka and the Maldives, European Union (Colombo)

Sumadhu Weerawarne, Correspondent, The Island (Colombo)

S. Wijegoonawardena, Secretary, Human Rights Commission of Sri Lanka (Colombo)

Diane Wise, Programme Officer, Community Trust Fund (Puttulam)

E. Ashley Wills , U. S. Ambassador to Sri Lanka (Colombo)

Jim Worrall, Head of Field Office, United Nations High Commissioner for Refugees (Trincomalee)

Eduardo Yañez, Medecins Sans Frontieres (Vavuniya)

Nancy Yuan, Representative, The Asia Foundation (Washington)

_____, Sarvodaya Legal Services Movement (Colombo)

SUMMARY OF OTHER DONOR DG ACTIVITIES
(PREPARED BY USAID/SRI LANKA)

DRAFT

DONOR PROGRAMS FOR DEMOCRACY AND GOVERNANCE

United Kingdom

Introduction:

The programs are funded either through the Department for International Development (DFID) or the Foreign and Commonwealth Office. The Department for International Development focuses on Conflict prevention and Educational Programs. The main organization funded under conflict prevention is **the National Peace Council**.

The British Council implements a small grants scheme for human rights (DIFID funds). In April 2001 the Foreign and Commonwealth Office will initiate a human rights fund. This will be a joint fund whose resources will be provided by the Department for International Development, the Ministry of Defense and the Foreign and Commonwealth Office. The aim of the fund is to focus on conflict prevention through engagement of the military and the police.

Programs:

During the past few elections the UK Mission has also provided funding for the two main domestic monitoring organization in Sri Lanka (PAFFREL and CMEV). In the recent Parliamentary elections, the UK Mission continued its funding for these organizations approximately $50,000.

The UK Mission has agreed to fund a program intended to promote bipartisanship. This is being implemented through the Westminster Foundation for Democracy and the MARGA Institute. The grant is for $10,000. The plan to conduct a seminar in Colombo with a variety of Parliamentarians from Britain and Canada. The cost does not include travel expenses.

- During the next financial year April 2001-March 2002. The UK Mission has requested for $300,000 for investigative training for the Human Rights Commission.
- They would also like to fund the Free Media Movement in conjunction with the UNDP.
- During the last year the UNDP was trying to attract donor funding for a voluntary Press Complaints Commission along the lines of the UK Press Complaints Commission.
- National Peace Council. They had taken MPs on a study tour to the Philippines and Northern Ireland. They doubted the effectiveness of these tours.
- National Child Protection Authority. The UK Mission plans to fund the construction of their new headquarters. The total funding is $210,000 over three years. So far there has been no construction and the UK Mission is not prepared to allow funding if there has been no progress by the end of their financial year (April 2001)

Australia

Introduction:

The main development activities are through the Australian Community Assistance Scheme. This is a grass roots scheme designed to increase the capacity of Civil Society. Whatever the main focus of the program each and every activity will always incorporate a good governance element into the program. They strive to identify ways in which their general development program can develop linkages to assist in conflict resolution and peace building.

In addition to this there is the Human Rights Small Grants Scheme (A$50,000/grant for one year). This is designed for small programs with a duration for less than one year.

Programs:

- Under the Australian Community Assistance Scheme the Asia Pacific Forum on Human Rights (which is housed within the Australian Human Rights Commission) was asked to develop a proposal to assist the Human Rights Commission. Unfortunately this has become the subject of litigation in Australia and is unlikely to be implemented in the near future. Approx A$100,000
- Community Based Corrections Program- targeting the overcrowding in prisons.
- Government Analysts Department. This is in the planning stage. Maximum funds available A$300,000. Capacity building-training and technical assistance.

Netherlands

Introduction:

The Minister of Foreign Affairs has asked for a revaluation to determine whether or not to continue its development program in Sri Lanka. No significant interventions are being planned at this stage. Some activities in the field of Human are currently being financed.

There may be funds available for Human Rights once the issue of the continuation of their development program has been resolved. At best, they are hoping for an annual review of the Sri Lanka program.

Norway

Introduction:

The Norwegian Mission to Sri Lanka has access to approximately $450,000 in funds for Democracy and Human Rights programs. This is not a fixed figure. Depending on the proposal received they are in a position to request additional funds. Given their involvement in the peace process, they are quite flexible in terms of funding new initiatives.

Current Programs:

- Visit by 10 Members of Parliament to Norway in January. The GSL and opposition parties will select the participants. The four main themes for the visit will be: Constitutional Affairs, Privatization, Norwegian Local Government and the Parliament.

- The Mission selected a group of 10 provincial politicians who were sent on a study tour of Norwegian Provincial Councils.
- Distance learning for Public Servants through the Ministry of Public Administration.
- 1999 Presidential election and the 2000 Parliamentary election . Funding for CMEV, PAFFREL and Article 19-$165,000
- Institute of Human Rights- workshops, administrative costs and legal aid.
- MARGA Institute-publications on human rights.
- Institute of Democracy- start up costs $7,000
- International Center for Ethnic Studies-$165,000 to research into protection of minority rights.

Planned Programs:

- Training for Journalists. When the Sri Lankan Foreign Minister was in Oslo he requested that the Norwegian Government fund a training program for Sri Lankan journalists. The Mission is in the process of Identifying a suitable institution to work with.
- Institute of Human Rights. Legal Aid scheme for civil servants/ journalists that have been victimized. Funding public interest litigation to prevent the misuse of public property.
- Governance-strengthen the capacity of the Sri Lanka Institute of Local Government.
- Institute of Human Rights. Request from the UN High Commission for Refugees in Geneva to investigate the disappearances that have been investigated by the GSL. They are to verify the Governments findings and report back to the UNHCR.
- They have some post-conflict projects focused on rehabilitation and support for civil society.

European Union

- International elections observers at a cost of 1 million Euro.
- Funded the organization, Protecting Environment and Children Everywhere (PEACE). Small program preventing sexual abuse of children tourist resorts.
- Law and Society Trust-funded research and drafting of the Equal Opportunities Bill.

The European Mission has drafted a country strategy paper on Sri Lanka. The budget is decided in Brussels and the Mission has made its request. The two main themes are Human rights and Democratization. Their main focus is on humanitarian assistance. They pay half the bills of the UNHCR in Sri Lanka.

- They wish to follow up on their election observer mission. The focus being on Electoral Reform.
- Support for the Human Rights Commission
- Free Media. They have funded workshops on a free and responsible media in the past and they want to build on this.

UNDP

Current Programs:

- Institutional Strengthening for the Sri Lanka Institute for Development administration. $472,000
- Fiscal Devolution. Strengthen the fiscal framework along with institutions that manage fiscal policy. $694,000

- Judicial and Legal Reforms. Make the legal more responsive to civil/political rights as well as Social Economic and Cultural rights. This was a pilot project. $92,000.
- Strengthen the capacity of the Legal Draftsman Department. Assistance in drafting 12 key pieces of legislation. $592,000

All these programs are scheduled to be completed by December 2000.

Planned Activities:

The UNDP develops programs on the basis of 5 year program cycles. The next cycle will begin in 2002. However, some programs under the new cycle will begin in the middle of 2001. The UNDP in conjunction with the GSL will determine a Country Cooperation Framework. They expect the final draft on or about the 15th January 2001. They have about $1.2 million to program. There are two main areas: Human Rights and Decentralization/Devolution.

- **Human Rights Commission**. Approximately $700,000 (these figures are provisional). The Commission is drafting a proposal. This will concentrate on three main areas.

1. A review of domestic legislation with an analysis to see if it conforms with international obligations.
2. Strengthening of the regional offices.
3. Human rights awareness and education. This will be based on the Human Development Report 2000.

Ministry of Justice:

- The remaining balance of funds, $500,000 may be used by the UNDP to fund new initiatives with the Ministry of Justice.

1. Community Legal Aid Program. This may involve another assessment using an academic from the UK. There is a discussion on the issue of merging the Legal Aid Commission with the Community Legal Aid Program.
2. Expansion of the Ombudsman to cover areas such as education and health. The problem is that these areas are to be devolved. There may be a need for regional ombudsman rather than area specific ombudsman based in Colombo.
3. Bribery and Corruption Commission. The UNDP had an old proposal that was not implemented. The Minister is interested but the UNDP is questioning if there is any real political will. The Minister of Justice is interested in looking in to the issue.

Canadian International Development Agency

Governance and Institutional Strengthening Project:

This project is being implemented by the University of Ottawa and is funded by Canadian CIDA.

Introduction:

This project had a long period of gestation. It was first planned in 1991. This was followed by a four year development phase. In January 1999 their office was opened in Colombo and they signed their agreement with the Ministry of Justice in September 1999. Their four main programs areas are: Governance, Human Rights and Ethnic Understanding. They are also in the process of developing a concept paper on

assistance for the Media in Sri Lanka. Their researchers are also developing a program to enhance the role of women in peace building and human rights. They feel that women as a group have received a lot of assistance in terms of economic development but have not had sufficient attention paid to them in terms of human rights. They are planning their strategic review and this will be completed by Feb 2001. The completion date for this project is December 2002.

Programs:

Ethnic Understanding- This will involve two components. Community based conflict resolution and a bilingualism program in cooperation with the University of Colombo.

Human Rights: The development of non-legal and non academic teaching methods for Human Rights. In addition CIDA has a grants scheme for human rights projects.

Governance: They have been working with:

The Sri Lanka Institute for Development Administration,

The Office of the Ombudsman-computer training, awareness and the development of a case management system,

Sri Lanka Judges Training Institute-training in Public Law,

Social Responsibility in the Private Sector.

Federal Republic of Germany:

Most of their development activities are conducted through GTZ, the implementing agency of the Ministry of Development Cooperation. GTZ usually works in conjunction with a Sri Lankan partner. The exceptions are the funding the Embassy gave PAFFREL during the last election and the assistance to the National Child Protection Authority for Human Rights for Children. There were some programs through their cultural program. These included seminars on peace building and visits by academics from German universities.

South Asia Institute-University of Heidelberg

Opened a branch office in Colombo. They work in conjunction with GTZ and the University of Colombo on conflict related issues. Their main function is to liaise between academics and the implementers of development programs e.g. GTZ. They have just completed a National Youth Survey 2000 for Sri Lanka. This survey has also focused on the conflict zone.

Political Foundations:

Such as the Konrad Adenauer Foundation. These foundations engage in awareness building/ capacity building in areas such as political systems, Trades Unions, Democracy and Electoral systems.

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