

PEACE AND DEVELOPMENT

THE ROAD TO TOKYO

**CENTRE FOR POLICY ALTERNATIVES
&
BERGHOF FOUNDATION FOR CONFLICT STUDIES**

26TH – 27TH APRIL 2003

INTRODUCTION

The Centre for Policy Alternatives (CPA) organised a conference on ‘Peace and Development: The Road to Tokyo’ on 26th and 27th April 2003 in Colombo, Sri Lanka as part of the CPA-Berghof Foundation for Conflict Studies Peace Road Map Initiative. This conference was organised with the objective of channelling civil society input to Key policy makers and donors on issues related to the peace process arising out of the Regaining Sri Lanka and Assessment of Needs in Conflict Affected Areas of the North-East documents, in preparation for the donor meeting in Tokyo in June 2003.

This report identifies the themes around which the discussions were based and provides a synthesis of the discussions that took place over two days.

Dr. Paikiasothy Saravanamuttu, Executive Director, Centre for Policy Alternatives (CPA), in his welcome address, spoke of the importance of critically analysing the Regaining Sri Lanka and Needs Assessment documents, and said that the future of Sri Lanka’s political and economic development were underpinned by these two documents. He further stressed the importance of a civil society input into these documents and accordingly the need for practical suggestions and recommendations to be made in the working groups.

In his introductory remarks, Mr. Sunil Bastian, Director, CPA, underscored the importance of local expertise in the planning and implementation of any developmental activity in Sri Lanka, and also an acute knowledge of the grassroots level power structures. These, he argued, informed the processes of development in Sri Lanka to a larger extent than donors knew or were willing to recognise.

Mr. Bastian said that the focus of the Tokyo conference was much wider than reconstruction of the North/East. The Tokyo Donor Conference, he said, is going to discuss the overall development plans for Sri Lanka - hence the need to look beyond reconstruction issues.

He said that clues as to the basic assumptions on which ‘Regaining Sri Lanka’ was written, are found in the second paragraph of the introduction which states, ‘Sri Lanka began to liberalise its economy in 1977. Since then it has made considerable progress. However in recent years that progress has slowed, if not come to a virtual halt compared to many other countries.’

The subtext of this statement, Mr. Bastian said, was that post ’77 shifts in the development policy were basically positive, but have faced some problems in recent times. He said that the policies in the Regaining Sri Lanka document were meant to overcome these problems.

The other basic preoccupation of the document, he said, is the need for economic growth – a 10% growth rate. He went on to say that this narrow focus on economic growth was not enough and that the focus on economic growth alone will not alleviate poverty. Specific interventions need to be undertaken to ensure that equitable distribution takes place.

Pointing to the need to critically examine the economic policies of the last 25 years, Mr. Bastian flagged three outcomes of the development processes that followed the introduction of the free market economy.

1. Political decay, with increasing political violence. Once violence began to dominate electoral politics, political parties had to engage persons and field candidates capable of handling this violence. This in turn, adversely affected the way political parties were run.
2. Extensive network of political patronage and the proliferation of line Ministries.

3. The destruction of rural livelihoods. This in turn fed into a system of political patronage since benefits from political masters was the only source of income to those whose livelihoods were lost by the destruction of the small holder agricultural economy.

He also spoke about the inequitable distribution of wealth, which in turn had led to an unequal society. Twenty five years of civil war, he said, had exacerbated this inequality.

Mr Bastian said that reflections on the post'77 period demonstrate the limitations of the basic assumptions of the Regaining Sri Lanka document. However, he said that alternatives could not be found in the pre'77 period or in some golden mythical past. On the contrary, he said, we need to find alternatives through an understanding of the contradictions of the present.

A civil society that believes in democracy, social justice and pluralism, he went on to say, had a lot to contribute to this project.

PERSPECTIVES ON ‘REGAINING SRI LANKA: VISION AND STRATEGY FOR ACCELERATED DEVELOPMENT’ AND ‘ASSESSMENT OF NEEDS IN THE CONFLICT AFFECTED AREAS OF THE NORTH-EAST’

Presentation of Mr. Kethesh Loganathan, Director, CPA and Head, Conflict and Peace Analysis Unit

Mr. Loganathan placed Regaining Sri Lanka in the context of peace and development in Sri Lanka. He said that following the Oslo Donor Conference of November 25, 2002 - a meeting convened by the donor/international community with the objective of extending its support for the peace process in Sri Lanka and a precursor to a full-fledged donor conference in Tokyo in June 2003 - the Sri Lankan Government first made public “Regaining Sri Lanka: Vision and Strategy for Accelerated Development”.

He also said that subsequent to the release of “Regaining Sri Lanka” in December 2002, the multilateral institutions, the World Bank, ADB and the UN System jointly released the draft of their “Assessment of Needs in Conflict Affected Areas of the North East” in early April, 2003. These two documents, Mr. Loganathan stated, constituted the basis on which the donor community will deliberate on its response to the “wish list” that would be placed before it by the Government and the LTTE at the Tokyo Donor Conference in June 2003.

Mr. Loganathan said that it is also pertinent to note that document remains silent on the vision of a future State based on sharing and is highly economic-centric. But even here, he said, it matters relating to fiscal devolution, which will undoubtedly be a stone of any political and constitutional settlement to the ethnic say, that other than the rhetorical reference to the inseparable and development, there was no indication whatsoever of the Lankan economy that is being envisaged in the Regaining Sri Lanka document - in particular the relations between macro-economic planning and regional economic planning and management.

“ He went on to say, that other than the rhetorical reference to the inseparable link between peace and development, there was no indication whatsoever of the post-conflict Sri Lankan economy that is being envisaged in the Regaining Sri Lanka document...”

Regaining Sri Lanka self-rule and power-remains silent on constitute a corner conflict. He went on to link between peace post-conflict Sri Lanka document – in management and militarization of the remedy, it was

He contended that if there was a single factor that led to the ethnic conflict, to which “Regaining Sri Lanka” seeks to find a undoubtedly the UNP regime of President J.R. Jayawardene. He said that it would have required an act of immense courage for the authors of “Regaining Sri Lanka” to have made this acknowledgement as a means of fostering reconciliation, but he also went on to say that was perhaps expecting too much.

However, Mr. Loganathan said the fundamental questions that need to be posed are what “Regaining Sri Lanka” means and what exactly we are trying to “regain”. On these, he said, the document is silent.

Cautioning against the heavy neo-liberal bias in the Regaining Sri Lanka document, Mr. Loganathan said that the mere encouragement of rural-urban migration or assuming that such a migration is an inevitable and an unavoidable consequence of economic transformation, is to create the conditions for urban-bias in economic planning and the consequent intensification of rural poverty and urban ghettoisation,.

Mr. Loganathan also questioned the lack of attention given in the Regaining Sri Lanka document to poverty caused as the result of the war – in particular in the North-East. He said that while unofficial studies estimated that 75 % of the populace in the LTTE

controlled areas of the Vanni fell below the poverty line, official surveys conducted in Government-controlled areas and referred to in the Poverty Reduction Strategy document, indicated that the incidence of poverty in Government-controlled areas was actually less than some of the districts in areas outside the North-East. He went on to say that it was also pertinent in this context to refer to Mr. Balasingham's letter to the Prime Minister stating that Regaining Sri Lanka failed to make a distinction between structural poverty and poverty caused as a result of war.

Mr. Loganathan questioned the importance in the Regaining Sri Lanka document given to a 10% growth rate? The obsession with the 10% growth rate and the assertion that it can be done, he said, could paradoxically encourage investments in non-productive, service-oriented sectors with little value-added and backward and forward linkages within the economy. The above pattern of economic growth, Mr. Loganathan went on to say, would be reflected in high growth rates without creating the basis for sustainable and balanced development.

Mr. Loganathan ended his presentation by posing six questions:

1. Is development a condition for peace or vice versa? Is this a real dilemma or false dichotomy? If the former, how does "Regaining Sri Lanka" deal with this?
2. How does one address the problematic raised by the LTTE that "Regaining Sri Lanka" ignores the Rehabilitation & Reconstruction needs of the North-East caused by the war?
3. How does one communicate to the country at large the urgent need to prioritize rehabilitation and reconstruction in the North-East arising out of the devastation caused by war?
4. What is the relationship between structural poverty and poverty as a direct consequence of the war and how does one address the two – as problems that are distinct or inter-related?
5. What are the problems related to a transition from a War economy to a Peace economy?
6. Can one speak about sustainable development without reference to the broad contours of a political constitutional settlement?

Presentation of Mr. Susil Sirivardana, Associate Coordinator, South Asian Perspectives Network Association (SAPNA)

Mr. Sirivardana based his presentation on three points;

1. The need to revisit the ethics and values of the peace process.
2. The need for a political approach rather than a technocratic approach.
3. Innovation as a fundamental premise for peace and development.

He said that that a paradigm shift in thinking was needed to visualise solutions to grapple with the complexities of the peace process and development processes. The need for empathy, mutual respect and trust, he went on to say, needed to underpin peace and development. This emphatically involved the raising of the sights of the Government and the LTTE, he said this task demands honesty, boldness, imagination, generosity, justice and a sincere political commitment.

However, he said that the recent withdrawal of the LTTE from the peace talks was indicative of an erosion of the trust that had been nurtured after the Ceasefire Agreement in February 2002.

Mr Sirivardana also spoke about the different worldviews of the people in the South and North East. Against the backdrop of the devastation caused by protracted conflict and given the ground realities, he stressed the need to recognize dual structures of power and authority in the North-East. The structures, he said, would be subject to multi-level monitoring and checks and balances. Mr. Sirivardana also stressed the need for accountability and transparency as a common cross-cutting principle.

He said that time was of essence in the North-East, and that development needed to make a visible difference to the lives of grassroots level communities. People, he went on to say, were at the heart of peace and development and the State needed to develop a sensitivity and a responsiveness to the needs of the people. A bureaucracy and technocracy insufficiently sensitive to these needs, he warned, was irrelevant and harmful to an environment of sustained and successful conflict transformation.

Arguing against a technocratic approach to conflict resolution, development, Mr. Sirivardana said that the interests of the should take centre-stage in the process. This meant fully valorising every initiative they have taken on their own to rebuild without external support .For example, the IDPs who had resettled first indices of positive rehabilitation. This also showed that the capacity to rebuild their lives. What was needed was to build on capacities already demonstrated by them. This was not the followed.

“Arguing further against a technocratic approach to conflict resolution, peace building and development, Mr. Siriwardene said that the concerns and interests of the people should take centre-stage in the peace process.”

peace building and affected people recognising and their lives, with or already, signified the people had some these initiatives and approach being

He was also sceptical about the primacy given to the role of the Regaining Sri Lanka document, and said that public sector reform also needed to be looked at as a possible engine of growth.

private sector in the

The centerpiece document for Tokyo, Mr. Sirivardana said, should have been a Performance Report faithfully reflecting the situation on the ground in the conflict affected areas. The report, he went on to say, would have attempted to factually record the achievements of micro communities at the village level – detailing what people had done on their own, what they had done with the assistance of support systems and mechanisms and also areas where nothing had been done because of mines or other impediments. Mr. Sirivardana bemoaned the lack of such a document, and called it a missed opportunity for vividly mirroring the dynamic reality on the ground.

Speaking further, he drew attention to the lack of institutional memory. Regaining Sri Lanka, he contended did not deal with decentralisation and local government and did not reflect the findings of documents like the Presidential Report of 1999 on Local Government.

Mr. Sirivardana said that the short-comings of the Regaining Sri Lanka document highlighted a mindset which was not adequately cognisant of factors needed for sustainable development in Sri Lanka. It was not, he said, a matter of adding paragraphs to address these short-comings – the very spirit of Regaining Sri Lanka needed to be revamped with an emphasis placed on the people.

Speaking of the need for innovation, he said that existing bureaucratic and institutional structures needed to be revitalised with new thinking in order to engender development. Innovation, Mr. Sirivardana stressed, demands the practice of inclusivity, equity, creativity and imagination.

“ The examination of past experiences - where the State had played an active role and primacy given to the active involvement of the people - and incorporation of these experiences in the Regaining Sri Lanka vision, he said, could be a building block of sustainable development.”

The examination of past experiences - where the State had played an active role and primacy given to the active involvement of the people - and incorporation of these experiences in the Regaining Sri Lanka vision, he said, could be a building block of sustainable development. From the perspective of development theory and practice, he went on to say, these past experiences “contradistinguish” themselves from the thinking behind the Triple RRR and Poverty Reduction Strategy documents. In the best of development programmes, Mr. Sirivardana said, the state joined the development processes of the people, instead of inviting the people to join processes of the state. He

went on to say that this was where participatory development and delivery-oriented top down development parted ways.

Finally, he said that self-critical review of the experiences of the past months was needed to gain lessons for the future. While Regaining Sri Lanka was useful as a statement setting new directions for the international community, it has many areas he contended which are unaddressed. Furthermore it was not a document that was friendly to local communities. A high powered civil society think-tank, he felt, was also needed to re-iterate concerns regarding the Regaining Sri Lanka framework, development and the peace process.

Presentation of Mr. N. Balakrishnan, former Dean, Faculty of Arts, University of Jaffna

Mr. Balakrishnan began his presentation by placing the Needs Assessment document in the context of regaining Sri Lanka, and said that regaining Sri Lanka should also mean regaining the North-East, the region most affected by the conflict. He said there were many references and discussion about the North-East in the official document, particularly on 'conflict related poverty' and 'resources for reconstruction'. However, he went on to say, the strategy for economic development envisioned in the document is country-wide and not adequately focused on the problems of the North-East.

Mr. Balakrishnan stressed the need to remember that the development gap between the North-East and the South needed to be bridged, necessitating a considerable transfer of resources.

Resettlement with necessary support services, the rebuilding of infra-structure, restoration of power, water, sanitation, restoration of livelihoods to those engaged in fisheries, trade and agriculture, institutional capacity building, skills development for youth were all needed, he said, for the North-East to enter the mainstream development process.

Needs Assessment estimates, he said, indicate a total cost of 1.38 billion US dollars in terms of immediate and medium term perspectives, about 85% of which are for meeting economic and social infrastructure. An additional sum of 1.44 billion US dollars to meet long term needs would make the total cost 2.82 billion US dollars.

Mr. Balakrishnan also posed two questions. He asked how funds on the scale of the Needs Assessment document would be mobilised, and questioned the existing institutional capacity in the region to cope with the major tasks of reconstruction and rehabilitation.

“ Speaking about what he said were ‘controversial’ issues, such as human rights and underage conscription, he said that there was still insufficient awareness amongst the stakeholders on how to tackle these issues.”

He said that there was a general expectation that the international donor community, in support of the peace process and a negotiated settlement to the ethnic conflict, will provide much of the financial assistance for reconstruction and development activities in the North-East.

Speaking about what he said were ‘controversial’ issues, such as human rights and underage conscription, he said that there was still insufficient awareness amongst the stakeholders on how to tackle these issues.

Finally, he said that that the capacity of the private sector needed to be built in the North-East. For all of these challenges, Mr. Balakrishnan saw the partnership between the LTTE and the Government as vital. He said that the commitment of both parties to the peace process underpinned all developmental activity, and in this respect said that the LTTE has yet to articulate fully its views on major developmental issues in the North-East. Such a declaration, he went on to say, could facilitate better understanding between the two sides, help in confidence and trust building and take the peace process further.

Plenary Discussion

Participants said that importance should be given to the utilisation of existing capacity in the North-East. In order to do this, an examination of the coping strategies of people in the North-East was flagged as important.

The importance of a new financial architecture, underpinned by the realities of the economic structures in the North-East was also considered important by others. They stressed that the savings of people in the North-East should be utilized, in addition to donor aid, for reconstruction and rehabilitation efforts in the region. Some participants also pointed to the need to rectify the situation of the wide disparity between the local funds held by banks in the North –East and the funds they make locally available for rehabilitation and development.

Some also said that people who were resettling in the North-East money. Reiterating the point made above, participants noted that East have received substantial savings, a fact that needed to be funds, they went to say, were coming in very slowly and there are processing aid money.

It was felt that the Regaining Sri Lanka and Needs Assessment adequately take into account the complexities of the ground East. Institutions for planning and implementing developmental East, many felt, should not only be donor driven – local decision making was pivotal, they said, to the long-term success The point was also made that the war affected people in the North coped with their reality and demonstrated some capacity and therefore, was to utilise these available capacities and build on them to the full.

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were using their own banks in the North-recognised. Donor also delays in documents did not situation in the North-activities in the North-participation in of these institutions. East had already what was needed

Some said that in terms of content, the Needs Assessment appears to give priority to the interests and development agendas of the international agencies, (reflected in an urban bias though 80% of the north-east economy is agriculture and fisheries based and also a bias towards large scale infrastructure projects rather than agrarian and fisheries sector development) and the undervaluing of research and development in the higher education sector in light of the new global knowledge based economy. Participants went on to say that it appears that insufficient attention is given to the priorities of people most affected by war.

Some participants also spoke of the need to ascertain the loan and grant proportions of the money pledged to Sri Lanka for rehabilitation. Serious examination of the financial consequences arising from this, in particular the implications for indebtedness was highlighted.

Participants felt that the importance of fiscal federalism, especially in view of a final constitutional settlement which would be federal in nature, was not fully reflected in the Regaining Sri Lanka or Needs Assessment documents. This they felt was a crucial flaw.

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A better idea of the legal and financial framework for investment in the North-East, many believed, would engender greater capital inflow into the North-East. Some participants pointed to the continuing double-taxation system of the LTTE, the opaque financial regulations in the North-East, the lack of transparency and accountability of institutional structures, an obstructive bureaucracy and the culture

of corruption, as factors that were not conducive for long term peace or development. Some participants also drew attention to the need to examine the ramifications of the existing institutional landscape in the North East, which they characterized as one of a “failed” and/or “failing state” alongside a “proto-state”. In this context, attention was also drawn to the need to appreciate the “fragility” of emerging structures.

Participants constantly re-iterated the need for a bottom-up approach to development. Development, they said, needed to be shaped by the people for the people. Many felt that the Regaining Sri Lanka and Needs Assessments documents did not incorporate this fundamental precept of sustainable development.

Political stability in the South, effective co-habitation between the President and the Prime Minister and a sense of urgency and sincerity which underpinned developmental activities in the North-East, many felt, was vital to buttress the peace process.

PERSPECTIVES ON HUMAN RIGHTS BENCHMARKS AND THE PEACE PROCESS

Mr. Brian Smith, Post-Conflict Specialist, ADB

Mr. Smith spoke about human rights, the peace process, and their links with development. He said that sustainable, long-term development could not happen without the security of a stable and just peace. Without peace, he said, or an emerging peace, donors had no justification for giving large amounts of aid to Sri Lanka. Donors were accountable to taxpayers in their respective countries.

He said that peace was not just the mere absence of war. Peace, according to Mr. Smith, was when a society had developed non-violent conflict resolution mechanisms and had the long term interests of communities in mind. Peace he said was not about a mere agreement, but also about the legitimacy given to that agreement by its effective operationalisation on the ground.

Human rights, Mr. Smith said, was not a western import. Human rights, he went on to say, were the legitimate aspirations of people and communities – the right to life with dignity for instance.

However, multi-lateral donors, he said, because of the way in which they were constituted, would not be as effective as bi-lateral donors in flagging the importance of issues such as human rights in the peace process.

He also spoke of the importance of civil society, and said that its advocacy and lobbying helped define controversial issues like human rights and their linkages with peace and development.

Ms. Sunila Abeysekara, Director, INFORM

In her presentation, Ms. Abeysekara said that the discussion of human rights benchmarks and their inclusion in the formal peace process also had to take cognisance of the needs and concerns of a wider range of groups and individuals who were not part of the mainstream discourse.

She highlighted the urgent need for trust building and dialogue within and between communities and the need for reconciliation. The issue of caste, she said, was one example of an area completely ignored by the donor centric vision of development in the North-East, and by extension the Regaining Sri Lanka and Needs Assessment documents. She further said that it was disturbing that discussion about resettlement and equality had no mention of the caste factor and other forms of discrimination.

Ms. Abeysekara also spoke about increasing differences among people in the North-East – between the Muslims and Tamils and between Eastern Muslim and Northern Muslims for instance. These differences, she felt, if not addressed and allowed to fester, could undermine public support for the peace process in the North-East.

She also spoke about the lack of a gender perspective in the Needs Assessment – discrimination, she said, was the ground reality for many women and children in the North-East, and the failure to address this was seen by her as a serious problem.

Speaking about Anuradhapura and Polonnaruwa, she wondered whether there would be funds to address the developmental needs of these regions as well, which had also been affected by the conflict. People in these areas, as in the North-East, she

said, had genuine concerns about their future and their livelihoods. She was unclear how the Regaining Sri Lanka and Needs Assessment documents dealt with these concerns and recognised the diverse spectrum of opinion in the North-East.

Ms. Abeysekera spoke about the disconnect between events on the grounds and agreements reached and decisions taken at the official negotiations between the Government and the LTTE. This disconnect, she observed, could upset the process of trust building and confidence between the parties, and could be detrimental to the peace process. Civil society, she felt, had a vital role to play in raising the public awareness and confidence in the peace process. It needed to develop its own benchmarks and monitoring mechanisms.

Plenary

Participants underscored the importance of many of the points brought out in Ms. Abeysekera's presentation. Many pointed out the practical difficulties of linking human rights with development aid and assistance for rehabilitation, given the sheer complexity of the ground situation in the North-East – a fact, many went on to say, that was not addressed adequately in the Needs Assessment document.

Echoing the views expressed in the earlier plenary, many also spoke about the importance of grassroots participation in the development of the North-East. Many also felt that agriculture and fisheries as well as issues of food security were not given enough attention in the Needs Assessment document.

“Others spoke about the general disillusionment as well as apathy towards the protection of human rights in Sri Lanka...Human rights, they further said, were closely linked to democratic rights.”

Some participants said that the caste issue could be resolved with a greater social consciousness and not necessarily by legislation. The continued presence of High Security Zones (HSZs) was also flagged as a problem for human security and human development in the North-East. Others also said that HSZs undermined attempts to build trust between communities, and was thus inimical to the spirit of the Regaining Sri Lanka framework.

Others spoke about the general disillusionment as well as apathy towards the protection of human rights in Sri Lanka, and said that in a atmosphere where political dissenters and opponents were killed by certain political forces, there could not be any serious discussion or movement on human rights and sustainable development. Human rights, they further said, were closely linked to democratic rights.

The lack of local expertise feeding into policy making decisions regarding development was also seen by some to be a failing. The use of local resources and local skills in the formulation of plans for development in the North-East was flagged as very important – foreign experts, it was felt by participants, did not always have an adequate knowledge of ground realities.

Reacting to the concerns highlighted by Ms Abeysekera, some participants said that the Needs Assessment was a document that was completed in the space of two months, and agreed that it did not look at the complexities of development and peace building in the North-East. However, they said, the Needs Assessment was a not a comprehensive and definitive estimation of needs and capacities in the North-East. More ground work, they concurred, would have to be done by implementing agencies before the operationalising of any developmental project in the North-East. That donor assistance will not be channelled exclusively through the North East Rehabilitation Fund was also brought out in this plenary session.

That the Needs Assessment document consciously avoided pre-judging any issues that were part of the negotiations between the Government and the LTTE and that the silence on arrangements for the implementation of projects was on account of this, was brought out in this plenary session as well as the previous one.

Speaking on the Needs Assessment, some participants spoke of the need for a budget review – to find out what assumptions underpinned the costs in the budgets. Participants said that the Needs Assessment does not contain a breakdown of the budget in terms of operational, administrative and program costs, even though it is common knowledge that in many countries in the post/conflict phase most of the funds for post/conflict reconstruction are absorbed by the international post/conflict and development industry and their staff as well as networks of local businesses and bureaucrats, and that very little of the funds reach the intended beneficiaries. They went on to say that there is a need for accountability and transparency and Sri Lankan civil society expect this.

Also re-iterated was the need for the Needs Assessment document to refer to previous studies that had been done in the North-East. The RRR study, various assessments and project proposals submitted by local government, provincial councils and district line agencies, should, participants, be reflected in the Needs Assessment survey.

Others however, raised concerns over the partnership between the Government and the LTTE. This partnership, they said, had to now look at issues such as human rights and progress towards a political settlement, because, the peace process had evolved beyond the initial normalisation and stabilisation stage. The modalities and mechanisms for this were important. By way of example illustrating these concerns, some participants also questioned the UNICEF-TRO action plan on children, and said that there were very serious concerns about the future of children in transit centres managed by UNICEF and TRO in the event of a resumption of war.

Some felt that it was important to let the ICRC visit all detainees, and not just prisoners of war.

Participants repeatedly stated the importance of a public awareness campaign to sensitise the South on the massive scale destruction and devastation in the North-East, and the urgent need for reconstruction and rehabilitation. Civil society, some felt, had an important role to play in this.

Going further, in the plenary discussion on the working group findings on Human Rights Benchmarking and the Peace process, many participants said that a civil society coalition could help address some of the concerns that were brought up as part of the discussion. Some felt that this coalition could be a third force in the peace process. Others thought that some sort of civil society mechanism could help ameliorate conflict in areas like Mutur, where an early warning mechanism and effective civil society mediation could help lessen communal tension and violence.

PRESENTATIONS AND RESPONSES BY PANEL - 27TH APRIL 2003

Introduction

A presentation of a summary of working group findings preceded the presentations of Hon. Milinda Moragoda, Minister of Economic Reforms, Science and Technology and H.E. Seiichiro Otsuka, Ambassador of Japan. The presentation by Mr. Selvin Ireneuss, Director, SIHRN, did not take place as he could not attend the conference.

A report on the findings of each working group is attached in Annex 1.

Presentation by H.E. Seiichiro Otsuka, Ambassador of Japan

Ambassador Otsuka began his presentation by underscoring the importance of dialogue to move the peace process forward and also flagged the importance of civil society in facilitating this dialogue. He went on to say that high level talks between the Government and the LTTE needed to be supported by a broad consensus among the people.

Speaking about the Tokyo Donor Conference, to be held in June 2003, Ambassador Otsuka first said that the conference was intended to show the unified commitment of the international community to the reconstruction and development of Sri Lanka. He went on to say that the conference will support the work of SIHRN, and will also seek to give further momentum to the promotion of the peace process between the Government and the LTTE. Peace and development, he said, were mutual reinforcing.

He said that 60 countries and 20 international organisations would be invited to the conference, among which would be the six SAARC countries, 10 ASEAN countries, all 15 European Union members countries, Australia, Canada, China, Korea and Russia. Of the international organisations, he said the World Bank, the IMF, ADB, UNDP, UNICEF, UNHCR, ILO, FAO, UNFPA, WHO, WFP and many others would also be invited.

Japan, Norway, the United States and the European Union, he said, would be the co-chairs.

The Ambassador said the conference would feature statements from the Prime Minister of Sri Lanka, the Prime Minister of Japan, the four co-chairs and the Chief Negotiators of the Government and LTTE. The Needs Assessment and the Regaining Sri Lanka documents would also be discussed at this venue, he went on to say.

He also said that a report from civil society on peace and development processes in Sri Lanka and one from the private sector focusing on trade, tourism, development etc would also be a feature of the Tokyo Donor Conference.

Underscoring the importance of the participation of the LTTE, Ambassador Otsuka expressed his belief in the Government's sincerity in addressing the concerns of the LTTE and that the Norwegian facilitators were also hard at work to ensure the stability of the peace process. Japan, he went on to say, was going ahead with preparation for the conference in June.

Ambassador Otsuka was hopeful about the peace process, and said that although there had been substantial progress so far, much work still needed to be done.

Minister Moragoda based his presentation on the working group findings, and addressed many of the concerns raised there as well as re-iterated the importance of many other issues that were flagged in the working group discussions.

He said that peace underpinned development, and agreed that peace and development were inextricably entwined in a mutually reinforcing dynamic.

Speaking about the mutual suspicion that coloured the approach to negotiations by both sides at the outset, he said that over the months, the mutual suspicion had given way to a mutual caution. This mutual caution, he said, would take a long time to go away. He also agreed that the lack of a Southern consensus was a source of concern to the LTTE and was a problem that needed to be addressed.

Minister Moragoda said that the Prime Minister himself had led the consultative process in the production of the Regaining Sri Lanka document, and that the Poverty Reduction Strategy document had also fed into it. Speaking further about Regaining Sri Lanka, he said that at consultative meetings to discuss the document, the LTTE was very cautious in bringing in political matters into the RSL framework. He went on to say that the Government did not want the Regaining Sri Lanka document to get embroiled in the political process, until such time it dovetailed with political developments in the peace process. However, he also said that the Regaining Sri Lanka document was very much a work in progress.

The Minister gave the same reason as above when he addressed Regaining Sri Lanka document did not adequately address the reconstruction needs in the North East arising out of the war.

Speaking on benchmarks, the Minister said that benchmarks immediate humanitarian support, and should also not adversely development. He said the design of benchmarks should be done

Underscoring the importance of suggestions of a practical nature, also said that civil society oversight in the disbursement of funds implementation of projects would be a matter that would need to

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should not be tied to affect overall very carefully.

Minister Moragoda and the be looked into.

The need to tackle the evolving mindset of the LTTE, Minister Moragoda believed, was of utmost importance. A sustained dialogue between the Government and the LTTE to discuss the possible structures for facilitating developmental activities in the North East, he went on to say, was of critical importance, and needed to be done even before discussion on political matters. Although Minister Moragoda said that the Regaining Sri Lanka framework was intentionally ambitious, and that a lot of attention had been paid to the operationalisation of the document, he concurred that implementation of projects needed to be looked at more carefully.

Addressing the problem of the different worldviews of the North East and the South, the Minister said the only way the Government could addressing this divide was to start the implementation of projects as soon as possible and show visible signs of development. He also said that the LTTE wanted to be seen to be delivering development to the North East, and on account of this, was cautious of government intervention in this area. He stressed the importance of recognizing this sensitivity of the LTTE.

He also said that although the Sub-Committee on Political Matters had not met, meetings between Prof. G.L. Peiris and Dr. Anton Balasingham had taken place on many occasions, and went on to say that developments on political matters would be gradual.

Speaking about the Needs Assessment document, the Minister said that if the scope for the document had been wider or more inclusive, it would not have got off the ground. He went on to say that the focus of SIHRN should be to get things done on the ground. Discussions, Minister Moragoda said, on the expansion of SIHRN would come later, but concurred that broader issues would inevitably have to be factored in at that time.

Reiterating the importance of a point that was brought up many times by participants in the plenary discussions, Minister Moragoda emphasized the importance of people to people contact, and said that this was perhaps even more important than engaging the media. People to people contact, he said, could help stem the demonisation of political actors and communities, and help build better understanding, trust and mutual respect within and amongst communities.

The real concern, he said, is preventing the erosion of confidence in the peace process. This, the Minister went to say, could be aided by greater clarity regarding the human rights roadmap, effective human rights benchmarking, and greater involvement of civil society and donors in the peace process.

Plenary

In response to a clarification by a participant, Minister Moragoda re-emphasised that the Government did not want to include political matters in the Regaining Sri Lanka and Needs Assessment documents. Going further, he said that the process was a learning experience for both sides, and both sides were cautious about pre-empting political matters before they had a chance to be discussed in the official negotiations. However, he went on to say, it was important to note that many of the implementing agencies for projects under SIHRN would be government institutions.

Some participants spoke of the need to have a value added Tokyo Donors Conference in June 2003, and not just have it as an event that centred on aid, since, they went on to say, aid had already been forestalled. Speaking on the gaps in the current peace process, some also spoke of the urgent need to have a carefully selected high level representative of the Government who could play a strategic troubleshooting and liaising role between the two parties.

Another participant raised the question about divisions within the government itself – of those who were sensitive towards the peace process and those who were not. Others also said that the recent withdrawal of the LTTE from the peace process could also mean that less interest is given to issues of vital concern – like the roadmap on human rights and a roadmap to a final political settlement.

In response, the Minister said that the current impasse was a part of the process, and that many more hurdles would follow. He re-iterated that the Government operated within a principled framework to negotiations – flexible, firm and sincere – and that issues such as human rights were very much part of the agenda.

Another participant said that reforms to the archaic structures and institutions of government cannot wait until a final settlement. However, the participant went on to say that these reforms, though urgently needed, would take cognisance of developments in the peace process and the fact that a final settlement will be federal in nature.

“Minister Moragoda said that the important emphasis on transparency and accountability had to be sensitive to the LTTE, who had to be nurtured into a realisation of the importance of these guiding principles. A lack of sensitivity, he said, could lead to

Actual figures of development aid, another participant added, would have to wait until the Tokyo Donors Conference, since the Needs Assessment was only an estimation of the sums of money that would be needed. The focus of aid for the North-East, the participant continued, would be on grant aid and not loans. Minister Moragoda said that the important emphasis on transparency and accountability had to be sensitive to the LTTE, who had to be nurtured into a realisation of the importance of these guiding principles. A lack of

sensitivity, he said, could lead to misunderstanding and the perception that the Government and donors were only trying to delay funding and project implementation.

Some participants said that the donors themselves needed to be transparent and accountable in their activities in Sri Lanka. In response, others said that the estimates in the Needs Assessment were fully costed preliminary estimates – more work would be needed before the implementation of any project on the ground.

Minister Moragoda said that in Sri Lanka, unlike the perception in some countries like Afghanistan, donors would not be driving the processes of peace and development.

Speaking on the importance of innovation and the pivotal need for a paradigm shift in thinking, participants hoped that stakeholders would realise the importance of time – that too much time should not be taken for the development of the North-East. This should not be a protracted process. Minister Moragoda concurred, but also cautioned against the over-emphasis of innovation – innovation, he said, should not take away from the importance of coming up with clear roadmaps on human rights and federalism, and the contours of a final constitutional settlement. Without this awareness, he went on to say, innovation could mean that the stakeholders merely over-burden themselves.

Reiterating some of the concerns brought out in plenary discussions held earlier, participants cautioned against the over-emphasis of the partnership between the Government and the LTTE. Many said that the firm resolve to include issues related to human rights and federalism was needed to ensure the success of the peace process. Others also cautioned against holding the people of the North-East ransom for what they felt to be the cavalier attitude of the LTTE towards the peace process as exemplified by its decision to temporarily suspend participation in peace talks and not attend the Tokyo conference. Any postponement of the Tokyo Donors Conference in June, they went on to say, would only prolong the suffering of those most affected by the conflict.

Some also spoke out against the bias towards planned urbanisation in the Regaining Sri Lanka document, and warned that an unseen danger of this bias could be the intensification of rural poverty and urban ghettoisation. This in turn, the participants said, could breed discontent in the South, with serious ramifications on the peace process.

Minister Moragoda, responding to some of these concerns, said that although the focus for development was on growth, development of agriculture had not been neglected. The basic vision he said, was that the private sector function as the engine of development and growth. The Government, he said, would only plug the gaps.

Minister Moragoda highlighted the statement of Dr. Anton Balasingham who, in his interview with Tamilnet in response to the comments of the Ambassador of the United States, H.E. Mr. Ashley Wills, said the LTTE “was in favour of an open market economy based on liberal democratic values.”¹ The Minister said that other stakeholders needed to engage with the LTTE based on this comment and develop mechanisms for sustainable peace and development.

There was much discussion on the issue of Muslim participation the flashpoints and increasing violence in the East. Some felt being deliberately side-lined in the peace process, and the two main protagonists in the Committee on Political Matters had participation of Mr. Rauff Hakeem. This lack of sensitivity, and there was an increasing lack of enthusiasm to factor in Muslim process, participants said, could sow the seeds of a future

“Some felt that Muslims were being deliberately side-lined in the peace process... This lack of sensitivity, and the perception that there was an increasing lack of enthusiasm to factor in Muslim opinion in the peace process, participants said, could sow the seeds of a future conflict.”

in the peace talks, and that Muslims were meetings between the excluded the the perception that opinion in the peace conflict.

¹ For full interview see <http://news.tamilnet.com/art.html?catid=13&artid=8853>

In response, Minister Moragoda said that the Government was firm in its resolve to tackle the Muslim issue. He also pointed out that the lack of a united position amongst Muslims was a problem that needed to be addressed urgently. This lack of unity, he went on to say, had led to confusion amongst all the stakeholders. However, he also said that Dr. Anton Balasingham had met Mr. Rauff Hakeem, and that discussion of this nature would continue to address outstanding issues regarding the Muslims. He also stated the importance of the LTTE refraining from exacerbating local conflicts in order for the peace process to succeed.

Linked to the above, there was also discussion on early warning mechanisms in the East. Participants said that these mechanisms could have helped in stemming the violence in Mutur, and prevent future incidents of this nature. Another participant said it was not merely about setting up committees, but properly operationalising of them that held the key to their effectiveness. The problem, the participant went on to say, was that many committees set up for the purpose of identifying potential conflict had ceased to function—they had become too politicised, or had succumbed to the pressure of the LTTE. These were problems, the participant stressed that had to be addressed in setting up early warning systems in the North-East.

Other participants said that economic woes could lead to an erosion of public confidence and support for the peace process, especially in the South. Going further, many noted that the Regaining Sri Lanka document was not underpinned with a broader social philosophy and the need to broad-base growth.

In response Minister Moragoda said that sustainable development could not occur if the grassroots communities were not touched by this development. He said that donor aid was not a panacea for the economic woes of Sri Lanka, but said we needed their support. The Minister also identified the lack of a bi-partisan approach to politics as another problem which hindered growth and development.

Some participants spoke out against the state media, who they said did not adequately sensitize the population on the acute need for reconstruction and development in the North-East. Much more work, they said, also needed to be done at the grassroots level, since the peace process seemed to be centred on the official negotiations and not so much on public awareness raising.

Minister Moragoda said that in the use of existing institutional structures in the North-East, the concern of the LTTE that the money would go to the South and not benefit communities in the North-East, had to be recognized. However, he said that existing institutions like the cooperatives system not only needed to be strengthened but also re-fashioned to incorporate the realities of modern market economics.

Many participants brought out the problem of High Security Zones (HSZs). Minister Moragoda, in his response to these concerns said that the LTTE had been unwilling to accept the position of the Government on this, and that the problem would be looked into by Gen. Satish Nambiar, who was in the process of preparing a report on this matter. However, he agreed that more could be done if both sides worked harder to find a common ground of understanding.

Others questioned the future of existing projects in the North-East – like NEAP and NECORD – as well as line Ministries in the North-East and their relationship with SIHRN. The Minister replied that there was an effort to streamline these structures, though it was very much in the process of evolution. While he recognised the need for a new architecture, he said that any new architecture must also take into account the progress of the peace talks.

Some participants said that there was a large gap in communication between the government and the people – the public, participants said, knew very little of the Regaining Sri Lanka document, or its impact on peace and development in Sri Lanka. Delays in the bureaucracy were also seen by some to hinder efforts at development.

The lack of inclusivity was also identified as a problem in the current peace process. While the partnership between the Government and the LTTE continued, participants felt that attention was not given to the inclusion of Up-Country Tamils, Women, the grassroots communities and civil society. Many felt that the active and constructive participation of the President and the Opposition would also enhance the peace process. Other said that communicating the main tenets of complex ideas like federalism needed to be done at the grassroots levels, without which public understanding and support for the peace process could not be strengthened.

Others advocated a Poverty Reduction Strategy for the North-East – to help alleviate poverty and engender sustainable development.

In his final comments, Minister Moragoda said that that development had to be participatory, and spoke of the urgent need to end the culture of zero-sum politics. He cautioned against expecting results too soon, and said that a sustainable peace process was predicated on the active participation of civil society.

He also spoke of spiritual leaders, and said that they have a great responsibility in helping the process of conflict transformation. He said that the soul of the country was divided, and that it needed to be healed – spiritual leaders, he said, had a major role in this process of reconciliation and healing.

The Ambassador of Japan, Mr. Otsuka, in his concluding comments, re-iterated the need for benchmarks, but also said they should not be tied to immediate humanitarian needs. He said that the Regaining Sri Lanka document was a work in progress, and also said that the administrative capacity of SIHRN needed to be urgently strengthened.

Stating that Sri Lanka could not be dependent on foreign aid indefinitely, he stressed the vital importance of the peace process and a negotiated settlement to the ethnic conflict in Sri Lanka.

ANNEX 1

SUMMARY OF WORKING GROUP FINDINGS - SATURDAY, 26TH APRIL 2003

Working Group on Perspectives on ‘Regaining Sri Lanka: Vision and Strategy for Accelerated Development’

1. Is development a condition for peace or vice versa? Is this a real dilemma or false dichotomy? If the former, how does “Regaining Sri Lanka” deal with this?

AND

2. How does one address the problematic raised by the LTTE that “Regaining Sri Lanka” ignores the Rehabilitation & Reconstruction needs of the North-East caused by the war?

The group agreed that peace and development were inextricably entwined – one fed into the other in a mutually reinforcing dynamic. They also recognized that some degree of development had taken place after the ceasefire agreement in February 2002.

The question was raised, however, whether there could be sustainable development in the absence of a stable peace and a final settlement. While it was recognized that participating in developmental activities could promote peace, participants also gave a high degree of importance to the visible commitment of both parties to reach a final peace settlement.

Participants recognized that development and peace are long term processes, but that the commitment to peace was needed first – the commitment to development, they felt, would follow soon after. Many said that visible development in the South, as well as that in the North East, could in time lead to greater public confidence in the peace process.

In this context, some participants of the working group questioned the commitment of the LTTE to the peace process in light of recent decisions taken by them. The resulting uncertainty, they said, would result in a drop in investor confidence, and would have a negative impact on development.

Some participants also spoke about the degree of mutual suspicion between the GoSL and the LTTE. While the people in the South were wary of the LTTE, the LTTE in turn, participants said, would be wary of the relationship between the President and the PM, political parties like the JVP and Sihala Urumaya, and also the anti-peace rhetoric of some Southern politicians. Participants noted that this mutual suspicion needed to be overcome with greater confidence and trust building measures on the ground.

Development, it was said, could not take place as it had after 1977. Development had to incorporate equitable distribution as well as far greater community involvement in developmental processes.

Participants flagged the importance of human development, and spoke of the need for participatory approaches to governance and development.

Many also felt that the Regaining Sri Lanka document did not adequately take into account the dilemma of under-development in the South as a result of the protracted conflict- and as such, was not under-pinned with a political sensibility that recognized the devastation to economic patterns and development as a direct consequence of war. Several

also felt that the Regaining Sri Lanka document did not adequately draw the political contours of a future state – this was seen as a crucial weakness.

Participants felt that money pledged at the Tokyo Donor Conference would inevitably be linked to conditionalities. These conditionalities, many felt, would bind the GoSL and the LTTE to the peace process and engender an atmosphere conducive for development.

The importance of civil society oversight in the disbursement of funds to projects and the implementation of projects was underscored by participants.

Participants felt that that the people in the North East, by using structures that were present before the out break of war, like the cooperative system, or by creating new structures, like a North East Development Bank, could help fund and augment donor assistance to reconstruction and developmental activities in the region.

Many felt that Regaining Sri Lanka was based on a narrow vision, with not much thought on how the vision can be operationalised. Participants also thought that the importance given to the private sector in the Regaining Sri Lanka document was misplaced and did not adequately acknowledge the grave problems facing the private sector itself.

Many also felt that the Regaining Sri Lanka document did not adequately address the rehabilitation and reconstruction needs in the North East arising out of the war.

3. How does one communicate to the country at large the urgent need to prioritize rehabilitation and reconstruction in the North-East arising out of the devastation caused by war?

Participants thought that an awareness raising campaign by the government was needed to sensitize the public on the need to prioritise rehabilitation and reconstruction in the North East

4. What is the relationship between structural poverty and poverty as a direct consequence of the war and how does one address the two – as problems that are distinct or inter-related?

Many felt that this was a false dichotomy and that the war in fact had exacerbated existing structural poverty in Sri Lanka.

5. What are the problems related to a transition from a War economy to a Peace economy?

The transition from a war economy to a peace economy it was felt, needed to give primacy to development that engaged with grassroots level communities and was augmented with the real participation of people in the policy making and implementation stages.

Participants felt that the Regaining Sri Lanka document had long term goals, and that for a country traumatized by war, long term planning was going to be extremely difficult.

Many felt that the transition from a war to peace economy also had to deal with issues such as demobilization, the integration of ex-combatants into society, vocational training of combatants, and the education of youth. These it was felt, were not adequately reflected in the Regaining Sri Lanka document.

The importance of helping small scale development and cottage industries, which could then feed into a macro economic development, was also flagged as important.

6. Can one speak about sustainable development without reference to the broad contours of a political constitutional settlement?

Participants felt that the addressing of political matters by both parties would signal greater commitment to the peace process. This greater commitment in turn would lead to confidence amongst the public in the stability of the process, and the ability of the stakeholders to address the core issues of the conflict. Pointing out that the Committee on Political Matters had not even met once, participants emphasized the importance of linking progress of political issues with peace and development. Many said that sustainable development without reference to the broad contours of a political and constitutional settlement was untenable.

Working Group on 'Assessment of Needs in the Conflict Affected Areas of the North-East'

1. Is development a condition for peace or vice versa? Is this a real dilemma or false dichotomy? If the former, how should policy makers, donors and civil society take this into account in assessing the needs of the people in the conflict affected areas?

Participants recognized that humanitarian needs, development and political issues were inseparably linked and needed to be addressed in tandem, and flagged the need for an integrated approach. While recognising that it was a technical assessment of needs in the North East, the Needs Assessment, many felt, did not address the political and social dimensions and as a consequence was not located in context. In response, others said that the mandate of the Needs Assessment may have precluded this.

However, some participants noted that not making political assumptions in the Needs Assessment, nevertheless had political consequences and that the identification of needs had institutional requirements as well as "knock on effects" for existing institutional and administrative arrangements. The Needs Assessment has to acknowledge this and be sensitive to its implications.

2. The Multilateral and bilateral donors are committed to assisting in the relief, rehabilitation and development of the North-East. Do the existing institutional and administrative arrangements (i.e. the N-E Provincial administration and SIHRN) have the necessary capacity to administer and implement the projects?

Many felt that the design of institutions needed to be done carefully, given that these structures may in turn shape the structures of an interim administration in the North East and the future state of Sri Lanka. Participants said that the capacity of SIHRN also needed to be strengthened and that an advisory group drawing on national and local expertise and experience for the appraisal, monitoring and prioritizing of projects under SIHRN, was needed. Gender representation, and an acute awareness of the grassroots communities were some of the criteria participants felt were important in the constitution of this advisory body.

Some participants felt that the SIHRN should only be a planning agency for the North East, and not serve as an apex body of an institutional structure for the North East. SIHRN it was also felt, needed to have grassroots level feedback mechanisms.

3. Do the working relations between SIHRN and the North-East Provincial Administration need to be improved? And if so, in what ways?

Participants felt there was room for improvement. Working relations needed to be more cohesive and streamlined. The need to enhance the administrative capacity of SIHRN was highlighted, along with the need for a body of apolitical experts who would assist SIHRN in dealing with the disbursement of funds and project implementation. Local ownership of monitoring and implementation mechanisms was also flagged as important by many of the participants.

4. The Needs Assessment document prepared by the Multilaterals places a heavy emphasis on the role of the private sector and civil society in the North-East in enhancing absorptive capacity and bridging the human capacity gap. How does the LTTE perceive the role of the private sector and civil society?

Many felt that opaque financial structures and the system of double taxation in the North East had a negative impact on investment in the region. Participants noted the impact of existing private initiatives and drew a distinction between them and organized business. There were certain assumptions about the business sector that participants felt needed to be questioned – its capacity to be the engine of growth in the North East for instance.

The ambivalent stance taken by the LTTE towards civil society, some participants felt, harmed confidence levels and negatively affected democracy, governance and development in the North East. Others, who have close contact with the LTTE felt however that the LTTE in fact welcomes the vital role of the private sector for the growth in the North-East

5. The decision was taken at Track One negotiations to set up the North-East Reconstruction Fund (NERF) to be managed by the World Bank and as a source of resources for the SIHRN. How feasible is the arrangement?

Again, the need for a national body of experts to appraise, monitor project implementation was highlighted by many participants. The process of reconstruction and development, it was felt, could not be only donor driven. It was felt that institutional memory and a wide range of experience resided in local experts who could be brought into this advisory body to help SIHRN in its mandate.

6. Are there any differences (fundamental or in emphasis) between the multilateral and bilateral donors as regards the link between peace and development.

Participants felt that bilaterals were in a stronger position to exercise pressure in respect of issues of human rights, as compared to multilaterals.

Many felt that one needed to establish the linkage between human rights and development, as well as the importance of a roadmap for a political settlement, and that donors needed to recognize these linkages.

7. How does one communicate to the country at large the urgent need to prioritize rehabilitation and reconstruction in the North-East arising out of the devastation caused by war?

Many felt that one needed to be less paternalistic and communicate effectively the realities of the devastation of the North East on account of the war to the people of the South. Some participants felt that civil society can play an important part in this respect and urged civil society to increase its role in the public awareness campaign and communicate the devastation of the North-East more effectively to the South.

Working Group report Perspectives on Human Rights Benchmarks and the Peace Process

1. What should be the role of benchmarks in the peace and development linkage?

Benchmarks, participants felt, should be equally binding on both the GoSL and the LTTE. Benchmarking was also important, many felt, because it enhanced the qualitative nature of the peace process by binding both parties to certain conditionalities which had to be met. Human Rights benchmarks, some also felt, would help facilitate a definition of peace which respected human rights.

2. Should there be human rights benchmarks?

Recognizing that the violation of human rights was central to the conflict, it was felt that benchmarks on human rights would strengthen the peace process and augment public confidence in the same.

Benchmarks, it was also felt, should provide a basis for the non-recurrence of human rights violations. Some believed that benchmarks would also help in the process of the democratization of the state. Others felt that human rights benchmarks will also give an indication about the success of the peace process.

3. What are the burning human rights issues to be identified for benchmarking?

Participants felt that both collective rights and individual rights needed to be recognized.

Issues such as diversity, equality, the rights of the displaced (incorporating the Deng Principles), the right to education, basic social services such as health, water and sanitation, the prosecution of human rights violation and expediting cases already in courts, the freedom of association, the right to life with dignity, civil and political rights and well as social and economic rights, human security (vis-à-vis state security and the issue of High Security Zones), the freedom of speech, voting rights of IDPs, the repeal of the Prevention of Terrorism Act (PTA) and the clearing of landmines were identified as important for benchmarking.

4. What should be the mechanisms and modalities for benchmarking in respect of the above?

Many felt that the roadmap with regards to human rights needed to be clarified. The donor community and civil society, it was felt, needed to make a checklist of problem areas and independently monitor the ground situation.

A multi-layer monitoring mechanism, involving community level, national level and international participation, was flagged by participants as important.

Many also felt that there needed to be a greater awareness of past experiences and research done in human rights issues – these documents and experience, some felt, should be reflected in the benchmarks that were drawn up by the donors. The experiences of other countries, it was felt, also needed to be looked at for possible lessons for Sri Lanka.

Some felt that a report on the progress of benchmarks by civil society and distributed to all stakeholders would strengthen the process.

Other issues

- Participants felt that it was important to let the ICRC visit all detainees, and not just prisoners of war.

ANNEX 2

AGENDA

Saturday, 26th April, 2003

9.00 am – 9.15 am	-	Registration
9.15 am – 9.30 am	-	Welcome address and introductory remarks Dr. Paikiasothy Saravanamuttu, Executive Director, CPA Mr. Sunil Bastian, Director, CPA
9.30 am – 10.30 am	-	Perspectives on ‘Regaining Sri Lanka: Vision and Strategy for Accelerated Development’ and ‘Assessment of Needs in the Conflict Affected Areas of the North-East’ <ol style="list-style-type: none">1. Kethesh Loganathan, Director, CPA and Head, Conflict and Peace Analysis Unit2. Mr. Susil Sirivardana, Associate Convener, SAPNA3. Mr. N. Balakrishnan, former Dean, Faculty of Arts, University of Jaffna
10.30 am – 10.45 am	-	Tea Break
10.45 am – 11.45 am	-	Plenary Discussion
11.45 am – 12.15 pm	-	Perspectives on Human Rights Benchmarks and the Peace Process <ol style="list-style-type: none">1. Dr. Brian Smith, Post-Conflict Specialist, ADB2. Ms. Sunila Abeysekara, Director, INFORM
12.15 pm – 1.00 pm	-	Plenary Discussion
1.00 pm – 2.00 pm	-	LUNCH
2.00 pm – 3.45 pm	-	Working Group Discussions
3.45 pm – 4.00 pm	-	Tea Break
4.00 pm – 5.00 pm	-	Working Group Reports and Discussions
		COCKTAILS

Sunday, 27th April, 2003

- 9.30 am – 10.00 am - Welcoming back participants and introductory remarks
Dr. Paikiasothy Saravanamuttu, Executive Director, CPA
- Presentation of Summary of Working Group Findings
Mr. Sanjana Hattotuwa, Research Associate, CPA
- 10.00 am – 11.00 am - Presentations / Responses
1. Hon. Milinda Moragoda, Minister of Economic Reforms, Science and Technology
 2. H.E. Seiichiro Otsuka, Ambassador of Japan
 3. Mr. Selvin Ireneuss, Director, SIHRN
- 11.00 am – 11.15 am - Tea Break
- 11.15 am – 1.00 pm - Plenary Discussion
- LUNCH

ANNEX 3

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