

Civil Society Presentation

By

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Honorable Co-Chairs, Honourable Ministers, Excellencies, Delegates,

It is indeed an honour to make a presentation to you today on behalf of Civil Society in Sri Lanka and I thank the Japanese Government for inviting me to do so.

At the outset, let me clarify that I do not claim to represent the entirety of civil society in Sri Lanka, in all its richness and wide diversity of views. My presentation is based on a Civil Society Consultation held by the Centre for Policy Alternatives (CPA) as part of its Peace Road Map Initiative with the Berghof Foundation for Conflict Studies on the 26th and 27th of April, 2003. The consultation was entitled "Peace and Development : The Road to Tokyo" It was attended by over 70 participants from civil society and the donor community as well as by Honorable Milinda Moragoda, Minister of Economic Reform, Science and Technology, and H.E. Seichiro Otsuka, Ambassador of Japan to Sri Lanka. Mr. Selvin Ireneuss, Director of the Secretariat for Immediate Humanitarian and Rehabilitation Needs of the North and East was invited to make a presentation, but could not attend.

The consultation focused on the Regaining Sri Lanka document and the multi-lateral Needs Assessment of the North and East. As the title of the consultation indicates, an overarching theme was the relationship between peace and development. A number of issues were highlighted by the participants both in the plenary sessions as well as in Working Groups.

The main issues and cross cutting themes were:

(1) The importance of consultation and inclusiveness in the design and implementation of policy frameworks and policy with regard to peace and development. Participants stressed the fundamental importance of civil society participation and contribution in respect of this as vital for public support and legitimacy of the peace process.

Accordingly, civil society appreciates the recognition of this in the agenda of this important conference.

Participants, at the consultation, however, felt that insufficient consultation and inclusiveness marked the preparation of the Regaining Sri Lanka and Multi-lateral Needs Assessment documents. Their remarks extended not only to the range of stakeholders consulted, but also to the recognition accorded to available documentation, experience and expertise on development needs, priorities and programmes. The recognition and reference to institutional memory and to the existing body of work on development was stressed by participants. This argument was encapsulated in the remarks by Mr. Susil Sirivardana of SAPNA who said in his presentation

"In the best of development programmes, the state joined the development process of the people, instead of inviting the people to join the development processes of the state. This was where participatory development and delivery oriented top-down development parted ways."

(2) Another point noted as being of considerable significance was that whilst the Regaining Sri Lanka and Needs Assessment documents, in particular, deliberately did not make any political assumptions, what is proposed in them nevertheless has political consequences. These related to the administrative and institutional mechanisms for design and implementation of projects and have a bearing on the structure of the future state of Sri Lanka. The duality of the existing structures of power and authority were referred to-mention being made of a "failed" or "failing" state on the one hand, and a proto-state" on the other. Furthermore, the point was also made that there was no reference to fiscal devolution and to the relationship between macro-economic planning and management and regional economic planning and management. This was stressed by Mr. Kethesh Loganathan, Director of the Peace and Conflict Studies, Unit of CPA. Participants stressed that a vision of a post-conflict Sri Lanka did not frame the documents, and that this was necessary for coherence and context. In this respect,

the documents were seen as "economic centric" and technical in nature, failing to recognize the symbiotic relationship between the political and economic.

Participants also felt that this was no differentiation between poverty in general and poverty caused by war. They also pointed out that it would be helpful if the LTTE plans and perspectives on development were made known.

(3) A key concern highlighted by participants related to the seminal importance of human rights and progress towards a political and constitutional settlement of the conflict. Participants were strongly of the view that this should be linked to development assistance and that the failure to do so would adversely affect public support and legitimacy of the peace process. Many felt that sustainable development without reference to the broad contours of a political and constitutional settlement was untenable. Participants felt that bi-laterals were more sensitive to this position and to exercising pressure in respect of issues of human rights, as compared with multi-laterals.

In the discussions on Human Rights Benchmarks and the Peace Process, participants were of the view that "benchmarks" should be equally binding on the GOSL and the LTTE and that "benchmarking" would improve the quality and sustainability of the process. They stressed that both collective and individual rights needed to be recognized and identified the following issues as important for "benchmarking":

Diversity, equality, the rights of the Internally Displaced Persons (IDP), the right to education and basic social services such as health, water and sanitation, the prosecution of human rights violations, expediting the judicial process, freedom of association, right to life with dignity, human security (vis-a-vis state security and the High Security Zones), freedom of speech, the repeal of the Prevention of Terrorism Act (PTA), mine clearance, basic civil, political, economic and social rights, transparency and accountability.

Emphasis was placed on an effective human rights monitoring mechanism -multi-layered and involving community level, national and international participation. Participants have subsequently reiterated these concerns and the pivotal importance of incorporating robust human rights safeguards into the peace process from the outset

(4) Concerns were also raised that the process was excessively donor driven. In addition to the need to utilize local expertise and institutional memory, participants argued for the need for a national body of experts to appraise and monitor project design and implementation. The capacity of the secretariat for Immediate Humanitarian and Rehabilitation Needs had to be augmented. Special attention had to be paid to gender issues and to grass roots communities. Specifically on the Needs Assessment, some participants spoke of the need for a budget review to find out what assumptions underpinned cost estimates. They said that the Needs Assessment did not contain a breakdown of the budgets in terms of operational, administrative and programme costs. They contended 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 that very little of the funds reach the intended beneficiaries. They went on to say that there is a need for transparency and accountability in this respect and that Sri Lankan Civil Society expects this. Concern was also raised with regard to the overall indebtedness of Sri Lanka and local capacity building was stressed as being of fundamental importance.

(5) Other issues raised related to the effective communication of the devastation in the North and East caused by war to the people in the rest of the country, the ambivalent stand of the LITE towards civil society and what was described in terms of the excessive reliance on the private sector as the engine for growth and in the North and East in particular. Mr. Sunil Bastian, Director of CPA in his opening remarks commented on the basic preoccupation of the Regaining Sri Lanka document as

being the need for economic growth-a 10 % growth rate. He argued that a narrow focus on economic growth was inadequate and that economic growth alone would not alleviate poverty, however, defined. Specific interventions needed to be undertaken to ensure that an equitable distribution of resources also took place.

In conclusion, the message of this Civil Society Consultation is that greater attention has to be paid to consultation and inclusiveness in the process. Civil Society is a stakeholder and not a spectator and its principal concerns relating to democratic peace and development, the centrality of human rights and progress towards a constitutional settlement have to be accommodated, if we are to move beyond a situation of NO WAR / NO PEACE to one of lasting peace.