

Statement on Issues and Principles Concerning Reconstruction and Development in the Post-War North-East

Situation

The challenges facing the Tamil and Muslim peoples in Sri Lanka, particularly in the North-East, are numerous, varied and complex. The reality includes up to a million internally displaced persons, including nearly 300,000 from the Vanni who still do not benefit from freedom of movement, and most of whom are still dispersed and confined to military controlled camps away from their original places of inhabitation.

The end of the war by military means has meant that the inequitable state structures which led to the rise of the conflict and to the war, still remain. In the course of the last phase of that war, tens of thousands of Tamil civilian lives were lost due to the reckless disregard for their lives. This makes the current case particularly difficult, as it is not a post-conflict situation, but merely a post-war situation.

In light of the experiences of the past decades since independence, it is highly improbable that the Government of Sri Lanka (GOSL) will, left on its own, fulfill its obligations towards the Tamil and Muslim peoples and implement policies which are just, equitable and in their good interest, so as to contribute to the comprehensive fulfillment of their needs and rights. These policies can, on the contrary, be characterized as a continuation of war by other means.

The development of the North-East will take place. However the nature of that development and the extent to which it benefits the Tamils and those who are currently or have traditionally lived in the area, remains highly in doubt if it is left to the design of the GOSL.

The efforts of the Tamils from within Sri Lanka and the Diaspora to fulfill their needs fully, and secure the full Human Rights of the Tamil people, should be based on clear principles, namely those which are enshrined in the Universal Declaration of Human Rights, which include the inherent right of the Tamils, as a distinct people and inhabiting a historical homeland, to the right of self-determination.

Perspectives

In post-conflict situations, reconstruction and reconciliation efforts are needed in order to ensure a successful development process. However, there has not been an end to the conflict, and a satisfactory and sustainable solution to the conflict has not been reached, resulting in a post-war situation rather than a post-conflict one. Therefore reconciliation efforts raise the risk of becoming a simple exercise in the pacification of the Tamils, without addressing their legitimate grievances.

Nevertheless, the Tamils of the North-East have been subject to great suffering, losing loved ones, their homes, and their livelihoods. They have been left deeply traumatized by the war. Their current distress makes addressing their immediate humanitarian needs an urgent priority. Delaying a proper humanitarian response will only serve to further prolong and worsen their misery and suffering. Moreover, for the people of the North-East, development must mean human security and livelihood opportunities which enable them to achieve their desired states of being and realize their full potential.

Recognizing the difficulty and complexity of the situation, it has been found valuable to examine the problems from multiple perspectives. There are the humanitarian, political, and reconstruction-development perspectives, the temporal perspectives of the immediate, short, medium, and long terms, as well as the perspective of geography in terms of Tamils in the North-East, in the Diaspora and in other parts of the country. An additional dimension is found in the kinds of strategies that can be used, whether there is some cooperation or coordination with the GOSL, or whether

there is a lack of conditions for such a cooperation. Mechanisms for delivering development can include a broad spectrum of grassroots organizations, local and international NGOs, corporations and individuals engaged in Foreign Direct Investment (FDI), faith-based organizations, political action and lobbying groups, inter alia.

The discussions held have made it clear that every perspective and method of engagement is important. One or a few perspectives and strategies alone are insufficient. Political needs cannot be sacrificed for development needs, nor can the reality on the ground and the ongoing suffering of the Tamils be ignored in order to satisfy political goals.

Engagement

Engagement by the Tamil people, whether in the Diaspora or in Sri Lanka, is necessary in order to fulfill their own needs and aspirations. The Tamil people have many resources at their disposal – foremost among them their own capacities. It would be impossible, however, for one actor or group within the Tamil people to tackle every challenge.

Each segment of the community has its particular strengths, whether it is local or technical knowledge, having access to resources or persons of influence in the International Community and international organizations, or simply by virtue of living in a place where freedom of expression and action is safeguarded. The geographic distribution of the Tamil people therefore contributes to this strength.

Working according to a common framework and with common principles towards the fulfillment of the social, political, economic and cultural needs and inherent Human Rights of the Tamil speaking peoples, the engaged members of the Tamil and Muslim peoples will be able to make significant progress in achieving this goal, while ensuring that they do not work at cross-purpose.

Principles for Reconstruction and Development

A number of key principles have been identified when it comes to engagement in reconstruction and development. These principles should be followed by all actors and in all phases of the development process. This brief list is not exhaustive, but serves as a basic example of the kinds of principles which should be adhered to. In view of this, subject to the principles outlined above, the items on the following list may need to be broadly interpreted.

- Development requires the demilitarization of the North-East, such as the complete dissociation of the military from the civil administration.
- Enabling conditions, such as the dismantling of High Security Zones, checkpoints, and demilitarization to pre-war levels, should also be addressed as rapidly as possible and within an agreed upon timeframe; this should be promoted.
- The immediate needs of the IDPs must be addressed and resolved in a just manner, and efforts should be taken to expedite this. IDPs and victims must be allowed to return to their original places of abode if they so wish, with appropriate compensation.
- All political detainees against whom there is no evidence must be released immediately, and all others be granted an amnesty.
- Actions should be taken in order to ensure that the GOSL allows free and open access to the North-East by the humanitarian community, media, Diaspora and all other individuals who wish to do so.
- No development project should be implemented without first applying a conflict filter and ensuring that it is gender sensitive; it should furthermore promote harmony and understanding between all ethnic and religious communities.

- Project must not violate recognized principles and norms, such as those set out in UN instruments on Human Rights.
 - Local communities must be fully consulted and have a voice in the design and have full participation in the implementation of development project.
 - All development should be done in a way which ensures that the local population benefits from the creation of jobs and new means of livelihoods.
 - Changes to the demography of an area by the state-sponsored movement of a particular community is not acceptable and should stop. The arbitrary expropriation of lands based on the pretext that they are religious or archeological sites should not occur.
 - All projects must adhere to a high level of national and international environmental standards.
 - Actors, such as NGOs and other agents of development, must work in a transparent manner.
 - Projects should focus on developing local capacities and entrepreneurship.
 - Local resources should be developed and utilized.
 - Natural resources of the North-East shall vest in the people of the North-East.
 - Ensure coordination of projects in order to avoid duplication of work or incompatibilities between the projects.
 - A suitable structure for implementing development is needed, and such a structure must respect the principles of ownership, subsidiarity, and self-determination.
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