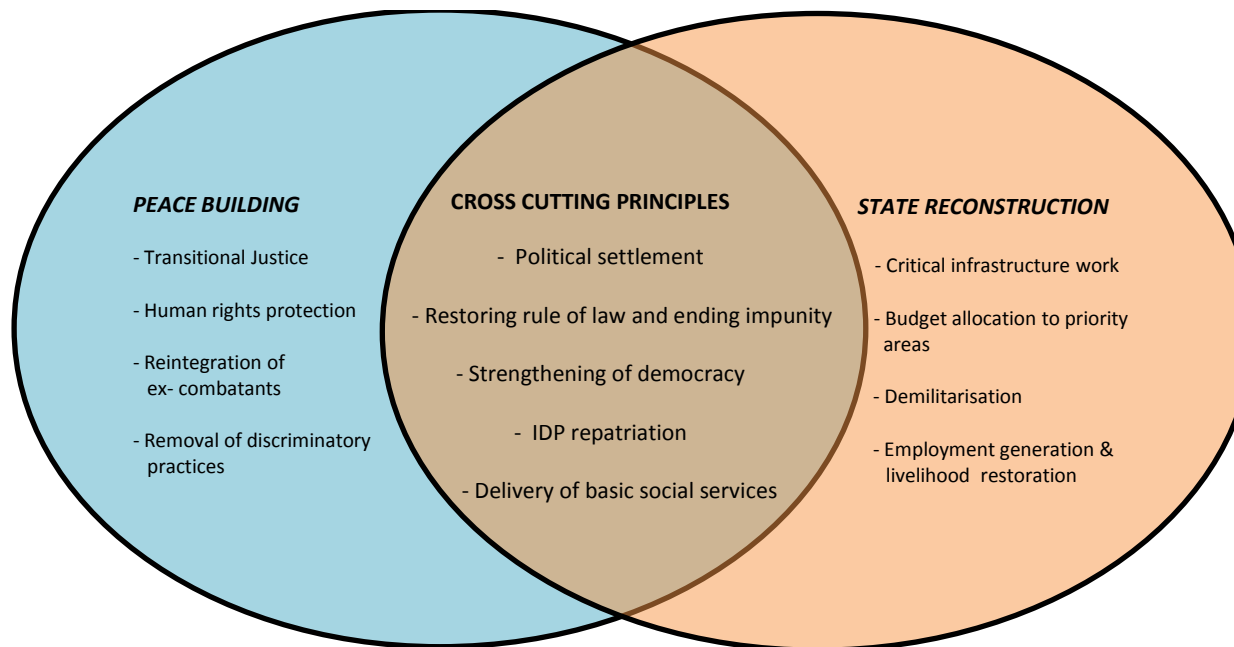




Introduction: Two and a half years ago, Sri Lanka's long and bloody armed conflict concluded. The civil war, which lasted from 1983 to 2009 and was fought between the Government of Sri Lanka and the Tamil Tigers, resulted in the deaths and displacement of many thousands of civilians, the perpetration of alleged war crimes and egregious human rights violations, the destruction of infrastructure in the conflict areas of the north and east of the country and the further entrenchment of deep divisions between the ethnic communities on the island. Sri Lanka is a country still emerging from conflict and is a nation requiring reconciliation, reconstruction and lasting peace. Ensuring that these requirements are met is vital given that, historically, 40 per cent of all conflict situations have fallen back into war within a decade. In order to ameliorate this risk, Governments, UN institutions and international NGOs have developed strategic frameworks to assist states and societies emerging from conflict.

This document seeks to provide a progress report on the peace building and state reconstruction efforts the Government of Sri Lanka has or has not undertaken to rebuild the country and reconcile its people since the end of the war. The representative principles provided below are drawn from the work of the World Bank, the United Nations Development Programme, the Department for International Development (UK), the International Crisis Group and the United States Institute for Peace and reflect key factors, with particular relevance to the situation in Sri Lanka, which need to be implemented to build peaceful states following conflict. An analysis of these principles, in relation to Sri Lanka, is provided overleaf.

Venn Diagram: Key Principles for Peace Building and State Reconstruction in Sri Lanka*



*Sri Lanka's Lessons Learnt and Reconciliation Commission, the country's domestic accountability process, has now handed its final report to the President. Once it is released to the public, a comprehensive assessment must be made as to whether its findings and recommendations effectively address the key principles of peace building stated above and if it appropriately and adequately answers the serious issues regarding war crimes accountability raised in the report by the UN Panel of Experts on Sri Lanka.



PEACE BUILDING

Transitional Justice: The UN Panel of Experts on Sri Lanka has stated there are credible allegations which indicate that the Government of Sri Lanka and Tamil Tigers forces committed war crimes during the final months of the civil war. However accountability and justice for these alleged crimes has not been forthcoming. Sri Lanka's domestic accountability process has been described as "fundamentally flawed", by the UN. The failure of the Government to engage with international concerns on this issue, as well as the on-going widespread violations of human rights (see below) means that other transitional justice mechanisms to promote peace and reconciliation such as truth commissions, reparations for victims and gender justice has not been forthcoming.

Human rights protection: The Elders have criticised the Sri Lankan government for the "persecution, intimidation, assassination and disappearance of government critics, political opponents, journalists and human rights defenders". Rape and enforced disappearances are commonplace in the Tamil majority areas of the north and east.

Reintegration of ex-combatants: Thousands of suspected ex-combatants are being detained without trial or access to legal representation. The International Commission of Jurists has stated that "the Government's 'surrender' and 'rehabilitation' regime fails to adhere to international law and standards, jeopardizing the rights to liberty, due process and fair trial."

Removal of discriminatory practices: Tamil communities continue to have their land appropriated for the use of Sinhala people in the north and east. Sinhalese are employed predominantly in infrastructure projects to the detriment of Tamil workers. There has been systematic removal of Tamils from the civil service. The increased military presence in Tamil majority areas means many Tamils fear that their culture, language and identity are under threat.

CROSS CUTTING PRINCIPLES

Political settlement: In a statement with the UN Secretary General in May 2009 "that addressing the aspirations and grievances of all communities and working towards a lasting political solution was fundamental to ensuring long-term socio-economic development" President Rajapaksa and the Government of Sri Lanka has failed in this undertaking. Whilst negotiations are tentatively due to resume shortly, the Tamil National Alliance (TNA), Sri Lanka's largest Tamil party, was forced to suspend its negotiations with the Government in August, after ten rounds of talks, due to the Government's unwillingness to find a political solution.

Restoring rule of law and ending impunity: Emergency laws have rescinded, but draconian powers of arrest and detention remain in effect. There is violent suppression of dissent and security forces are deeply mistrusted in Tamil majority areas. The TNA states that there are an "increasing number of sexual assaults carried out against women and girls [...] often by government officials and the military", in the north and east.

Strengthening of democracy: The only constitutional amendment adopted since the conclusion of the war has further empowered the President. He has the full right to appoint all the top judges and commissioners for elections, human rights and other affairs, unfettered by any legal veto or need for parliamentary approval.

IDP repatriation: Whilst the Government has claimed that over 250,000 people have been resettled from IDP camps, over 180,000 in the north and east remain in temporary settings and have not been returned to their places of origin.

Delivery of basic social services: People that have been returned or resettled to their former villages often find themselves without basic facilities such as housing, sanitation, healthcare and education.

STATE RECONSTRUCTION

Critical infrastructure work: The Government's focus on big infrastructure projects has been to the neglect of more urgent needs. As described, IDPs are often housed in temporary accommodation and the delivery of social services has been limited. In addition, the military has restricted the work and movements of NGOs in the north and east, which has severely hampered basic amenity infrastructure work.

Budget allocation to priority areas: Despite the conclusion of the war two and a half years ago, the Government of Sri Lanka has announced it will be increasing its defence budget by a further 5% in 2012 to over US\$2 billion. However resource allocation for much needed livelihood development in the north and east will be US\$2 million only.

Demilitarisation: The defence forces have occupied more than 7,000 sq km of land owned by Tamil people in the north and east and there is one member of the armed forces for approximately every ten civilians in the Jaffna Peninsula. According to the TNA "the high level of militarisation in the north is directly linked to most of the other problems prevalent in the area such as the breakdown in the social fabric, state brutality including sexual assault, land grabs and occupation, problems relating to livelihoods of the people in the area and illegal intrusion into the role of government."

Employment generation & livelihood restoration: Unemployment in the Northern Province is between 20% to 30%, compared to a national average of 4.3%. The military is encroaching on economic activities in the north and east. They have restricted fishing rights for local fishermen and have also established an entire military tourism industry in the area. These actions are reinforcing the cycle of poverty in the region.

Conclusion: The Government of Sri Lanka is failing to reconcile communities on the island, to adequately and fairly reconstruct the country and to build peace, as a result there is a real chance of Sri Lanka sliding back into conflict in the future. This should not be allowed to happen. The international community has a vital role to play in assisting Sri Lanka in its reconciliation, peace building and reconstruction efforts and in ensuring that the Government of Sri Lanka is held accountable for its actions.