

NATIONAL CONFERENCE
on
POST WAR SOCIO - ECONOMIC DEVELOPMENT
and
CONSTRUCTIVE ENGAGEMENT with SRI LANKAN
DIASPORA

on 13th FEBRUARY 2014 at Hotel TAJ SAMUDRA, Colombo
at 9.45 am

KEYNOTE ADDRESS

**Accelerated Provincial Development: The Way
Forward**

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Honourable Chairperson, distinguished guests, my dear brothers and sisters!

I am indeed flattered that the Sri Lankan academia, under the leadership provided by the University Grants Commission, has thought it fit to invite me today to deliver the keynote address on "Accelerated Provincial Development - The Way Forward". I am mindful that there is probably more value ascribed to my career of barely half a year as a politician than my career of half a century in the legal profession or quarter century as a judge!

The theme of the conference is Post War Socio – Economic Development and Constructive Engagement with Sri Lankan Diaspora.

I consider the theme very relevant and timely for the Northern Provincial Council (NPC). There are four aspects of the theme that I find to be extremely pertinent and wish to highlight at the outset.

Firstly, you have correctly identified the context as ‘post-war’ and not ‘post-conflict’, as the political settlement to address the root causes of the conflict is yet to be found. Unfortunately, the dominant rhetoric in the South today on the political solution appears to be regressive and intent on rolling back to conditions that were the spawning ground for violence in the first place.

Secondly, the emphasis on economic development in the post-war context is particularly apt, as there is a critical need to adopt a holistic view of the prevailing context of the war torn society of the Northern Province, which was the most affected by the war, and their multifaceted needs such as psycho-social issues, loss of livelihoods, socio-cultural issues, environmental issues and rule of law and human security issues.

Thirdly, the emphasis on constructive engagement between Sri Lanka and the Diaspora is a prudent one. The Government of Sri Lanka does not have the financial resources, professional technical input and knowledge capital to contribute towards post war recovery on its own. It is important to have partners who have an emotional interest in developing war-torn societies.

Finally, I would also like to commend the organisers for the thrust on ‘*Accelerated Provincial Development*’. I see the use of the phrase “accelerated provincial development” as being reflective of the understanding of the differentiated needs of a war-torn society. It is imperative that government leaders and policy makers should clearly capture the prevailing context in the NP, especially the post-war phase and its peculiar needs and characteristics, without adopting a one size fits all national approach for post war rebuilding and reconstruction.

Let me summarise the four fundamental ideas contemplated by the theme: We are in a post-war society not a post-conflict society, which in turn requires resolution of the causes of conflict; economic development is fundamental and any attempt at achieving it requires a holistic approach; we need to engage the diaspora; and finally we need to understand that a one size fits all approach cannot be adopted. It is in the above context that I wish to present my address.

No problem can be addressed properly without understanding the problem in its entirety. I will therefore endeavour to provide you with a glimpse of the prevailing ground situation in the NP, and what I consider as meaningful and pragmatic steps that should be taken to rebuild the NP on the principles of equity and sustainable development.

Current situation in the Northern Province

Development in the North has been impeded by policy failures and specific problems. Let me elaborate on the policy failures first. There are three fundamental policy failures. The first is the tragic abandoning of a pluralistic identity of Sri Lanka and adopting a majoritarian approach. The second is the historical folly of not being people-centric. The third is the unfortunate policy paradigm of viewing security and freedom as competing interests and not as complementing values.

Shortly after independence, majoritarian views were fostered for political reasons resulting in pluralism being abandoned and ethno-religious-centric policies adopted. The moment we cast the identity of a “Sri Lankan” in the image of a particular ethnic, linguistic and/or religious group, we alienate all those who do not fit into that category. The flagrant violation of Section 29 of the 1948 Constitution and the establishment of the 1972 Constitution fundamentally altered the basic structure of the Sri Lankan state. It no longer belonged to all its citizens. Sri Lankan society was stratified by law. When this happened, it was inevitable that the North and the East, which had an overwhelming presence of non-majority communities, were not accorded equitable attention. Especially since 1957 (since the abrogation of BC Pact) the North was a neglected area. Even the free market reforms initiated in 1977 discriminated against the North-Eastern Provinces. This was natural as the residents of those provinces were now second-class citizens.

Contrary to popular belief the end of the War has actually deepened the ethnic conflict. This is because the underlying causes for the conflict have not been addressed and in certain ways exacerbated. There is no point in declaring that there are no minorities in the country and that we are one people and thereafter banning the singing of the national anthem in the language of one segment of the people. Instead of a pluralistic approach we have taken a majoritarian approach.

The failure to be people centric and attempt top-down approaches to development is another major policy failure. As part of the NPC's efforts to carry out a comprehensive needs assessment, I asked for an assessment to be made in Vavuniya as to the needs of the farmers there. One of the farmers had reportedly said "I am 70 years. This is the first time someone in authority is asking me what we want. It was all foisted on us hitherto". Unfortunately, after the conclusion of the war the situation has worsened - the North has become the area of operation of the conquerors. The Presidential Task Force which was set up in 2009 and the subsequent Joint Action Plans etc. were not carried out in consultation with the people or their elected representatives. The disconnect has been exacerbated by the introduction of the Divineguma Bill, which essentially usurps the devolved powers of the provincial government.

The current national programme implemented by the government is akin to the victor in the war furthering his own political agenda over the vanquished by disregarding electoral mandate the war affected had given their elected representatives both at national and provincial council elections. The vanquisher's largesse to the vanquished is stressed; the People's needs and wants ignored. The emphasis was not on people friendly development projects but Central Government friendly development projects. Of course, big projects and the entailing contracts are lucre's best friends!

At the provincial council elections held in September 2013, the Government, with the help of the military and public service apparatus, canvassed by highlighting their post war development agenda - namely construction efforts. Despite overwhelming odds our party received an overwhelming majority from the people of the NP. This majority was based on our pledges made in our manifesto and not engineered by crossovers. The NPC election results were an unequivocal rejection of the "Roads First- People Later" approach towards development.

This is not to say that infrastructure development is unnecessary or that the People of the Northern Province did not benefit at all. We cannot deny the fact that there had been considerable infra structural development undertaken by the State so far in the North - the opening of macadamized roads, the gradual opening of the Railway presently up to Kilinochchi,

the extension of the railway lines further into the Peninsula presently up to Chavakachcheri, and many other local projects with the help of International Donors. But unfortunately none of these have reached our people in the real sense. When the roads were constructed hardly any locals were employed. A people-centric approach would have approached the issue holistically – it would have prioritised the needs of the people, it would have employed locals in the workforce, it would have taken into consideration the specific context of the post-war scenario of the North. It is essential to remember development must go hand in hand with the needs and aspirations of the People who are destined to benefit by it- not foisted by forces from outside.

The decision-making process currently in place with regard to socio- economic development is devoid of participation by the People's Representatives. This is due to two reasons. One is that the State deems it necessary to keep its vanquisher - saviour status intact for various political reasons. The second is the desire to maintain a centralized control over the North. This has been possible due to the inherent deficiencies in the Thirteenth Amendment. It has been able to prevent the Northern Provincial Council from engaging meaningfully in socio economic development activities in the North.

The third policy failure is treating security and democratic freedoms as competing interests. They are not – they are complementary of each other. It is not a binary choice. Democratic freedom contributes towards national security. The aim should be to attain both – not use national security as an excuse to deny fundamental freedoms. Let me give an example. In May 2009 around 350,000 people were kept incarcerated in open prisons. Applications made to court to release these people or at the very least provide a legal basis for the detention, were resisted on the basis of national security. No significant steps were taken to release these people. Suddenly in December with elections looming ahead around 200,000 people were released. Was there a sudden change in national security objectives? Why couldn't this decision have been made earlier? The point is we are willing to accommodate political goals and security considerations as equal partners, but we are unwilling to accord democracy and fundamental rights the same privilege that we accord political expediency.

Much criticism has been levelled against me for repeatedly requesting demilitarisation in the Northern Province on the premise that demilitarisation would compromise national security. Recently, in Tellipalai, His Excellency the President publicly stated that there were only 12,000 military personnel in the North. Almost immediately thereafter the Secretary to the President was reported as having given a presentation indicating that troop levels were at 70,000 in the North. Apart from the obvious discrepancy, the significance of this is that the Commander-in-chief believes that 12,000 military personnel are adequate. If so, should not one ask the question as to why 70,000 personnel are being retained? Also given the mix-up in numbers is not possible that our estimations of 150,000 or more personnel being retained more believable? My underlying point is that we wouldn't be having these controversies if we take a genuine effort to ensure both fundamental freedoms as well as national security.

How does this policy failure translate into problems? The Army engages in large scale agriculture and commercial activities, including the operation of golf courses and tourist resorts. This presents a barrier for the entry of civilians into those areas and forces out competition from civilians. Even the tea kiosks on your way down A9 have been opened by Army men or their relatives or proxies. The military presence directly and indirectly leads to numerous vices and has forced women into prostitution. The Army directly interferes in the provincial administration by influencing and participating in the decision making process of the various sectors of the administration. In the North-East of the Peninsula over 6000 acres of lands have been taken over by the Army and they have completely destroyed the habitations of the locals and have started constructing palatial buildings, golf courses and swimming pools to install comfortably the leaders of the Government and the Armed Forces when they visit the North. They cultivate the lands of the unfortunate displaced in the Wannu and sell at a price the produce from the people's own lands to the very same owners. More and more lands are being grabbed, especially in the Vavuniya, Mullaitivu and Mannar Districts with the backing of the Armed Forces.

Two Hindu temples and a school were razed to the ground the other day by the Army. When I went there as the Chief Minister to see what had happened, I was politely turned back to obtain the permission of the Ministry of Defence. To my knowledge, my Sinhala friends from the South

who visited the Tal Sevana, a Hotel functioning under the Security Forces Headquarters - Jaffna, had no difficulty in passing that Army barricade without any such permission from the MOD being insisted upon. Incidentally, the hotels website proudly proclaims that “it is the only holiday destination in Jaffna where you can sit on the beach and bask in sensational sea breeze in a clean and tidy environment.” Consider the extent of the alienation of the locals who have been dispossessed of their lands.

The combination of these three policies have put paid to any hopes of development, leave alone accelerated development. The problem is exacerbated when one examines the vast litany of woes that are the lot of the Northern populace. Prior to listing some of the more serious issues, it is important for administrators and policy makers to understand the problems in the context of the Northern Province. The administrators here must realize that the North is not a normal society. This is a society that experienced the trauma of screeching air vehicles going past at lightning speed on a daily basis without knowing where the next human tragedy will take place. The members of this society have undertaken journeys where they had to leave their injured or the dead where they had fallen. They have lived the artificial and unhealthy life of an IDP in strange circumstances, having led a life of comparative ease and tranquil in places of their hereditary birth until then. They have been uprooted from their traditional hereditary habitats and cultural ambience. It must not be forgotten that land was not only their basis of identity but also their basis of security and income generation. Such is the unfortunate lot of the Northern resident.

Let me now turn to some of the specific problems of the people. I have already addressed the travails of militarisation and land grabs. Closely linked is the fact that there is neither a democratic process nor framework in place. The Rule of Law has been severely eroded. There is a marked absence of human security- defined as the absence of fear. As Amartya Sen has argued, freedom is at once the ultimate goal of social and economic arrangements and the most efficient means of realising general welfare. Social institutions such as markets, political parties, legislatures, the judiciary and the media contribute to development by enhancing individual freedom, and are in turn sustained by social values. Values, institutions, freedoms and development are all inextricably intertwined and you cannot expect development without guaranteeing freedoms, he has argued.

A large number of IDPs are yet to be resettled in their places of traditional habitation, including the thousands of Muslims who were forcibly evicted from the Northern Province in 1990. Refugees languishing in camps in South India since 1983 have almost lost hope of repatriation. Similarly, a significant number of detainees under the PTA remain incarcerated not knowing their future. All of these have deleterious effects not only on the persons concerned, but their families and the Northern society itself.

The rural economy has gone out of the reach of the rural people. Absence of basic infrastructure for the revival and development of the economy, the numerous restrictions on the locals on fishing and the deliberate importation of Southerners to fish in areas where locals have been fishing for centuries, all impede development.

Women are the most disadvantaged. With about 150,000 soldiers stationed in the Northern Province, would you expect our young widows and young girls to be safe? Gender based violence, including domestic violence is prevalent.

The Jaffna District has a high growth rate of cancer, water borne diseases like typhoid and kidney malaises. It produces more traders, more students and more females who find release in suicides than any other District. Complex mental health and psycho-social problems at the individual, family and community levels abound in the post war context. Particularly with single headed households, families with unresolved grief, individual and collective trauma, insecurity, poverty, unemployment, unwarranted pregnancies, alcoholism, child abuse and neglect, family conflict and separation and disabilities they are in a pitiable condition.

Way Forward

Let me now turn to what I believe could be done about these problems. There is a critical need for a context specific policy framework. The policy failures I referred to at the outset have to be reversed. In other words, a commitment to an inclusive approach to development, a focus on the specific needs of the people and a balanced approach towards freedom and security has to be ensured.

An inclusive approach will start with the full implementation of the 13th Amendment and proceed apace with the stalled political discussions. Regretfully, the 18 rounds of talks that were held between the Government of Sri Lanka and TNA leadership during the period 2011 and 2012 led to naught but disappointment. As the TNA Leader has reiterated in his parliamentary speeches, there are adequate and meaningful proposals available with the Government, starting with the August 1995 proposals. What is required is political will, commitment and sincerity of purpose.

Focussing on the specific needs of the people means understanding the context and taking cognisance of the mandate given to elected representatives. To rebuild a war torn society effectively you need to understand the characteristics of the region and formulate and adopt specific policies as done in other war affected regions. The NP is bereft of quality manpower, has weak governance institutions and weak market structures, is in a militarised environment; its people have endured multiple displacements, and are affected by post war trauma and psycho-social issues; its functions with the rule of law seriously impaired. Definitions such as ‘developing regions’ or ‘middle income regions’ are not appropriate to the North. It cannot be handled under blanket National policies that are based on National parameters.

Unfortunately, when we are attempting to give expression to the voice of our people, as mandated, we are now being forced to carry on with the Government’s agenda for development along national policies. Case in point is the President’s formal invitation to me in November 2013 to Co–Chair the District Coordinating Committee meetings in NP-

The said letter highlights, I quote

“It is the responsibility of the District Coordinating Committee to coordinate, implement, direct and monitor at district level the medium term investment plans 2013-2016 being launched by the governmental and non-governmental organisations in accordance with the “Mahinda Chintanaya Vision for the Future” endorsed by the majority of people.

I would be most grateful if you could arrange for the implementation of overall District Development Plans based on the Rural Development Plans and Divisional Development Plan formulated with community participation , thus ensuring the accomplishment of the target as anticipated.”(Unquote)

“Endorsed by the majority of people “ it says.

Isn't such a request in the teeth of the unequivocal mandate given by the people of the Northern Province? How can a development agenda that was prepared without the participation of the peoples of the Northern Province, without the conducting of a comprehensive post-war needs assessment, and without regard to the ground realities of military occupation and the post-war context contribute towards development, leave alone accelerated development?

At the discussions I had with H.E the President on 2nd January 2014 when I raised the above issues, I was advised, the above approach is what the government does in all provinces and we need to comply with it. In other words, the government did not demonstrate interest in adopting a participative and consultative approach bearing in mind the mandate received to us to address the *specific* post war needs of the people of NP.

If there is to be provincial development we have to understand that one size does not fit all. A war-ravaged society cannot be treated on the same footing as other societies. It reminds me of Anatole France's sarcastic comment that “In its majestic equality, the law forbids rich and poor alike to sleep under bridges, beg on the streets, and steal loaves of bread.” We must adopt a differentiated approach.

As Mahbub ul Haq, founder of the Human Development Report said “The objective of development is to create an enabling environment for people to enjoy long, healthy and creative lives.”. Since my entry into politics I have spoken at length of the various challenges faced by the people of North and East as they strive to put their lives back together. All come back to our quest of creating an enabling environment that ensures peace and security so that the best human capacities could be realized.

At the societal levels it means having secure livelihoods, security against crime and violence, enjoyment of political, social, economic and cultural freedoms, equitable access to life sustaining services. At the provincial level it means guaranteeing access to private property and lands, ensuring law and order, protecting the most vulnerable and the war affected, rehabilitating the war affected, building key institutions, developing and nurturing an efficient public service etc. At the national level it means a greater degree of understanding from national political leaders on resolving outstanding political issues, actively contributing to the addressing of the legacies of the war, delivering justice to the missing and war battered and recognizing the unique challenges each province face in the post-war context.

As we attempt to forge a way forward, we ought to address the political, humanitarian, human rights and rule of law dimensions of the post war context. There is an imperative to lay the foundation for the people of the North and East to embark on a development path in keeping with their needs and aspirations within the sphere of democratic governance. This means there is an immediate and urgent need to set about demilitarising the society at large, including reduction of armed forces, disbanding of paramilitary apparatus, demilitarisation of civilian institutions and curbing militarisation of economic life of people of the North and East.

There is a critical need to transform the central government's counter-terrorism mindset focused on state security to post-war need for human security. Steps must be taken immediately to confine military to barracks and to formulate a plan for a phased withdrawal from the NP. This in turn should be followed by meaningful security sector reforms by the Government. Sri Lanka need not have such a huge defence structure and manpower. A glance at the budgetary allocations will bear ample testimony to the disproportionate role the military plays. In the post-war context military personal should be demobilised, reintegrated into society and should be permitted to pursue their own vocations based on their interests and needs.

There is an urgent need to strengthen and build the capacity of the Northern Provincial Council administration. Due to the protracted war during the last two decades the North-East Provincial Council (precursor to the Northern Provincial Council) experienced brain drain, substitution of meritocracy by patronage politics, politicisation of the bureaucracy, erosion of good governance

principles, lack of accountability and corruption. We need to build the capacities and capabilities of the existing provincial administration staff, and recruit and appoint qualified and competent professionals conversant in governance to contribute effectively to the post war reconstruction and development.

We need to carry out a comprehensive needs assessment of all the sectors, and revisit the programmes initiated by the government in the NP, with the help of multilateral agencies, with the participation of civil societies, universities and public, as done during the Peace Accord period 2003/2004. Only then can we formulate effective action plans and identify and source the funds that are necessary to implement them.

The diaspora is a competitive resource we need to capitalise on. They have the technical know how, along with resources to contribute towards post-war rebuilding. They have the socio-cultural links with their motherland and also genuine interest, which are important ingredients to foster transfer of knowledge and technical know-how. Besides, GOSL does not have the financial resources and professional technical input or knowledge capital to contribute towards an effective post war recovery. We need to adopt strategies that would facilitate the participation of diaspora and lead to ‘brain gain’ situations. However, for the diaspora professionals to come over and participate in the post war recovery processes we need to have pragmatic, meaningful structures and modalities in place to ensure their security, safety, motivation and participation. How can we encourage the return of diaspora members when we take steps to prohibit dual nationality (except in the case of a privileged few)? A transparent screening process can address any security considerations.

On a positive note, during my recent discussions with the President, in the presence of his Secretary, the Secretary to the Treasury and the Secretary to the Cabinet, we discussed the mutual benefits that could be reaped by the Central Government and the Northern Provincial Council by allowing a smooth flow of funds from our brethren abroad, through State organs. One of the difficulties faced by us was the delay in Donor monies reaching us. Since valuable Foreign Currency could flow into the coffers of the State I said they must ensure the speedy delivery of equivalent local currency to the periphery. The President and his Advisors were seemingly very

accommodative saying so long as the donations are approved in advance by the State the passage of the finances to their ultimate destination would be unhindered. This is a positive move and I remain hopeful that we could progress on this front.

Let me conclude by making a request to you - the academic community and the intelligentsia of society:

- Exert your influence on the Southern polity to make them understand the needs of the North and East in the post-war context.
- Counter the false propaganda carried out in the Sinhalese and English media by explaining that the Northern polity is committed to non-violence and a political settlement within a united Sri Lanka.
- Act as leaders across ethnic divide who could engage in and enrich debates in the public sphere on critical issues of national importance.
- Ensure that you promote and support the Rule of Law, democracy and fundamental freedoms.
- Foster a climate to come up with innovative models of cooperation and governance models between the provincial councils and central government to enable each province to develop based on its needs and aspirations in keeping with democratic governance principles.
- use your persuasive skills to persuade the Governments to keep their promises and commitments. If they do Sri Lanka would become a better place to live in!

As Einstein said fundamental problems we face today cannot be solved by the same level of thinking we were at when we created it! What is needed now is a shift in paradigm and you are best placed to provide it!

Thank you.

Justice C.V.Wigneswaran