

Sri Lanka's Post-Conflict Future

I am grateful to the Royal Commonwealth Society for arranging this talk today, at a time when I believe we can be truly optimistic about our country. I say this because I believe we have begun now to move forward in several respects that were inhibited during the long period of conflict.

Firstly, we have done much more in the last five years in terms of basic infrastructure. While infrastructure alone is not enough, without it there could be no development, in particular in areas deprived of basic connectivity for so long.

Secondly, we have begun to attract the kind of investment the country deserves, and are able to direct it towards regions that suffered from neglect previously. I mean not only areas previously under terrorist sway, but also those areas full of promise in the south and the northwest that successive governments neglected, because their leadership was immovably urban.

Thirdly, we have at last begun to implement the provisions about language that were introduced into our Constitution in 1987. We have much further to go, but at last government has had the courage to promote bilingualism by regulation. 300,000 public servants should be bilingual by 2013 in terms of the current training programme, while 500 of the 5000 new Tamil police officers envisaged have already been recruited.

Fourthly, we are ready now to ensure equitable human resources development through the provision of choice. Though the statist system we had bore rich dividends in terms of basic education, it did not encourage excellence. Also, the system of positive discrimination that had been introduced initially to help rural students hit the better education minorities hardest. Unlike their equally discriminated against brethren in Colombo, they had no viable alternatives. Ensuring that our talented youngsters all over the country have programmes to develop their skills is vital, and this is amongst the most important reforms being advanced currently by government.

Fifthly we have, more quickly than had been anticipated and certainly more quickly than in any comparable situation in the world, we have brought things closer to normalcy for the principle victims of Tiger control, the nearly 3000,000 displaced and the almost 12,000 fighting cadres, most of whom had been conscripted against their will. To put down very simply the current position –

- a) Fewer than 15,000 still remain in the Vavuniya Welfare Centres, out of the over 280,000 who were there initially, and these enjoy full freedom of movement. Another 12,000 are still not resettled, but are out of the camp, though 9,000 of these return as required. Interestingly enough, when freedom of movement was permitted towards the end of last year, after security checks were complete, comparatively few people took advantage of this, preferring the full support package they were provided with in the camps, including all education and health facilities.

- b) This means that 250,000 have settled down again, most of them back in the areas in the North from which they had been displaced.
- c) 897 square kilometers have been cleared of mines, out of the 1,744 initially estimated as contaminated, 75% of the clearing was by the Sri Lankan forces, though we are also grateful to agencies such as HALO and MAG and a number of Indian groups which assisted in the work.
- d) Of 11,696 former combatants, 3588 have been sent home including all former child soldiers. Vocational training for the others is proceeding apace and another 400 will be released by the end of this month and a further 1000 next month. It is assumed that about 700 may have to face legal process, but government believes that the rest were most probably innocent victims rather than perpetrators of LTTE terror. The International Organization for Migration assists with the rehabilitation programme, as does the Hindu Congress.
- e) Emergency regulations have been relaxed, and further liberalization is planned over the next few months.

Finally, and perhaps most importantly, we have at last begun to move beyond the polarization that was imposed upon us for so long, so that problems that might have been solved with reason and sympathy turned into bitter conflict.

I should expand on what I mean by this, which may necessitate going into the background in some detail. Let me start by noting that we certainly created a number of problems for ourselves in the first quarter century after independence, springing largely I believe from a restrictive language policy that had repercussions also with regard to education and public service employment. In a context in which we were also victims of statism such restrictions caused enormous damage.

But what should have been a political problem, demanding a political solution, turned into violent conflict with repeated attacks on Tamils from 1977. These were not attacks by Sinhalese in general, but they seem to have been encouraged, if not initiated, by some members of the government of the time. Sadly, given that that government also claimed to be closely allied to the West, and also that Human Rights was not as important then as winning the Cold War, there was no criticism in the West then of the monstrosities that took place.

Those attacks obviously contributed to the polarization that took place, not helped at all by the government both postponing elections and instituting a constitutional amendment that in effect drove out the major Tamil party from Parliament. This was grist to the mill of the various terrorist movements that had sprung up, and it also contributed to more active involvement by India. This culminated in the Indo-Lankan Accord of 1987 and a programme of devolution, which was accepted by almost all terrorist groups, which then entered the democratic process.

The exception was the Liberation Tigers of Tamil Eelam, which took on those other groups then as well as the Indian army. They were aided over the years by Sri Lankan political parties which blamed their rivals for the failure to reach a political solution, while suggesting that the Tigers were little lambs whose desire for peaceful compromise was being thwarted. This foolish or cynical practice did untold damage to the body politic, in particular because it encouraged in the Tigers the belief that they were irresistible and, worse, it made Tamils abroad concentrate their favours and their finances on extreme terrorists.

Meanwhile the Tigers were picking off moderate Tamil leaders, from Mr Amirthalingam to Mr Tiruchelvam, so that by 2001 the TULF began to subscribe to the Tiger claim that they were the sole representatives of the Tamils. Their leader who resisted this, Mr Anandasangaree, was sidelined, a new party called the TNA was started that subscribed to the view that the Tigers alone spoke for the Tamils and, with a little help from the government elected in 2001, the Western world adopted this viewpoint too – even though the 2004 election showed that, even in the East, the monolith had begun to crack.

Drunk with power then, the Tigers refused to compromise, and walked out of talks with the UNP government in 2003, and the subsequent UPFA government in 2006, after they had deigned to attend a couple of rounds in that year, after their three year absence. They were by now engaging in forced conscription of at least one member of each family, though sadly the UN, which was supposed to protect the people of the area, did not draw attention to this, and we were finally only informed of the situation by the Norwegian ambassador. Given all this indulgence, assuming that military victory would be easy, the Tigers launched two massive attacks in August 2006, to attempt to over-run government forces in the Jaffna and Trincomalee Districts.

They failed. Government, using unusual strategies that the West might well study if it wishes to minimize civilian casualties as well as its own in theatres of conflict such as Afghanistan, managed systematically to drive the Tigers into smaller and smaller territory. The ploy of dragging civilians along with them as they retreated, aided and abetted by international commentators who suggested this was happening through free will, meant government had to move more slowly than it would have liked, and suffer more casualties. But the strategy paid off, in that in time even the Tiger cadres, or rather the less hard-bitten amongst them, started disobeying orders, and a breach in defences led to nearly 150,000 civilians making their way to safety in April 2009. Nearly 100,000 more were rescued in May, when the Tiger leadership was finally destroyed, making a total of 280,000, including those who had got away earlier, in welfare centres. There were also around 10,000 former combatant who had surrendered themselves, with around another 1,000 being added from the Welfare Centres after investigation.

It was obviously a priority for government to restore normality as soon as possible, which meant resettling the displaced and releasing the cadres, the vast majority of them, who had been victims of Tiger conscription. Unfortunately, those anxious to continue polarization claimed that government would continue to hold back the displaced, and treat the cadres as

prisoners. Such stories have now diminished, with the resettlement of over 250,000 of the displaced and the release of about half the cadres.

With regard to the displaced, government had made it clear that resettlement could only happen after basic security checks, demining, and the provision of basic infrastructure. This was achieved more quickly than expected, and there is much more hope as well as development now in the Vanni, the area the Tigers had controlled, than the people there had experienced for decades. This parallels what had happened in the East, where infrastructural development has been rapid in the three years since the Tigers were expelled. There a total of \$ 1.7 billion was spent, with very obvious results, over the last three years, while the companion 'Northern Spring' programme will cost the government over \$ 2.5 dollars. I should note that aid and assistance for these programmes is most welcome, but it must be provided with clear and measurable objectives, and without duplication. Currently, in addition to UN agencies, 45 National and International Non-Governmental Organizations are working in the North.

In the East the government had partners in the form of the former LTTE cadres who had left the organization in 2004. Their leader, Mr Muralitharan, is now the Junior Minister for Resettlement, and a member of the government party, the SLFP, while his former colleague, Mr Chandrakanthan, is the Chief Minister of the East. Incidentally, government was advised against having elections in the East by the European Union, which had been advised by the TNA that these would not be fair – the TNA having been the chief beneficiaries of the 2004 election that the European Union ruled was unfair, the Tigers having killed those members of the TNA slate who supported Mr Muralitharan, and replaced them with yes-men. I should note that the EU also funded individuals close to the main opposition party, the UNP, who of course told the EU what they – I think I mean the UNP – wanted to hear.

Sadly, the TNA refused after the Tigers were defeated to engage in constructive discussions with the government. They did not, despite repeated requests, come to discuss issues at the Peace Secretariat, instead claiming to be too busy because they had to see various ambassadors. This residual intransigence reached its apotheosis with the decision to support the former Army Commander – who had wanted to expand the army massively after the victory, and who had argued against swift release of the displaced – in the recent Presidential election. Sadly, the Sri Lanka Muslim Congress also adopted this line, which seemed the precursor to further polarization, with many groups representing minorities ranging themselves against the government.

Fortunately, that situation has changed in the last couple of weeks. The Muslim Congress decided to support the recent constitutional amendments proposed by the government, as did almost all representatives of the Indian Tamil community. The government, which had a majority of members of Parliament from the East, was strengthened further with the adherence of a member of the TNA. And, though the TNA still represents a high proportion of the North, it is likely that they will participate more constructively now in discussions, given the increasingly pluralistic nature of the government majority. It should be noted, after all, that when the old TNA split before the 2010 General Election, with some

individuals standing with the government, the extreme group that advocated a return to their approach when under LTTE control, the TNPf, was completely rejected at the polls.

Why then have all minority parties, except the TNA, decided to work with government? In the first place, they appreciate the stability this government has brought. It will be remembered that the Ceasefire Agreement of 2002 completely neglected the Muslims. It also ignored other Tamil parties, which led to their membership being decimated, but with no recourse to remedial action, since the Monitoring Mission could only hear complaints from the Tigers and the government.

Secondly, there is no doubt that the country is developing very swiftly, and these parties realize that they should be part of the process, not only to direct attention to areas of concern, but also to ensure a share of the popularity that will result. It is difficult actually for those who live and work and socialize only in Colombo to register the appreciation countrywide of the developments that have been, and are, taking place.

The same, I should add, is true of the North. It is difficult now, not least because those who made the allegations, stay deafeningly silent about them, to remember the intensity with which it was averred that we would delay resettlement of the displaced. That canard was nailed when, last September, returns began in floods, delayed only when one individual concerned with security tried to institute further security checks – as he proudly proclaimed when he resigned from government, only to immediately attract the adulation of those who had claimed government was delaying resettlement.

We then had to face criticism that demining was incomplete, claims that had to die down given the almost total absence of civilian casualties due to mines. Then there were assertions that infrastructure was lacking. All this came ironically from people who had earlier claimed we were using the need to demine and to build up infrastructure as excuses to delay resettlement. And we grant that the infrastructure was not perfect, but essentials were in place. My own concerns, when I visited as Secretary to the Ministry of Human Rights, were very basic, water and education, and in these respects there were no deficiencies.

What I believe the people of the area understood was that they had a President who shared their vision. He has also bothered, which sadly many of us have not done, to learn Tamil in order to communicate with them more actively. Critics claim this is cosmetic, but they have to grant that no previous leader of the country has bothered with such tokens. And of course his anxiety that the people get back in time to sow the fields was something an urban elite could not understand, nor indeed the former Army Commander who wanted instead to expand the army in order to control those areas. The poor man perhaps could not understand the President's conviction that security was better ensured by a contented population with the wherewithal to earn their living through the farming they had engaged in traditionally – but farming to which value was added by better communications, better training in modern methods and greater attention to agri-business development.

Leaving aside the question of development, which it is universally agreed is moving apace more effectively than at any time in the history of independent Sri Lanka, we are also in a position to move on the structural changes essential for more efficient government. There is little doubt that the people of Sri Lanka want an Executive Presidential system to continue, a desire that in the past it was assumed was the preference of the minorities alone, until some of them last year listened to the song of the sirens in the guise of General Fonseka's swan.

Unfortunately the Presidential system in Sri Lanka is thick with ambiguities, arising from J R Jayewardene's grafting of that system onto a Westminster system of an executive rooted in Parliament. This had disastrous consequences for the legislative and supervisory role of Parliament, and in particular Parliamentary Committees. The problem was compounded by the desire or necessity felt by all Presidents since 1977 to endow the vast majority of their Parliamentary membership with executive portfolios.

That has not happened this year, which has led to much more active Parliamentary committees, as noted by Ministers who claim to be delighted with the difference. It is to be hoped therefore that the President's interest in establishing oversight committees will bear fruit, on lines that promote cooperation rather than confrontation.

Other ambiguities that needed to be resolved included the absurd 17th Amendment, which granted the power of selecting nominees to powerful national institutions to a hybrid committee without accountability. My own preference for reform would have restored the power of nomination to the President, as happens in any Presidential system, but with ratification by a Senate. Meanwhile the establishment of a Parliamentary Committee with substantial opposition representation to comment on appointments allows for the second guessing that a Westminster system involves.

A further ambiguity relates to the 13th amendment that brought devolution, but included a concurrent list which inhibited action on all sides. That amendment was complicated a few years later by the institutionalization of a further tier of government in the form of Pradeshiya Sabhas. Reform in these areas is contemplated, and I trust it will lead to affirmation of a principle of subsidiarity, with the smallest appropriate units dealing with areas of immediate concern to the people therein. I hope too that the concurrent list will be abolished, with most areas therein being entrusted to Provincial Councils, subject of course to guidelines as to national policy. In essence, we need strong government in a few areas for each tier, rather than confused government in all areas for all.

But, in addition to these structural changes, we need to do much more with regard to reconciliation. As I mentioned in my testimony to the Lessons Learnt and Reconciliation Commission, we have done much in this respect already, inasmuch as inequitable development in the country was one of the principal reasons for resentment and the gradual move to separatism. Rapid infrastructural development, accompanied by strategies for targeted investment, has made clear the commitment of government to ensuring better opportunities for all.

But we must also ensure that human resource development parallels the tremendous achievements with regard to physical development. We need to ensure greater integration of people in the context of equity. And we must develop confidence in government through ensuring constant consultation and respect for different perspectives. I have already proposed some simple initiatives that will help in this respect, viz

- i) Establishment of 6th form colleges functioning in the English medium for talented students of all races and religions. The rationale is that our existing system of education divides people up, with Sinhalese schools and Tamil schools and even separate Muslim schools. This leads to children, especially in rural areas, not having opportunities to mix and work together. Whilst the ideal would be schools in every division that cater to all communities, with classes in the different mediums of instruction, that might take time. English medium schools for a few classes across the board would be a start.

They would also provide enhanced opportunities for relatively deprived children nationwide. English is seen by many as a language of opportunity, sadly restricted to the privileged few. Small scale work in English teaching and teacher training as part of the Confidence and Stabilization Measures project of the Ministry of Disaster Management and Human Rights, while I was Secretary, made clear the desperate thirst for English in the North and East, and ways in which we can not only satisfy such aspirations but also institutionalize them would be invaluable.

- ii) Encouragement of a culture of synergy and entrepreneurship, through fine tuning curricula at Vocational Training and other educational Institutes. We must remember that one of the most emotive issues that led to terrorism was the policy of standardization introduced in the early seventies with regard to University admission. Though I believe the policy was not racist in inception (unlike the subsequent reintroduction of a similar system in 1978, by a government that first abolished standardization and then revived it in response to racist allegations by a Minister in Parliament), it hit the young people of Jaffna hardest. Institutionalization of mechanisms to ensure that talented young people not only meet regularly, but also learn and create together in the fields of culture and sports (Ministries of Cultural Affairs and Sports) The youngsters of Colombo, though they suffered greater deprivation in terms of losing places at universities, had other alternatives, those in Jaffna had none.

It is vital therefore, even while encouraging private sector alternatives for able students deprived of state universities because of their geographical location, to also devise other mechanisms for training for productive employment by the state. Though we have got over the statist assumptions of the seventies, we have not yet developed a culture of self-reliance through our educational system, a

culture in which the state is there to provide opportunities and a level playing field, but in which individual initiatives and enterprise are also vital.

- iii) Expansion of recruitment of minorities to government positions, in particular to the police and the armed forces. Government has begun improvements in this respect, but more can be done. The pilot project of a few years back, which enabled commissioning of Tamil officers even at the height of the war, through expansion of the Cadet Corps to include specially trained English teachers, can be expanded.

Again, though applications to the police have increased, following the end of threats from the LTTE to those who joined such government service, there are still deficiencies with regard to basic qualifications, for instance for Tamils from the estate sector. It is desirable therefore to establish pre-training institutes, where students from deprived backgrounds could be trained in subjects useful for police work (three languages for instance, mathematics, and aesthetic subjects that will facilitate empathy), so that they can also thus obtain the required basic qualifications.

- iv) Enhancing training for officials, including language training, to ensure sensitivity to the needs of particular groups. Sadly, though an Institute for Language Training was set up a few years back, it has not been able to develop courses that are deliverable through distance learning techniques, nor recognized qualifications that can be obtained through external teaching as well as examination. We need to develop new thinking to fast forward the acquisition of language skills at appropriate levels, including much more use of drama in education.
- v) Improvement of non-formal mechanisms for redress of grievances, in particular for the vulnerable, through Consultation Committees, Women and Children's Desks at police stations, School-based local welfare associations etc. These are areas in which policies developed towards the end of last year, through concerted attention to human rights as a cross-cutting issue, should be taken forward through a dedicated agency. Coordination is vital, but cannot be done by any single Ministry, and though the Ministry of External Affairs has basic responsibility for Human Rights, that can only be in terms of international obligations. Promoting local initiatives requires greater effort, but this must be seen in terms not of remedial action but rather of initiatives designed to promote positive attitudes and forestall abuse.

In particular we need also to develop a different judicial philosophy, rather than the adversarial punitive methodology now prevalent. Much more attention should be paid to conciliation and arbitration, greater concern with social work

and support, discussion groups for the vulnerable, in particular single mothers. We must also work on swift restitution of deeds and papers that are missing, with mechanisms to allow individuals to affirm their rights swiftly instead of waiting on tedious procedures to establish legal forms.

These and such measures to promote a citizen centred approach to development are vital. But I should note my worry that the importance of this aspect of reconciliation, which is forward looking, has been comparatively ignored, given the pressures to dwell on the past. These pressures are understandable on the part of the remaining supporters of the LTTE, so as to revive tensions, but all those truly concerned with peace and reconciliation should remember that the future must take precedence over the past.

At the same time, measures to increase confidence should also be pursued, and in this regard I was delighted that the Human Rights Action Plan, which my Ministry drafted last year, was placed before Cabinet last week. With the installation of a new Cabinet, responsibility for this passed to the Attorney General, who had in any case been overseeing the final drafts after the dissolution of Parliament. Despite his immense responsibilities in other areas, he was able to move this forward too, and I hope we will be able to finalize and adopt the plan before the end of this year. In addition, we should move swiftly in areas in which action has been agreed, better training for the Police, reforms with regard to Prisons, and as also suggested above, streamlining of judicial procedures to make them more responsive to public needs.

I believe then that Sri Lanka is poised for rapid development with greater stress on equity than ever before. For that purpose we need to ensure greater pluralism and continuing consultation of all our people. We also must promote empowerment, through better and more varied education, through structures that promote consensus and better attention to areas left out of decision making in the past.

And we must also develop programmes to fire the imagination of all stakeholders, including those of our citizens who left in understandable fear and anger twenty five years ago. For too long they thought the only answer to injustice was greater injustice in the form of totalitarian terror. I hope we will be able now to convince them that their energies and their talents can also be used to ensure a better life for the people they left behind, who suffered badly but who stand now on the threshold of sustainable prosperity.