

By the People, For the People: a LLRC People's Action Plan

(November 2012)

The Social Architects with Partners

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Annex I: The Top 35 LLRC Recommendations

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i Abbreviations and Acronyms

DAG – Department of the Attorney General
DCC – District Coordinating Committee
DisA – District Administration
DisCC – District Citizens Committee
DivCC – Divisional Coordinating Committee
DivS – Divisional Secretariat
DL – District Level
DMRCA – Department of Muslim Religious and Cultural Affairs
DS – District Secretariat
GoI – Government of India
GoSL – Government of Sri Lanka
HRC – United Nations Human Rights Council
HRCSL – Human Rights Commission of Sri Lanka
HSZ – High Security Zone
ICRC – International Committee of the Red Cross
IGP – Inspector General of Police
LLRC DCC – LLRC District Coordinating Committee
LLRC NCC – LLRC National Coordinating Committee
LLRC NCT – National Council for Transition
LLRC NST – National Secretariat for Transition
LLRC PAP – LLRC Peoples’ Action Plan
LLRC RCC – LLRC Regional Coordinating Committee
LLRC RCT – LLRC Regional Council for Transition
LLRC RST – LLRC Regional Secretariat for Transition
MCA – Ministry of Cultural Affairs
MEA – Ministry of External Affairs
MMMI – Ministry of Mass Media and Information
MNI – Ministry of National Integration
MoD – Ministry of Defence
MoE – Ministry of Education
MoHE – Ministry of Higher Education
MoI – Ministry of Information
MoJ – Ministry of Justice
MoL – Ministry of Land and Land Development
MoOL – Ministry of Official Languages
MoR – Ministry of Resettlement
MPAHA – Ministry of Public Administration and Home Affairs
NGO – Nongovernmental Organization

NL – National Level
NLC – National Land Commission
PD – Police Department
PRA – Provincial Administration
PS – Presidential Secretariat
PTF – Presidential Task Force
RCEO – Regional Chief Executive Officer
REPPA – Rehabilitation of Persons, Properties and Industries Authority
RL – Regional Level
SIC – Special Investigation Commission
TA– Transition Authority
UN – United Nations
UNHCR – United Nations High Commissioner for Refugees
UNTAC – United Nations Technical Assistance Committee

The Lessons Learnt and Reconciliation Commission (LLRC) Final Report contains many positive recommendations which merit immediate attention. This document is designed to capture the essence of those key positive recommendations and to come out with a meaningful action plan which will open the door to true reconciliation, sustainable peace, institutional reform and improved governance.

Regrettably, the Government of Sri Lanka (GoSL) has failed to act upon these constructive LLRC recommendations. In addition, the GoSL's recently released action plan is rife with misleading, excessively general information; it is not an action plan that seeks to promote human rights, reconciliation or a lasting peace.

TSA's plan has been written after consultation with a variety of stakeholders: including dozens of civil society leaders, thousands of community members in Sri Lanka's North, East and Hill Country and some members of the diaspora. It is the result of numerous interviews, seventy-one lengthy meetings, and several months of reflection, discussion and hard work. Importantly, it has embraced community participation at every stage.

Sri Lanka is a country in urgent need of reform; the country situation mandates it. However, the impetus to implement the LLRC recommendations can be linked directly to the passage of the United Nations Human Rights Council (HRC) resolution on Sri Lanka this past March. In the spirit of reconciliation and in search of a lasting peace within a united Sri Lanka, the Lessons Learnt and Reconciliation Commission People's Action Plan (LLRC PAP) seeks to bring many of these recommendations to life.

From a careful analysis of the LLRC's Final Report, the commission's recommendations are focused upon flaws related to governance, weak institutions and a consistent lack of political will. With this in mind, the components and key actions in the LLRC PAP have been structured and prioritized. What is more, the methods of implementation and the respective responsibilities of stakeholders have been denoted in detail.

The LLRC PAP takes the perspective of a broad range of stakeholders into account: the commission itself, the GoSL, community members from the country's conflict-affected areas and the international community, including the United Nations (UN) and the UN's Human Rights Council (HRC).

The LLRC PAP is forward-thinking, consensus-oriented, pro-devolution and adheres to international standards. Thirty-five critical LLRC recommendations (related to demilitarization, land, language rights and disappearances, among other issues) are highlighted in this document.

Implementation will be two-tiered, pertaining to the North-East and also countrywide. Significantly, most of the LLRC PAP's enactment will rely upon existing governmental agencies. The plan's implementation is built around an appropriate regional governance structure which will be absorbed into existing governance structures.

The LLRC, another presidentially-appointed commission, has finished its work. For the betterment of the country, the positive recommendations of the LLRC can and should be implemented without further delay. Though still unlikely in the near-term, a return to violence in the coming years is not out of the question.

1 Introduction

1.1 Mandate

As stated in Section 1.5 of the LLRC's Final Report¹, the commission's mandate was to "inquire and report on matters that may have taken place during the period between 21st February 2002 and 19th May 2009, namely;

- i. The facts and circumstances which led to the failure of the Ceasefire Agreement operationalized on 21st February 2002 and the sequence of events that followed thereafter up to the 19th of May 2009;
- ii. Whether any person, group or institution directly or indirectly bear responsibility in this regard;
- iii. The lessons we would learn from those events and their attendant concerns, in order to ensure that there will be no recurrence;
- iv. The methodology whereby restitution to pay persons affected by those events or their dependants or their heirs, can be effected;
- v. The institutional, administrative and legislative measures which need to be taken in order to prevent any recurrence of such concerns in the future, and to promote further national unity and reconciliation among communities and; to make any such other recommendations with reference to any of the matters that have been inquired into under the terms of the Warrant."

From this, one could infer that, through the LLRC, the GoSL purportedly hoped for the commission to have transformative effects which would prevent any recurrence of violent conflict, foster peace and encourage reconciliation.

Sections 1.6-1.7 of the LLRC Final Report stressed the need to "reflect on the conflict phase and the sufferings that the country has gone through as a whole during this period." Further, Sri Lankans must learn from the past in order to ensure that a lasting peace becomes reality. The commission itself noted the "clear need to heal the wounds of the past and to make recommendations to reconcile the nation by recognizing all victims of conflict, providing redress to them and thereby promoting national unity, peace and harmony."

The LLRC's mandate is clear. The commission was created in order to fulfill the requirements cited above. With this in mind, the LLRC's Final Report has included hundreds of recommendations and/or observations to take the country through a meaningful *transition* which would result in fundamental changes. However, over eleven months have lapsed since the LLRC's Final Report was made public. Community members have yet to see much substantive action from the GoSL. The GoSL's own action plan was crafted without the participation of community members and is an inadequate document. It is a plan that will encourage neither fundamental changes nor sustainable peace; it was designed principally for international consumption. Hence, it is imperative that other, more reasonable alternatives be considered.

¹ Lessons Learnt and Reconciliation Commission (LLRC), *Final Report*, (Colombo: November 2011).

Again, in the spirit of reconciliation and in search of a lasting peace within a united Sri Lanka, the LLRC PAP seeks to bring many of these recommendations to life. TSA has identified some of the priority items that would bring about a desired transition and fundamental changes for the betterment of the country.

As mentioned, the motivation to implement the LLRC recommendations can be linked directly to the passage of the United Nations Human Rights Council (HRC) resolution on Sri Lanka in March 2012.

The GoSL has agreed to comply with certain aspects of that resolution and to implement some of the LLRC recommendations;² however, people should view these overtures with skepticism, as the government has made little progress thus far.

*

Sri Lanka's ethnic conflict, which remains ongoing, has deep structural roots. Deplorably, the country's political geography does not support the protection and promotion of the rights of the nation's numerical minorities. Such systemic deficiencies, present for more than six decades, have led to feelings of exclusion, discrimination and enmity. Governmental malfeasance, discriminatory legislation and the impartial application of the rule of law have not helped. As a result, stakeholders are unable to strike a "win-win" solution. The ethnic conflict has vitiated the innate capacities of Sinhalese and Tamils, among others.

Typically the civil war has been characterized as a battle waged between Sinhalese and Tamils; the outcome of the war has been perceived as a Sinhalese victory and a Tamil defeat. Such perceptions have been sustained because the war pitted the (mostly) Sinhalese military against the exclusively Tamil LTTE. Nevertheless, these simplistic caricatures of the conflict are misleading and further weaken the country's tenuous grip on reconciliation. The reality is that the situation in Sri Lanka is far more complicated. Observers (both domestic and international) should not gloss over the inherent complexity of the present state of affairs.

Now is the time for people of all ethnicities to regenerate themselves. Now is the time to look beyond partisan political differences and to commence the reconciliation progress, something the present administration has failed to do.

1.2 Use of the LLRC Report

The LLRC was established primarily in response to the UN's Panel of Experts report and to deflect international pressure about Sri Lanka's disappointing human rights record.

² "Sri Lanka committed to implement LLRC recommendations despite 'ill-conceived' UN resolution hampering domestic efforts," *ColomboPage*, 21 June 2012
<http://www.colombopage.com/archive_12A/Jun21_1340221437CH.php>.

As mentioned, processes surrounding the LLRC were flawed. Many constraints (both direct and indirect) were placed on the LLRC itself. This made it hard to properly collate all the evidence which the commission's members could have used. There was no witness protection scheme in place for those who did give testimony. Accessibility was also a problem.

Moreover, TSA believes that the report's complete exoneration of the Sri Lankan Armed Forces is inaccurate and damaging to the reconciliation process. In addition, the report lacks detail in crucial areas and there is no clear "Road Map" for the implementation of the LLRC recommendations, which leaves essential measures to be assumed (or taken for granted). In several places, the LLRC's Final Report does stress urgency and the need to implement the LLRC recommendations in a timely fashion. Nonetheless, based on the GoSL's progress thus far, it does not appear that the GoSL has any intention of implementing the LLRC recommendations in the near future.

Producing an outstanding, comprehensive report with objectivity was a herculean task. Therefore, it is not surprising that the commission produced suboptimal results and that many questions remain unanswered. Even so, certain aspects of the report are commendable.

In spite of its methodological inadequacies³---like the commission's purported lack of independence and the narrow scope of its mandate---a considerable amount of testimony was given. Again, the LLRC Final Report does include many positive recommendations which merit immediate attention. Based on those recommendations and/or observations, a realistic, clear planning document must be drafted. It is TSA's sincere hope that this document serves that very purpose.

It is true that many members of Sri Lankan civil society (including certain members of TSA) had denounced the LLRC as fatally flawed and underserving of further attention. Namely, people cited the composition of the commission itself and Sri Lanka's historical lethargy to act upon recommendations set forth in presidentially-appointed commissions. Nevertheless, TSA, in conjunction with other members of civil society, community members residing in the North and East and Hill Country and other partners has decided to give the GoSL the benefit of the doubt by wishing to engage with the positive recommendations which have emanated from the commission's Final Report. This should be viewed as an entry point to commence the urgently needed reconciliation and transition process.

At the outset, it is important for all stakeholders to realize that *a fundamental change is needed*. The commission's mandate highlights this. The production of the LLRC's Final Report clearly shows that ideas for a fundamental change also figured into the commission's deliberations. (One

³ "Sri Lanka: Crisis Group Refuses to Appear Before Flawed Commission," 14 October 2010
<<http://www.crisisgroup.org/en/publication-type/media-releases/2010/asia/sri-lanka-crisis-group-refuses-to-appear-before-flawed-commission.aspx>>.

need only to look at the recommendations outlined in the Final Report to see this). Community members who testified before the commission were also hoping for some sort of change. Since the Final Report was made public, members of civil society have consistently emphasized that some very good recommendations are included in the report. Though controversial, the US resolution on Sri Lanka at the HRC is another exhortation for change. The indicators are clear, the opportunity tangible. Dithering, prevarication and political grandstanding must be discarded. Now is the time for action.

1.3 Methodology

In order to write this report (and related) annexes, TSA held seventy-one extensive consultations with community members residing in the North, East and Hill Country. Consultations were also held in Colombo. All of this took place from July-October 2012. Other smaller discussions and interviews with civil society leaders also took place during that time. Additionally, TSA engaged with members of the diaspora. A member of TSA travelled to both Washington, DC and Toronto, Canada in September 2012. Lastly, members of the international community, residing in Colombo and abroad, also shared their thoughts with TSA.

TSA used these opportunities to get peoples' feedback about the LLRC's Final Report, alternate governance structures, the most important LLRC recommendations and plausible scenarios of what might transpire in March at the Human Rights Council, among other relevant topics.

This document is, in every sense, a collective effort of more than 2,000 people that embraced community participation during every stage. Some community members, including some Sri Lankan civil society leaders, were interviewed on multiple occasions as this document was being written.

TSA's consultations were an overwhelmingly positive experience. Community members were pleased to be included in the process, though some expressed concern that the LLRC recommendations would not ever be implemented. Nevertheless, it is through these detailed discussions that TSA came up with its top thirty-five LLRC recommendations. "By the people, for the people," for the relevant stakeholders---especially citizens residing in Sri Lanka's conflict-affected areas---the time for action is long overdue.

1.4 Rationale of the Action Plan

For the reasons cited above, acting upon the LLRC Final Report's most urgent (positive) recommendations remains a monumental task. The GoSL waited until late July 2012 to produce its own Action Plan. Among other flaws, the government's Action Plan fails to set out concrete methods to implement the LLRC recommendations. Clarity is urgently needed; a question of paramount importance has yet to be answered: *How will the LLRC recommendations be implemented?*

Importantly, a coherent action plan must satisfy the aspirations of all stakeholders, so identifying the most important recommendations and complementary actions are of the utmost significance. Active community participation in all stages of this process is vital. As noted in the section above, this document has been drafted in consultation with numerous civil society leaders and thousands of people residing in Sri Lanka's North, East and Hill County; it is a collective product of concerned citizens residing in ten districts. Members of the diaspora (residing in the United States and Canada) also participated in the process. Again, this work is the result of dozens of interviews, seventy-one interactive discussions, and several months of reflection, discussion and hard work.

As mentioned, the LLRC PAP is designed to capture the essence of the key positive recommendations of the LLRC's Final Report and to come out with a meaningful framework which will open the door for true reconciliation, sustainable peace, institutional reform and improved governance. From a careful analysis of the LLRC's Final Report, the essence of the recommendations centers around flaws related to governance and weak institutions. With this in mind, the components and key actions have been structured and prioritized. In addition, the methods of implementation and the respective responsibilities of stakeholders have been denoted in detail.

On a Political Solution

The establishment of a political solution should be considered a complementary action since TSA believes that this is a recommendation (and process) which should be handled separately. (Because of its importance and great complexity, it falls outside the purview of the LLRC PAP).

The Objectives of Reconciliation

Potentially, the implementation of the LLRC PAP will open up an effective, sustainable process of transition and reconciliation. Transformation is the means by which Sri Lanka will achieve reconciliation. That said, the LLRC PAP will not directly address the question of "Accountability" either, at least as it relates to a comprehensive and independent investigation into wartime atrocities. Like the search for a political solution, TSA views the subject as extremely important, though---due to its inherent complexity---it is a topic that does not fall within the scope of this document.

Lastly, a proper framework for lasting reconciliation must include participation from all sectors of society. As a result of extensive collaboration and discussion with a diverse group of people, this action plan does that.

1.5 Perspectives of Stakeholders

Before proceeding, it will be helpful to briefly clarify stakeholder perspectives.

- *LLRC*: The LLRC's official mandate noted that the commission seeks to prevent the recurrence of violent conflict and to promote reconciliation and a lasting peace. Yet, as noted, the LLRC is missing many fundamentals. Even though critical issues are left out of the LLRC's Final Report, it is clear that the commission sought to bring transformative change to Sri Lanka's existing political, social and economic order.
- *GoSL*: As already demonstrated, the GoSL has shown little interest in pursuing true reconciliation. The country is still plagued by questions related to the rule of law, human rights and impunity, among other issues. GoSL-TNA talks have gone nowhere. The GoSL has not sought to address the long-term grievances of the Tamil community; it continues to ignore the root causes of the conflict. Furthermore, the GoSL has obdurately refused to implement nearly all of the LLRC recommendations. The present administration likely believes that doing so would not be politically expedient. As a corollary, the present administration appears to believe that grievances of the Tamil community can be achieved almost exclusively through economic development and the rebuilding of infrastructure, as evidenced the developments cited above and the burdensome regulatory environment (particularly for "software" activities like those related to reconciliation and/or psychosocial counseling) which has been promulgated by the Presidential Task Force (PTF). Hence, observers can plausibly infer that the GoSL simply does not view the implementation of the LLRC recommendations as a priority. What is more, the present administration may also see the implementation of the LLRC recommendations as an existential threat that might weaken its grip on power. With the hope of winning international acclaim, the GoSL is currently trying give the (inaccurate) impression that it is earnestly implementing many of the LLRC recommendations. At the same time, the present administration is also trying to maintain domestic political support, especially in the South. Since the end of the war, the present administration has (misguidedly) pursued a "Victor's Agenda," viewing that as sufficient.
- *Civil Society - People of the North, East and Hill Country*: Over the past few years, Sri Lankan civil society has been weak and fragmented. The present administration has undoubtedly benefited from this and further consolidated its power. Nonetheless, a vibrant civil society is an integral component of a democratic state. Furthermore, Sri Lankan citizens in the country's North, East and Hill Country suffered disproportionately as a result of the war---women and children probably bore the brunt of this burden. These are people seeking to regain their dignity and status as equal citizens. They seek the opportunities that all Sri Lankan citizens deserve, as set forth in the constitution. This includes a governance system which allows them to participate fully in their own social, political and economic affairs. They want a governance structure that will allow them to guide their own destiny and preserve their ethnic identity and other fundamental rights.

Achieving such aspirations is possible by finding the truth, fixing the responsibilities for the matters that went wrong, and reforming the Sri Lankan state's systemic flaws. Without doing so, genuine national reconciliation will remain illusory. The implementation of many of the LLRC's recommendations will encourage reconciliation, as a prerequisite for healing and the regaining of dignity for all citizens within a united Sri Lanka. Therefore, civil society views the implementation of the LLRC PAP as a largely positive development.

- *The UN, the HRC and the International Community:* Adhering to UN principles, declarations and statements, the UN (and the international community more generally) seeks to contribute to a world order that protects human rights, encourages peace-building and fosters the expeditious resolution of conflicts.

It is in the UN's interest to find a lasting political solution that will address the root causes of Sri Lanka's ethnic conflict. According to the recent HRC resolution on Sri Lanka, the international community also hopes to enforce civilized norms in handling civil conflicts, to prevent another civil war, to promote regional stability and to protect the rights of marginalized and/or vulnerable peoples. The International Community has also noted the need to take punitive actions (for alleged violations of international humanitarian and human rights law) against wrongdoers as needed.

While the UN is widely regarded as a source of global legitimacy, the UN has consistently been constrained by the prescriptions and desires of its member states, meaning that UN engagement in Sri Lanka (and elsewhere) has not always been effective. Additionally, the UN was designed to deal with the post-World War II world. Much has changed since 1945 and calls for reforming the institution, particularly the Security Council, have become increasingly common.

The reality is that, while the UN has accomplished much over the years, it is not always a venue that produces meaningful action. Each member state is guided by its own agenda and its own set of foreign policy concerns. On recent matters related to Sri Lanka, the inherent tension between sovereignty and human rights is still paramount. Many member states, including several from the global South or countries with underwhelming human rights records themselves, have advocated for a more "hands-off" approach when it comes to Sri Lanka. This makes sense, as steps taken to promote human rights in Sri Lanka potentially open the door for the UN to take more resolute action on matters related to other countries as well.

1.5.1 The HRC Resolution on Sri Lanka

“In a resolution (A/HRC/19/L.2/Rev1) regarding promoting reconciliation and accountability in Sri Lanka, adopted by a vote of 24 in favour, 15 against and 8 abstentions as orally revised, the Council notes with concern that the report of the Lessons Learnt and Reconciliation Commission of Sri Lanka does not adequately address serious allegations of violations of international law and calls upon the Government of Sri Lanka to implement the constructive recommendations made in the report of the Lessons Learnt and Reconciliation Commission and to take all necessary additional steps to fulfil its relevant legal obligations and commitment to initiate credible and independent actions to ensure justice, equity, accountability and reconciliation for all Sri Lankans; requests the Government of Sri Lanka to present, as expeditiously as possible, a comprehensive action plan detailing the steps that the Government has taken and will take to implement the recommendations made in the Commission’s report, and also to address alleged violations of international law; and encourages the Office of the United Nations High Commissioner for Human Rights and relevant special procedures mandate holders to provide, in consultation with and with the concurrence of the Government of Sri Lanka, advice and technical assistance on implementing the above-mentioned steps.”

1.5.2 Comparative Perspectives of Reconciliation and Transition

The term “reconciliation” carries different connotations for different people. One of the principal reasons that stakeholders find it difficult to commence national reconciliation and/or a transition is because of the complex nature of these problems. Besides, respective stakeholders may have vastly different desires and aspirations. Unfortunately, the present administration is trying to monopolize the reconciliation process in order to pursue its more narrow “victor’s agenda.” Tamils can hardly see any credible signs of reconciliation. Tellingly, when a very qualified Tamil recently went to negotiate for dual citizenship at the Department of Immigration and Emigration in Colombo, a high official working there told him: *If you come back with a letter from the president in black and white, then I’ll reinstate your citizenship immediately, otherwise you’ll never get it.*⁴

TSA (and others) maintain that economic growth alone will not be enough to address the long-term grievances of the Tamil people, now or ever.

While not an exhaustive list, a more detailed recounting of the respective perspectives (and differentiated positions) of Sri Lanka’s reconciliation stakeholders is noted below.

⁴ This incident occurred in September 2012.

1.5.3 Comparative Perspectives of Reconciliation

LLRC	GoSL	Civil Society – People from the North, East and Hill Country	The UN, the HRC and the IC
<p>*Discover lessons learned about failure of CFA and events after that, to prevent similar events from unfolding</p> <p>*Provide restitution to those negatively affected</p> <p>* “Institutional, administrative and legislative” changes to prevent future conflict and to promote national reconciliation</p>	<p>*Provision of food, shelter and medical supplies</p> <p>*Strong central government</p> <p>*One nation, one country. (No room for pluralism).</p> <p>*A solution must be crafted within the majoritarian unitary setup.</p> <p>*To find a “home-grown” solution.</p> <p>*No concept of traditional homeland.</p> <p>*A unitary Sri Lanka, not a united Sri Lanka.</p> <p>*No minorities</p> <p>*To ignore and/or gloss over the root causes of the conflict</p> <p>*To achieve national reconciliation through sustained economic growth</p>	<p>*Implementation of the LLRC recommendations</p> <p>*A solution based on solid principles</p> <p>*Recognition (in practice) of the Tamil language, including the right to sing the national anthem in Tamil</p> <p>*To restore the rule of law</p> <p>*To create a greater space for democracy</p> <p>*To find a solution based upon the principles of good governance.</p> <p>*Desire for a united Sri Lanka, not a unitary Sri Lanka.</p> <p>*Recognition as a nation</p> <p>*Improvement in their day-to-day lives, personal security, safety and dignity</p> <p>*Recognition for right to self-determination.</p> <p>*Accountability</p> <p>*Demilitarization</p> <p>*Resolution of “land issues”</p> <p>*Autonomy</p> <p>*Restoration of equal status as citizens.</p> <p>*Civil rule</p> <p>*For stakeholders in Sri Lanka to address the root causes of the conflict</p> <p>*To preserve their cultural/historical traditions and values</p>	<p>*Promotion of human rights</p> <p>*For the reconciliation process in Sri Lanka to conform to international standards</p> <p>*Create an Action Plan to implement LLRC recommendations</p> <p>*To implement many of the LLRC’s positive recommendations</p> <p>*To address the issue of accountability</p> <p>*To allow the UN’s OHCHR to provide technical assistance with GoSL approval</p> <p>*To find a solution to the root causes of the conflict.</p> <p>*To have the reconciliation process that conforms to international standards.</p> <p>*To find a political solution to fulfill the aspirations of numerical minorities</p> <p>*Countries constrained by individual goals and policies</p> <p>*Dealing with tension between sovereignty and human rights</p>

2 Structure and Rationale

As mentioned, the LLRC PAP takes a holistic approach so that it facilitates a fundamental change. The plan aims to satisfy both domestic and international⁵ aspirations with realistic (though significant) objectives and reforms. Brief notes on the LLRC PAP's objectives, guiding principles and key recommendations are listed below.

2.1 Objectives

For starters, the proper and expeditious implementation of this LLRC PAP will allow Sri Lankan citizens to regain confidence in the State. The LLRC PAP is intended to provide basic humanitarian assistance to the war-affected population; it will give conflict-affected people a greater sense of hope and the opportunity to rebuild their economic and social lives in the near-term. This plan has been designed to give existing institutional structures and processes a greater sense of inclusion, integration and pluralism. Institutional reforms will strengthen the rule of law.

The LLRC PAP is meant to foster a culture of peace, justice and human rights, thereby creating an environment that ensures the safety and security of all people, irrespective of ethnicity, gender, age or upbringing. It is this newfound sense of tolerance, mutual respect and shared dignity which will result in lasting reconciliation.

2.2 Guiding Principles

The AP's implementation should build upon current internationally accepted governance standards; its implementation will add value to existing governmental structures. Actions should not be partially implemented. If this plan is going to work, a more comprehensive endorsement of the LLRC recommendations is needed. (While some recommendations are more important than others, most of the recommendations prescribed in the LLRC's Final Report should eventually be implemented). Other key principles and tenets include the following:

- *Consensus-Oriented*: Wherever possible, the finalization and subsequent implementation of the LLRC PAP should seek to create consensus, not division. Regrettably, Sri Lankan society is still quite polarized. Such polarization is inimical to the country's long-term interests related to reconciliation and the creation of an enduring peace.
- *Collaborative Approach*: Timely, consistent and impartial public service delivery to all citizens is a *sine qua non* of a functioning democracy. All Sri Lankan civilians have a right to certain public services. Furthermore, community members must have a stake in State decision-making processes. As was the case when this LLRC PAP was written, including community members in the process fosters a sense of trust and leads to palpable feelings of local ownership.

⁵ As noted previously, when drafting this paper (and the annexes associated with it) TSA held consultations with both members of the international community and members of the diaspora residing in Toronto, Canada and Washington DC, USA.

- *Pro-devolution:* The LLRC PAP should promote reconciliation *and* devolution. The Government at the center has clearly proved its inadequacy and/or inability to deliver public goods effectively. So the LLRC PAP is based on the hypothesis that such services can be better delivered through regional and local governance structures. At the moment, local and regional governance structures are (deliberately) under-empowered, under-resourced and under-capacitated. This needs to change.
- *Foundation for Future Development:* Development activities and programs should have an eye on sustainability and capacity-building. The present administration’s current model for post-war reconstruction and development, focusing almost exclusively on the rebuilding of infrastructure and robust economic growth is simply unsustainable and ignores the underpinnings of the conflict. In addition, actions and recommendations outlined in this document should not be “stovepiped.” Rather, the LLRC PAP is intended to be viewed holistically. Many actions, if implemented properly, will undoubtedly support other actions, thereby strengthening this process and making it more sustainable.
- *“Do No Harm:”* The implementation of the LLRC PAP should not lead to dependency or vulnerability of any kind. Unsustainable “development” has become all too common in post-war Sri Lanka. International aid organizations have probably made the situation worse, as many community members have grown dependent on hand-outs. This has encouraged a culture of dependency and learned helplessness. Hence, development, institutional reform and “change” in a post-war context must not inspire dependency because that is counterproductive.
- *Adhere to International Standards:* Lastly, the LLRC PAP must conform to internationally accepted norms and standards.

2.3 Key Contents of Action Plan

2.3.1 Content Brief

As previously stated, since the LLRC’s Final Report has excluded vital actions or is vague in particular areas, complementary actions are needed in order to properly implement the LLRC recommendations. For the sake of clarity, the key recommendations in the LLRC report have been categorized and arranged in this LLRC PAP under the LLRC Final Report’s existing chapter structure: International Humanitarian Law Issues, Human Rights, Land: Return and Resettlement, Restitution/Compensatory Relief and Reconciliation.

2.3.2 The Principles of Prioritization

The present administration can rightly argue that there are just too many recommendations in the LLRC’s Final Report to be able to implement them all at once. Further, not all recommendations are of equal importance. As a result, prioritization is essential. TSA’s principles of prioritization include the following: urgency, the general importance of the problem(s), meeting the general needs of vulnerable groups, importance vis-à-vis national reconciliation, and immediate humanitarian concerns (principally related to the restoration of peoples’ day-to-day lives).

2.3.3 Critical Actions

While a recommendation's relative importance depends upon each person's particular situation, TSA and its partners have highlighted some key recommendations. In conjunction with community members from Sri Lanka's North, East and Hill Country, TSA has identified thirty-five critical actions⁶; these essential recommendations are of utmost importance and deserve immediate attention.⁷

As stated in the preamble of the LLRC's Final Report: "The Commission hopes that its observations and recommendations would provide pointers to areas where such decisions are needed, sooner rather than later. These areas include governance, devolution, human rights, international humanitarian law, socio economic development, livelihood issues, issues affecting hearts and minds, leadership issues and many more."

The LLRC's Final Report, the HRC resolution on Sri Lanka and the contents of this LLRC PAP are all part of a larger initiative. By focusing on the commonalities and ideological underpinnings present in all three documents, one is able to discern a genuine road map, a way forward, and the next steps for Sri Lanka.

A thoughtful amalgamation of these three documents should pave the way for lasting peace and genuine reconciliation. The groundwork has already been laid. What is needed now is for strong, courageous leadership to be coupled with action. Sri Lankan citizens, especially those residing in the country's conflicted-affected areas, deserve no less.

3 Strategy for Implementation

Given the complexity and comprehensive nature of this LLRC PAP, and the far-reaching changes to existing legal and institutional structures, many times the plan indicates only broader strategic directions, leaving the more detailed aspects of implementation to GoSL and relevant experts.

This LLRC PAP recommends that a legally-mandated, national-level institution be in charge of policymaking and steering (under the President) with a regional arrangement. This should be dovetailed with the present provincial and district administrative system.

Particular emphasis has been placed on certain sectors related to reconciliation, resettlement, rehabilitation, development, law and order and civil administration, governance and on relevant institutional reforms. The strategic foundations of this LLRC PAP will help reform Sri Lanka's

⁶ Please refer to Annex I for this list of recommendations.

⁷That said, Annex III of the LLRC PAP includes numerous recommendations which are not included in this list of thirty-five.

existing governance structure, realign its capacities and strengthen the country's strained institutions.

Appropriate roles should be assigned to community members, civil society, the private sector, civil servants and international actors. In order to fulfill any resource gaps, in terms of finance and expertise, the international community (especially relevant UN mandate holders (as per the HRC resolution)) will be invited to contribute financial and technical assistance as needed.

3.1 Institutional Arrangements for Implementation⁸

This LLRC PAP recognizes the importance of partners. TSA realizes that one of the main reasons such transitions have failed in other countries/situations was because of a lack of technical, financial and institutional capacity in host countries. Governments coming out of a war were simply overwhelmed with duties and responsibilities. In order for the LLRC PAP to be properly implemented, its institutional frameworks must be inclusive. Community members, civil society, the three governance structures of Sri Lanka, local/national/international NGOs, the private sector and Colombo's diplomatic community must all be involved. The diaspora may even have a role to play.

To be clear, TSA's plan sets out an institutional framework which will encourage devolution and allow for the LLRC recommendations to be implemented comprehensively. Nonetheless, TSA has delineated only a basic framework in this plan. TSA encourages the GoSL and others who are willing to participate to seriously consider this plan; this is what conflict-affected Sri Lankans are advocating for.

There should be enough procedural space for people to feel that they own this process from the very beginning. As far as possible, the LLRC PAP will endeavor to be a gradual, deliberate and inclusive program. Provincial and local authorities will be requested to shoulder their own responsibilities in terms of governance principles. The program should try to create adequate institutional and legal mechanisms so that authority would be delegated properly.

As mentioned, this project will build upon Sri Lanka's past experience in implementing major projects with regional governance structures because the LLRC PAP would rely largely on existing governmental structures to achieve its objectives. Past experiences in incorporating special multi-sectoral regional authorities to undertake projects (like Gal Oya and Mahaweli) will also provide cautionary tales and lessons learned.

More specifically, the entire LLRC PAP would be given legitimacy under an act of Parliament. (One act would provide a sufficient legislative mandate).

In order to give strength to this plan and show commitment, the planning process would be made legally binding and transparent. Consequently, action (or inaction) would become a punishable

⁸Please refer to Annex II for more information about Institutional Arrangements.

offence if challenged. Currently, if a government official violates a planning procedure, nothing happens. Such a situation encourages policy paralysis.

The LLRC PAP's implementation would be two-tiered, bifurcated between the North-East and the rest of the island. Again, most of the LLRC PAP's implementation will be done by existing governmental agencies. Few new institutions will be created.

Since the LLRC PAP's transitional program focuses on the principles of good governance, democracy, and the rule of law, the plan's implementation would be built around an appropriate regional governance structure which would be absorbed into existing governance structures.⁹

3.1.1 More Specifics on Institutional Arrangements

Under the previously proposed Act of Parliament, a Transition Authority (TA) would be established. The TA would consist of seven bodies: The LLRC National Council for Transition, the LLRC National Secretariat for Transition, the LLRC Regional Council for Transition, the LLRC Regional Secretariat for Transition, the LLRC National Coordinating Committee, the LLRC Regional Coordinating Committee and the LLRC District Coordinating Committee.

The LLRC National Secretariat for Transition would operate at the National level; the LLRC NST would look after the implementation of programs in areas which are not located in the North and East. There would also be a Regional Secretariat for Transition responsible for LLRC PAP implementation in the North and East. This body would be dovetailed with existing Provincial Council and District mechanisms. Necessary powers would be delegated to the relevant organizations on the basic principles of regional governance, namely subsidiarity, proximity and autonomy.

Further, the LLRC RST would have the power to enter into project agreements with donor agencies, for which the central government will enter into credit agreements with respective donors, as was done by the Provincial Councils under the 13th amendment. This would be done in addition to the general powers which will be delegated under the previously mentioned act of parliament.

3.1.1.1 LLRC National Council for Transition (LLRC NCT)

At the apex there would be a National Council for Transition. The LLRC NCT would be a political body which will be headed by the President. Its membership would include Ministers in charge of "Key Areas¹⁰," Members of Parliament (MPs), the Chief Ministers of the North and East, and one UN representative. This body would be responsible for all policy decisions, principles and steering matters at the national level.

⁹ Please refer to Annex II.

¹⁰This alludes to the relevant line ministries.

3.1.1.2 LLRC Regional Council for Transition (LLRC RCT)

At the regional level there would be a LLRC Regional Council for Transition located the North-Eastern Province. This would be a regional political body responsible for all policy matters at regional level, including guiding the implementation of the LLRC PAP within the North-East. Key Members of Parliament from the North-East and key members of the Provincial Council (Ministers and representatives of the opposition) representing political parties will constitute the LLRC RCT. The Chief Ministers of the North and East will co-chair this body. The Chief Secretary for the Northern Province will be the Chief Secretary of the LLRC RCT, ex-officio.

3.1.1.3 LLRC National Secretariat for Transition (LLRC NST)

This will be the national-level structure to implement the AP outside the country's North and East. This would be the secretariat assisting the functioning of the LLRC NCT. The LLRC NST would be responsible for all activities and programs related to the AP which are located outside the North and East, as directed by the LLRC NCT. Along these lines, actions on behalf of community members residing in Nuwara Eliya would fall under the purview of the LLRC NCT.¹¹

To be clear, the LLRC NST would be delegated with the requisite powers needed to implement the LLRC recommendations highlighted in this document. This would be headed by a National Chief Executive Officer (NCEO), appointed by the President.

3.1.1.4 LLRC Regional Secretariat for Transition (LLRC RST)

The Regional Secretariat for Transition would also be created under the same act of parliament (for transition) to support the functioning of the LLRC RCT. This body would be delegated with all required powers to implement the LLRC recommendations and effect the transition in the North and East by following the principles of regional governance. The LLRC RST would be responsible for overall planning, implementation, monitoring, coordination and approval at the regional level. The body would be headed by the Regional Chief Executive Officer (Chief Secretary of the Northern Province, ex officio).¹² And it would be dovetailed with the existing Provincial Council system. As noted, the Chief Secretary for the Northern Province will be the Chief Secretary of the LLRC RCT, ex-officio.

The LLRC RST would be the regional governance structure until the transition is over. The LLRC RST would carry out all national-level activities in the North and East. (The LLRC National Secretariat for Transition would not directly implement programs, but would implement programs through the LLRC RST).

¹¹ In October 2012, TSA held detailed discussions with community members residing in Nuwara Eliya district. Most were very supportive of this new governance structure and a general consensus materialized that it would make more sense for them to be a part of the National Council for Transition/National Secretariat for Transition, as opposed to the Regional Council for Transition/Regional Secretariat for Transition.

¹² The Chief Secretary of the Eastern Province would be the additional RCEO who would look after affairs in the Eastern Province.

3.1.1.5 LLRC National Coordinating Committee (LLRC NCC)

An ex-officio body, the LLRC National Coordinating Committee chaired by the NCEO would be in charge of programming national activities, reviewing progress, monitoring and coordination at the national level. It would include the Secretaries of the relevant Ministries, District Secretaries and the Chief Secretaries to the North and East. The LLRC NCC would meet once every three months; it may create subcommittees to help with the coordination and implementation of the LLRC recommendations.

3.1.1.6 LLRC Regional Coordinating Committee (LLRC RCC)

The LLRC Regional Coordinating Committee would be in charge of programming, reviewing progress, monitoring and coordination at the provincial level. This body would be co-chaired by the Chief Ministers of the North and East. The Chief Secretary of the Northern Province would be the secretary to the LLRC RCC. The LLRC RCC may have subcommittees to help with coordination and implementation. The LLRC RCC would meet once every three months.

3.1.2 LLRC District Coordinating Committee (LLRC DCC)

The LLRC DCC would be in charge of programming, reviewing progress, monitoring and coordination at the district level. This body would meet on a monthly basis.

3.2 Monitoring Mechanisms

Consistent monitoring would be present in two main areas: the policy level and the operational level. At the policy level, the LLRC NCT and the LLRC RCT would serve as monitoring bodies. At the operational level, the LLRC NCC, LLRC RCC and LLRC DCC would conduct monitoring which would result in progress reviews, coordination and corrective measures. Reporting would be done according to international standards; this would be done according to procedures developed by the UN Technical Assistance Committee (UNTAC).

In order to adhere to international standards, various UN representatives may also be a part of the monitoring process, particularly as it relates to the provision of UN technical assistance. More specifically, this LLRC PAP calls for the creation of a UN Technical Assistance Committee (UNTAC) to be created. UNTAC would work with GoSL to monitor the LLRC PAP's implementation and would also be responsible for various reporting requirements.

3.3 Complementary Actions

As noted, the LLRC's Final Report contains lacunae and ambiguities. In light of this, some additional actions are needed if the LLRC's recommendations are to be properly implemented. (Much of this has to do with the fact that Sri Lanka's domestic institutions frequently lack authority, have become politicized and/or are ineffectual). Complementary actions and the LLRC recommendations should be implemented concurrently.¹³

¹³ Please refer to Annex I for more information about Complementary Actions.

Furthermore, this process requires that a number of studies and surveys (baseline studies and/or needs analyses) be conducted. Appropriate mechanisms are also needed to undertake this research, so reliable research institutions at the regional and national level are needed. The coordination of this will fall under the purview of the LLRC Regional Secretariat for Transition. The LLRC RST would have offices in Jaffna, Batticaloa and Colombo.¹⁴ Studies undertaken would be region specific.

Baseline studies and needs analyses would be extracted or undertaken on an individual basis. This information would be collected and sorted by using data collection centers. Since these studies are prerequisites for most of the planning exercises, they should be given priority and special arrangement. However, the implementation of most of the “critical” recommendations may begin in earnest while certain studies remain ongoing. (Again, the critical recommendations prescribed in the LLRC PAP are for immediate implementation).

3.4 Technical Assistance

Most of the reforms, such as those dealing with the rehabilitation of persons, governance, institutional reform and transparency, reveal gaps which require thematic expertise and/or input, especially to ensure that the GoSL adheres to international standards and identifies sustainable arrangements and solutions for long-term activities. At the outset, specialized UN mandate holders must be included in this process.

3.5 Financing

Specific financial requirements will come to be known only during the more detailed planning process of the LLRC PAP’s implementation. That said, this is an Action Plan that requires political will, diligence and collaboration, not an inundation of financial resources.

The LLRC PAP has been prepared so that it will not be a financial burden on the GoSL. The plan mostly requires that the government use existing government structures and procedures in order to implement LLRC recommendations. Relatedly, existing financial mechanisms could also be helpful with the implementation of the LLRC PAP. Most of the recurrent expenditures could be safely accommodated under the government’s existing budget.

Like a cabinet ministry, the LLRC NCT, LLRC RCT (and related bodies) would receive funds under separate heads for national programs and regional programs. With regard to regional programs, the funds would be released to the LLRC Regional Secretariat for Transition directly from the treasury. They would be accounted for by the LLRC RST (to the treasury) and by providing information to the LLRC NCT.

3.6 Assumptions

During the design and finalization of this LLRC PAP, TSA and its partners made numerous assumptions. First, it has been assumed that the State’s existing structures and institutions will be

¹⁴Because existing institutions have become so politicized, they are unable to coordinate such an endeavor.

actively involved in this process. Sri Lanka is not a failed state, not even close; therefore, it makes more sense to use, reform and/or modify existing institutions, rather than creating everything anew.

The second assumption is that a moderate amount of political stability will be present for the foreseeable future. *What constitutes “moderate?”* Sri Lanka is by no means a fully functioning democracy, but it is not a dictatorship either. The LLRC PAP allows for moments of political volatility, but assumes that revolutions and/or unlawful regime changes will not take place in the coming years.

Relatedly, the LLRC PAP has been written with the assumption that major national disasters (like the 2004 tsunami) will not take place in the next year or two. Should that happen, the principles of prioritization would need to be reconsidered. (This would invariably result in a different implementation plan).

The LLRC PAP assumes that complementary actions will be implemented and that the roles of the respective stakeholders are properly recognized. (The present administration cannot and should not micromanage this process from Colombo).

Moreover, this plan assumes that the principles of regional governance will be adhered to and that the overall environment in Sri Lanka (as it relates to governance and human rights) will gradually improve. (Most of the LLRC recommendations are region specific, so a sound regional governance structure will largely determine whether these recommendations are implemented successfully or not). Also, the reforms and recommendations outlined in this paper must be implemented comprehensively. If the GoSL (or other stakeholders) responds tepidly to the forthright implementation of the LLRC recommendations, suboptimal results will ineluctably follow.

Finally, the LLRC PAP assumes that various UN bodies will offer the GoSL technical support throughout this process. The plan also assumes that, with few exceptions, such assistance will be accepted by the GoSL. International stakeholders, including the UN, should be viewed partners and/or friends, not enemies. Aside from such assistance being explicitly referenced in the HRC resolution, such partnerships make sound logistical sense, as international groups will provide needed expertise that the GoSL has yet to acquire.

A comprehensive and coordinated effort will lead to the success of this plan. To that extent, the government’s commitment, political will and statesmanship will be tested.

3.7 Risks

Implementing an Action Plan of this nature is not without risk. TSA has classified these risks into four categories: Low, Medium, Substantial and High.

A Lack of Political Will (High): In spite of lofty rhetoric, the GoSL does not seem to view reconciliation (or the implementation of the LLRC recommendations) as a priority. Again, the GoSL-TNA talks are going nowhere. As mentioned, the GoSL has recently released its own LLRC “Action Plan.” Regrettably, the document is excessively simplistic. What is more, it contains false and/or misleading information and unrealistic timelines for the implementation of the various recommendations, among other issues. And the fact that ministries like the MoD, DAG, and the MoJ are to assume many key roles related to implementation and monitoring is extremely problematic.¹⁵

Inadequate Institutional Capacities and Excessive Politicization (Substantial): This plan contains a large degree of institutional risk because virtually all of Sri Lanka’s institutions have become politicized. The situation has likely worsened under the administration of the present regime. Stakeholders (including politicians) must be cognizant of this. Otherwise, the LLRC PAP will not be implemented impartially and may exacerbate ethnic tensions.

A Lack of Sustainability (Substantial):

Systems and processes created under this LLRC PAP may not be sustainable as a result of political volatility, bureaucratic infighting or for other reasons.

Insufficient Monitoring and/or Maintenance (Substantial):

The framework and procedures outlined in this document are bold, ambitious and timely. But progress must be monitored consistently to ensure that accomplishments are not ephemeral gains. Monitoring will come principally in the form of monthly and quarterly reports.¹⁶ Here access to information and transparency will be essential.

Stakeholder Apathy towards Reconciliation (Substantial): The present regime has not responded to calls for national reconciliation with alacrity. Rather, it appears to view reconciliation the same way it views questions of “human rights;” as an existential threat that barely reaches the periphery of governmental concerns. This is unacceptable. President Rajapaksa must show more leadership and go beyond rhetoric about reconciliation. His fear about antagonizing the Sinhala South is understandable, but this is a matter that transcends partisan politics. Relatedly, it is essential that Sri Lankan Tamils understand that the transformations outlined in this document (and elsewhere) must occur within a united Sri Lanka. At this juncture, calls for a separate state are unwise, irrational and damaging to the reconciliation process. Leaders of civil society must remain pragmatic as well.

¹⁵ “An action plan that is basically dishonest,” *The Sunday Times*, 5 August 2012
<<http://www.sundaytimes.lk/120805/columns/an-action-plan-that-is-basically-dishonest-7877.html>>.

¹⁶ Please refer to Annex III for more information about monitoring and/or reporting guidelines.

Protective Measures/Safety Nets for Marginalized Peoples Will Not Be Implemented (Medium):

Sri Lanka's war-affected citizens are still hurting. The situation is particularly dire in the country's North and East; this issue has become even more urgent due to the dramatic increase in Female-Headed Households, a direct result of the war. Humanitarian concerns should come before political objectives. A sense of normalcy must be returned to the former theaters of combat as soon as possible. Politics sometimes gets in the way of the forthright disbursement of aid; if that were to occur in Sri Lanka over the next year or two, the results could be devastating.

Demilitarization and Restoration of Civil Order Do Not Occur (Substantial): The negative effects of Sri Lanka's continued militarization are diverse and profound; the fact that paramilitary groups remain operational is not helping. The GoSL continues to shroud questions of troop levels and militarization in ambiguity and doublespeak. If GoSL sincerely hopes for community members to believe its claims, heightened transparency about the process and a subsequent military drawdown are needed immediately.

4 Conclusion

TSA and its partners implore the present administration to carefully consider the contents of this plan. Though at times critical of certain state actors, it has been crafted with a sense of balance and an eye towards a better future for all Sri Lankans.

A thoughtful plan to implement the LLRC recommendations is sorely needed since the government's Action Plan comes up short in a host of areas. A good plan must use meaningful indicators and should not gloss over crucial specifics.

The present administration created the LLRC in response to international pressure. Since the country's human rights record is still under the microscope of the international community, it should come as no surprise that the present administration's Action Plan was designed primarily for international consumption.

The LLRC, yet another Presidentially-appointed commission, has finished its work. Thankfully, the LLRC's Final Report has been made public in its entirety. Irrespective of what may transpire at the HRC in Geneva (or other international forums) in the coming years, the positive recommendations of the LLRC can and should be implemented without further delay.

In times of crisis, strong leadership is vital. Now is the time to look beyond partisan politics so that the country can move forward---united without being unitary and as a nation that embraces diversity, not homogeneity. Further prevarication, feckless governance or the perpetuation of an increasingly polarized political environment would be dangerous at this critical juncture. Though still unlikely in the near-term, a return to violence in the coming years is not out of the question.

The Top 35 LLRC Recommendations from TSA and its Partners

Granting Redress to Conflict-Affected Civilians

1.) 9.14 – “Expeditious grant of appropriate redress” to conflict-affected civilians.

Investigation(s) into Deliberate Attacks on Civilians

2.) 9.37a– “The Commission therefore recommends that action be taken to; a. Investigate the specific instances referred to in observation 4.359 vi. (a) and (b) and any reported cases of deliberate attacks on civilians. If investigations disclose the commission of any offences, appropriate legal action should be taken to prosecute/punish the offenders.”

Investigation(s) into Abductions and Enforced Disappearances

3.) 9.46 – Investigate allegations of abductions, enforced or involuntary disappearance; bring perpetrators to justice.

Establishment of Special Investigation Commission (SIC)

4.) 9.51–“...the Commission recommends that a Special Commissioner of Investigation be appointed to investigate alleged disappearances and provide material to the Attorney General to initiate criminal proceedings as appropriate. The Office of the Commissioner should be provided with experienced investigators to collect and process information necessary for investigations and prosecutions. This mechanism should also devise a centralized system of data collection at the national level, integrating all information with regard to missing persons currently being maintained by different agencies.”

Issuance of Death Certificates

5.) 9.52 – Issue death certificates and monetary compensation where appropriate.

Improving Civil and Criminal Procedures

6.) 9.54a-b–In keeping with the obligations Sri Lanka has undertaken in applicable international human rights instruments, and in accordance with the requirements of its national laws, the following measures should be taken:

- a. An arrested person should be promptly produced before a Magistrate to be dealt with in accordance with the law.
- b. Any change of the place of detention should be promptly notified to the family of the arrested person and the Human Rights Commission of Sri Lanka.

The Search for the Missing, Legal Aid and the Rehabilitation of Persons

7.) 9.58–“The families need to be assisted to deal with the trauma of not knowing the whereabouts of their family members, in some cases for years. They could also be assisted financially in situations where the missing persons had been the breadwinners. Legal aid should also be provided as and when necessary.”

Access to Detainees

8.) 9.65–“The next of kin have the right of access to detainees. Therefore, any practices that violate this principle should be removed. The Commission has observed that some next of kin are only provided information verbally. Moreover, having travelled very far, some family members have not been allowed to see the detainees in person. The Commission recommends that the relevant authorities in cooperation with the ICRC and voluntary organizations enhance current facilities for the transportation of the next of kin to visit their family members at the places of detention.”

Providing Formal Education to Detainees

9.) 9.68–The Commission recommends that special attention be given to young detainees, in particular those whose education has been disrupted due to conscription by the LTTE and who expect to complete their formal education. Priority should be given to investigation and the speedy disposal of their cases. In this regard, the Commission notes with appreciation that the rehabilitation programme has enabled many detainees to sit for the national examinations.

Charging or Releasing Detainees Expeditiously

10.) 9.70 – Either charge or release detainees who have been “incarcerated over a long period of time without charges being preferred.”

Investigation and Prosecution of Paramilitary Groups

11.) 9.73 – Investigate allegations against illegal armed groups. Prosecute offenders “where sufficient evidence can be found.”

Rehabilitation of Ex-Child Combatants

12.) 9.77 – Rehabilitate ex-child combatants in cooperation with NGOs and civil society organizations.

Providing Economic Assistance to Female-Headed Households

13.) 9.87 – Provide economic assistance to Female-Headed Households.

Vocational Training and Formal Education for Conflict-Affected Women

14.) 9.89 – Provide formal education, information education and/or vocational training to conflict-affected women.

Securing the Safety and Dignity of Women

15.) 9.90–“Women also need to feel that they live in a secure environment and their basic human dignity is safeguarded and protected. The Commission is of the view that the Government has a responsibility to

create such a conducive environment in all areas of the country, especially the conflict affected areas as an essential prerequisite for the reconciliation process.”

The Rehabilitation of Disabled Persons

16.) 9.98 – “The Commission recognizes that there is an urgent need to support the disabled people in conflict affected areas who in many cases had been breadwinners for their families. Assistance should be obtained from international organizations and civil society organizations that have experience and expertise in assisting people with disabilities. The Government must also, as a matter of priority, address the economic needs of the families with disabled members as in many instances, disability has a serious economic impact on the survival of the family. The social, cultural and spiritual needs of the disabled also require special and urgent attention of the authorities.”

Granting the Legal Ownership of Land

17.) 9.104 – “Grant the legal ownership of land to those who have been resettled.”

Addressing Longstanding Muslim IDP Issues

18.) 9.110 – “The Commission is of the view that durable solutions should be found to address this long-standing IDP issue concerning the Muslims evicted from the North...” AND
9.110 – “Solutions should be found to address the plight of the Muslim Community as one of the long-standing IDP issues arising out of the protracted conflict in Sri Lanka.”

Freedom of Assembly

19.) 9.118 – “People, community leaders and religious leaders should be free to organize peaceful events and meetings without restrictions.” (This recommendation will be tightly linked to other aspects/recommendations pertaining to demilitarization).

Release of Land Declared as High Security Zones (HSZs)

20.) 9.142 – Existing HSZs in Palaly and Sampoor (Trincomalee), “as well as small extents of private land currently used for security purposes in the districts be subject to review with a view to releasing more land while keeping national security trends in perspective. The Commission also recommends that all families who have lost lands and or houses due to formal HSZs or to other informal ad hoc security related needs be given alternate lands and or compensation be paid according to applicable laws.

The Prevention of Forced Eviction

21.) 9.148 – “The Commission is of the view that in order to prevent legitimizing of forced eviction and secondary occupation of private lands in the North and East, the law pertaining to prescription should be amended in its application to land transfers/occupation effected during the period of conflict.”

Expediting Compensatory Relief for Those Involved with the LTTE

22.) 9.164 – “A decision has to be taken on compensatory relief for death and injury for those involved with the LTTE. From the broad reconciliatory perspective, the Commission takes the view that in

principle, ex-combatants and next of kin should also be considered eligible for compensatory relief. However, the priority of REPPIA should be with the affected civilians who are most in need.”

The Withdrawal of Security Forces from Civilian Affairs

23.) 9.171 – “Phasing out of the involvement of the Security Forces in civilian activities and use of private lands by the Security Forces with reasonable time lines being given.

Finding a Political Solution

24.) 9.185 – Find a political solution to address the root causes of the conflict.

Conduct a Needs Assessment in Certain Sinhalese Villages

25.) 9.198 – “The Government should undertake an in-depth study to identify the needs of the people in these areas to address the question of improving their livelihood.” (Grievances of Sinhalese in Villages Adjacent to Former Conflict Areas)

Development and Reconciliation Programmes for Tamils of Indian Origin

26.) 9.201–The Commission also recommends that a larger post conflict development agenda and the programmes for reconciliation should take account of the essential needs of the Tamils of Indian origin.

The Establishment of Provincial Offices for the Attorney General’s Department

27.) 9.212–The Commission notes that Police officers serving in the provinces do not have adequate access to legal expertise regarding investigations and the conduct of prosecutions. In the circumstances the Commission strongly recommends setting up units of the Attorney General’s Department in the Provinces to guide and advise the Police regarding criminal investigations, prosecutions and other matters touching upon the criminal justice system.

Regaining Confidence in the Administration of Justice

28.) 9.213–The Commission emphasizes that all allegations should be investigated and wrongdoers prosecuted and punished irrespective of their political links, so as to inspire confidence among the people in the administration of justice.

The Promotion of Community Participation in Decision-Making and Development

29.) 9.223–The Government should ensure that development activities should be carried out in consultation and with the participation of the local people. Such a transparent approach in administration would make the people feel an ownership to the development activities, as well as give them a sense of participation in nation building.

Restoring Civil Administration

30.) 9.227 – “It is important that the Northern Province reverts to civilian administration in matters relating to the day-to-day life of the people....The military presence must progressively recede to the background to enable the people to return to normal civilian life and enjoy the benefits of peace.

Promoting People-Centric Devolution

31.) 9.231–“Devolution should necessarily be people-centric in nature....”

Establishing a Power-Sharing Mechanism

32.) 9.235 – Establish a “devolutionary power sharing mechanism...within the broad framework of a sovereign, politically independent and multi-ethnic Sri Lankan State.

Making General Progress on Devolution

33.) 9.236 – Make “visible progress on the devolution issue.”

The Effective implementation of the Country’s Language Policy

34.) 9.241–“The official bodies for executing the language policies and monitoring performances should have adequate representation of the Tamil speaking people and Tamil speaking regions. The full implementation of the language policy should include action plans broken down to the community level, and appropriately covering the Divisions and Local Bodies with targets that can be monitored with citizen participation.”

Bilingualism in all Government Offices

35.) 9.247– “It should be made compulsory that all Government offices have Tamil-speaking officers at all times. In the case of Police Stations they should have bi-lingual officers on a 24-hour basis. A complainant should have the right to have his/her statement taken down in the language of their choice.”

National Level (NL)

- Policy Decision
- Steering

Planning, Approval, Implementation, Monitoring & Coordination of National Programmes (NPrm)

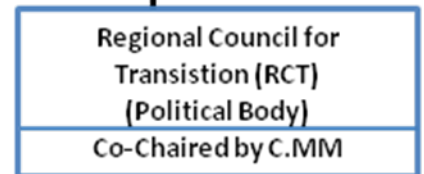


Regional Level (RL)

- Policy Decision
- Steering

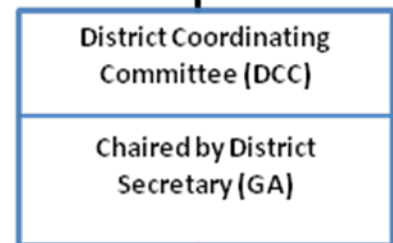
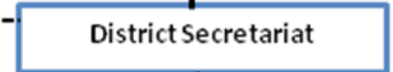
Planning, Approval, Implementation, Monitoring & Coordination of Regional Programmes + Implementation of NPrm

(National Programmes in the North and East will be implemented by the RST as agency function, while in the Other Provinces it will be implemented by the Line Ministries, Provincial Administration and the District Administration. All regional programmes specific to North East will be implemented by RST.)



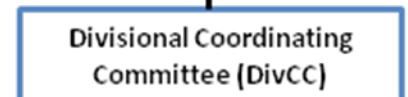
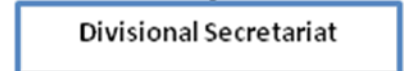
District Level (DL)

Planning, Implementation, Monitoring & Coordination



Division Level (DivL)

Planning, Implementation, Monitoring & Coordination



¹Chapter 4 – International Humanitarian Law Issues

<i>The Action/ Recommendation:</i>	<i>Priority</i>	<i>Implementing Agency</i>	<i>Monitoring Agency</i>	<i>Objectively Verifiable Indicators</i>	<i>Mode of Verification</i>	<i>Benchmark (Measurement of Success)</i>	<i>Timeframe (for Implementation)</i>	<i>Complementary Action(s)</i>
9.14 – “Expeditious grant of appropriate redress” to conflict-affected civilians.	Immediate	LLRC NCT and LLRC RCT	LLRC NCC, LLRC RCC, LLRC DCC	*Carrying out a study *Creation of schemes *Amount of assistance provided	Monthly reports by LLRC DCC	*Study Conducted *Schemes created *50% of caseload assisted *100% of caseload assisted	*Within 6 months *Within 12 months *Within 18 months *Entire action completed within 24 months	Creation of Transition Authority (TA) and related bodies. Authority of MoR and REPIA transferred to LLRC NST and LLRC RST.
9.23 – Full investigation into state-sponsored disappearances.								
a) Agree on timeframe to be investigated and mechanism for investigation	Short-term	SIC	LLRC NCT, UNTAC	*Drafting policies and principles *Number of Investigation(s) conducted	*Monthly reports by SIC	*Policy created *Policy being implemented	*Within 3 months *Within 6 months	*As prescribed in recommendation 9.51, the SIC will be led by the Special Commissioner of Investigation.
b) Actual investigation of alleged violations	Short-term	SIC	LLRC NCT, UNTAC	*Number of investigations started *Number of investigations completed *Follow-up actions to investigations	*Quarterly reports by SIC, LLRC NCT and UNTAC	*30% of investigations have begun	*Within 12 months	
9.41 – Independent investigation to verify accuracy of Channel 4	Medium-term	SIC	LLRC NCT, UNTAC	*Number of investigation(s) conducted	*Quarterly reports by SIC	*60% of investigation have begun	*Within 18 months	

¹ As mentioned in the narrative, this LogFrame should be viewed as a guiding document to assist the GoSL with the implementation of the LLRC recommendations. At the same time, this document underscores the importance of local ownership. Particular thought has been given to the Implementing and Monitoring Agencies associated with each recommendation.

video						*All investigations completed	*Within 30 months	
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Chapter 5 – Human Rights

<i>Recommendation:</i>	<i>Priority</i>	<i>Implementing Agency</i>	<i>Monitoring Agency</i>	<i>Verifiable Indicators</i>	<i>Mode of Verification</i>	<i>Benchmark</i>	<i>Timeframe</i>	<i>Complementary Action (s)</i>
9.46 – Investigate allegations of abductions, enforced or involuntary disappearance; bring perpetrators to justice.								
a) Investigative Authority (Special Investigation Commission) would create a database for each specific type of violation, in order to better measure what percentage of allegations have been fully investigated.	Short-term	SIC and MoJ	LLRC NCT, UNTAC	*Presence of workable database	*Quarterly reports by MoJ.	*Database is accessible to family members	*Within 12 months	*Incorporation of SIC into existing legal procedures
b) Actual investigation(s) conducted	Medium-term	SIC and MoJ	LLRC NCT, UNTAC	*Number of investigations witnessed	*Quarterly reports by MoJ and UNTAC.	*30% of investigations completed *80% of investigations completed	*Within 12 months *Within 24 months	*SIC and MoJ do not need to wait until database has been completed before beginning investigations.
9.48 – Establish “a special mechanism” to address the issue of missing persons/disappearances.	Immediate	SIC, MoJ, UNTAC and ICRC	LLRC NCT and LLRC RCT	*Presence of mechanism	*Quarterly reports by MoJ and UNTAC	*Mechanism functioning properly	*Within 12 months	*To be implemented in conjunction with recommendation 9.46.

9.49 – “The relatives of missing persons shall have the right to know the whereabouts of their loved ones. They also have the right to know the truth about what happened to such persons, and to bring the matter to closure.”	Immediate	SIC, MoJ, UNTAC and ICRC	LLRC NCT and LLRC RCT	*Survey conducted * Number of interviews conducted *Number of family members informed	*Quarterly reports by MoJ and UNTAC.	*All relatives of missing persons are informed	*Within 36 months	
9.50 – “Trace the whereabouts of missing persons and ensure reunification with their families.”	Immediate	SIC, MoJ and UNTAC	LLRC NCT, and LLRC RCT	*Survey conducted *Number of interviews *Number of family members informed *Number of families reunified	*Quarterly reports by MoJ and UNTAC.	*All relatives of missing persons are informed	*Within 36 months	*To be implemented in conjunction with recommendations 9.23, 9.46, 9.48 and 9.49.
9.51 – “Special Commissioner of Investigation be appointed to investigate alleged disappearances and proved material to the Attorney General to initiate criminal proceedings as appropriate.”	Immediate	SIC, MoJ and UNTAC	LLRC NCT and UNTAC	*Number of investigations conducted	*Quarterly reports by MoJ and UNTAC	*Special Commissioner of Investigation appointed * Process started	*Within 2 months *Within 3 months	*Special Commissioner of Investigation will lead SIC. *This action will be implemented in conjunction with recommendations 9.23, 9.26, 9.48, 9.49 and 9.50.
9.52 – Issue death certificates and monetary compensation where appropriate.	Immediate	MPAHA and LLRC RST	LLRC NCT	*New regulations and procedures established *Number of death certificates issued *Number of people compensated	*Monthly reports by LLRC DCC	*Present system strengthened/ new procedures in place *50% of death certificates issued *95% of death certificates issued	*Within 9 months *Within 18 months *Within 36 months	*Information dissemination about new procedure

						*All eligible people have received compensation	*Within 36 months	
9.53 – Law enforcement authorities must adhere to widely accepted international norms when taking people into custody.	Medium-term	MoJ and IGP	LLRC NCT, LLRC RCC and UNTAC	*Number of changes identified * Number of best practices adopted	*Quarterly reports by LLRC RCC	*Best practices adopted and grievances reduced	*Within 12 months	
9.55 – Prosecute Police who fail “to record an arrest, detention and transfer or to record complaints of abductions and failure to investigate the same.”	Immediate	MoJ, IGP	LLRC NCT, LLRC RCC and UNTAC	*Check number of complaints investigated *Check number of prosecutions and cases closed	*Quarterly reports by LLRC RCC.	* System established *Heightened awareness amongst community members *Prosecutions begin, as needed *Peoples’ confidence in politics reestablished	*Within 6 months *Within 12 months *Within 12 months *Within 24 months	
9.57 – “Independent Advisory Committee be appointed to monitor and examine detention and arrest of persons taken into custody under any regulations made under the Public Security Ordinance or the PTA.”	Immediate	MoJ and TA	LLRC NCT, LLRC RCC and UNTAC	*Establishment of committee	*Quarterly reports by LLRC RCC	*Functioning committee established *Community members feel safer	*Within 6 months *Within 12 months	*NB: The PTA should either be abolished or amended significantly to conform to widely accepted norms.
9.58 – Psychosocial and financial assistance to conflict-affected people who do not know the whereabouts of their family members, including the provision of legal aid.	Immediate	DisA	LLRC DCC, UNTAC	#of cases assisted	*Quarterly reports by LLRC DCC	*Program begins *People assisted	*Within 9 months *Within 10 months	*A body to implement this action would be created at the same time TA is created.
9.59 – Pass domestic legislation to criminalize enforced or involuntary disappearances.	Immediate	MoJ	LLRC NCT and UNTAC	*Passage of legislation *Awareness-	*Reports by LLRC NCT and individual	*Legislation and system(s) are in place	*Within 12 months	

				raising amongst general public	MPs, as needed.	*People feel safer		
9.60 – “The Commission also stresses the need for comprehensive, island-wide human rights education programmes targeting the school children, youth, members of the Security Forces, and the Police etc.”	Immediate	MNI, PD, MoD and MoE.	LLRC NCT and MNI	*Number of programs conducted	*Quarterly reports by LLRC NCT and MNI	*Programs conducted *Increased respect for human rights * Reduced number of human rights violations	*Within 18 months *Within 24 months *Within 24 months	*Baseline study to be conducted prior to implementation of the program(s)
9.62 – Create a special mechanism to help ex-LTTE cadres whose education has been disrupted a result of protracted detention without being charged).	Immediate	LLRC RCT	LLRC RCT and UNTAC	*Number of ex-cadres re-entered into the education system	*Quarterly reports by LLRC RCT and UNTAC	*Special mechanism created *Educational programs started *People are taking classes	*Within 12 months *Within 15 months *Within 15 months	
9.63 – Create centralized comprehensive database of detainees to be made available to next of kin of detainees, including “place of detention as well as a record of transfers.”	Immediate	MoD and MoJ	LLRC NCT and UNTAC	*Presence of workable database	*Quarterly reports by LLRC NCT	*Centralized database created for family members and detainees	*Within 9 months	
9.65 – Ensure that next of kin have the right of access to detainees.	Immediate	MoD and MoJ	LLRC NCT and UNTAC	*% of next of kin who have gained access to detainees	*Quarterly reports by LLRC NCT and UNTAC.	*At least 80% of next of kin have gained access to detainees without hindrance *At least 95% of next of kin have access to detainees without hindrance.	*Within 6 months *Within 12 months	
9.70 – Either charge or	Immediate	MoJ and TA	LLRC NCT, LLRC LLRC	# of people	Prison visits	*50 % charged	*Within	*To be implemented in

release detainees who have been “incarcerated over a long period of time without charges being preferred.”			RCC and UNTAC	charged or released	and monthly reports by MoJ	or released * 90% charged or released * Complete list of detainees published	6months *Within 12 months *Immediately	conjunction with recommendation 9.57. * This would include expediting inquiries on detainees, expediting pending cases and filing cases more quickly.
9.73 – Investigate allegations against illegal armed groups. Prosecute offenders “where sufficient evidence can be found.	Short-term	MoD, District Citizens Committees (DisCC) and HRCSL	LLRC NCT, MPAHA, HRCSL and UNTAC	*Number of complaints/public grievances investigated *Number of people granted redress	*Monthly reports by HRCSL---to be produced at the district level.	*Framework developed *Investigations conducted *Prosecutions begin *All paramilitary groups dismantled	*Within 3 months *Within 12 months *Within 18months *Within 24 months	*Recommendations 9.73 and 9.74 will be linked to recommendations 9.23 and 9.46 which also deal with investigations.
9.74 – Disarm and put an end to illegal activities of “Illegal Armed Groups.”	Short-term	MoD and DisCC	LLRC NCT, MPAHA and UNTAC.	*Same as above (9.73)	*Monthly reports by HRCSL---to be produced at the district level	*Groups no longer exist. *Illegal activities ceased *People feel secure	*Within 18 months	
9.77 – Rehabilitate ex-child combatants in cooperation with NGOs and civil society organizations.	Immediate	LLRC RST	LLRC NCT, UNTAC, LLRC RCC and LLRC DCC.	# of child soldier reintegrated into society	*Quarterly reports co-written by LLRC RCC and LLRC DCC	*100%of reintegrated child soldiers enjoy equal status and dignity	*Implementation should commence immediately	
9.87 – Provide economic assistance to Female-Headed Households.	Short-term	Provincial Sector agencies and DisA	LLRC NCC, LLRC RCC and LLRC DCC	*Number of schemes implemented *Number of villages covered *Number of beneficiaries	*Quarterly reports by LLRC RCC and LLRC DCC	*Develop livelihood and social safety net schemes * Provide additional assistance/protect the vulnerable	*Within 6 months *Within 12 months	*To be implemented in conjunction with recommendation 9.14.

9.89 – Provide formal education, information education and/or vocational training to conflict-affected women.	Short-term	LLRC RST and Provincial Agencies	DisA and LLRC RCT	*Number of schemes introduced * Number of people who have benefited	*Quarterly reports by DisA	a)Baseline study conducted b) Schemes created c)Conflict-affected women strengthened	*Within 3 months *Within 6 months *Within 36 months	
9.90 – Create a secure environment and protect the human rights of conflict-affected women.	Short-term	LLRC NCT, MoJ and HRCSL.	IGP, LLRC NCT and UNTAC	* Law to establish Community-based Law and Order System enacted	*Quarterly reports by DCC	*A law for comprehensive community-based law and order system is in place *System for crime prevention operational	*Within 6 months *Within 12 months	*Adequate law and order authority devolved to LLRC RST/PC.
9.104 – “Grant the legal ownership of land to those who have been resettled.”	Short-term	LLRC RST and MoL	LLRC NST, LLRC RCC and LLRC DCC.	*Number of people granted ownership	*Monthly reports by DisA	a) Problems, locations and people identified through a baseline study b) Issuance of documents under current system c) Law is passed d) New procedures implemented	*Within 6 months *Within 12 months *Within 12 months *Within 15 months	*Adequate powers on land devolved to the LLRC RST/PC.
9.106 – “The Government must be clear in its policy with regard to the areas that are available for	Immediate	MoR and LLRC RST	LLRC NCT, LLRC RCT and LLRC DCC	*Information provided to public *Level of	*Monthly reports by DisA	*People become informed of land	*Within 6 months	This recommendation will be implemented concurrently with recommendation 9.104.

people to resettle and more awareness should be created among people about such policies and the options available to them.				awareness among resettled people		entitlement		
9.108 – “Displaced persons living in India who wish to return to Sri Lanka and resettle on their own volition should be facilitated and encouraged by the Government. In this regard, essential facilities will have to be made available if they are to return to Sri Lanka.”	Short-term	UNHCR, UNTAC, MoR and MEA	MoR, LLRC NCT, LLRC DCC and UNTAC	# of people returning	*Quarterly reports by MoR	*Baseline study conducted *Process coordinated by UNHCR and UNTAC *Resettlement and reintegration	*Within 6 months *Within 6 months *Within 12 months	*GoSL must work with UNHCR and GoI on repatriation program. *Baseline study must be conducted first.
9.109 – The issue of Muslim IDPs who were displaced from the five districts (Jaffna, Mannar, Kilinochchi, Mullaitivu and Vavuniya)...	Immediate	LLRC RCT	LLRC NCT, LLRC DCC and UNTAC	*Number of Muslim IDP families resettled	*Quarterly reports by LLRC DCC and UNTAC	*50% of people have returned *90% of people have returned	*Within 6 month *Within 12 months	
9.110 – “The Commission is of the view that durable solutions should be found to address this long-standing IDP issue concerning the Muslims evicted from the North...” AND 9.111 – “Solutions should be found to address the plight of the Muslim Community as one of the long-standing IDP issues arising out of the protracted conflict in Sri Lanka.”	Immediate	LLRC NCT	LLRC NCT and DMRCA	*Number of agreed actions fulfilled	*Quarterly reports by DMRCA	*Assistance provided (houses, basic amenities, etc.) *Grievances of Muslims Reduced	* Within 9 months *Within 18 months	To be implemented in conjunction with recommendation 9.109.
9.115 – “Freedom of expression and right to information, which are universally regarded as	Immediate	MMMI	LLRC NCT	*Passage of legislation	*Monthly reports by MMMI	*Legislation passed *People enjoy	*Within 6 months *Within 9	

basic human rights play a pivotal role in any reconciliation process. It is therefore essential that media freedom be enhanced” A particular emphasis should be placed on “e:” <i>Legislation should be enacted to ensure the right to information.</i>						greater freedom of expression and right to information	months	
9.117 – “The Government should take immediate steps to remove any remaining restrictions on visiting places of worship.....This should also include places of religious worship within the HSZs.	Immediate	MoD and UNTAC	LLRC NCT and LLRC DCC	* Number of places where restrictions have been removed	*Monthly reports by MoD and DisA	a) Publish list delineating all areas where places of religious worship is currently restricted b) Further measures to be taken decided c)Fewer places of worship with visiting restrictions	*Within 6 months *Within 12 months *Within 15 months	*NB: There may be a need for legislative action to ensure the protection of religious freedom for all Sri Lankans.
9.118 – “People, community leaders and religious leaders should be free to organize peaceful events and meetings without restrictions.”	Immediate	MoD and MoJ	DisA and LLRC DCC	*Number of grievances reported	*Quarterly reports by members of civil society	*Grievances reduced *Full freedom for religious activities	*Within 12 months *Within 36 months	*To be implemented in conjunction with other recommendations on demilitarization

Chapter 6 – Land: Return and Resettlement

<i>Recommendation:</i>	<i>Priority</i>	<i>Implementing Agency</i>	<i>Monitoring Agency</i>	<i>Verifiable Indicators</i>	<i>Mode of Verification</i>	<i>Benchmark</i>	<i>Timeframe</i>	<i>Complementary Action(s)</i>
9.131 – “The Commission recommends that a well planned media seminar on the proposed new programmed	Short-term	MoL and LLRC RCT	LLRC NCT and LLRC RCT	*Media seminars and other campaigns held	*Monthly reports by MoL and LLRC RCT	* People aware of procedures and entitlement	*Within 6 months	*To be implemented in conjunction with other recommendations on land

could be organized by the Land Commissioner General's Department to enable the Media to project an accurate and clear view of the new Programme, devoid of political posturing."								
9.139 – "The Commission recommends that all families who have been secondary occupants, whether at the behest of the LTTE or not, be given land, if the lands they are currently in occupation are awarded to the genuine original permit holders on the results of the Investigating Committee decisions."	Short-term	MoL and LLRC RCT	DisA	*Number of complaints investigated * Number of matters settled	*Monthly reports by MoL and LLRC RCT.	*90% of land grievances settled	*Within 18 months	*To be implemented in conjunction with similar recommendations, including recommendation 9.131.
9.142 – Existing HSZs in Palaly and Sampoor (Trincomalee), "as well as small extents of private land currently used for security purposes in the districts be subject to review with a view to releasing more land while keeping national security trends in perspective. The Commission also recommends that all families who have lost lands and or houses due to formal HSZs or to other informal <i>ad hoc</i> security related needs be given alternate lands and or compensation be paid according to applicable laws.	Immediate	MoD and MoL	LLRC NCT and UNTAC	*HSZ list made available on MoD website * Number of grievances reported * Number of places released	*Quarterly reports by MOD and LLRC RCC.	*50% of HSZs dismantled *90% of HSZs dismantled	*Within 6 months *Within 12months	*A baseline study will be required.
9.143 – "The Commission recommends that the Government with the assistance of the development partners extend livelihood assistance to 'new IDP' families as needed, on an area by area basis for a longer period of time than planned, to ensure	Short-term	LLRC RCT and national and international NGOs	DisA, LLRC RCT and LLRC NCT	*Number of programs/projects implemented *Number of communities assisted *Number of	*Monthly reports by LLRC RST	* Affected people engaged in sustainable livelihood activities *Programs are operational *Community	*Within 6 months *Within 6 months *Within 8	*Baseline study must first be conducted *This recommendation will be linked to recommendations 9.14 and 9.87.

family sustenance.”				beneficiaries assisted		members are benefitting	months	
9.144 – “The Commission recommends that the land issues of Muslim families who were forcibly ejected by the LTTE from their agricultural land in the Eastern province, and whose living conditions have drastically deteriorated as a result, be effectively and expeditiously resolved, as very little progress has been made in the East, especially in the Batticaloa district...”	Immediate	LLRC RST and MoL	LLRC NST, LLRC RCT and LLRC DCC	*Number of land disputes settled	*Monthly reports by LLRC RST and DisA	*Mechanism to inquire and settle land issues established *Land disputes are settled properly	*Within 12 months *Within 15 months	*To be implemented concurrently with recommendation 9.104 and related land recommendations.
9.146 – “The Commission recommends that the return and resettlement of the remaining Muslim families who volunteer to return to Jaffna and the Northern Province be expedited.”	Immediate	Same as recommendation 9.109	*	*	*	*	*	*Please refer to other recommendations on land, including 9.104-9.144, 9.146 and 9.148.
9.148 – “The Commission is of the view that in order to prevent legitimizing of forced eviction and secondary occupation of private lands in the North and East, the law pertaining to prescription should be amended in its application to land transfers/occupation effected during the period of conflict.”	Immediate	DAG and MoL	LLRC NCT and DAG	*Legislative action witnessed *Law made operational	*Monthly reports by MoL and DisA	*True landowners legally protected	*Within 9 months	*This recommendation will be linked to recommendation 9.110
9.149 – ‘Old IDPs’ must be returned and resettled. This is linked to recommendations 9.151, 9.153, 9.154, 9.155 and 9.156).	Immediate	LLRC RST and DisA	LLRC NCT and UNTAC	*Number of old IDPs resettled	*Quarterly reports by DisA	*Policy on all IDPs announced *Program on all IDPs announced	*Within 6 months *Within 6 months	*Establishment of LLRC NCT, LLRC RCT and subsidiary bodies.
9.150 – “The Government should expedite action on the establishment of a National Land Commission (NLC) in order to propose appropriate future national land policy guidelines.”	Short-term	MoL and LLRC NCT	DAG, LLRC NCT and UNTAC	*Presence of NLC *New land policy prepared	*Monthly reports by DAG.	*Establishment of functioning NLC *New land policy operational	*Within 6 months *Within 9 months	

Chapter 7 – Restitution/Compensatory Relief

<i>Recommendation:</i>	<i>Priority</i>	<i>Implementing Agency</i>	<i>Monitoring Agency</i>	<i>Verifiable Indicators</i>	<i>Mode of Verification</i>	<i>Benchmark</i>	<i>Timeframe</i>	<i>Complementary Action(s)</i>
9.155 – “The Commission recommends that the state should review the role and capacity of REPPIA with a view to streamlining and augmenting its role and resources in undertaking post-conflict requirements.”	Immediate	REPPIA, LLRC NCT	LLRC NCT	*Functions of REPPIA Redefined	*Quarterly reports by REPPIA	a) Transfer REPPIA’s functions to other agencies b) Redefined schemes operational	*Within 3 months *Within 6 months	*Necessary amendment to the present REPPIA act required.
9.156 – Additional funds should be provided to REPPIA to provide “relief to affected persons.”	Short-term	REPPIA, LLRC NCT and LLRC RST	LLRC NCT	*Funds provided according to new system	*Reports by REPPIA and LLRC RST	*Assistance allocated	*Within 12 months	*To be implemented concurrently with recommendation 9.155. *Functions of REPPIA to be re allocated to LLRC RST.

Chapter 8 - Reconciliation

<i>Recommendation:</i>	<i>Priority</i>	<i>Implementing Agency</i>	<i>Monitoring Agency</i>	<i>Verifiable Indicators</i>	<i>Mode of Verification</i>	<i>Benchmark</i>	<i>Timeframe</i>	<i>Complementary Action(s)</i>
9.171 – “Phasing out of the involvement of the Security Forces in civilian activities and use of private lands by the Security Forces with reasonable time lines being given.	Short-term	MoD, MoJ and MPAHA	LLRC NCT and UNTAC	*Amount of private property released.	*Reports by MoD and DCC	*All private lands are available for the use of community members	*Within 12 months	*To be implemented in conjunction with other recommendations pertaining to demilitarization. Please refer to recommendation 9.227 for more information.
9.185 – Find a political solution to	Short-term	*The	LLRC NCT	*Durable	*	*Power-sharing	*Within 12	*Again, TSA supports

address the root causes of the conflict.		President	and UNTAC	political solution		arrangement to fulfill the aspirations of all Sri Lankan citizens in place	months	this recommendation, but implementation will not be addressed in this plan. This must be taken up as a stand-alone program by GoSL and partners.
9.194 – “The Government should facilitate the early return of the displaced Muslims to return to their places of origin in the Northern Province.”	Short-term	(Vide 9.109 and 9.110)	*	*	*	*	*	*Please refer to previous recommendations on land including 9.109 and 9.10.
9.198 – “The Government should undertake an in-depth study to identify the needs of the people in these areas to address the question of improving their livelihood. (Grievances of Sinhalese in Villages Adjacent to Former Conflict Areas).	Immediate	LLRC NCT and LLRC RCT with UNTAC	LLRC NCT	*List of studies identified. *Studies commissioned *Studies finished	*Monthly reports by LLRC NST and LLRC RST	*Needs assessment completed and made available	*Within 10 months	*To be implemented in conjunction with other needs assessments and baseline studies.
9.212 – Setting up units of the Attorney General’s department to guide and advise the Police regarding criminal investigations, prosecutions and other matters touching upon the criminal justice system.	Immediate	DAG and MoJ	LLRC NCT and UNTAC	*Reforms made	*Monthly reports by MoJ	a) Reforms within the DAG made functional b) Review of Civil and Criminal Procedure Code c) Drafting of New Legislation and Draft Operational Principles for MoJ and MPAHA d) Passage of legislation	*Within 6 months *Within 9 months *Within 12 months *Within 12 months	
9.214 – Police Department should be “de-linked from the institutions dealing with the armed forces which are responsible for the security of the state.”	Short-term	MoD, MoJ and MPAHA	Cabinet, LLRC NCT and UNTAC	*Law for Community-based Law and Order system introduced *Military presence in North and East reduced	*Monthly reports by IGP and MPAHA	a) PD brought under MPAHA. b) Police relieved from activities related to national security. c) Roles between Police and military personnel at the	*Within 6 months *Within 12 months *Within 12 months	*Baseline study on militarization and troop levels, among other topics to be conducted

						village level redefined d)New system of community-based law and order made operational	*Within 12 months (More specific information on troop level reductions to be determined after baseline study)	
9.227 – “It is important that the Northern Province reverts to civilian administration in matters relating to the day-to-day life of the people....The military presence must progressively recede to the background to enable the people to return to normal civilian life and enjoy the benefits of peace.	Immediate	MoD, MoJ	MoJ, LLRC RCC, LLRC DCC and UNTAC	*	*Monthly reports by MoJ and UNTAC.	a) Instructions issued to security personnel b) Creation of competent authority to prevent interferences and entertain complaints about interference c) Necessary directives and plans Drafted d) Punitive system to forestall military interference (or inaction) created e) Implementation of plan (drafted by PS)	*Within 3 months *Within 6 months *Within 6 months *Within 9 months *Within 12 months	*To be implemented in conjunction with other recommendations pertaining to demilitarization. (Vide 9.214)
<i>ON DEMILITARIZATION</i>	Immediate	MoD, PS and DisA	The President, LLRC NCT	*Removal of camps	*Quarterly reports by MoD, LLRC RCC and LLRC DCC	*25% of camps removed	*Within 6 months	*PS would have authorized withdrawal plan for MoD to

			and UNTAC	<ul style="list-style-type: none"> *Reduction in security personnel *Withdrawal of security forces from civilian commercial activities *Creation of schemes providing incentives and service gratuities for retrenched service personnel 		<ul style="list-style-type: none"> *50% of camps removed *80% of camps removed * Reduction in total number of security personnel (on par with average in other countries (not at war) * Withdrawal of Security Forces from civilians' social and commercial activities 	<ul style="list-style-type: none"> *Within 9 months *Within 12 months *Within 18 months *Within 24 months 	implement. (Vide 9.214 and 9.227)
9.235 – Establish a “devolutionary power sharing mechanism...within the broad framework of a sovereign, politically independent and multi-ethnic Sri Lankan State.	Short-term	*	*	*	*	*	*	*To be taken up as a separate process.(Vide 9.185)
9.236 – Make “visible progress on the devolution issue.”	Short-term	*	*	*	*	*	*	*Same as above. (Vide 9.185 and 9.235)
9.240 – Recruit more Tamil-speaking police officers.	Short-term	PD, Ministry of Official Languages	LLRC NCT	<ul style="list-style-type: none"> *Observation of review *New plan implemented *Change in composition of police force 	*Monthly reports by PD	<ul style="list-style-type: none"> *Present language policy subject to a critical review and then improved *New recruitment begins * Ethnically balanced police force operational throughout the country 	<ul style="list-style-type: none"> *Within 3 months *Within 6 months *Within 24 months 	
9.241 – “The official bodies for executing the language policies and monitoring performance should have adequate representation of the Tamil	Short-term	MoOL	SIC, UNTAC	*Official language policy executed	*Quarterly reports by MoOL	*Progressive reorientation of language policy promulgated	*Within 12 months	

speaking people and Tamil speaking regions. The full implementation of the language policy should include action plans broken down to the community level, and appropriately covering the Divisions and Local Bodies with targets that can be monitored with citizen participation.”						*Program announced *# of Ministries implementing the language policy	*Within 12 months *Within 15 months	
9.250 – “The Commission also wishes to invite attention to its Interim Recommendations to station interpreters at Police Stations using retired police officers with bilingual efficiency.”	Immediate	PD	LLRC NCT	****	***	****	****	*To be implemented in conjunction with other recommendations on police reform and language policy.